

BAD NEWS: The State of School Policing in the Wake County Public School System (WCPSS)

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OVER-POLICING: WCPSS has a huge security apparatus, including over 60 full-time law enforcement officers (called “school resource officers” or “SROs”), over 60 private security guards (employed by AlliedBarton and paid for by the WCPSS), nine WCPSS Security Department staff, and an unknown number non-SRO law enforcement officers who come onto campuses to conduct “official business.”

CRIMINALIZATION: In state fiscal year (FY) 2012-13, 42% of all delinquency complaints originated from schools. SROs are not prohibited from becoming involved in, and even filing complaints for, minor misbehavior. In recent years, thousands of students age 15 and younger have been pushed out of school and into the juvenile delinquency system as a result of minor misbehavior in school. During FY2011-12, 90% of school-based delinquency complaints were based on allegations of misdemeanor violations.

CRUEL AND UNUSUAL: North Carolina is the only state that treats all 16- and 17-year olds as adults when they’re charged with criminal offenses and then denies them the ability to appeal for return to the juvenile system. Thus, students age 16 and older who are arrested at school or have a complaint filed against them for something that happened at school, even for minor misbehavior, are sent directly into the adult criminal system. No agency or system maintains data about how many students enter the adult criminal system as a result of minor misbehavior in school.

CONSTITUTIONAL VIOLATIONS: WCPSS staff and law enforcement officials routinely violate students’ constitutional rights, including the right to remain free from excessive force, self-incrimination, and unreasonable searches and seizures. Students are subjected to physical restraints, handcuffs, pepper spray, and TASERS; searched without reasonable suspicion; and interrogated without Miranda warnings or parents present. No agency or system maintains data about uses of force, searches, and interrogations.

RACIAL DISCRIMINATION: African-American students are disproportionately referred to court for school-based misbehavior. Over the past five years, they have been only 25% of the total WCPSS student population, but have received as high as 74% of the school-based delinquency complaints.



DISABILITY DISCRIMINATION: The impacts of school policing also disparately impacts students with disabilities (SWD). Law enforcement officers, who are not trained to recognize and appropriately prevent and deescalate disability-related conduct, are used to manage the behaviors of SWD. They also aren’t prohibited from filing complaints against SWD whose behaviors are manifestations of their disabilities. No agency or system maintains data about how many SWD are subjected to school-based delinquency complaints.

INADEQUATE TRAINING: Security personnel are not required to undergo on-going training in child and adolescent development, conflict resolution, working with students who have mental health issues and disabilities, safe restraint techniques, students’ rights, and sexual harassment.

INADEQUATE ALTERNATIVES: WCPSS does not have a coordinated, comprehensive array of alternatives to arrests and court referrals, such as community service, counseling, and restorative justice.

UNACCOUNTABILITY: WCPSS does not have any Board Policies about SROs. Neither the WCPSS nor law enforcement agencies publicly report, or presumably collect, data regarding school-based arrests, complaints, searches, interrogations, use of force, or other security-related matters. There is no grievance mechanism for use when private security guards mistreat students. The only grievance mechanism for use when SROs mistreat students is internal affairs complaints, which does not provide meaningful relief. Security programs and practices have never been comprehensively evaluated.

GOOD NEWS: New Federal School Discipline Guidelines

The U.S. Departments of Justice and Education recently acknowledged the **harmful and discriminatory impacts of harsh school discipline** policies and practices, and issued guidelines to help public schools discipline students in productive and non-discriminatory ways. The federal guidelines urge school districts to:

- **Create a healthy school environment by encouraging positive behavior and prevention strategies, and providing students with resources to promote mental health and welfare**
- **Ensure that SROs are properly trained, supervised, and evaluated**
- **Ensure that SROs do not become involved in school discipline matters**
- **Remove students from the classroom only as a last resort only**
- **Ensure that consequences for misbehavior are age-appropriate and proportional**
- **Provide training to all school staff, including SROs, on disciplining students fairly and equally in order to prevent disproportionate impact on students of color, students with disabilities, and at-risk students**
- **Involve families and students in the creation and application of discipline policies**

The federal guidance explicitly affirmed that the **Civil Rights Act of 1964 protects students from discrimination based on race** in connection to all activities of a school, including the conduct of SROs, and states that schools will be held accountable for discriminatory actions of SROs.

MORE GOOD NEWS: Federal Civil Rights Complaint Filed in Wake County Aims to Create Positive Reforms

The following organizations have filed a complaint with the U.S. Department of Justice (DOJ) against the WCPSS, Wake County Sheriff's Department, and eight local police departments that employ SROs alleging violations of students' constitutional and civil rights and urging the DOJ to investigate all possible violations and require systemic changes in school policing in WCPSS schools:

- **Advancement Project**
- **Advocates for Children's Services**
- **ACLU Foundation**
- **ACLU of North Carolina Legal Foundation**
- **Center for Civil Rights Remedies at the Civil Rights Project of UCLA**
- **Coalition of Concerned Citizens for African American Children (CCCAAC)**
- **Dignity in Schools Campaign**
- **Duke Children's Law Clinic**
- **Education Justice Alliance (EJA)**
- **Justice Served NC, Inc**
- **NCCU Juvenile Law Clinic**
- **NC Heroes Emerging Among Teens (NC HEAT)**
- **NC Justice Center**
- **NC State Conference of the NAACP**
- **Raleigh-Apex Branch of the NAACP**
- **UNC Center for Civil Rights**
- **UNC Juvenile Justice Clinic**
- **Wendell-Wake County Branch of the NAACP**

The goals of the complaint are to force the WCPSS and law enforcement agencies to:

- **Adopt policies that clearly define and limit the roles of all security personnel**
- **Develop alternatives to school-based arrests and court referrals**
- **Collect and publish disaggregated annual data regarding all aspects of school policing**
- **Implement meaningful community involvement**
- **Create a well-publicized complaint process to hold security personnel accountable**