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July 16, 2020
Via Email

The Honorable Aaron Michlewitz
Chair, House Committee on Ways and Means

The Honorable Claire Cronin
House Chair, Joint Committee on Judiciary

Re: S2800

Dear Chairs:

As the Legislature and Executive Branch collaborate on legislation designed to address racial bias and disparate racial impact in police practices, create a certification process for law enforcement, and bring greater consistency across the state to the training police officers receive and the rules of conduct under which they operate, **I urge you not to forget a key segment of law enforcement that has a particular impact on the children and youth of the Commonwealth: School Resource Officers (SROs).**

There is reason to be deeply concerned about the way in which policing in our schools has an outsized negative impact on youth of color. National studies have shown that Black and Brown students are 3.5 times more likely to be suspended or expelled¹ than their white peers, and account for 34% of all school-based arrests² – more than double their 15% overall national enrollment rate. Data on the use of suspensions in Massachusetts schools shows a similar disturbing trend: according to data reported by the Department of Secondary and Elementary Education, in the 2018-19 school year, Black youth were more than twice as likely to receive an in-school suspension and more than three times as likely to receive an out-of-school suspension.³ Unfortunately, as explained below, **our state is currently failing to report accurate data on school-based arrests, which could give us an even clearer picture of disparities in the use of policing in our schools.**

The Commonwealth has made efforts in the past to reform the way policing is conducted in our schools, including most notably in the 2018 legislation, *An Act Relative to Criminal Justice Reform*. Unfortunately, as described in a Fall 2019 report issued by the Juvenile Justice Policy and Data Board

¹ U.S. Department of Education, Office of Civil Rights (2012). [The Transformed Civil Rights Data Collection: Revealing New Truths about our Nation's Schools](#). Washington, DC: OCR.

² Not including referrals to law enforcement. See: <https://www.edweek.org/ew/projects/2017/policing-america-schools/student-arrests.html#/overview>

³ See: <http://profiles.doe.mass.edu/statereport/ssdr.aspx>

(JJPAD), which I chair, **many of the new statutory requirements for SROs are not being fully implemented.**⁴ This is primarily because:

- **No state agency was assigned the role of actively monitoring and supporting implementation** of the various provisions at the school district or police department level.
- **There are no enforcement mechanisms:** if a school district or police department is out of compliance with the law, there are no consequences that could be enforced by a state agency.

The legislation currently under discussion provides an ideal policy structure to remedy these challenges, as it creates a system that could be expanded to provide tracking and enforcement of provisions of 2018 law related to School Resource Officers that aren't currently being fully implemented.

Accordingly, I strongly urge you to address the following issues identified by the JJPAD Board in any omnibus legislation related to police training and certification:

1. Issue – Training for School Resource Officers:

In 2018, the Legislature recognized that SROs require specialized training, and included a requirement in the Criminal Justice Reform Bill requiring that school districts that have an SRO enter into an MOU with the local police department, and that as part of that MOU SROs would be required to receive training on child and adolescent development, conflict resolution and diversion strategies. (See Chapter 71 Section 37P).

However, **no state agency is currently tracking whether or not SROs receive the required training**, and **there is no enforcement mechanism** that prevents a police officer from serving in that role if they have not completed the required trainings.

There are **also no clear procedures for ensuring that the trainings meet a minimum standard of quality**, including ensuring that trainings are developed in consultation with subject matter experts.

The Municipal Police Training Committee (MPTC) was not required by the 2018 law to implement training on this topic. Although the MPTC has assembled a training committee to work on rollout and training delivery, there are competing priorities for the Committee's time, and training on this topic has not yet been made widely available to SROs more than two years after passage of the bill. There have also been anecdotal reports that there has been some confusion as to what exactly the Legislature was looking for with regard to the SRO training curricula, and that more clarity would be helpful.

Recommended Solution: The entity charged with certifying law enforcement should be required to create a special certification designation for any police officer acting as an SRO. No police officer should be given an SRO designation if they have not completed all of their statutorily-mandated training requirements, as well as any additional requirements that the certification agency may deem necessary.

To ensure that these trainings are of high quality and achieve the objectives intended in the 2018 legislation, the legislation should require that MPTC develop and make SRO training available, and

⁴ See: <https://www.mass.gov/doc/early-impacts-of-an-act-relative-to-criminal-justice-reform-november-2019/download>

provide more clarity on what the training should cover. The MPTC should also be required to consult with subject matter experts on the subjects of child & adolescent development, conflict resolution and diversion strategies when developing the training curricula.

S2800 included, via amendment, language adopting this recommended approach. That language can be found in Senate Amendment #25, filed by Senator Boncore. The OCA requests that this language be included in the House bill.

2. Issue – Data Collection & Reporting: The 2018 law requires that MOUs between school districts and police departments “specify the manner and division of responsibility for collecting and reporting the school-based arrest, citations and court referrals of students to the Department of Elementary and Secondary Education (DESE) in accordance with regulations promulgated by the department.”⁵ DESE required school districts to submit data on school-based arrests for the first time in the 2018-2019 school year.

Although that data was not available in time for the release of the JJPAD Board’s 2019 report, the Office of the Child Advocate has subsequently obtained and analyzed that data, and found that the vast majority of school districts – including major districts such as Worcester and Springfield – reported zero school-based arrest in the 2018-2019 school year. (Several other large school districts, including Boston, Fall River, Brockton, Lynn, Lawrence, and Haverhill, report only one arrest in the entire year.)

This is at odds with anecdotal accounts of students being arrested in these school districts, including some high profiles cases documented in local media. (See, for example, this report on a student arrested in a Springfield school in February 2019: <https://www.masslive.com/springfield/2019/02/springfield-police-officer-under-review-following-arrest-of-student-in-school-hallway.html>)

In other words: **the OCA has strong reason to believe that there are significant issues with under-reporting in the data provided to DESE by school districts.**

Recommended Solution: The previously-mentioned OCA survey of police departments found a large proportion (38%) of respondents said they were “unsure” who was responsible for collecting the data. This, as well as the significant under-reporting of school-based arrests in the first year of data, suggests that additional statutory clarity is needed. Ways to provide this needed clarity and increase reporting include:

- Designate which entity is ultimately responsible for reporting data on school-based arrests and law enforcement referrals to DESE.
- Require data to be publicly reported as part of an annual SRO approval process

S2800 included, via amendment, language adopting this recommended approach. That language can be found in Senate Amendment #80, filed by Senator Jehlen. The OCA requests that this language be included in the House bill.

Our state and our society are wrestling with serious questions about the role police should play in responding to societal challenges and how to best address racial disparities in our justice system. These questions and concerns are just as pressing when it comes to considering the role police play in our

⁵ See MGL Chapter 71, Section 37P: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37P>

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schools. **An urgent first step the Commonwealth should take to address these concerns is to ensure that the reforms envisioned in the 2018 legislation are fully and properly implemented.**

Our office is happy to further discuss this issue you and/or your staff. Please contact Melissa Threadgill, our Director of Juvenile Justice Initiatives, with any questions. She can be reached at Melissa.Threadgill@mass.gov.

As always, I remain grateful for your leadership and support for the children of the Commonwealth.

Respectfully,

A handwritten signature in black ink that reads "Maria Z. Mossaides" followed by a long, horizontal flourish.

Maria Z. Mossaides
Director
Office of the Child Advocate