

Committee on the Judiciary
House Committee on Ways and Means
The State House
Boston, MA 02133

Dear Chair Cronin, Chair Michlewitz, Vice Chair Day, Vice Chair Garlick and House members of the Judiciary and the House Ways and Means Committees,

Thank you for your commitment to racial justice and to the bright futures of young people in our Commonwealth. We the undersigned organizations urge you to **protect the rights of students to privacy and right to learn without fear of surveillance or profiling**. We ask the House to include language (see Appendix A), similar to Section 49 of S.2820, in its final reforming police standards legislation:

- **Students should be free to grow without the constant fear of having their background (race, ethnicity, or immigration status) weaponized against them.** Black and Brown students are more likely to be criminalized and funneled through law enforcement systems than their white peers. Without this language, we will be further entrenching the school-to-prison and school-to-deportation pipelines.
- **Information schools share about students with police departments endangers young people and their families.** The information school officials and school resource officers (sometimes known as school police) [share](#) with local law enforcement can be entered into [databases](#), which serve to surveil, criminalize, incarcerate, detain, and [deport](#) our students. The attached language clarifies that the restrictions on information-sharing apply to school resource officers.
- **There needs to be clear definitions of what information can be added into reports so as to not criminalize students.** This language serves to limit the information that is shared to be solely about the incident at hand, preventing hearsay and biases from being propagated.
- **Being labeled as gang associated or even affiliated is harmful for students, families, and communities.** The bar for labeling an individual as gang-affiliated is dangerously low, resulting in innumerable false accusations. The repercussions impact all students regardless of immigration status or citizenship. For students with irregular status, any accusation of gang affiliation -- even an unfounded one -- can result in detention or deportation. In immigration court, there is an extremely low bar for evidence and no presumption of innocence until proven guilty. For students with regular status (ex. citizens), being entered into the gang database increases the likelihood of court summons, more punitive sentencing, escalated surveillance, and, indeed, incarceration.
- **The attached language ensures that labelling a student as a gang associate or member is not up to the discretion of school personnel and SROs.** This is necessary to include in the bill to prevent the unjust and biased accusations of gang affiliation that can derail a young person's life. Assumptions about gang affiliation are notoriously flawed for the following reasons. We know that Black and Brown youth are more likely to be labeled gang members, not because of any actions they ever committed, but simply because of racist ideas about who is inherently criminal.

Thank you for defending and protecting the students of Massachusetts.

Respectfully,

Action for Boston Community Development
ACLU of Massachusetts
ADL New England
Bethel Institute for Social Justice/Generation Excel
Black Lives Matter – Worcester
Boston College Legal Services LAB Immigration Clinic
Boston Immigration Justice Accompaniment Network
Boston Teachers Union
Bridge Over Troubled Waters
Center for Law and Education
Center for Public Representation
Center for Teen Empowerment
Charles Hamilton Houston Institute, Harvard Law School
Children’s Law Center of Massachusetts
Citizens for Juvenile Justice
Citizens for Public Schools
City Mission Society
The City School
Coalition for Effective Public Safety
Committee for Public Counsel Services
Criminal Justice Policy Coalition
De Novo
Disability Law Center
Dorchester Youth Collaborative
Ending Mass Incarceration Together
Fair Sentencing of Youth
Framingham Families for Racial Equity in Education
Freitas & Freitas, LLP
Friends of Children
GLBTQ Legal Advocates & Defenders
Greater Boston Legal Services, CORI & Re-entry Project
Greater Boston Legal Services, School to Prison Pipeline Intervention Project
Harvard Immigration and Refugee Clinical Program
HIPHOP Initiative Boston
The Home for Little Wanderers
I Have a Future/Youth Jobs Coalition
InnerCity Weightlifting
Jobs Not Jails
Justice Center of Southeast Massachusetts
Justice Resource Institute
Juvenile Rights Advocacy Program, Boston College Law School
Kids in Need of Defense (KIND)
Lawyers Committee for Civil Rights
Louis D. Brown Peace Institute
Massachusetts Appleseed Center for Law & Justice
Mass Mentoring Partnership

Massachusetts Commission on LGBTQ Youth
Mental Health Legal Advisors Committee
META (Multicultural Education, Training & Advocacy), Inc.
MissionSAFE
More Than Words
Mothers for Justice & Equality
Muslim Justice League
My Life My Choice
National Alliance on Mental Illness – MA
North American Family Institute
PAIR Project
Parents/Professional Advocacy League
Prisoners' Legal Services
Project RIGHT
RFK Children's Action Corp
Real Costs of Prison
The Rian Immigrant Center
Roca, Inc.
Roxbury Youthworks
Sociedad Latina
Spectrum Health Services
Strategies for Youth
Student Immigrant Movement
Stuck on Replay
UTEC
Unitarian Universalist Mass Action Network
Violence in Boston
Vital Village Network
We Are The Ones Boston
Young Sisters/Young Brothers United
Youth Build Boston
YW Boston

APPENDIX A. Proposed Language to Protect Students From Profiling

SECTION XX. Section 37L of chapter 71 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by replacing the third paragraph the following paragraphs:-

Supervisors who receive such a weapon report shall file it with the superintendent of said school, who shall file copies of said weapon report only with the department of children and families, the office of student services or its equivalent in any school district, and the local school committee. Said superintendent and representative from the department of children and families, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment. Such weapon report shall not be shared with the police department or the Chief of Police unless it is related to a school-based arrest or citation, or court referral pursuant to the criteria in Section 37P(b).

School department personnel, public and private contractors working in the schools not considered school department personnel, school resource officers as defined in section 37P, special service officers authorized under Section 282 of the Laws of 1898, and any other individual deputized with special police powers or other powers to function as law enforcement or security in schools or otherwise endowed with the ability to create law enforcement records, shall not disclose to a law enforcement officer or agency, including local, municipal, regional, county, state, and federal law enforcement, through an official report or unofficial channels, including but not limited to text, phone, email, database,

and in-person communication or submit to the Commonwealth Fusion Center, the Boston Regional Intelligence Center, and any other database or system that tracks gang affiliation or involvement, any information relating to a student or a family member obtained through any method, including, but not limited to, reports, observations or conversations with or about a student or from its databases or other record-keeping systems including, but is not be limited to: (i) immigration status; (ii) citizenship; (iii) neighborhood of residence; (iv) religion; (v) national origin; (vi) ethnicity; (vii) native or spoken language; (viii) suspected, alleged, or confirmed gang involvement, affiliation, association or membership; (ix) participation in school activities, extracurricular activities both inside and outside of school, sports teams or school clubs or organizations; (x) degrees, honors or awards; and (xi) post-high school plans. Nothing in this paragraph shall prohibit the sharing of information for the purposes of completing a report pursuant to section 51A of chapter 119 or filing reports related to school-based arrests, citations or court referrals pursuant to the criteria in section 37P(b).”