

TESTIMONY OF MEAGAN SWAY, ESQ.

LD 518 – Ought Not to Pass

An Act to Allow Armed Security in Schools

Joint Standing Committee on Education and Cultural Affairs

April 26, 2022

Senator Rafferty, Representative Brennan and members of the Joint Standing Committee on Education and Cultural Affairs, greetings. My name is Meagan Sway, and I am Policy Director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions through advocacy, education, and litigation. On behalf of our members, we urge you to oppose this bill because it would reinforce the harmful institution of school policing.

If enacted, this bill would allow school boards to create an armed police presence in Maine schools. This legislation would allow school boards to employ or engage an armed school resource officer, private contractor, or volunteer to work in the school board's school administrative unit.

Keeping Maine children safe at school is vital, but placing armed law enforcement in our schools would only create new problems. The ACLU has long advocated for the removal of police from schools because they are generally ill equipped to address the mental and behavioral health challenges that often underpin children's misbehavior. When police enter schools, they do what they are trained to do: detain, handcuff, and arrest students of color and with disabilities – and the data prove it. School police arrest Black girls at nearly 8 times the rate of white girls, and kids of color or with disabilities at 3 times the rate compared to all other students.¹ The presence of an armed, uniformed police officer in a school often means the difference between a child's misbehavior being considered criminal conduct or being treated

¹ ACLU, Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students, Mar. 2019, available at <https://www.aclu.org/report/cops-and-no-counselors>.

with the appropriate behavioral health intervention that counselors and teachers are well trained to handle alongside parents and guardians.²

In addition to pushing students into the criminal legal system when what they really need is support, armed police do not even make schools or students safer. The only study ever conducted of Maine's school resource officer system confirms this conclusion, and the same results have been found throughout the country.³ Moreover, other studies show placing armed police in schools doesn't even make students *feel* safer.⁴ Students of color feel – and are – especially vulnerable in the presence of school resource officers.⁵ This leads to greater student alienation and a more threatening school climate. Last, funding programs like this force teachers, counselors, and social workers to compete for scarce funds. Portland's school board ended its school resource officer program in 2020, citing this fiscal burden and the harmful impact of armed police on students of color and students with disabilities.

For the same reasons we have opposed the use of school resource officers in schools, we oppose the use of school resource officers, contractors, or volunteers to patrol schools armed with weapons. We all want to make schools safer, but bringing more guns and law enforcement into our schools is not the answer. Instead, we should increase our children's access to counselors, therapists, social workers, after school programming, and violence intervention. We urge you to vote *ought not to pass*.

² See Matthew Theriot, *School Resource Officers and the Criminalization of Student Behavior*, 37 J. of Crim. Just. 280, 280 (2009); Kim Brooks et al., *School House Hype: Two Years Later*, Justice Policy Inst. & Children's Law Center, Inc. (2000).

³ *School-Based Policing in Maine: A Study on School Resource Officers in Maine's Public Schools*, Univ. of S. Maine, Muskie School, Cutler Institute, October 3, 2019, at 12 [hereinafter Cutler Institute Study] available at <https://usm.maine.edu/publicaffairs/first-ever-report-maines-school-based-policing-released-usms-cutler-institute>.

⁴ Theriot, M. & Cuellar, M. (2016). *School resource officers and students' rights*. Contemporary Justice Review, 19 (3), 363–379; Tillyer, M.S., Fisher, B.S. & Wilcox, P. (2011). *The effects of school crime prevention on students' violent victimization, risk perception, and fear of crime: A multilevel opportunity perspective*. Justice Quarterly, 28 (2), 249-277..

⁵ Morris, M.W., Epstein, R., & Yusuf, A. (2018). *Be Her Resource: A toolkit about school resource officers and girls of color*. Center on Poverty and Inequality, Georgetown Law; Lcoe, J. (2015). *Unequally safe: The race gap in school safety*. Youth Violence and Juvenile Justice, 13, 143-168.