

Search causes 64% more delinquency

Wiley 2013 [Stephanie Wiley is professor of criminology at the University of Missouri. "The Effect of Police Contact: Does Official Intervention Result in Deviance Amplification?", *Crime and Delinquency Journal*, <<http://cad.sagepub.com/content/early/2013/05/23/0011128713492496>>] //CJC

****Note:** 13.16 divided by 8.02 = 1.64, meaning delinquency increased 64% when comparing no contact with officials to being stopped and searched by officials.

Table 6. Matching Results for Stopped Versus No Contact.

	Unmatched			Matched ATT			
	Stopped (n = 361)	No contact (n = 2,083)	Difference	Stopped (n = 361)	No contact (n = 2082)	Difference	ATE
Anticipated guilt	2.15	2.51	-.36*	2.15	2.32	-0.17*	-0.21
Neutralizations	3.21	2.66	.55*	3.21	2.96	0.25*	0.34
Negative peer commitment	2.36	1.91	.45*	2.36	2.05	0.31*	0.28
Delinquency	13.16	5.00	8.16*	13.16	8.02	5.14*	4.36

Note. Tables represent group means and mean differences before and after matching. Significance levels are based on t-tests for the unmatched sample; for the matched sample, significance levels are calculated using bootstrapped standard errors. ATT = average treatment effect on the treated; ATE = average treatment effect. *p < .05.

commitment to deviant peers (difference = .82), and more delinquency (difference = 22.71). The matched ATT results reveal a similar pattern: Arrest is associated with less anticipated guilt (ATT = -.25), greater acceptance of neutralization techniques (ATT = .32), greater negative peer commitment (ATT = .50), and more delinquency (ATT = 14.82). Although the differences are significant before and after matching, the magnitude of the effect of arrest is smaller after adjusting for factors associated with police contact and delinquency. For example, while the unmatched results show that youth who were arrested reported nearly 23 more delinquent acts than those with no contact, the matched results indicate that this difference is just under 15 after adjusting for selection bias. Thus, had we not matched youth on their propensities to experience police contact, the effect of arrest on delinquency would have been overestimated. The ATE shows that under randomized conditions, as we hypothesized, arrest would decrease guilt (ATE = -.44) and increase agreement with neutralization statements (ATE = .42), negative peer commitment (.56), and delinquency (ATE = 15.34).

Table 6 provides results for the stopped versus no contact comparison. Here, we see a similar pattern of results compared with the arrested versus no contact analysis. In the unmatched sample, being stopped decreases guilt and increases acceptance of neutralizations, negative peer commitment, and delinquency. The ATT results show that after controlling for the propensity to be stopped, these differences, though smaller in magnitude, remain significant. When the stopped versus no contact-matched ATT results are com-

Social Movements influence policy

Baumgartner 2003 [Frank, "Social Movements, the Rise of New Issues, and the Public Agenda, *Penn State Publications*. Accessed at:

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.198.9969&rep=rep1&type=pdf>
.] //DNP

This paper gives some idea of where we may look for the impacts of social movements on public policy. It also should make clear that social movements are neither the only sources of new public policies nor likely to have an impact on their own. Rather, when they have a long-term impact on public policy they interact closely with other groups within their organizational fields. Further, as government activities have grown, often in response to initial demands by social movements, different constituencies have been mobilized and organizational fields themselves have been transformed. **Thus, the chain reactions of attention,**

spending, and vested interest that social movements may put into action can have long-lasting effects on public policy, social movements themselves, and other

organizations such as professional and trade groups. The dynamics of public policy ensure that new sets of participants will become active in issue-areas as these areas become the objects of considerable state activity, spending, and regulation (see DiMaggio and Powell 1983; Frank et al. 2000). From health care to elderly issues to environmental causes of all kinds, we can see the tremendous impact of various social movements in American politics. Similarly, in the traditional areas of extensive government activity that have not been the objects of social movement mobilizations, we have seen a steady atrophy not only in attention but in spending as well. **The agenda of the federal government has been transformed**

in the post-World War Two period in large part (though not exclusively) by the rise of new social movements.

Our discussion of the linkages between organizational mobilization and congressional attention across five areas of social movement activity has shown some consistencies as well as some important differences. The most important consistent feature of the data is the long-term correspondence between the two trends: **Where social movement**

organizations develop in great numbers, so too does congressional attention rise. Clearly, social movements and the organizations they spawn are not the only cause of increased congressional concern with new issues.

Public opinion, technological advance, demographic change, and Presidential initiatives play a role, among other factors. No matter where the initial surge in attention comes from, however, our five cases all show a consistent pattern in which **Washington**

based interest groups associated with the social movement develop in great numbers (or with great membership) and act to focus attention on continued government involvement

in that issue area. The links between social movements and public policy are not simple or unidirectional, but they are close. These **Washington-based advocates continue to push for congressional attention even when** more traditional **social movement** activities **have declined.**

Minkoff's (1997) research on the civil rights and women's movement shows that while protest events declined over time, SMOs continued to form until the advocacy communities reached a critical density, at which point the formal organizations grew more slowly in numbers, but maintained a high level of organizational presence. Tarrow's (1983) work on cycles of protest provides a model for understanding how the increased collective action of the civil rights movement spread to other issue areas and also how protest activity may decline. The civil rights movement is often seen as the catalyst for the mobilization of numerous subsequent movements including the four others we discuss here. Whether discussed in terms of a change in the opportunity structure or in the introduction of a master frame, the rise of civil rights and minority movements altered the political environment in a manner which facilitated the mobilization of women, peace activists, environmentalists, anti-nuclear advocates among others (McAdam 1996; Snow and Benford 1992). But it is the very nature of a cycle of protest that, over time, the intensity and frequency will decline for both the broader cycle and the specific movements operating within it. **While the activity of the movements may ebb, the formalized institutions**

those movements spawned will go on. This is clearly demonstrated by our data; for all four social movements on

which we have the number of SMOs, the number of viable groups that endure far outweighs the number those that ceased to exist.

Further, this growth and subsequent institutionalization far outlasted the period during which the social movements themselves were at their peak of activity and protest.

PC limits discretion and solves criminal narrative

Forman, 2011 [SARAH JANE FORMAN, Assistant Professor of Law at the University of Detroit, "CRIMINALIZATION: TOWARD A YOUTH DEVELOPMENT APPROACH TO SCHOOL SEARCHES," The Scholar, <https://www.luminpdf.com/viewer/9weuYaGsC3F92eYJc>] MJS

Although it does not alter the T.L.O. framework, Redding is illustrative of the length to which schools will go to enforce school rules and exemplifies the problem with the amorphous reasonable suspicion standard as it currently applies to school searches. While it should "not require a constitutional scholar to conclude that a nude search of a [thirteen]-year-old child is an invasion of constitutional rights" in the case of Savana Redding, it took nine such scholars from the nation's highest Court to settle the matter.⁸⁵ **The problem is that reasonable suspicion provides so much latitude for searching that school officials can construe almost anything as reasonable.**⁸⁶ This problem is evidenced by the fact that even though the Court found the strip search of Savana Redding unreasonable under the Fourth Amendment, they extended sovereign immunity to the School Board because the prima facie unreasonableness of the search was not clearly established by T.L.O. or any other precedent.⁸⁷ The Court found that there were "numerous" and "well-reasoned" cases that expressed a "disuniform view of the law" regarding strip searches.⁸⁸ The diversity of opinion regarding strip searches is symptomatic of the general state of the reasonable suspicion case law—in any given category, behavior on either end of a spectrum can invite suspicion.⁸⁹ "Behavior, hearsay, seemingly innocent comments, and observations can all form legitimate bases for action."⁹⁰

Probable cause would alter the current methodology of school discipline wherein every student is viewed as a potential safety threat and treated like a criminal suspect when accused of violating school rules.³³⁶ Moreover, **probable cause would place limits on the discretion of school officials and SRO's "bent upon searching particular students suspected of wrongdoing at school," and who, under the current framework, have very "few constraints."**³³⁷

TIME IS NOW FOR SOCIAL MOVEMENTS

Keisch, 2015 [Deborah Keisch, Ph. D, of Landscapes of Violence (university of Amherst), Tim Scott, formerly on the board of directors of the Massachusetts Teacher Association, article published by Truthout, "US Education Reform and the Maintenance of White Supremacy Through Structural Violence," <http://www.truth-out.org/news/item/32171-us-education-reform-and-the-maintenance-of-white-supremacy-through-structural-violence>] PP

Resistance is occurring. It is important to recognize the grassroots efforts gaining momentum around the U.S. (and the world) that are coming together to not only resist corporate education reform but to revision public education in general. Erica Meiners talks about the excitement she feels about the young people who are naming the injustice and organizing against it, as well as the diverse amount of resistance to corporate education reform from activist groups including parents, teachers and others around issues

such as the deprofessionalization of teachers, working toward restorative justice, and the development of alternative accountability systems. However, while there is indeed a growing state-level and national movement against corporate education reform, it is essential that this struggle be centered in the fight for racial justice throughout society. In fact, **the opportunity is now.** As this article is “going to press,” a powerful grassroots movement for racial justice, comprised of both local and national groups, is emerging in the U.S. As a result of the ongoing destruction and degradation of Black lives, prior to and after the murder of Michael Brown, “Black Lives Matter” became a powerful slogan for massive civil rights protests and an evolving national network of social justice campaigns. The mission of one of the leading organizations, Black Lives Matter, includes the following: “Black Lives Matter is an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise. It is an affirmation of Black folks’ contributions to this society, our humanity, and our resilience in the face of deadly oppression (Black Lives Matter, 2014, para. 2). **This movement places at the forefront the systemic nature of racism and white supremacy and the importance of addressing the manifestation of these in all public spheres, including education. One of the central demands of another leading group, Ferguson Action, is an “end to the school to prison pipeline and quality education for all” (Ferguson Action, 2014).**

Limiting discretion with higher search standard limits discrimination and decreases searches

Glaser 2015 [Jack Glaser is associate professor at the Goldman School of Public Policy at UC Berkeley, where he studies stereotyping, prejudice, and discrimination. “How to Reduce Racial Profiling”, *Greater Good*, <http://greatergood.berkeley.edu/article/item/how_reduce_racial_profiling>] //CJC

Based on my research in this area over the past 15 years, here’s where I think is a particularly good place to start: **Limiting the discretion that police officers have in who they stop in the first place. Police officers have remarkably high discretion in who they can choose to stop and search. High discretion invites decisions made under high uncertainty.** This is a direct result of the **very permissive Supreme Court stance on police stops, which essentially is indifferent to whether racial bias motivates a stop,** as long as there is a legal pretext for it, like the classic broken taillight. **This is compounded by the very vague (and often circular) definitions of “reasonable” suspicion,**

the legal standard required for an investigatory stop. And it is borne out in the data from New York City, where civilian stops reached approximately 700,000 in 2009 (they have dropped dramatically in recent years, with the election of a new mayor who was opposed to the Stop & Frisk program). Among those stopped in New York during the peak of Stop & Frisk, approximately six percent were arrested, and most of the arrests were for outstanding warrants. Among those who were stopped, arrest rates (and contraband finds) were higher for whites than for blacks and Hispanics, compelling evidence that race was a factor in decisions about who got stopped: A relatively greater number of blacks and Hispanics who were stopped were actually innocent, suggesting that whites needed to reach a higher threshold of suspiciousness to get stopped in the first place. Similar patterns have been found in cities and highway patrol corridors throughout the U.S. The very low productivity rates of police stops reflect the high discretion with which officers are operating.

High discretion nearly necessitates that judgments will be influenced more by cognitive shortcuts like stereotypes. By setting higher and clearer thresholds for reasonable suspicion, police supervisors would cause their patrol officers to make fewer stops, more of which would be justified and fruitful. This would have the effect of reducing racial disparities in who gets stopped in the first place.

The wide discretion would have to be replaced with prescriptive guidance for making stops based on factors borne out by empirical analysis, such as specific behaviors that are known to be reliably related to criminal behavior. There is good precedent for this—and, ironically, it comes from the leadership of the man later responsible for the dramatic escalation of Stop & Frisk in New York:

Commissioner Raymond Kelly. In 1998, as Commissioner of U.S. Customs, **Kelly directed agents to use six behavioral indicators of suspiciousness, down from 43. The result was a 75 percent reduction in the number of searches, but a quadrupling of contraband finds.** The net effect was that roughly the same absolute number of smuggling seizures was made, but many fewer innocent travelers were

troubled. **Racial disparities in search rates were also reduced. Reducing discretion and replacing it with prescriptive guidance would have a two-fold effect on racial disparities in police stops: 1) It will reduce those disparities because the stereotypes, even implicit ones, will be less influential; and 2) It will reduce the impact of those disparities by decreasing the absolute number of minorities who are incarcerated.**

Searches decrease on the innocent, crime down too

Mialon 2008 [Hugo Mialon, professor at Emory University economics department. "The Economics of Search Warrants". *Emory University*,
<http://economics.emory.edu/home/documents/workingpapers/hsmialon_08_10_paper.pdf>]
//CJC

We analyze the effects of the evidence standard for search warrants in an economic model of crime and search. If the warrant standard is initially below a certain positive threshold, increasing it actually reduces crime as well as searches. Moreover, the positive threshold is higher if searches are preventive than if they are not. If the warrant standard is above a positive threshold, increasing it tends to increase crime and reduce wrongful searches. However, if the police do not care too much about whether or not they search the innocent, **increasing the standard also increases effort by the police to gather initial evidence non-invasively before seeking to perform invasive searches.** Thus, increasing the standard might not greatly increase crime because **greater police effort tends to reduce crime; but it might significantly reduce wrongful searches because greater police effort directly increases the accuracy of the police's initial evidence.** The results provide efficiency arguments for a right against unreasonable searches.

Perception of change as possible → social movements

Meyer, 1996 [Ph. D DAVID S. MEYER Professor, Sociology, UC Irvine, May 1996,
"Movements, Countermovements, and the Structure of Political Opportunity,"
https://webfiles.uci.edu/dmeyer/meyerprof_files/mcmsop.ajs.pdf] PP

Authorities, to be sure, are important: In the case of the Operation Rescue events in the United States, for example, police and local authorities must mediate between the opposing movements and may favor one side over the other in their management of the protest. The courts have ruled on the legality of tactics and the penalties to be imposed on offenders, and Congress has passed legislation dealing with abortion clinic protests. Most recently, the murders of health care providers by antiabortion activists, together with the demands of abortion rights advocates, have forced the federal government to help protect clinics. **These actions by authorities are critical,** but it is interactions between movements and countermovements, including both discrete events and ongoing relationships, that shape state responses.
[...]

Whereas Eisinger (1973) and Tilly (1978) viewed protest mobilization as a response to partly open governmental structures, we can refine this essential insight to look at particular issues. Individual movements make political claims on limited sets of issues, responding to particular conjunc- tures of policies and political alignments. Advocates of specific policy alternatives adopt the form of a social movement when they believe that such approaches are potentially efficacious. **During periods when the "relative openness" of state structures to dissent is**

generally stable, opportunities vary across issues over time in response to changes in public policy (Meyer 1993b). When aggrieved groups or movement entrepreneurs perceive that change is possible in a particular policy area, they are likely to try to mobilize activism. When an issue is "closed" and there is little or no opportunity to effect change in current policies, movements and countermovements are unlikely to form.

Policies on cigarette smoking in the United States provide an example of an issue area in which there is little likelihood that a strong smokers' rights countermovement could emerge to overturn antismoking measures, despite the best efforts of threatened interests. Numerous restrictions on smoking now enjoy widespread support, even among smokers. 4 Although the tobacco industry has tried to stir up smokers' rights sentiments, opposition has largely been confined to the efforts of the industry itself, and citizens' groups, whether industry affiliated or not, have generally remained small and ineffectual. In this case, changes in attitudes and laws regarding smoking are so extensive that few believe a reversal in policy is possible.

The is no coverage of education

West, 2009 [Darrell M. West, Director of Governmental Studies at the Brookings Institute, December 2, 2009,

<https://www.brookings.edu/research/invisible-1-4-percent-coverage-for-education-is-not-enough/>]
] PP

News coverage is important to every policy area. While some people have personal knowledge of certain topics, **many rely on mass media for direct, up-to-date, and in-depth reporting. This is especially the case with education because only a third of American adults currently have a child in elementary or secondary school.** What most people know about schools comes from newspapers, radio, television, the Internet, or blogs – or from memories of their own experiences, often from long ago.

Yet despite the importance of media coverage for public understanding of education, **news reporting on schools is scant.** As we note in this report, **there is virtually no national coverage of education. During the first nine months of 2009, only 1.4 percent of national news coverage from television, newspapers, news Web sites, and radio dealt with education.**¹ This paucity of coverage is not unique to 2009. In 2008, only 0.7 percent of national news coverage involved education, while 1.0 percent did so in 2007. **This makes it difficult for the public to follow the issues at stake in our education debates and to understand how to improve school performance.**

Court decision causes positive media coverage

Linós, 2013 [Katerina Linós, Law Professor at UC Berkeley, 2013, "The Supreme Court, the Media, and Public Opinion: Comparing Experimental and Observational Methods,"

http://www.law.uchicago.edu/files/files/linos_twist_supreme_court_and_media.pdf] PP

We find that **Court decisions can influence national opinion and increase overall support for policies the Court upholds as constitutional.** These effects were largest among people who received one-sided information emphasizing the frame that the Court majority chose. Two-sided coverage, in which a news program emphasized both the Court majority's frame and alternative framings of the issue, did not confuse people about what the Court had held but did greatly reduce the impact of the Court decision on opinion. We also find that people who first heard about Court decisions through the media sources they normally use and people who first heard about Court decisions in the course of the experiment responded in similar ways.

[...]

What is more surprising to us, however, was that Fox News offered two-sided coverage of the health care decision, a decision that greatly surprised and frustrated Republicans, who were counting on the Court to strike down President Obama's key legislative accomplishment. **Fox News spending an extensive amount of time not only in explaining the decision, but also in presenting frames that were largely supportive of the Court decision**, including the notion that health care could be understood as a right, the idea that the mandate would benefit the uninsured, and that the Court majority included both liberals and conservatives. Similarly, MSNBC did not devote all its attention to frames critical of the controversial Arizona immigration law, but first explained the decision in depth, and then devoted significant time to positive and neutral frames. **In short, our data suggests that even when a partisan network encounters a Court decision that runs strongly counter to its ideology, it provides two-sided coverage, rather than devoting all of its time to criticisms of the Court.** When decisions were consistent with the ideology of a partisan network (i.e. Fox News and MSNBC), the networks opted to present positive, one-sided coverage and raise very few competing considerations.

[...]

However, the nature of a Court decision, and the way in which it is transmitted through the media moderates the response of the public. Our data suggest that **national media seem to treat the Supreme Court with greater deference than they treat the other branches of the Federal government, and are often willing to offer primarily one-sided coverage supportive of the Court majority. In turn, people who receive one-sided coverage supportive of a Court majority's view from the media they regularly use respond much more positively** than people who receive two-sided coverage, with countervailing frames drawn from the dissent or from other sources. The way in which a decision is written might modify its impact. It is possible that countervailing considerations introduced in the context of a dissent reduce the influence of the Court more than countervailing considerations introduced in the context of a nuanced majority opinion. Our data is consistent with this statement, but much further work is necessary to confirm it.

[...]

The volume of coverage the media offers depends in part on whether the Court rules on a controversial case: It is difficult to entirely ignore such a ruling, or conversely, to devote extensive coverage to a procedural maneuver. In addition, the frames the media use are constrained by the Court ruling. National media can present one-sided coverage focused on the Court majority, and treat the Court ruling as the end of the debate. The media can also highlight competing frames, drawn from the dissent or from other sources. But we find that **the media cannot ignore the Court majority entirely**, and present one-sided coverage stemming only from the dissent or from other voices critical of the Court ruling. Supreme Court journalists

have developed far more deferential norms than journalists covering Congress or the presidency. Deferential media coverage in the past has contributed to the high public support the Court now enjoys relative to the other branches of government, and allows more deferential coverage going forward.

NeJaime, 2013 [Douglas NeJaime, Professor of Law at UCLA, "Constitutional Change, Courts, and Social Movements,"

<http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1065&context=mlr>] PP

Important decisions become part of a narrative in which social movement actors, among others, use such decisions to explain legitimate social change, repudiate past injustices, and justify calls for further development. Social movements may seize on canonical cases to articulate demands in the present day. Loving v. Virginia,⁴ for instance, serves as a rallying cry for the marriage equality campaign. Cases that we now look at with collective regret and shame become equally significant.

Walker, 2014 [Henry A. Walker, Professor of Sociology at ASU, "Legitimizing Collective Action and Countervailing Power,"

<http://sf.oxfordjournals.org/content/early/2013/11/03/sf.sot116.short>] PP

Contemporary scholars of collective action identify legitimacy as a resource on which groups can draw to increase the likelihood that individuals take collective action (McCarthy and Zald 1977). They argue that the choice of innovative tactics (McAdam 1983), tried and true actions drawn from repertoires of contention (Tarrow 2011; Tilly 1978), and framing processes (i.e., the construction of meanings associated with collective action or movement organizations) (Benford and Snow 2000) enhance the legitimacy of collective action and movement organizations.¹

Individuals who are motivated to take collective action have an interest in claiming legitimacy for their cause and, if their claim is established, they are better able to recruit others to join them. Consequently, legitimized movements are more likely to achieve collective action than movements that lack legitimacy. Despite widespread application of the idea of legitimacy in contemporary research on collective action, investigators typically fail to utilize general theories of legitimacy that describe the processes through which various elements (e.g., tactics or collective action frames) acquire legitimacy or the processes through which legitimized elements influence decisions to take collective action

Social movements require legal reform

Jeannie **Oakes**, John Rogers, Gary Blasi, & Martin Lipton, **2006** [UCLA Professors, "Grassroots Organizing, Social Movements, and the Right to High-Quality Education ,"

https://www.law.berkeley.edu/files/oakes-rogers-biasi_paper.pdf] MJS 9-11-2016

We conclude that establishing education as a fundamental right requires social movement activism, and that such social movement activism already exists in incipient form. Grassroots groups have laid the groundwork for significant changes in educational

policy by building power among those most affected by inadequate and unequal education and by providing new sites of public deliberation about the role of public education in American democracy.

We also conclude, however, that, on their own, organized and activist low-income communities are unlikely to bring about the broad based cultural and political shifts necessary for establishing the right to a high quality education. Likewise, legal victories are often implemented with little fidelity or not implemented at all unless they are broadly supported by public norms.

Individually, then, legal efforts and grassroots organizing are necessary but not sufficient to achieve the social shifts necessary to sustain high quality and equitable schooling. Together, law and organizing must simultaneously appeal to and create a public whose support is predicated on the unshakable belief that all children can be, deserve to be, and by law, must be well educated. Such “broad” support must include middle class participants. This paper is mindful of the **necessary alignment of norms, power, and law that constitute the coalescing of public thinking and support that we are calling a “social movement.”**

In sum, the failure of conventional reforms has not come from the technical challenges, but from the cultural and political resistance such efforts face.¹⁰ All change requires power,¹¹ and the amount of power required is proportional to the degree of resistance the change engenders.

Providing high quality education to all children, by virtue of their having a right to such an education is a big change that requires big power.

Social movements engender broad public support among individuals who act, at least partly, according to social convictions distinct from narrow economic or political self-interests. Movements embody collective demands on the established order through public protest and other actions in order to gain support for changes in laws, social policies, and institutions.¹⁵ Additionally, social movements add value to changes in law and policies by placing them in the context of new norms and political arrangements directed to benefit non-elites. **Thus, movements and successful implementation of new laws are iterative: first, a changed cultural climate provides a receptive social environment for new law to come about; second, the tangible “gain” represented by a law generates new energy to monitor the law’s implementation and to press for continuing social change.**

We have ample evidence that social movements have altered cultural logics, which in turn have brought new policies, social practices, and laws.¹⁶ Over the past few decades, social movement activism has changed the vast majority of Americans’ view about racial segregation and discrimination; women’s social, political, and economic positions; the environment; and more. As people construct new cultural meanings, new actions make sense, and new political arrangements become congruent with the movement’s ideological framework. New rules, structures, and practices follow, almost “naturally,” as the rules, structures and practices of the past no longer make sense. On the other hand, the concept of ongoing “struggle” runs deep throughout movements, as can be seen by the unfinished cultural work of the movements just mentioned.

In recent years, a number of grassroots and activist organizations have mobilized students, parents, and community members in powerful actions aimed at exposing and disrupting schooling inequalities. These organizations include neighborhood groups and national networks; religious congregations and secular organizations; and groups with a narrow focus on educational justice as well as organizations that address a range of social justice issues. The very diversity of these groups and alliances—their histories, core missions, size, and so forth—characterizes a central dynamic of movement (or premovement) organizing. As in a Venn diagram, their individual commitments to greater power for low-income communities of color overlap to define a joint agenda for providing high quality schooling for all students.

In California, the Williams case served as a symbolic, substantive, and strategic impetus for grassroots, civic, and advocacy groups to join together in an Education Justice Collaborative.²⁶ Williams' focus on both decent schooling and democratic accountability caught the attention of education justice organizations as well as groups that had been active in California around "non-educational" issues such as living wage, affordable housing policies, immigrant rights, and affirmative action. The deplorable conditions of many California schools made public in the complaint and then illuminated in research conducted by the Williams expert team, demonstrated to grassroots groups that their local battles were part of systemic problems that required state-wide alliances.²⁷ Williams was like a keystone that allowed local groups and broader networks to understand seemingly disconnected "actions" as part of a more powerful and coherent strategy for affecting school change. As Liz Guillen, an attorney and legislative advocate with the EJC member group Public Advocates, explained, "Each of us has different strengths and roles to play."²⁸

2 million kids arrested, 95% non-violent

Sarah **Mimms** and Stephanie Stamm, 5-2-2014 [journalists, "2 Million Kids Are Arrested in the U.S. Every Year. Congress Is Trying to Change That.," Atlantic, <http://www.theatlantic.com/politics/archive/2014/05/2-million-kids-are-arrested-in-the-us-every-year-congress-is-trying-to-change-that/450522/>] MJS 9-11-2016

Both children were convicted of so-called "status offenses," crimes that would not be punishable under the law if committed by adults. Status offenses run the gamut from drinking alcohol to truancy to running away from home to "incorrigible behavior," according to the American Bar Association. As evidenced in the cases of Bodner and Transue, the definition is often broadened by judges.

These small-time offenses can land children in jail for years, putting them in contact with violent offenders and keeping them out of schools. **Sixty-six percent of youths who are detained in juvenile prisons never return to school.** And Congress is beginning to act to change that.

The two lawmakers are working together with colleagues to completely overhaul the juvenile-justice system in the United States, where more youths are incarcerated than in any

other nation by a 5-to-1 ratio. On average, the U.S. sends 2 million children to juvenile detention every year, 95 percent of whom have not committed a violent crime.

Securitization is only legal under a reasonableness standard - Probable cause bans dragnet searches

Primus 2011 [Eve Primus is professor of law at the University of Michigan. "DISENTANGLING ADMINISTRATIVE SEARCHES", *Columbia Law Review*, <<http://ssrn.com/abstract=1670947>>] //CJC

Anyone who has been stopped at a sobriety checkpoint, screened at an international border, **scanned by a metal detector** at an airport or government building, **or drug tested** for public employment **has been subjected to an administrative search** (or seizure). **Searches of public school students**, government employees, and probationers **are characterized as administrative**, as are business inspections and—increasingly—**wiretaps and other searches used in the gathering of national security intelligence.**¹¹ In other words, the government conducts thousands of administrative searches every day. **None of these searches requires either probable cause or a search warrant.**

A dragnet search, as I am using the term, **is one in which the government searches or seizes every person, place, or thing in a specific location or involved in a specific activity** based only on a showing of a generalized government interest.⁴

The Supreme Court first recognized the permissibility of a dragnet administrative search in 1967, when it suggested in *Camara v. Municipal Court* that routine government inspections of homes for housing code violations could be conducted without individualized showings of probable cause. The housing inspections at issue in *Camara* were not conducted on the basis of any particularized reason to believe that a given house was in violation of the housing code. Rather, government officials executed a general plan of inspecting every home in a given geographic area. The government fully expected that many or even most of the homes inspected would be in compliance with the housing codes, such that the inspections would burden many law-abiding homeowners who had done nothing to trigger any suspicion of wrongdoing. **If the normal requirement of individualized probable cause were in force, therefore, any such inspections would violate the Fourth Amendment.**

One consequence of the elimination of the individualized suspicion requirement from administrative search doctrine is that the permissibility of searches is often governed only by an all-things-considered reasonableness standard. Where it applies, the requirement of individualized suspicion creates a rule that the government must satisfy. Absent that requirement, the courts often do no more than balance the government's interest in conducting the search against the degree of intrusion on the individual's privacy

Militarization is driven by the culture of fear, disproportionality targets POC

Henry A. **Giroux**, 11-11-2015 [McMaster University Professor for Scholarship in the Public Interest, "Terrorizing Students: The Criminalization of Children in the US Police State," Truthout, <http://www.truth-out.org/opinion/item/33604-terrorizing-students-the-criminalization-of-children-in-the-us-police-state>] MJS 9-6-2016

Violence functions as a brutalizing practice used by the state to squelch dissent, incarcerate poor people and people of color, terrorize immigrants, wage a war on minority youth and menace individuals and groups considered disposable or a threat. Not only does such **violence destroy the conditions and institutions necessary to develop a democratic polity, it also accelerates abusive forms of punitiveness and control that extend from the prisons to other institutions, such as schools.** In this instance, violence becomes the ultimate force propagating what might be called punishment creep. **The punishment "creep" that has moved from prisons to other public spheres now has a firm grip on both schools and the daily rituals of everyday life.** Margaret Kimberley captures one instance of the racist underside of punishment creep. She writes: "Black people are punished for driving, for walking down the street, for having children, for putting their children in school, for acting the way children act, and even for having children who are killed by other people. We are punished, in short, because we still exist."

Yet, as Jeah Lee observes, while such crimes have attracted national attention, the "use of force by cops in schools ... has drawn far less attention [in spite of the fact that] over the past five years at least 28 students have been seriously injured, and in one case shot to death, by so-called school resource officers - sworn, uniformed police assigned to provide security on k-12 campuses." [13] Increasingly, as public schools hand over even routine disciplinary problems to the police, there is a proliferation of cops in schools. There are over 17,000 school resource officers in more than half of the schools in the United States. [14] In spite of the fact that violence in schools has dropped precipitously, **school resource officers are the fastest-growing segment of law enforcement.**

There is more at work here than a flight from responsibility on the part of educators, parents and politicians who support and maintain policies that fuel this expanding edifice of law enforcement against the young and disenfranchised. Underlying the repeated decisions to turn away from helping young people is the growing sentiment that youth, particularly youth of color, constitute a threat to adults, and the only effective way to deal with them is to subject them to mind-crushing punishment. **Students being miseducated, criminalized and arrested through a form of penal pedagogy in prison-type schools provides a grave reminder of the degree to which the ethos of containment and punishment now creeps into spheres of everyday life that were largely immune in the past from this type of state and institutional violence.**

Schools are no longer reliable spaces of joy, critical teaching and support. Too many are now institutions of containment and control that produce pedagogies of conformity and kill the imagination by teaching to the test. Within such schools, the lesson that young people are learning about themselves is that they can't engage in critical thinking, be trusted, rely on the

informed judgments of teachers and administrators and that their behavior is constantly subject to procedures that amount to both an assault on their dignity and a violation of their civil liberties. **Schools have become institutions in which creativity is viewed as a threat, harsh discipline a virtue and punishment the reward for not conforming to what amounts to the dictates of a police state.** How many more images of young schoolchildren in handcuffs do we have to witness before it becomes clear that the educational system is broken, reduced largely to a punishing factory defined by a culture of fear and an utter distrust of young people?

If one important measure of a democracy is how a society treats its children, especially young children who are Black, Brown or suffer from disabilities, there can be little doubt that US society is failing. **As the United States increasingly models its schools after prisons, students are no longer viewed as a social investment in the future. A deadly mixture of racism and violence in the 21st century has become increasingly evident in the attacks being waged against young people in American schools. If students in general are now viewed as a potential threat, Black students are regarded increasingly as criminals. One result is that schools increasingly have come to resemble war zones; spaces marked by distrust, fear and demonization.** With more police in the schools than ever before, security has become more important than providing children with a critical education and supportive learning environment. As authority in many of the schools is often handed over to the police and security forces who are now asked to deal with all alleged disciplinary problems, however broadly defined, the power and autonomy of teachers and school administrators are weakened at the expense of the safety of the students. This loss of authority is clear in New York City where school administrators have no control over security forces who report directly to local police departments.

Dragnets include cameras, drug testing, and more, and are banned under PC

Slobogin 2010 [Christopher Slobogin is professor of law at Vanderbilt University, “Government Dragnets”, *Vanderbilt University*, <<http://ssrn.com/abstract=1640108>>] //CJC

Although many aspects of the history and meaning of the Fourth Amendment are in dispute, **all commentators agree that the** amendment’s second, —**Warrant Clause** || —**providing that search and arrest warrants be based on probable cause** and describe with particularity the place to be searched and person or items to be seized—**was meant to do away with general warrants.**³ **The general warrant is still very much with us today,** however, if it is defined as the power of the executive branch, on its own or on the basis of vague legislative authorization, to engage in **large-scale intrusions into the citizenry’s houses, persons, papers, and effects in the absence of probable cause** to believe any particular person affected has done or possesses something that justifies the intrusion. **Homes and businesses across the country are routinely subjected to warrantless health and safety inspections by local and state agencies. Without any individualized suspicion or judicial preclearance, criminal offenders must submit to strip searches and swabs for DNA analysis, school children must undergo drug testing, motorists are stopped at roadblocks and checkpoints, and pedestrians in our major cities are monitored by camera systems.** Data mining programs covertly sweep through hundreds of

thousands of records containing all sorts of personal information upon little or no showing of cause. And everyone's personal effects are uniformly scanned and searched at borders, airports, and various other major travel hubs. If we throw into the mix investigative programs designed to take advantage of pretextual searches and seizures—that is, searches and seizures avowedly based on probable cause for a minor infraction but actually designed to find evidence of more-serious crime for which there is no cause or only an inchoate hunch—then —general warrant || actions are also quite common in connection with traffic stops, enforcement of loitering laws, and a host of other government actions.

[...]

Two particularly wide-ranging dragnets involve public camera surveillance and data mining. Today, thanks in part to post-9/11 federal funding, many major cities and a slew of medium-size and smaller urban areas have created camera-surveillance systems that permit police to monitor large swaths of public and quasi-public areas.

Stats on drug dogs, cameras, metal detectors, SROs, ZTPs

Aaron Kupchik, 2011 [University of Delaware Department of Sociology and Criminal Justice “Reproducing Social Inequality through School Security: Effects of Race and Class on School Security Measures,” Education Week, <http://docplayer.net/5616418-Reproducing-social-inequality-through-school-security-effects-of-race-and-class-on-school-security-measures.html>] MJS

Schools across the U.S. have incorporated a host of security mechanisms in an attempt to maintain safety. According to the **National Center for Education Statistics, in the 2007-2008 school year, 58% of public high schools conducted random searches using drug-sniffing police dogs, 77% used surveillance cameras, and 11% used metal detectors to screen students, while 69% of a nationally representative sample of students aged 12-18 reported that their schools included a security guard or police officer assigned to the school** (Dinkes et al. 2009: tables 20.2, 21.1). Additionally, in response to federal mandates in the 1990s, **some form of “zero tolerance” law is now nearly universal in U.S. public schools** (Simon 2007).

RS only turns up evidence 12% of the time, while 80% for PC

Max Minzner, 7-9-2008 [Law Professor, “Putting Probability Back into Probable Cause,” http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1157111] MJS 7-14-2016

When deciding whether baseball players are likely to get a hit, we look at their history of success at the plate. When deciding if a stock price is likely to rise or fall, we look at its past performance. But when police officers claim that they have probable cause to believe a certain location contains evidence, we do not look at whether they have been right or wrong when they have made the same claim in the past. Law enforcement search success rates vary widely, even when the same legal standard applies. **Searches pursuant to warrants issued on a probable cause standard recover evidence at very high rates, usually exceeding 80%. By contrast, warrantless searches**, even when officers allege they have probable cause,

succeed at far lower rates, recovering evidence as infrequently as 12% of the time.

Similarly, some officers are far better than others when they conduct probable cause searches. Some almost never succeed; some almost always find evidence.

5% of students carry weapons on school property

NCES, 2016 [NCES, "Indicator 14: Students Carrying Weapons on School Property and Anywhere and Students' Access to Firearms,"

http://nces.ed.gov/programs/crimeindicators/ind_14.asp] MJS 10-14-2016

The percentage of students who reported carrying a weapon on school property in the previous 30 days declined from 12 percent in 1993 to **5 percent in 2013** (figure 14.1 and table 14.1). The percentage of students who reported carrying weapons anywhere was lower in 2013 (18 percent) than in 1993 (22 percent). **There were no measurable differences between the 2011 and 2013 percentages of students who reported carrying a weapon either anywhere or on school property during the previous 30 days.**

One gun found at school per day

Jennifer Mascia and Erin Corbett, 1-29-2016, "Once Per Day, an American Kid Brings a Gun to School," Trace, <https://www.thetrace.org/2016/01/guns-in-schools-america/> // ENDI-JM

January 6, a 15-year-old boy in Sumner, Washington, was busted trying to sell a .38-caliber revolver at his high school. He had brought the weapon from home. The next day, an elementary school teacher in Chester, South Carolina, lifted one of her students out of a wheelchair and discovered that the child had been sitting on a handgun. Police believe it was an accident. The day after that, in Palm Beach County, Florida, a pre-kindergarten student boarded a school bus with an unloaded handgun in his backpack. The boy's parents said they sent him to school with the wrong bag. In the first half of the academic year — from late August, when many districts started classes, to January 15, when many concluded the second report-card period — **there were at least 135 incidents in which elementary, middle, and high school students were caught bringing guns into America's schools.** The number is an update to The Trace's reporting in November, which found 77 such incidents in the first three months of the school year. All told, **a handgun has been discovered in the possession of a child more than once a school day.**

Reasonable suspicion super vague, PC less so

Steven Searls, 3-17-2015 ["Black Lives Matter: Reasonable Suspicion, Racial Disparity & the Roberts' Court," Daily Kos,

<http://www.dailykos.com/story/2015/3/17/1371248/-Black-Lives-Matter-Reasonable-Suspicion-Racial-Disparity-the-Roberts-Court>] MJS 9-1-2016

Most of us have heard of the term "probable cause" because any law enforcement official ("LEO") must show probable cause before a person can be arrested, either before receiving a warrant from a judicial authority to arrest a person or search their home or that must be shown afterward to justify a search or arrest without a warrant. **In brief, the LEO must show knowledge of facts, evidence and circumstances that would lead a reasonable person to**

conclude a crime has been committed by the person arrested, or that evidence of a crime will be obtained by a search of the suspect's property or person.

The standard merely to stop and detain someone, however, is far easier to meet. That standard is referred to as "Reasonable Suspicion." I know, **that sound pretty vague.** Reasonable suspicion of what? **And what constitutes a reasonable versus an unreasonable suspicion on the part of a police officer.** The Supreme Court of the United States ("SCOTUS") first established the basis of the reasonable suspicion standard in the 1968 case of Terry v. Ohio.

In the view of the Terry majority, a police officer may stop and detain an individual he or she suspects may have committed (or is about to commit) a punishable crime without violating the Fourth Amendment provide that "in justifying the particular intrusion the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant [stopping and detaining a person]." This reasonable suspicion must not be based on an "inchoate hunch" but must be based on what a reasonable police officer would do. Subsequent case law by SCOTUS established that this suspicion must be associated with a specific individual in *Ybarra v. Illinois*, where a patron of a tavern was detained and searched by police even though the police merely had a warrant to search the building and no independent foundation for suspecting the defendant of any crime.

Teachers can literally never be punished for violating RS

Davenport, 2014 [Erin Davenport, lawyer, "Stripped Bare: Students' Fourth Amendment Rights, School Searches, and the Reasonableness Standard", Tennessee Journal of Law and Policy, <http://trace.tennessee.edu/cgi/viewcontent.cgi?article=1061&context=tjlp>] //AKC

This synopsis will show how courts have approached the constitutional issues surrounding school searches and how students' rights have decreased over time under the reasonableness standard and qualified immunity. Prior to the Supreme Court's ruling in *New Jersey v. T.L.O.*,⁹ schools' used various approaches to school searches.¹⁰ After *T.L.O.*, courts began to limit students' Fourth Amendment rights. Today, schools search for drugs, weapons, and evidence of drug use, and according to the courts, these searches do not violate students' rights.¹¹ **Even if the courts consider some searches unreasonable, qualified immunity protects teachers from liability because the law surrounding these searches often is not clearly established. Thus, school officials can act with impunity because courts will likely perceive the search as reasonable or grant school officials qualified immunity for their actions. If this pattern continues, students will retain no constitutional rights within school walls, and this deprivation of Fourth Amendment rights could extend beyond school walls into everyday citizens' lives.**

Stronger Search Requirements → Less Searches

Jacobi, 2011 [Tonja Jacobi, "The Law and Economics of the Exclusionary Rule" *Notre Dame Law Review*, <http://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1012&context=ndlr>] JSM
Original Source Jacobi References:

http://www.jstor.org/stable/10.1086/345582?loggedin=true&seq=1#page_scan_tab_contents

"For example, one economist proposes that if police officers adhere to stronger Fourth Amendment procedures, the higher costs of performing such searches will prompt police

to conduct fewer searches, resulting in lower probabilities of crime resolution. See RAYMOND ALLEN ATKINS, ECONOMIC ANALYSIS OF CRIMINAL PROCEDURE (1998)."

Rule fairness is key to preventing violence

James 2014 [Katie James (Department of Sociology, University of Georgia), Jackson Bunch, and Jody Clay-Warner, "Perceived Injustice and School Violence: An Application of General Strain Theory," Youth Violence & Juvenile Justice, <https://www.luminpdf.com/viewer/YoWDzMePrfYs42niD>] MJS

The SCS to the NCVS was specifically designed to aid policy makers in their efforts to reduce school crime (Devoe et al., 2003). The SCS asks a series of questions to eligible household members concerning their school-related behaviors, perceptions of school safety, perceptions of school rules, and information about the school's climate, such as the presence of weapons, bullying, and hate behavior. Household members are considered eligible for the SCS if they are between the ages of 12 and 18 and if they attended school in the past 6 months, provided that this school would lead them to the completion of a high school degree. Homeschool students were excluded from the SCS. The 2009 SCS contains 5,023 completed interviews, with a response rate of 60%. We only included respondents who completed the interview on their own, whether in person or over the phone. Respondents who had a proxy (typically a parent) complete the interview for them were deemed ineligible for this analysis. After the removal of proxy interviews and listwise deletion of cases with missing data, **the final number of individuals in our study is 3,217.**

We turn now to testing our hypotheses. We find support for Hypothesis 1, which states that a student's perceptions of teacher fairness will be negatively associated with his or her odds of participating in school violence. Indeed, there is a 42% reduction in the odds of bringing a weapon to school for every one-unit increase in the perceived teacher fairness scale (Table 2, Model 1, $b = -.52$, $p = .056$, 95%CI [$-.09$, $-.01$]). Additionally, a one-unit increase in the perceived teacher fairness scale is associated with a 47% reduction in a student's odds of fighting at school (Table 3, Model 1, $b = -.64$, $p = .001$, 95%CI [$-.04$, $-.25$]). We find partial support for Hypothesis 2, which states that perceptions of rule fairness will be negatively associated with the odds of participating in school violence. **A one-unit increase in the perceived rule fairness scale is associated with a 48% reduction in a student's odds of bringing a weapon to school.** (Table 2, Model 1, $b = -.66$, $p = .045$, 95%CI [$-.31$, $-.01$]), but the effect of rule fairness on fighting at school is not statistically significant (Table 3, Model 1, $b = .10$, $p = .672$, 95%CI [$-.35$, $.55$]).

Labelling students as criminals through school policies causes them to internalize those sentiments

KATAYOON MAJD, 2011 [Criminal and Juvenile Justice Program Officer, Public Welfare Foundation, "Students of the Mass Incarceration Nation," The Howard Law Journal, http://www.njjn.org/uploads/digital-library/Students-of-mass-incarceration-nation_Majd_Howard-Law-Journal_2011.pdf] MJS 9-1-2016

Perhaps one of the most damaging effects of the mass incarceration era is that the education and justice systems are teaching students devastating lessons about

themselves.²⁴⁰ As Glenn Loury has argued, “for young African-American men, coercion is the most salient feature of their encounters with the American state.”²⁴¹ **Through their policies and practices, schools are teaching many African-American students and other students of color that they are dangerous criminals, who do not belong and have little to contribute to society,** and the justice system’s reaction only solidifies these damaging lessons.²⁴²

Labeling students as criminals creates a self-fulfilling prophecy.²⁴³ **Students deemed by authorities to be defiant and difficult might internalize these labels and begin acting in ways that reflect the expectations society places on them.**²⁴⁴ Pedro Noguera argues that those students most likely to internalize the labels are those “who are not receiving the benefits of an education. Once they know that the rewards of education—namely, acquisition of knowledge and skills and ultimately, admission to college, and access to good paying jobs—are not available to them, students have little incentive to comply with school rules.”²⁴⁵ Some African-American youth might also embrace the stigma of criminality that has been put on them by teachers and the police as “an attempt to carve out a positive identity in a society that offers them little more than scorn, contempt, and constant surveillance” even though “embracing criminality—while a natural response to the stigma—is inherently self-defeating and destructive.”²⁴⁶ Thus, **by affecting how youth see themselves, the racialized punitive policies at school and in the justice system are only setting youth up to fail.**

Targeting minorities w/ security measures teaches white superiority, causes alienation and distrust of govt

Nance 2013 [Jason Nance is PhD and assistant professor of law at the University of Florida Levin College of Law. “Random, Suspicionless Searches of Students Belongings: A Legal, Empirical, and Normative, Analysis”, University of Colorado Law Review, <<http://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1295&context=facultypub>>] //CJC

Third, **applying strict security measures disproportionately to racial minorities teaches harmful lessons to both minorities and white students, sending the socially disturbing message to all students that white students are privileged, that white students have greater rights to privacy, and that minorities are suspect and cannot be trusted. Not only do such messages alienate minority students from schools, promote disengagement from the community, and generate apathy towards the government and society,^^ but they also cause minorities to be skeptical about white society’s desire for racial equality.**²⁰ This skepticism feeds a cycle of racial tensions and anger that leads to an undesirable world for people of all races to live in. As Sharon Rush explained, “[o]ur children are watching us. They learn about race and race relations from us. As adults, **we must be careful not to promote a vision of social reality that teaches non-white children that they are racially inferior or that teaches white children that they are racially superior.**”²²

80% of people thinking about suicide want others to know

Youth Suicide Prevention Program [“Youth Suicide Frequently Asked Questions (FAQ),” No Publication, http://www.yspp.org/about_suicide/youth_suicide_FAQ.htm] MJS 7-21-2016

Some estimate as many as **80% of those thinking about suicide want others to be aware of their emotional pain and stop them from dying.** A warning sign does not automatically mean a person is going to attempt suicide, but it should be taken seriously. The warning signs that we

pay particular attention to are: a prior suicide attempt, talking about suicide and making a plan, giving away prized possessions, preoccupation with death, signs of depression, hopelessness and anxiety, increased drug and alcohol use.

Impact: Prison bad for future opportunities, disproportionately affects minorities

Nance 2015 [Jason Nance is PhD and assistant professor of law at the University of Florida Levin College of Law. "Students, Police, and the School-to-Prison Pipeline," *Washington University Law Review*,

<<http://www.americanbar.org/content/dam/aba/administrative/diversity/Jason%20Nance.authcheckdam.pdf>>] //CJC

Students' increased involvement with the justice system is part of a growing concern that many dub the "school-to-prison pipeline." 10 The term "school-to-prison pipeline" ("Pipeline") connotes the intersection of the K–12 public education system and law enforcement and the trend of referring students directly to law enforcement for committing offenses at school or creating conditions that increase the probability of students being arrested, such as suspending or expelling them. 11 Although some may believe that arresting students may "scare them straight," on the contrary, **an arrest usually does not achieve the desired reformatory effect, and the negative consequences that often occur instead are quite severe.** Empirical studies demonstrate that **arresting a student substantially reduces the odds that the student will graduate from high school, especially if that student appears in court.** 12 **It also lowers the student's performance on standardized tests, decreases future employment opportunities, and increases the likelihood of future involvement in the criminal justice system.** 13 Furthermore, **the Pipeline does not impact all racial groups equally. Abundant empirical evidence demonstrates that students of color are affected disproportionately throughout every stage of the Pipeline.** For example, **minority students are disciplined more often and more severely than white students for committing similar offenses,** 14 **and have higher arrest and conviction rates when they are referred to the justice system**

High minority populations have 7.7x more searches

Nance 2013 [Jason Nance is PhD and assistant professor of law at the University of Florida Levin College of Law. "Random, Suspicionless Searches of Students Belongings: A Legal, Empirical, and Normative, Analysis", *University of Colorado Law Review*,

<<http://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1295&context=facultypub>>] //CJC

In 2009-2010, **the odds of conducting these searches** were four times greater for schools with minority populations of over 50 percent than for schools with minority populations between 5 and 20 percent. ^95 Also in 2009-2010, the odds **were 7.7 times greater for schools with minority populations of over 50 percent than for schools with minority populations between 20 and 50 percent.** ^^^ More research is needed to discover the reasons behind the different results across school years and why, in 2009-2010, the greatest odds emerged from comparing schools with minority populations of 20 and 50 percent to schools with over 50 percent. Nevertheless, the general finding that emerged from this analysis is clear: the odds of

conducting random sweeps without reporting any incidents relating to substance abuse or weapons were greater for schools with higher percentages of minority students than for schools with lower percentages of minority students.

Arrest record hurts ability for employment

Gary Fields and John R. Emshwiller, 8-18-2014 [journalists, "As Arrest Records Rise, Americans Find Consequences Can Last a Lifetime," WSJ, <http://www.wsj.com/articles/as-arrest-records-rise-americans-find-consequences-can-last-a-lifetime-1408415402>] MJS 7-13-2016

At the same time, **an information explosion has made it easy for anyone to pull up arrest records in an instant. Employers, banks, college admissions officers and landlords, among others, routinely check records online.** The information doesn't typically describe what happened next.

Many people who have never faced charges, or have had charges dropped, find that a lingering arrest record can ruin their chance to secure employment, loans and housing. Even in cases of a mistaken arrest, the damaging documents aren't automatically removed. In other instances, arrest information is forwarded to the FBI but not necessarily updated there when a case is thrown out locally. Only half of the records with the FBI have fully up-to-date information.

"There is a myth that if you are arrested and cleared that it has no impact," says Paul Butler, professor of law at Georgetown Law. "It's not like the arrest never happened."

Further analysis by the University of South Carolina team, performed at the request of The Wall Street Journal, suggests that men with arrest records—even absent a formal charge or conviction—go on to earn lower salaries. They are also less likely to own a home compared with people who have never been arrested.

The same holds true for graduation rates and whether a person will live below the poverty line.

For example, more than 95% of subjects without arrests in the survey graduated high school or earned an equivalent diploma. The number falls to 84.4% for those who were arrested and yet not convicted.

Tia Stevens Andersen, the University of South Carolina researcher who performed the analysis, says the results are consistent with what criminologists have found. The data, especially when coupled with other studies, show that an arrest "does have a substantial impact on people's lives," she says. That is in part because "it's now cheap and easy to do a background check." According to a 2012 survey by the Society for Human Resource Management, 69% of employers conduct criminal background checks on all job applicants. Fewer than that—about 58%—allow candidates to explain any negative results of a check.

They further determined that 47% of those arrested weren't convicted. In more than a quarter of cases, subjects weren't even formally charged.

First time arrest doubles chance of dropping out

Kim, 2012 [Catherine Y. Kim, University of North Carolina School of Law, 03/25/12, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2037579] //RJ

In fact, the available **empirical evidence lends no support for the deterrence theory with respect to law enforcement referrals for school-based offenses.** On the contrary, social

science consistently shows that **a law enforcement referral has significant negative consequences on youth educational outcomes.** Among the more recent research, a 2006 study by criminologist Gary Sweeten assessed the relationship between law enforcement referral and educational attainment. Using data from the National Longitudinal Survey of Youth, a nationally representative sample, the study found that **a first-time arrest during high school years nearly doubles the likelihood of dropping out of high school; an arrest coupled with a court appearance quadruples the likelihood.**¹³² The magnitude of this effect holds, even after controlling for other factors thought to influence dropout rates including being held back a grade, living in a single-parent household, poor prior academic performance, and rates of delinquent conduct.¹³³ Similarly, a 2009 study by sociologist Paul Hirschfield assessed the impact of a first-time arrest on high school dropout rates in Chicago.¹³⁴ Drawing a sample of students in Chicago Public Schools with high concentrations of low-income and minority students, it found that **those who were arrested in ninth or tenth grade were six to eight times more likely to drop out of high school as classmates who were not arrested,** even after controlling for variables including prior delinquency, peer delinquency, truancy, academic achievement, and anger control.¹³⁵ A number of other studies have drawn similar conclusions regarding the negative impact of arrest on high school graduation rates.¹³⁶

School is the place where students form their views about society and disability

Mike Gill, 2004 [PhD student, "Disability Counter-Narrative: Transforming Ideas Among High School Students," Disability Studies Quarterly, <http://dsq-sds.org/article/view/879/1054>] MJS 7-13-2016

The K-12 educational process in the U.S. helps to shape and formulate the way future U.S. citizens view the world around them -- and also how they view people with disabilities within it. The years we spend in class, and the ideas and subjects we learn about, all influence the perspectives held by the people that we become. Thus, every curriculum affords the opportunity for students and instructors to comprehend disability issues in a more comprehensive and socially aware manner.

Schools security methods lead to more crime

Mayer, 1999 [Matthew J. Mayer Peter E. Leone of the University of Maryland, "A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools,"http://www.popcenter.org/problems/bomb_threats/pdfs/mayer%26leone_1999.pdf] MJS

This research examines a model of school violence and disruption using structural equation modeling. Data are analyzed from the 1995 School Crime Supplement to the National Crime Victimization **Survey which includes 9,954 completed interviews of students age 12 to 19 in schools across the United States.** Students were asked questions about school rules and procedures, knowledge of and personal experience with violence against students and teachers, accessibility of drugs, gang presence, other violence or disruption in the school, as well as individual fear relating to being victimized and self-protective actions they had taken. The analysis used a subset of 6947 subjects, age, 12 to 19, all of whom attended public schools for at least five of the last six months prior to the survey. A construct of "System of Law" included a composite (derived) measured variable for student knowledge of school rules and

consequences for infractions along with another composite measured variable demonstrating implementation of rules. The "System of Law" construct was shown to lead to less disorder. **On the other hand, a construct of "Secure Building," that included composite measured variables showing physical (metal detectors, locked doors, etc.) and personnel-based (security guards, etc.) actions to run a secure building, led to more disorder.** Implications for school policy and future research are discussed.

The research used four constructs: (a) Secure Building, (b) System of Law, (c) School Disorder, and, (d) Individual Self-Protection." The first construct, Secure Building, represented the nature of and degree to which the school took extra measures to maintain secure premises. The two measured variables used as indicators are Ordpers and Ordphys. The measured variable Ordpers is a composite variable derived from the sum of recoded scores on three questions (V220, V221, V224) pertaining to the presence of security guards, hallway supervision by staff, and procedures for visitors to sign in. These are all ways of maintaining secure premises through person-based interventions. The measured variable Ordphys is derived from the sum of recoded scores on three questions (V222, V223, V225) pertaining to the presence of metal detectors, locked doors, and implementation of locker checks. These are all ways of attempting to control the physical environment. **A large amount of the Secure Building construct could represent widespread efforts to control and monitor various student activities, movements, and possession of suspect and/or dangerous items.**

The third construct, **School Disorder, reflects the degree of violence and disruption (or perceived amount thereof) present in the school.** The three indicators for this construct are Gangpres, Drugpres, and Percrime. The measured variable Gangpres is a composite of the recoded scores from three questions (V241, V272, V273) pertaining to the presence of gangs in or around the school. The measured variable Drugpres is derived from the sum of recoded scores of nine questions (V232 to V240) pertaining to availability of various drugs at school. The third indicator, Percrime, is a composite of questions (V242, V245, V248) pertaining to both personal attack and personal theft. Missing and/or indeterminate data problems existed with the indicators for Gangpres and Drugpres. Solutions are discussed further on in this paper. More of the School Disorder construct would be reflected in more instances of gang presence, drug transactions, and personal theft and attacks on students.

The moderate path value of 0.54 from the latent variable Secure Building to School Disorder suggests that with more efforts to run a secure premise through physical means (metal detectors, locked doors, locker checks) and through personnel-based interventions (security guards, staff watching halls), that more disorder may be present.

While this might be viewed as a reciprocal process, there is substantive argument in the literature in support of this interpretation (Baker, 1998; Colvin, Kameenui, & Sugai, 1993; Grant, Van Acker, Guerra, Duplechain, & Coen, 1998; Hyman & Perone, 1998; Noguera, 1995; VanAcker, 1995b; VanAcker, 1996); this finding addresses the possible effect of reactive, school based policies not solving violence problems. Creating an unwelcoming, almost jail-like, heavily scrutinized environment, may foster the violence and disorder school administrators hope to avoid. Further investigation of this relationship is warranted. This model used too few latent variables to allow for comparison of alternate directional paths. However, a prior analysis of the 1989 SCS data by these researchers, using a similar structural model, achieved cross validation of the structural model showing a similar path value going from a Tight Ship construct

to a School disorder construct. Limitations in the source data and the measurement model existed in that analysis, so the findings must be considered tentative.

We would argue that although it may be appealing to think of the relationship more as being reciprocal, the present direction of the arrow is most appropriate because the procedures and policies governing the management of the school premises are of a more long-term, stable nature, where incidents of violence and disruption are more varying, short term, intermittent phenomena. In turn, it would be the more stable, in place procedures that would tend to exert some type of controlling or causal influence on the outcome of disorder. The factor loadings of 0.68 and 0.35 going to the measured variables Ordpers and Ordphys, respectively, suggest the relative contributions of the hypothesized construct to the measured variables.

RS enables racial bias

Forman, 2011 [SARAH JANE FORMAN, Assistant Professor of Law at the University of Detroit, "CRIMINALIZATION: TOWARD A YOUTH DEVELOPMENT APPROACH TO SCHOOL SEARCHES," *The Scholar*, <https://www.luminpdf.com/viewer/9weuYaGsC3F92eYJc>] MJS

If anyone and anything can be viewed as suspicious, the exercise of discretion becomes particularly susceptible to all kinds of bias, including racial bias because determining what constitutes a reasonable suspicion is based on a subjective interpretation of behavior.⁹¹ **Potentially innocent behavior can become a reasonable suspicion to search when "deep-seated, perhaps unconscious, affections, fears, and aversions" affect decision-making.**⁹² The cultural narrative of the dangerous young Black thug distorts the perception of all urban adolescents.⁹³ Therefore, like officers on the street, school officials—no matter how well-meaning—are influenced in their decision making process by race-based stereotypes about students.⁹⁴ While explicit bias is relatively easy to prove and clearly illegal, implicit bias is almost impossible to prove and can impact discretionary decisions to much the same effect.⁹⁵ As a result, students of color are more likely to be singled out for searches than their White counterparts.⁹⁶ The effects of this kind of disparate treatment on adolescents will be discussed later, but the potential for biased decision making inherent in reasonable suspicion is, in and of itself, a cause for concern.

Searches disproportionately target and punish minorities

HLR, 2015 [Harvard Law Review, 2015, "Policing Students," *Harvard Law Review* <http://harvardlawreview.org/2015/04/policing-students>] JSM

The Reasonable Suspicion Standard Interacts Problematically with Criminalized Schools. — **As many scholars have described, the burdens of increasingly criminalized public schools fall most heavily on racial minorities, children with disabilities, and children from low-income families. Studies show that racial disparities are largest where the offense — be it a violation of a school rule or a law — requires a subjective determination, that is, something like "Disturbing Schools" rather than weapon possession. That subjective violations are disproportionately enforced against minority students could very well**

indicate that police in schools are more likely to have their “reasonable suspicion” raised against such students. If police are more likely to view a particular action as disruptive if it is performed by a minority student than if it is performed by a white student, then **police may be more likely to view behaviors exhibited by minority students as suspicious, even if no conscious racism is involved. Additionally, minority students are more likely to feel the full weight of student searches’ practical harms because those students are more likely to face criminal charges for anything found [in] incident to those searches.**

Child arrest leads to twice as many adult arrests

HLR, 2015 [Harvard Law Review, 2015, “Policing Students,” *Harvard Law Review* <http://harvardlawreview.org/2015/04/policing-students>] MJS

Fourth, time in juvenile prison can have a devastating impact on the course of a child’s life. **Juvenile incarceration makes a person significantly more likely to end up in the adult criminal justice system later.** For example, one study of 35,000 juvenile offenders “found that **those who were incarcerated as juveniles were twice as likely to go on to be locked up as adults as those who committed similar offenses and came from similar backgrounds but were given an alternative sanction or simply not arrested.**” In addition, **students who spend time in juvenile prison are significantly less likely to graduate from high school.** Even for students who are not charged, simply being arrested reduces the odds that they will graduate. Such a system should trouble even those who prefer a “tough on crime” approach, as there is no evidence it is making schools or communities safer.

Random drug tests occur in SQUO

Ingraham, April 2015 [Christopher Ingraham, reporter, “School drug tests: Costly, ineffective, and more common than you think,” WashPo, <https://www.washingtonpost.com/news/wonk/wp/2015/04/27/schools-drug-tests-costly-ineffective-and-more-common-than-you-think/>] MJS

According to the Centers for Disease Control & Prevention, **about 18 percent of public high schools -- nearly 1 in 5 -- have mandatory drug testing policies** like the one Carroll County adopted. Like most of these programs, Carroll County’s only applies to athletes, students participating in other extracurricular activities (like marching band), and students who drive to school.

It may seem odd that a school can require your kid to get tested simply for joining, say, the chess club. But **the Supreme Court upheld the constitutionality of such programs in 2002.** “We find that testing students who participate in extracurricular activities is a reasonably effective means of addressing the school district’s legitimate concerns in preventing, deterring and detecting drug use,” Clarence Thomas wrote for the 5-4 majority.

But schools are increasingly pushing further. For instance, **a nationally-representative survey of 1,300 school districts found that among the districts with drug testing programs, 28**

percent randomly tested all students -- not just ones participating in after-school programs. These schools are opening themselves up to a legal challenge.

Drug testing causes mistrust

Yamaguchi, 2003 [Ryoko Yamaguchi, Lloyd Johnston, Patrick O'Malley, professors at U Michigan, "Making Sense of Student Drug Testing," Institute for Social Research (U Mich), http://www.drugpolicy.org/docUploads/Johnston_sdt_study.pdf] MJS

Hutton (1992) argued that **too often schools employ a drug-testing policy for symbolic reasons**. For example, schools may implement a drug-testing policy because drug use is a serious national concern or to set an example for a zero-tolerance policy, rather than basing the policy on well-defined local drug problems in a particular school or district. Hutton (1992) contends that **a drug-testing policy sends a message of mistrust and sets the stage for an antagonistic relationship between the school and the students**. While Hutton (1992) argues against enacting a drug-testing policy for merely symbolic reasons, school drug testing was still very rare in the 1990s (DeMitchell & Carroll, 1997; DeMitchell, 1995; Taylor, 1997).

Defense: School Violence/Drug Possession

Kaplan 2012 [Ellis, "School Violence Shatters Record," *New York Post*. Accessed at: <http://nypost.com/2012/08/29/school-violence-shatters-record/>.] //DNP

"School-violence stats have hit an all-time high since detailed record-keeping on fights, crimes and other incidents began in 2005, according to new State Education Department data. The record-breaking numbers show that **the overall count of incidents** — which include serious misdeeds like sexual assault and fighting, as well as minor altercations and infractions — **has skyrocketed by more than 50 percent since 2005**, to 68,313 incidents. Among the alarming all-time highs reported by schools in the 2010-11 school year: **Assaults with serious injury more than doubled since 2009. Assaults with a weapon more than doubled since 2008 — to 491. Drug possession jumped by more than 50 percent since 2008**, while alcohol possession more than doubled since 2006. Cases of intimidation and bullying nearly doubled since 2005 — to 7,612. Additionally, sex offenses hit their second-highest tally in recent years — with 2,028 cases documented.

Lack of 4th amendment protection in schools alienates students

Beger, 2004 [Randall R. Beger, associate professor in the Department of Sociology at the University of Wisconsin, "Increased School Security Measures Violate Students' Rights," *Opposing Viewpoints in Context*, http://ic.galegroup.com/ic/ovic/ViewpointsDetailsPage/ViewpointsDetailsWindow?failOverType=&query=&prodId=OVIC&windowstate=normal&contentModules=&display-query=&mode=view&displayGroupName=Viewpoints&limiter=&currPage=&disableHighlighting=false&displayGroups=&sortBy=&search_within_results=&p=OVIC&action=e&catId=&activityType=&scanId=&documentId=GALE%7CEJ3010340207&source=Bookmark&u=san59205&jsid=b54ee7c3af88a4bea6d0d812f1680d8a] MJS

Growing public anxiety over acts of violence in schools has prompted educators and state lawmakers to adopt drastic measures to improve the safety of students. In the wake of recent high-profile campus shootings, schools have become almost prison-like in terms of security and in diminishing the rights of students. Ironically, **a repressive approach to school safety may do more harm than good by creating an atmosphere of mistrust and alienation that causes students to misbehave.**

This article examines **law enforcement expansion in schools and the vanishing Fourth Amendment rights of public school children.** The climate of fear generated by recent school shootings has spurred school administrators to increase security through physical means (locks, surveillance cameras, metal detectors) and to hire more police and security guards. **State lawmakers have eagerly jumped on the school safety bandwagon by making it easier to punish school children as adults for a wide range of offenses that traditionally have been handled informally by teachers. Instead of safeguarding the rights of students against arbitrary police power, our nation's courts are granting police and school officials more authority to conduct searches of students.** Tragically, little if any Fourth Amendment protection now exists to shield students from the raw exercise of police power in public schools.

Besides police controlled canine searches, schools are turning to sting operations in which undercover law enforcement officials pretend to be students to conduct actual criminal investigations of students suspected of using or dealing drugs in the school setting. In Los Angeles, for example, undercover officers made over 200 drug buys over a five-month period at local schools. Opponents of **school-based sting operations** say they not only **create a climate of mistrust between students and police**, but also put innocent students at risk of wrongful arrest due to faulty tips and overzealous police work. When asked about his role in a recent undercover drug probe at a high school near Atlanta, a young-looking police officer who attended classes and went to parties with students replied: "I knew I had to fit in, make the kids trust me and then turn around and take them to jail."

RS creates narrative that labels kids as criminals, makes them more likely to commit crimes

Forman, 2011 [SARAH JANE FORMAN, Assistant Professor of Law at the University of Detroit, "CRIMINALIZATION: TOWARD A YOUTH DEVELOPMENT APPROACH TO SCHOOL SEARCHES," The Scholar, <https://www.luminpdf.com/viewer/9weuYaGsC3F92eYJc>] MJS

The dominant narrative of youth criminalization, which applies in particular force to inner-city minority students, casts school children as dangerous, violent, drug-dealing, gang-affiliated, out-of-control troublemakers. Teachers and fellow students need protection from these menacing ambassadors of street thuggery.¹⁵ The Supreme Court adopted this narrative in New Jersey v. T.L.O.,¹⁶ where, under the rubric of school safety, students were stripped of the full protection afforded by the Fourth Amendment; probable cause, rather than reasonable suspicion, became the standard in school searches.¹⁷ The sacrifice of students rights in the name of public safety comes at a cost, especially because public schools provide such an important forum for democratic socialization.

School is where children learn about the law and, at times, encounter the law first hand. Those encounters can either foster constitutional notions of autonomy and individual liberty, or undercut them. Moreover, society has an interest in the development of “fundamental values necessary to the maintenance of a democratic political system.”¹⁸ Models of school discipline that undervalue these concepts through reduced individual privacy for students and the increased use of law enforcement officers to enforce school rules “constructs a narrow range of meaning through which young people define themselves” because law, and the Constitution in particular, is more than just a set of rules.¹⁹ It also serves as a tool of political and legal socialization, sending a normative message to those within its reach about their relationship with government, society, and the law itself.

What kind of message is conveyed when students are subjected to pats, frisks, sniffs, and searches on a regular basis? Children, particularly adolescents, who are subjected to these searches under the very low bar of reasonable suspicion, may feel that the law is unfair and question its legitimacy because they have been treated with distrust and disrespect by adults in positions of authority.²⁰ **Even if they do not understand the vagaries of reasonable suspicion and how it differs from probable cause, young people can appreciate basic concepts of fairness, dignity and respect.**²¹ **Repeated experiences with legal actors who seem to abuse their authority contributes to a sense of humiliation, rejection, and alienation that eventually leads students to seek acceptance and recognition in other, less “mainstream” venues.**²² The constant suspicion with which students are regarded under the current paradigm pushes them into a defensive posture that hinders their ability to become active and engaged citizens of their community and nation.²³ **Disengaged from the “fundamental values necessary to the maintenance of a democratic political system,” youth salvage their dignity by plugging into an oppositional culture born in despair and steeped in violence, decreasing the legitimacy of the rule of law, and, in some instances, feeding the school-to-prison pipeline.**

This anti-social conditioning is particularly detrimental to high school age youth because adolescents are undergoing significant psychological, intellectual, and emotional development. Brain science and developmental psychology tell us that adolescent youth are in the process of developing their identities and understanding their place in society.²⁵ During this time, **youth are being “hardwired,” shaped and programmed into patterns of thought and behavior that impact the way they interact with the world around them and determine what kind of adults they will become.**²⁶ As a result, they have very fragile identities that make them particularly vulnerable to outside pressures and influences.²⁷ During the teenage years, children learn as much from their social interactions with peers and authority figures as they do from textbooks.²⁸ **Therefore, the draconian disciplinary policies of America’s urban public schools, where children are viewed with suspicion and treated like threats, create a self-fulfilling prophecy—when students are treated as threats to society, they become threats to society.**

Trust is key to educational experience

Dupre, 1996 [Anne Proffitt Dupre, UGA law professor, "Should Students Have Constitutional Rights?"

http://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1541&context=fac_artchop] MJS

By inserting the reconstruction model into the Supreme Court's opinions, Tinker did more than merely allow a protest over Vietnam. It paved the way for the decline in school order and educational quality. It even helped to change student perceptions. The underlying message-a message that has infected to some degree nearly every opinion since Tinker was written-is that, according to the highest court in the land, teachers should be treated like adversaries that should be confronted and challenged, because they are untrustworthy in dealing with students. In undermining the trust between teacher and student, the Court tore at the very fiber of the education enterprise. Even if not singularly responsible for school decline, the Court's opinions have sent public messages that undermine the school's efforts to provide students with a serious education. There is no "pedagogical device" to guarantee that a student will achieve.³⁴¹ The success of the education enterprise "depends upon the formation of relationships between students and teachers premised on trust. '³⁴² The trust between student and teacher is "vital, because it evokes student 'motivation to learn ... independently of teacher demands for compliance.' ³⁴³ But trust is a "personal bond" that is easily damaged and "may well be impossible to attain if students begin to perceive pedagogical objectives as alien to their own needs."³⁴⁴

Trust is key to students reporting bullying

No Bullying, April 2016 ["Reporting Bullying and the Aftermath," No Bullying,

<https://nobullying.com/reporting-bullying-and-the-aftermath/>] MJS

What do you need for reporting bullying? As a teacher, it is your responsibility to protect students and make sure school is a safe environment for them. For this reason, teachers are often one of the top people to whom children are likely to report bullying so something can be done about the problem. Children who are bullied should be able to count on their teachers to be able to help them overcome the problem, handle it effectively and even put a stop to it so they can feel safe at school once again.

The most important thing teachers can do for their students is to build up a sense of trust. When students feel you are someone they can trust, they are more likely to come to you when they experience cyberbullying and other similar behavior in real life. Students need to feel confident you will listen to their concerns without brushing them off as if they are insignificant and will actually take action to help them learn how to handle the problem and even offer your assistance in the matter. Sometimes all a student needs is an ear to listen so he/she can sort things out and determine what he needs to do.

Searches ~ 4x more delinquency

Johnson, 2015 [Rachel Johnson, "How Students Became Criminals: The Similarities Between "Stop and Frisk" and School Searches and the Effect on Delinquency Rates" *American University Washington College of Law*

Based on the collection and analysis of the researchers' findings, they concluded that **simply being stopped by the police has a negative impact on the delinquent behaviors and attitudes of juveniles.**¹⁰² **Comparing a stopped juvenile to a juvenile with no police contact, the researchers found that the stopped juvenile is less likely to experience guilt for committing delinquent behavior, more likely to make a commitment to negative peer groups, and more likely to engage in delinquent behavior.**¹⁰³ **Therefore, when involved in a "stop and frisk" type encounter with law enforcement, a juvenile is four times more likely than a juvenile without a "stop and frisk" encounter to commit delinquent behaviors post-encounter.**¹⁰⁴

The researchers argue that their findings support the labeling theory of delinquency by providing more evidence to show that increased contact with law enforcement increased delinquent behavior in juveniles.¹⁰⁵ The study concludes by connecting the results of the study to the benefits of diversion programs for delinquent youth. **The researchers postulate that the positive effects of diversion programs may not even be felt because the negative effects of police contact may have already been experienced in a seemingly minor "stop and frisk" encounter, calling for an increase in positive interactions between youth and law enforcement to help stop this problem.**¹⁰⁶ **This study supports the premise that "stop and frisk" searches increases delinquency in juveniles.**¹⁰⁷

"The Supreme Court requires that a "stop and frisk" search be based on reasonable suspicion of criminal activity, that additional reasonable suspicion is identified for each additional intrusion, and that a reasonable person would not feel free to leave during the encounter.¹⁰⁸ In the school context, the Supreme Court requires that an administrative search be based on reasonable suspicion of criminal activity or a violation of a school policy, that additional reasonable suspicion be identified to justify additional searches, and that a reasonable student would not feel free to leave during the search.¹⁰⁹ **School searches are analogous to a "stop and frisk" because they are conducted based on reasonable suspicion, producing the same increase in delinquency rates among juveniles.**"

"School searches are analogous to a "stop and frisk" because they require that each further intrusion be executed based on additional reasonable suspicion, producing the same increase in delinquency rates among juveniles."

"School searches are analogous to a "stop and frisk" because they require that the search be conducted in an environment that a reasonable person would not feel free to leave, producing the same increase in delinquency rates among juveniles."

“Based on the sociological studies and statistical findings linking “stop and frisks” to increased delinquency, school searches produce the same increase in delinquency rates in juveniles as do “stop and frisk” searches.”

“This new research, when paired with the search data, shows a causal link between “stop and frisk” type searches and delinquent behavior.¹⁹⁰ The causal link between “stop and frisk” searches and delinquency can now be applied to school searches. Administrative searches in schools are now equal to “stop and frisk” searches because of the constitutionally equal standards for school searches and “stop and frisk” searches, thus making the effects on delinquency equal as well. The combination of similar judicial standards for “stop and frisks” and school searches, an increase in school searches of juveniles, an increase in “stop and frisk” searches of juveniles, and new research showing that police interactions increase delinquent behavior in juveniles, may prove to be detrimental for the adolescent population.”

Daniels, 2012 [Ellen Daniels “U.VA. STUDY LINKS PREVALENCE OF BULLYING, TEASING TO HIGH DROPOUT RATES” *University of Virginia*,
<https://news.virginia.edu/content/uva-study-links-prevalence-bullying-teasing-high-dropout-rates>]
JSM

Study by Dewey Cornell

“According to Cornell, the survey found that the dropout rate was 29 percent above average in schools with high levels of teasing and bullying, but 28 percent below average in schools with comparatively low levels of teasing and bullying.

“The study demonstrated that the link between bullying and dropout rates was not due to differences in student demographics, such as the number of students from low-income families,” Cornell said. “The study found that high levels of bullying in the school increased dropout counts from 18.6 students to 25.3 students in schools with high levels of low-income students and increased the dropout counts from 13.7 students to 18.6 students in schools with few low-income students.””

Searches ~ 4x more delinquency

Johnson, 2015 [Rachel Johnson, “How Students Became Criminals: The Similarities Between “Stop and Frisk” and School Searches and the Effect on Delinquency Rates” *American University Washington College of Law*
http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1044&context=stusch_lawreview]
JSM

Based on the collection and analysis of the researchers’ findings, they concluded that **simply being stopped by the police has a negative impact on the delinquent behaviors and attitudes of juveniles.¹⁰² Comparing a stopped juvenile to a juvenile with no police contact, the researchers found that the stopped juvenile is less likely to experience guilt for committing delinquent behavior, more likely to make a commitment to negative peer**

groups, and more likely to engage in delinquent behavior.¹⁰³ Therefore, when involved in a “stop and frisk” type encounter with law enforcement, a juvenile is four times more likely than a juvenile without a “stop and frisk” encounter to commit delinquent behaviors post-encounter.¹⁰⁴

“This new research, when paired with the search data, shows a causal link between “stop and frisk” type searches and delinquent behavior.¹⁹⁰ The causal link between “stop and frisk” searches and delinquency can now be applied to school searches. Administrative searches in schools are now equal to “stop and frisk” searches because of the constitutionally equal standards for school searches and “stop and frisk” searches, thus making the effects on delinquency equal as well. The combination of similar judicial standards for “stop and frisks” and school searches, an increase in school searches of juveniles, an increase in “stop and frisk” searches of juveniles, and new research showing that police interactions increase delinquent behavior in juveniles, may prove to be detrimental for the adolescent population.”

Teachers are harsh, racist, classist

Nance 15 [Jason Nance, Associate Professor of Law, “Students, police, and the school-to-prison pipeline” *Washington University Law Review*

https://drive.google.com/drive/u/1/folders/0B1JvP1_pVSFMdjRQdUtKSTc2VG8] JSM

Unfortunately, **many educators have adopted a harsh, punitive mindset towards disciplining students for relatively minor infractions, especially minority students who live in poor, inner-city areas.** The reasons for these attitudes are multi-layered and complex. **Perhaps the punitive laws and policies promulgated by lawmakers have influenced educators’ mindsets and attitudes to a certain degree.** It also seems plausible that some teachers and school officials summon police officers already patrolling the school hallways to handle a classroom disturbance out of convenience. In addition, **there is troubling empirical evidence suggesting that some teachers and school officials believe that some students, particularly African-American males, are “bound for jail” and “unsalvageable.”⁹⁷** But there is another powerful, systemic, driving force at work as well: the failure of our nation to provide adequate resources for schools to properly educate the growing number of students with acute needs.⁹⁸

Link: School specific rights restrictions make people more receptive to limited rights as adults

Dodd, 2000 [Victoria J Dodd, “Student Rights: Can We Create Violence-Free Schools That Are Still Free?” *New England Law Review*, Vol. 34, p. 623, 2000. Available at SSRN:

<http://ssrn.com/abstract=1113167>] CJC

But what have we accomplished? **Students are now attending public school with the expectation and experience of a constitutionally constrained setting. This may make them in turn more receptive, as adults, to similar rights limitations, or at least complacent should adult rights infringements occur.** In addition, in the past the Supreme Court has used

the school setting to establish new constitutional doctrine, which then the Court later applied in broader contexts. De-segregation⁸¹ and affirmative action⁸² are two examples of legal doctrines that began in the public school context and then were given wide effect. The school cases discussed in this article may very well be harbingers of trends in other adult areas of rights. The Supreme Court has already granted certiorari this term to several adult search cases which could rely on student search precedents. ⁸³

Link: Strict Security Measures that limit privacy make students more accepting of limited privacy in the future

Nance 2013 [Jason Nance is PhD and assistant professor of law at the University of Florida Levin College of Law. “Random, Suspicionless Searches of Students Belongings: A Legal, Empirical, and Normative, Analysis”, University of Colorado Law Review, <<http://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1295&context=facultypub>>] //CJC

Strict security measures also skew students’ mindsets about constitutional values and the role of government in their lives, causing students to discount important constitutional rights. As Betsy Levin explains, schools play a critical role in helping students learn skills and values that enable them to exercise the responsibilities of citizenship and benefit from participation in a free economy.¹⁷⁶ Those values include the right to privacy.¹⁷⁷ If schools do not honor students’ constitutional rights, schools cannot effectively teach students about those rights.¹⁷⁸ This principle has been observed by the Supreme Court as early as 1943 when it stated: “That [schools] are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.” Furthermore, **school officials’ treatment of students in schools socializes students to tolerate and expect similar treatment by government officials outside of schools. If students encounter drug sniffing dogs, metal detector checks, frisks, and authorities rummaging through their personal belongings on a regular basis, these practices will seem normal to them. The citizenry now may have divergent views regarding individual privacy rights and the role the government should play in our personal lives, but as the rising generation becomes more accustomed to more intrusive invasions, it is possible that those healthy debates may shift towards greater acceptance of strict security measures or disappear altogether.**

Privacy is the top priority – it’s a gateway right that shapes individual autonomy.

PoKempner ‘14 [Dinah PoKempner is general counsel of Human Rights Watch. A graduate of Yale and Columbia University School of Law and a member of the Council on Foreign Relations, Ms. PoKempner also teaches at Columbia University. “World Report 2014”, Human Rights Watch, <<http://www.hrw.org/world-report/2014>>] //CJC

In a world where we share our lives on social media and trade immense amounts of personal information for the ease and convenience of online living, **some have questioned whether privacy is a relevant concept. It is not just relevant, but crucial. Indeed, privacy is a**

gateway right that affects our ability to exercise almost every other right, not least our freedom to speak and associate with those we choose, make political choices, practice our religious beliefs, seek medical help, access education, figure out whom we love, and create our family life. It is nothing less than the shelter in which we work out what we think and who we are; a fulcrum of our autonomy as individuals.

Impact: Privacy k2 democracy

Truthout, 13- nonprofit organization dedicated to revealing systemic injustices and providing a platform for transformative ideas, ("Without Privacy There Can Be No Democracy", Truthout, September 24th 2013,

[//AP](http://www.truth-out.org/opinion/item/19039-without-privacy-there-can-be-no-democracy)

The president of Brazil, Dilma Rousseff, spoke this morning at the United Nations and delivered a powerful indictment of spying by the NSA on behalf of the United States. She said, "Without respect for a nation's sovereignty, there is no basis for proper relations among nations," adding that "Brazil knows how to protect itself. Brazil ... does not provide shelter to terrorist groups. We are a democratic country." The Brazilian president is so outraged at American spying, both on her country and on her personal emails and her personal life, that she canceled a state dinner with President Obama. While most Americans see this as a rift between Brazil in the United States over the issue of our spying on them, President Rousseff highlighted the most important point of all elsewhere in her speech this morning. She said, **"Without the right of privacy, there is no real freedom of speech or freedom of opinion, and so there is no actual democracy."** This is not just true of international relations. It's also true here within the United States. Back before the Kennedy administration largely put an end to it, J Edgar Hoover was infamous in political circles in Washington DC for his spying on and blackmailing of both American politicians and activists like Martin Luther King. He even sent King tapes of an extramarital affair and suggested that King should consider committing suicide. That was a shameful period in American history, and most Americans think it is behind us. But the NSA, other intelligence agencies, and even local police departments have put the practice of spying on average citizens in America on steroids. As Brazil's President points out, **without privacy there can be no democracy. Democracy requires opposing voices; it requires a certain level of reasonable political conflict. And it requires that government misdeeds be exposed.** That can only be done when whistleblowers and people committing acts of journalism can do so without being spied upon. Perhaps a larger problem is that well over half – some estimates run as high as 70% – of the NSA's budget has been outsourced to private corporations. These private corporations maintain an army of lobbyists in Washington DC who constantly push for more spying and, thus, more money for their clients. With the privatization of intelligence operations, the normal system of checks and balances that would keep government snooping under control has broken down. We need a new Church Commission to investigate the nature and scope of our government spying both on our citizens and on our allies. But even more than that we need to go back to the advice that President Dwight Eisenhower gave us as he left the presidency in 1961. Eisenhower warned about the rise of a military-industrial complex, suggesting that private forces might, in their search for profits, override the protective

mechanisms that keep government answerable to its people. That military-industrial complex has become the military-industrial-spying-private-prison complex, and it is far greater a threat to democracy than probably was envisioned by Eisenhower. Government is the protector of the commons. Government is of by and for we the people. Government must be answerable to the people. When the functions of government are privatized, all of that breaks down and Government becomes answerable to profit. It's time to reestablish the clear dividing lines between government functions and corporate functions, between the public space and the private space. A critically important place to start that is by ending the privatization within our national investigative and spying agencies.

TLO and RS standard have been applied to searches of public employees

Mawdsley, 2004 [Ralph Mawdsley, Cleveland State University, "School Board Control Over Education and a Teacher's Right to Privacy,"

http://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=1730&context=fac_articles]

MJS

In *Earls*, the Court, reinforcing its decision in *Vernonia* by upholding mandatory universal and random drug testing for students participating in extracurricular activities, observed that individualized suspicion for a search was not required because of "the schools' custodial and tutelary responsibility for children." 57 The *Earls* Court opined that "[w]hile school children do not shed their constitutional rights when they enter the schoolhouse" under *Tinker v. Des Moines Independent Community School District*, the Court in *Vernonia* added that "Fourth Amendment rights... are different in public schools than elsewhere."⁵⁹ Clearly, the context for diminished privacy in *T.L.O.*, *Vernonia*, and *Earls* involves students, but one can argue that **setting a lower reasonable suspicion standard for students and requiring a higher probable cause standard for teacher searches in the same school environment would be inconsistent and anomalous. Because teacher constitutional rights in schools owe their origin to the same *Tinker* Court decision as for students,⁶¹ teacher rights, arguably, should be subject to the same ebb and flow of Supreme Court interpretation as for student rights.**

In the absence of a Supreme Court decision addressing school employee search and seizure, the closest case is *O'Connor v. Ortega* where the Court, relying heavily on *T.L.O.*, set forth guidelines for search and seizure of public employee property.

In *O'Connor*, public hospital supervisors conducted a search of the office of a doctor in charge of residents, purportedly looking for evidence of alleged sexual harassment and suspected coercion of past residents to donate money for the doctor's new computer. The search, which involved mainly looking through the doctor's personal possessions, revealed no evidence of either allegation. When completed, the doctor's personal possessions and hospital property were boxed together, and despite the supervisors' claim that they entered the office in part to take inventory, no inventory in fact was taken. **In applying *T.L.O.*, the Court in *O'Connor* opined that the employer must "balance the invasion of the employee's legitimate expectations of privacy against the government's need for supervision, control, and the efficient operation of the workplace.** 63 The Court defined workplace broadly so as to include

all of those areas over which the employer exerts control, which for teachers could include areas such as hallways, break rooms, desks, file cabinets, and classrooms. 64

Reasonable Suspicion → More Searches

Nance 15 [Jason Nance, “Students, police, and the school-to-prison pipeline” *Washington University Law Review*

https://drive.google.com/drive/u/1/folders/0B1JvP1_pVSFMdjRQdUtKSTc2VG8] JSM

“Despite the Supreme Court’s ambitious pronouncement that students do not “shed their constitutional rights ... at the schoolhouse gate,”⁷³ students’ constitutional protections with respect to investigation, detainment, interrogation, and punishment at school are quite limited.⁷⁴ For example, **over the last few decades, courts have weakened students’ Fourth Amendment rights in schools in order to support school officials in their efforts to promote safety and discipline within schools.**⁷⁵ **This movement in the law has emboldened school officials to rely on intense surveillance methods to maintain control. Before conducting a search, school officials need not obtain a warrant, show probable cause, or have an individualized suspicion that a student violated a school rule.**⁷⁶ Consequently, **school officials may rely on a host of suspicionless search practices in schools to uncover violations of school rules. For instance, school officials may use metal detectors,**⁷⁷ **search through students’ lockers,**⁷⁸ **conduct random sweeps for contraband,**⁷⁹ **and install surveillance cameras in the hallways and public rooms throughout the school.**⁸⁰ In fact, many schools throughout the country routinely rely on these strict measures to monitor ⁸¹ In addition, school officials may interrogate students without providing Miranda warnings, regardless of how serious the suspected offense might be or the possibility that the student might be referred to law enforcement for wrongdoing.⁸² Some courts have even held that it is unnecessary to provide these constitutionally-based protections when a police officer participates in the investigation.⁸³ **These methods, especially when coupled with the zero tolerance policies, end up pushing more students out of school or directly into the juvenile justice system.**⁸⁴

Trust is important for kids to report bullying to teachers

Oliver/Candappa 2003 [“Tackling Bullying: Listening to the Views of Children and Young People,” *University of London*

In focus group discussions, the advantages and disadvantages of reporting bullying to teachers were considered at length. In general, this option precipitated loud protests from pupils concerning a perceived lack of confidence in teachers’ willingness to believe pupils, or to take their complaints seriously. Some pupils felt that teachers were biased in their responses, or failed to thoroughly investigate incidents of bullying. **Trust emerged as an important issue: as one pupil put it: ‘you would have to trust them first. And tell them not to tell anyone else’.**

Trust needed to prevent suicide

Lieberman, 2006 [Richard Lieberman, Scott Poland, and Katherine Cowan, 2006, "Suicide Prevention and Intervention," *National Association of School Psychologists*, <https://www.nasponline.org/Documents/Resources%20and%20Publications/Handouts/Families%20and%20Educators/Suicide%20Intervention%20in%20Secondary%20Schools%20NASSP%20Oct%202006.pdf>] JSM

"In addition to developing the capacity to identify and intervene with students at risk, **a key underpinning of school prevention efforts is creating a culture of connectedness in which students, both those at risk and their peers who may know something, trust and seek the help of school staff members.** Specifically, school suicide prevention programs should include awareness education and screening, crisis and mental health team coordination, collaboration with community services, reliance on evidence based strategies, and clear intervention and "postvention" protocols."

Third leading cause of death among teenagers

Center for Mental Health in Schools at UCLA, 2016 ["School Interventions to Prevent Youth Suicide," No Publication, <http://smhp.psych.ucla.edu/pdfdocs/sampler/suicide/suicide.pdf>] MJS 7-14-2016

Many high school students reported that they had seriously considered suicide in the past year (CDC, 2010a). • **Suicide is the third leading cause of death among teenagers (CDC, 2009a).** • One out of every 53 high school students (1.9 percent) reported having made a suicide attempt that was serious enough to be treated by a doctor or a nurse (CDC, 2010a). • For each suicide death among young people, there may be as many as 100 –200 suicide attempts (McIntosh, 2010). • Approximately 1 out of every 15 high school students attempts suicide each year (CDC, 2010a). • The toll among some groups is even higher. For example, the suicide death rate among 15–19-year-old American Indian/Alaska Native males is 2½ times higher than the overall rate for males in that age group (Heron, 2007).

Although suicide is the third leading cause of death among youth ages 10-19 in the U.S., many school districts do not have comprehensive policies and procedures in place relating to youth suicide and its prevention. **In a typical high school, it is estimated that three students will attempt suicide each year, while even more seriously consider attempting suicide or report feeling sad or hopeless almost every day for weeks at a time.** School district policies and procedures can help schools ensure that students in crisis are referred to supportive resources and that suicides within the school community are addressed appropriately. By having clear policies and procedures in place concerning suicide prevention, intervention, and postvention, schools can act to reduce the risk of suicide and to prevent suicide contagion.

17% of high school students seriously think about committing suicide

Child Trends, August 2014 ["Suicidal Teens," <http://www.childtrends.org/?indicators=suicidal-teens>] MJS 7-14-2016

The percentage of high school students who reported that they had thought seriously about committing suicide in the last year declined from 29 percent in 1991 to 14 percent in

2009. However, in 2011 and 2013, the percentage significantly **increased, to 17 percent**. The proportion of students who reported having attempted suicide remained relatively constant in the 1990s and early 2000s (between seven and nine percent), but the percentage declined between 2005 and 2009, from eight to six percent. This trend also reversed in 2011, increasing to eight percent, but remained steady between 2011 and 2013. A much smaller proportion, two to three percent of high school students, reported requiring medical attention as a result of a suicide attempt, and this proportion remained constant between 1991 and 2009. However, the proportion increased significantly between 2009 and 2013, from 1.9 to 2.7 percent. (Figure 1)

1 million deaths each year

Susan Wile Schwarz, 6-1-2009 ["Adolescent Mental Health in the United States," NCCP, http://www.nccp.org/publications/pub_878.html] MJS 7-14-2016

Between 500,000 and one million young people aged 15 to 24 attempt suicide each year.

Reasonable suspicion allows race as a main factor

Harris, 2003 [David A. Harris, Balk Professor of Law and Values, University of Toledo, "USING RACE OR ETHNICITY AS A FACTOR IN ASSESSING THE REASONABLENESS OF FOURTH AMENDMENT ACTIVITY: DESCRIPTION, YES; PREDICTION, NO," Mississippi Law Journal, 2003, <http://www.olemiss.edu/depts/ncjrl/pdf/LJourn03Harris.pdf>] //ES

The Court considered the difference between the roving patrol in *Brignoni-Ponce* and the fixed checkpoint in *Martinez-Fuerte* to be a critical factor in its decision on an important issue: unlike roving patrols which required some modicum of fact-based suspicion to allow a stop, fixed checkpoints did not require any individual suspicion.⁴² Police officers need not have any reason to suspect any particular vehicle or its occupants of involvement in wrongdoing in order to make a brief stop at a fixed checkpoint.⁴³ **More important for this discussion, however, is that the Court made clear that the Mexican appearance of the vehicle's occupants could play a role in sustaining a claim that law enforcement officers had had reasonable suspicion to make a stop; it was permissible for race to be one of several factors.** ⁴⁴ "[I]t is constitutional," the Court said, "to refer motorists selectively to the secondary inspection area . . . on the basis of criteria that would not sustain a roving-patrol stop. Thus, even if it be assumed that such referrals are made largely on the basis of apparent Mexican ancestry, we perceive no constitutional violation."⁴⁵ The Court erased any lingering doubt on the issue by citing directly to *Brignoni-Ponce* 's tentative and hypothetical answer to the question.⁴⁶ Thus, after *MartinezFuerte* the law was clear. **A person's ancestry, as manifested in his appearance, could indeed form at least part of the basis for a decision about whom to stop, question and search. In fact, suspicion might be based "largely" on ethnic appearance.**⁴⁷ **The Constitution did not prohibit this.**

Thus, as we ask what the law is regarding whether police can use race or ethnic appearance to assess the reasonableness of Fourth Amendment intrusions, the answer is not all that difficult to figure out. Yes, race or ethnic appearance can indeed play a role in

at least certain situations to assess possible suspects, as long as it is not the only factor in doing so. And the courts cannot do anything in a criminal action to address the use of race or ethnic appearance, at least as far as suppressing evidence under the Fourth Amendment. Given how difficult it will be for plaintiffs to obtain redress in a civil action, **the Court has sent police departments a message**: no, it is not legal to use race or ethnic appearance by itself to assess whether or not someone is suspicious, but you can do it if you consider any other factors along with it. And **if you do use race or ethnic appearance alone, don't worry too much. There is a risk of a lawsuit, but it is vanishingly small.**

Probable Cause Standard Would Require Warrants

Benjamin Tiller, Saint Louis University, Pg. 614, 2014.

This Note does not seek to encourage the suppression of individual rights, liberty, or autonomy. There is no question that “students do not shed their constitutional rights . . . at the schoolhouse gate.” However, while society protects the rights of students, it must not forget to also protect their health and safety. American schools are experiencing substantial gun, violence, and drug problems that have no end in sight. It is the legal duty of schools and school resource officers to identify and resolve these problems—something they cannot do without the flexibility to quickly intervene and resolve dangerous situations. **If probable cause were the standard, teachers and resource officers would be forced to apply for a search warrant to search students.**

Unfortunately, the time this would take could be the difference between life and death for students. With the reasonable suspicion standard, though, like what happened in *In re Josue T.* and *In re William V.*, schools will be safer because teachers and resource officers will be able to respond quickly and prevent violence before it occurs.

Securitization leads to increase in crime and disruption

Nickerson 2008 [Amanda, “School Violence: Associations With Control, Security/Enforcement, Educational/Therapeutic Approaches, and Demographic Factors,” *RedOrbit*. Accessed at:http://www.redorbit.com/news/education/1484090/school_violence_associations_with_control_security_enforcement_educationaltherapeutic_approaches_and_demographic/.] //DNP

Schools use a variety of strategies to prevent and reduce violence, which may be conceptualized broadly as **emphasizing physical safety and security** or focusing primarily on psychological safety. A focus on physical safety is often **characterized by a “get tough” approach that includes zero tolerance policies** (e.g., suspending students who violate school rules), **restricting autonomy through the use of punitive measures, and policing functions, such as hiring resource officers and installing metal detectors** (Noguera, 1995; Pagliocca & Nickerson, 2001). Approaches concerned with psychological safety are often educational or therapeutic, with the assumption that improving school climate, involving parents, teaching conflict resolution, and counseling prevent and reduce school disruption and crime (Noguera; Pagliocca & Nickerson).

Overall, results of this study indicated that (a) demographic variables account for substantial variance in disruption and crime, and (b) **security/enforcement, or strategies used to secure the environment and enforce rules** (e.g., security guards, suspension), **was associated with more incidents of school crime and disruption.** These findings are consistent with findings from over two decades ago revealing that community and demographic variables contribute the most variance to student delinquency (Gottfredson & Gottfredson, 1985). The finding that larger schools and those with a greater percentage of students receiving special education services reported more school crime and disruption is consistent with past research (Kaplan & Cornell, 2005; Khoury-Kassabri et al., 2004). Interestingly, location in urban areas was associated with school crime but not disruption, and neighborhood crime was related to school disruption but not crime. That SES did not contribute to school crime and disruption is also puzzling. It is possible that the percentage of children receiving free and reduced-cost lunch

was not an adequate indicator of SES. Alternatively, Wright, Caspi, Moffitt, Miech, and Silva (1999) found that both low SES and high SES were related to delinquency (low SES promoted delinquency through increased alienation, aggression, decreased educational aspirations; high SES promoted delinquency via increased risk taking, social power, decreased conventional values), which may explain the lack of correlation in the current study. It is also possible that a third factor not measured in this study, such as parental management practices, mediated the relationship between SES and school crime and disruption. It is noteworthy that the security/ enforcement approach had near zero-order correlations with demographic variables, whereas control, and, to a lesser extent, educational/ therapeutic approaches were related to some of these variables. It is possible that there were differential demographic effects on specific practices within each approach that were not detected in our analyses. For example, Nickerson and Spears (2007) found that city school principals, as opposed to rural school principals, were more likely to report using security, but rural schools were more likely than other schools to suspend students without services. It is also possible that some of these practices (e.g., suspension, detention, use of law enforcement) are so widespread among schools that specific demographics are not related to these strategies.

The significant relationship between security/enforcement and school crime and disruption is consistent with Mayer's and Leone's (1999) findings that student reports of a secure building were also positively associated with increased disorder in schools. In addition, past research has indicated that suspension leads to increased discipline problems in the future (Tobin & Sugai, 1996) and punitive procedures are used disproportionately with males and children from ethnic minority backgrounds (Skiba et al., 1997). Given these findings, administrators and policy makers should carefully assess the use of, need for, and outcomes of these practices.

Securitization Impacts: Laundry List (i.e GO HAM)

National Association of School Psychologists 2013 ["Research on School Security The Impact of Security Measures on Students," *NASP*. Accessed at:

<http://www.audioenhancement.com/wp-content/uploads/2014/06/school-security-by-NASP.pdf.>]

//DNP + CJC

The National Association of School Psychologists cautions against over-emphasizing extreme physical security measures or universally increasing armed security in schools as such strategies may undermine the learning environment while not necessarily safeguarding students.¹ When considering school-wide efforts to promote safety, NASP recommends addressing the continuum of needs and services that lead to improved

safety, well-being, and learning for children and youth, instead of the historical practice of primarily increasing school building **safety measures, such as armed security guards, metal detectors, and surveillance cameras.**² The decision to utilize armed security should be made based on the needs of individual schools and communities. NASP believes that armed security in schools should be provided only by school resource officers, police officers specially trained to work in schools. **Research on the impact of such security measures on students**

supports these recommendations. Trends in the Use of Security Measures in Schools · Sixty-eight percent of students ages 12–18 reported in 2009 the presence of security guards or police officers in their schools; 70% reported the use of security cameras; and 11% reported the use of metal detectors. ³ · In the 2009–10 school year, 61% of public schools reported that they used one or more security cameras to monitor their students (up from 19% in 1999-2000). By grade level, the rates were 84% of high schools, 73% of middle schools, and 51% of primary schools. ⁴ · Stringent security measures are increasingly being used in U.S. public schools, ⁵ even in schools

where there are no discernible threats to safety. ⁶ Schools are also employing strict discipline policies to keep students in line and maintain safety.⁷ **Impact of**

Security Measures on Violence · There is no clear evidence that the use of metal detectors, security cameras, or guards in schools is effective in preventing school violence.^{8,9,10,11} and

little is known about the potential for unintended consequences that may accompany their adoption.¹² · There has not been sufficient research to determine if the presence of metal detectors in schools reduces the risk of violent behavior among students. ¹³ · Some researchers have expressed concern about the widespread use of guards, cameras, and other security technologies, given that so little is known about their effectiveness. ^{14,15} · Research has found **security strategies, such as the**

use of security guards and metal detectors, to be consistently ineffective in protecting students¹⁶ and to be associated with more incidents of school crime and disruption¹⁷ and higher levels of disorder in schools.¹⁸ · Evidence from a school–police partnership

implemented in New York City reveals that **students in these schools continue to experience higher than average problems linked directly to future criminality, compared to students in other New York City schools not involved in the partnership.**¹⁹ · Surveillance cameras in schools may have the

effect of simply moving misbehavior to places in schools or outside of schools that lack surveillance. Even more troubling, it's possible that **cameras may function as enticement to large-scale violence,** such as in the case of the Virginia Tech shooter who mailed video images of

himself to news outlets.²⁰ Research suggests that **the presence of security guards and metal detectors in schools may actually increase levels of violence in schools by strengthening the influence of youth “street” culture with its emphasis on self-protection.**²¹ Impact on Students' Perceptions of Safety · The widespread public impression that schools are unsafe—fueled by rare, but highly visible school shootings—is contradicted by empirical evidence.^{22,23} In fact, schools are not only safe, but are arguably safer today than they were a decade ago.²⁴ · Research comparing the levels of fear among 12- to 18-year-old students before and after the Columbine tragedy found that, contrary to expectations, students were only slightly more fearful after Columbine.²⁵ In fact, evidence suggests that students believe their schools to be safe places and that their schools' security strategies are unnecessary.²⁶ · Analysis of media reports of the Columbine shooting suggests that perceptions of that tragedy were merged with terrorism as part of a broad framework of fear and national security,²⁷ stimulating increased use of stringent security measures in U.S. schools.^{28,29} · **Studies have shown that the presence of security guards and metal detectors in schools negatively impacts students' perceptions of safety and even increases fear among some students.**^{30,31} · **Many types of school security correspond with a significantly greater likelihood that students will be worried about crime**—while none reduce feelings of worry.³² · The use of metal detectors is negatively correlated with students' sense of safety at school, even when taking into account the level of violence at the schools.³³ Impact on the School Climate · **Studies suggest that restrictive school security measures have the potential to harm school learning environments.**^{34,35} · **The adoption of rigid and intrusive security measures in schools diminishes the rights of students and increases the likelihood that trivial forms of student misconduct that used to be handled informally by schools will result in arrest and referral to the courts.**^{36,37} · Along with the increasing use of security measures, schools are employing strict discipline policies to keep students in line and maintain safety, which undoubtedly negatively influences the social climate of schools.³⁸ · According to the courts, surveillance cameras provide students with a reasonable expectation of safety and if they are attacked in full view of a camera and no one comes to their aid, schools could be successfully sued.⁴⁰ · Research suggests that the presence of school resource officers does not change students' views of the police or of offending,⁴¹ and their presence has engendered concern that schools are criminalizing student behavior by moving problematic students into the juvenile justice system rather than disciplining them at school.⁴² · Analysis of the use of surveillance cameras in schools suggests that they may work to corrode the educational environment by, among other things, implicitly labeling students as untrustworthy (cameras magnify this impact since their sole purpose is to record misbehaviors and deter through intimidation).

Personal searches and metal detectors are the most criminalizing

Hirschfeld, 2008 [PJ Hirschfeld, Rutgers University, "Preparing for prison?," Theoretical Criminology,

<http://youthjusticenc.org/download/education-justice/suspension-and-expulsion/Preparing%20for%20prison%20-%20The%20criminalization%20of%20school%20discipline%20in%20the%20USA.pdf>] MJS 9-24-2016

Generally accompanying police and security guards are law enforcement methods like bag searches and video cameras. Among preventive practices, metal detectors and **personal searches seem the clearest indications of criminalization since they define students as criminal suspects.** Not surprisingly, the likelihood of metal detectors is positively related to the prevalence of minority students (DeVoe et al., 2005). Urban schools feature more gates, walls and barricades as well (Gottfredson et al., 2000). On the other hand, drug sniffing dogs are more commonplace in suburban, rural, and predominantly white schools (DeVoe et al., 2005).

Mandated reporting present in 41 states

Hirschfeld, 2008 [PJ Hirschfeld, Rutgers University, "Preparing for prison?," Theoretical Criminology,

<http://youthjusticenc.org/download/education-justice/suspension-and-expulsion/Preparing%20for%20prison%20-%20The%20criminalization%20of%20school%20discipline%20in%20the%20USA.pdf>] MJS 9-24-2016

The criminalization of school discipline extends into the juvenile court. Data from several jurisdictions including Toledo, Ohio, Miami-Dade (Rimer, 2004), and Katy, Texas (Graves, 2004), on the type of offenses that schools refer to the juvenile court show that the alleged

misconduct leading to court referral is typically quite minor. This 'net-widening' effect reflects increased collaboration between schools and the juvenile justice system, which has eroded the traditional boundaries between the two institutions. **As of 2000, 41 states mandated law enforcement referral for school crimes including drugs, violence, and weapons violations** (Civil Rights Project, 2000). According to a recent news investigation, 'In Ohio, Virginia, Kentucky and Florida, juvenile court judges are complaining that their courtrooms are at risk of being overwhelmed by student misconduct cases that should be handled in the schools' (Rimer, 2004: A1). In addition, information-sharing agreements between education and justice agencies set the stage for laws that permit schools across diverse jurisdictions to expel students for outside legal entanglements (Bickerstaff et al., 1997; Spielman and Rossi, 1997; Brooks et al., 1999).

Suspensions link to S2PP

Donna Lieberman (The New York Civil Liberties Union), 2007, "The Impact of School Suspensions, and a Demand for Passage of the Student Safety Act," No Publication, <http://www.nyclu.org/content/impact-of-school-suspensions-and-demand-passage-of-student-safety-act%20/> ENDI - DY

Testimony Of Donna Lieberman On Behalf Of The New York Civil Liberties Union before The New York City Council Committees On Education And Civil Rights Regarding The Impact Of Suspensions On Students' Education Rights Council Member Jackson and members of the City Council's Education and Civil Rights Committees: My name is Donna Lieberman, and I appear before you today on behalf of the New York Civil Liberties Union ("NYCLU") and its 48,000 members statewide. Since 1951, the NYCLU has been the state's leading advocate on behalf of New Yorkers' civil rights and civil liberties. In March 2007, the NYCLU released a report on the impact of DOE and NYPD disciplinary and safety policies on the educational environment in the schools. The report examined the origins and the consequences of the city's aggressive policing operation in the schools, and provided analyses of the results of a broad student survey performed by the NYCLU and profiles of individual students whose experiences illuminate the problems with policing in schools. The report included numerous stories of instances in which school and police personnel meted out harsh punishment in situations that should have been resolved through counseling, conflict mediation, and similar supportive methods. The report included an analysis of student suspension practices, and found that the length and duration of student suspensions had increased significantly, under circumstances where school officials were failing to adhere to their obligation to provide suspended students with alternative educational services that were real and meaningful. Students and teachers are entitled to a safe educational environment that is conducive to both teaching and learning. A school's authority to suspend a student plays an important role in securing such an environment. Yet too often suspensions also serve as a quick fix for student disciplinary problems that demand a more supportive response. **In the long term**, many student **suspensions hamper**, rather than improve **student safety**. Such suspensions impact students long after the suspension has been served. I testify today to urge the City Council to closely examine suspension practices in the city's public schools and to create mechanisms for greater accountability and oversight of school disciplinary practices, including suspensions. As my testimony will indicate, student **suspensions play a pivotal role in perpetuating the "School to Prison Pipeline."** both **nationally** and in New York City. It is time for the City Council to stem the flow of students into the criminal justice system, and support corrective measures, such as those contained in the Student Safety Act¹. Suspensions Perpetuate the School to Prison Pipeline The School to Prison Pipeline describes local, state and federal education and public safety policies that operate to push students out of school and into the criminal justice system. This system disproportionately impacts youth of color and youth with disabilities. Inequities in areas such as school discipline, policing practices, and high-stakes testing contribute to the pipeline. The School to Prison Pipeline operates directly and indirectly. Schools directly send students into the pipeline through zero tolerance policies that involve the police in minor incidents, which too often lead to arrests, juvenile detention referrals, and even incarceration. Schools indirectly push students into the criminal justice system by excluding them from school through suspension, expulsion, discouragement and high stakes testing requirements. Suspensions, often the first stop along the pipeline, play a crucial role in pushing students from the school system and into the criminal justice system. Research shows a clear correlation between suspensions and both low achievement and dropping out of school altogether². Such research also demonstrates a link between dropping out of school and incarceration later in life. **Specifically, students who have been suspended are three times more likely to drop out by the 10th grade than students who have never been suspended**³. **Dropping out in turn triples the likelihood that a person will be incarcerated later in life**⁴. **In fact, in 1997, 68 percent of state prison inmates were school dropouts**⁵. Despite the poor outcomes associated with suspensions, schools across the nation have seen an explosion in the number of suspensions and expulsions, mainly due to zero tolerance policies that rely heavily on harsh disciplinary practices. Originally meant to address only the most serious violent behavior, zero tolerance policies now too often target normal, non-violent behavior, even though schools nationwide continue to benefit from a fourteen year steady decrease in violent and non-violent crime in public schools⁶. In 2006, the American Psychological Association found that zero tolerance policies have been ineffective in reducing violence in schools and have instead increased disciplinary problems and dropout rates in middle schools and high schools, as well as the number of referrals to the juvenile justice system for minor

infractions once handled by educators in the schools⁷. The report also found that zero tolerance policies have led to an over-representation of students of color in school discipline processes. The national racial disparities in school discipline are indeed profound. [and that] Nationwide, black students are 2.6 times more likely to be suspended than white students⁸. Black students, who make up only 17 percent of the nation's student population, account for 36 percent of out of school suspensions and 31 percent of expulsions⁹. This disparity has been on the rise during the recent ascendancy of zero tolerance, with 6 percent of black students and 3 percent of white students being suspended at least once in 1973 compared to 14 percent of blacks and 5 percent of whites in 2003¹⁰. Black students with learning disabilities are even more vulnerable to both suspension and incarceration. They are three times more likely than white students with learning disabilities to be removed from school and four times more likely to be placed in a correctional institution¹¹. Our nation's over-reliance on suspensions and other exclusions from school continues to limit the futures of our most vulnerable youth – students of color, low income students, and students with special needs.

Securitization Impacts: Laundry List (i.e GO HAM)

National Association of School Psychologists 2013 ["Research on School Security The Impact of Security Measures on Students," *NASP*. Accessed at:

<http://www.audioenhancement.com/wp-content/uploads/2014/06/school-security-by-NASP.pdf.>]

//DNP + CJC

The National Association of School Psychologists cautions against over-emphasizing extreme physical security measures or universally increasing armed security in schools as such strategies may undermine the learning environment while not necessarily safeguarding students.¹ When considering school-wide efforts to promote safety, NASP recommends addressing the continuum of needs and services that lead to improved

safety, well-being, and learning for children and youth, instead of the historical practice of primarily increasing school building **safety measures, such as armed security guards, metal detectors, and surveillance cameras.**² The decision to utilize armed security should be made based on the needs of individual schools and communities. NASP believes that armed security in schools should be provided only by school resource officers,

police officers specially trained to work in schools. Research on the impact of such security measures on students supports these recommendations. Trends in the Use of Security Measures in Schools · Sixty-eight percent of students ages 12–18 reported in 2009 the presence of security guards or police officers in their schools; 70% reported the use of security cameras; and 11% reported the use of metal detectors.³ · In the 2009–10 school year, 61% of public schools reported that they used one or more security cameras to monitor their students (up from 19% in 1999–2000). By grade level, the rates were 84% of high schools, 73% of middle schools, and 51% of primary schools.⁴ · Stringent security measures are increasingly being used in U.S. public schools, 5 even in schools

where there are no discernible threats to safety.⁶ Schools are also employing strict discipline policies to keep students in line and maintain safety.⁷ **Impact of Security Measures on Violence · There is no clear evidence that the use of metal detectors, security cameras, or guards in schools is effective in preventing school violence,**^{8,9,10,11} and little is known about the potential for unintended consequences that may accompany their adoption.¹² · There has not been sufficient research to determine if the presence of metal detectors in schools reduces the risk of violent behavior among students.¹³ · Some researchers have expressed concern about the widespread use of guards, cameras, and other security technologies, given that so little is known about their effectiveness.^{14,15} · Research has found **security strategies, such as the**

use of security guards and metal detectors, to be consistently ineffective in protecting students¹⁶ and to be associated with more incidents of school crime and disruption¹⁷ and higher levels of disorder in schools.¹⁸ · Evidence from a school–police partnership implemented in New York City reveals that **students in these schools continue to experience higher than average problems linked directly to future criminality, compared to students in other New York City schools not involved in the partnership.**¹⁹ · Surveillance cameras in schools may have the

effect of simply moving misbehavior to places in schools or outside of schools that lack surveillance. Even more troubling, it's possible that **cameras may function as enticement to large-scale violence,** such as in the case of the Virginia Tech shooter who mailed video images of

himself to news outlets.²⁰ · Research suggests that **the presence of security guards and metal detectors in schools may actually increase levels of violence in schools by strengthening the influence of youth "street" culture with its emphasis on self-protection.**²¹ **Impact on Students' Perceptions of Safety · The widespread public impression that schools are unsafe—fueled by rare, but highly visible school shootings—is contradicted by empirical evidence.**^{22,23} In fact, schools are not only safe, but are arguably safer today than they were a decade ago.²⁴ · Research comparing the levels of fear among 12- to 18-year-old students before and after the Columbine tragedy found that, contrary to expectations, students were only slightly more fearful after Columbine.²⁵ In fact, evidence suggests that students believe their schools to be safe places and that their schools' security strategies are unnecessary.²⁶ · Analysis of media reports of the Columbine shooting suggests that perceptions of that tragedy were merged with terrorism as part of a broad framework of fear and national security,²⁷ stimulating increased use of stringent security measures in U.S. schools.

^{28,29} · **Studies have shown that the presence of security guards and metal detectors in schools negatively impacts students' perceptions of safety and even increases fear**

among some students. 30,31 · **Many types of school security correspond with a significantly greater likelihood that students will be worried about crime**—while none reduce feelings of worry.³² · The use of metal detectors is negatively correlated with students' sense of safety at school, even when taking into account the level of violence at the schools.³³ Impact on the School Climate ·

Studies suggest that restrictive school security measures have the potential to harm school learning environments. 34,35 · **The adoption of rigid and intrusive security measures in schools diminishes the rights of students and increases the likelihood that trivial forms of student misconduct that used to be handled informally by schools will result in arrest and referral to the courts.**

