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IN THE SUPREME COURT OF THE STATE OF WASHINGTON...

STATE OF WASHINGTON,

Respondent,

v.

JAMAR MENESE,

Petitioner.

BRIEF OF *AMICUS CURIAE* SEATTLE YOUNG PEOPLE'S
PROJECT

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IDENTITY AND INTEREST OF *AMICUS*

The Seattle Young People's Project ("SYPP") is a youth-led, adult supported, non-profit social justice organization based in Seattle, Washington and focused on organizing and advocating on behalf of youth throughout the State of Washington. Since SYPP was founded in 1992, more than 2000 members, all youth aged 13 to 18, have participated in programs and advocacy campaigns of their own design in order to take action on issues affecting their lives and the lives of their peers. SYPP members determine the organization's focus, plan and conduct their own fundraisers, and convey important information to fellow youth and adult policymakers alike. SYPP members were vocal student advocates for the revision or replacement of the Washington Assessment of Student Learning (WASL), organizing protests and public education events to highlight ways in which the WASL impaired both education and achievement while disproportionately harming students of color and other minority groups. SYPP members are concerned with reversing the growing trend of treating all students in school as potential criminals primarily because of how this mindset sours the schoolhouse atmosphere for even rule-abiding students.

ISSUES TO BE ADDRESSED BY *AMICUS*

(1) How the “reasonable suspicion” standard, when applied to police assigned to public schools, impinges upon schools’ fundamental purpose of educating students; and (2) How Washington’s bullying prevention law, RCW 28A.300.285, and the legislature’s basic education goals, RCW 28A.150.210, are better served by applying the clear requirement of probable cause for warrantless searches by police officers assigned to schools, rather than the reasonable suspicion standard applied by the Court of Appeals to the police officer’s actions in this case.

STATEMENT OF THE CASE

Amicus adopts the petitioner’s statement of the case. Supplemental Brief of Petitioner at 1-3. The record shows that the SRO conducted a warrantless search of the petitioner’s locked bag in the pursuit of evidence for a criminal investigation, without either consent or probable cause while the petitioner was handcuffed and in police custody. *State v. J.M.*, 162 Wn.App. 27, 33 n.4, 255 P.3d 828 (2011).

ARGUMENT

A. The Washington State legislature enacted the Anti-Harassment, Intimidation, and Bullying Act of 2002 in order to promote a healthier learning environment in schools.

The Anti-Harassment, Intimidation, and Bullying Act of 2002 equates “harassment,” “intimidation,” and “bullying” and defines these terms as any “intentional electronic, written, verbal, or physical act” that

- (a) “Physically harms a student or damages the student’s property; or
- (b) Has the effect of substantially interfering with a student’s education; or
- (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- (d) Has the effect of substantially disrupting the orderly operation of the school.”

RCW 28A.300.285 (2002).

The Act was conceived in the understanding that “a safe and civil environment in school is necessary for students to learn and achieve high academic standards.” 2002 Wash. Legis. Serv. Ch. 207, Sec. 1 (S.H.B. 1444). The legislature also found that “harassment, intimidation, or bullying, like other disruptive or violent behavior, is conduct that disrupts both a student’s ability to learn and a school’s ability to educate.” *Id.* The legislature was acutely aware of one manifestation of this disruption during the drafting of these measures. One Senate Bill Report notes that “we do not tolerate harassment or intimidation in our workplaces; why do we let our children be bullied and intimidated in our schools? *If children are afraid to go to school, it is preventing them from learning.*” Wash. B. Rep., 2002 Reg. Sess. H.B. 1444, 2 (Feb. 28, 2002) (emphasis added).

The legislative history is filled with similar statements concerning the need for an intimidation-free school environment. The Senate even noted that because students learn by example, it is imperative that “school administrators, faculty, staff, and volunteers [...] demonstrate[e] appropriate behavior, treat[e] others with civility and respect, and refus[e] to tolerate harassment, intimidation, or bullying.” 2002 Wash. Legis. Serv. Ch. 207, Sec. 1 (S.H.B. 1444). Thus, in enacting Washington’s singular anti-bullying statute, the legislature acted with the express intent of promoting a safe and enriching school environment for students.

B. SRO intimidation and harassment of students undermines the legislative purpose of the Anti-Harassment, Intimidation, and Bullying Act of 2002.

The Anti-Harassment, Intimidation, and Bullying Act of 2002 affirms the legislature’s commitment to optimizing schools for student development and is founded on the notion that adults in this environment must be held accountable as role models. Thus, for adults—teachers, staff, and SROs alike—to “harass,” “intimidate,” or effectively “bully” students would be antithetical to the legislative purpose of the Act; even though, in its original conception, it might have only targeted student to student interaction.

Student experience with SROs—on the ground, in the hallways, and in the classrooms—bears out this violation of the legislature’s purpose in adopting anti-bullying measures. According to SYPP’s 2011 study on school resource officers, a focus group of students from several greater Seattle area secondary schools felt that SROs often play “an intimidating role in the school environment.” *Police in Schools: Student Perceptions of School Resource Officers*, Appendix 1, available at <http://www.sypp.org/resources>. Unwarranted searches that hardly meet the floor of “reasonability” and wanton harassment form the bases for this perception. One student, after being searched at random for marijuana possession, noted that the SRO at her school “judges [her]” and is “intimidating.” *Id.* Another student noted that an SRO offered students regular unsolicited fashion advice, standing at the front of the school and telling students to “Pull [their] pants up.” *Id.* This kind of interaction is akin to the class bully teasing one of his classmates for thick-framed glasses or an out-of-style haircut. Two other students — who felt targeted from their first day of freshman classes — noted that SROs profiled them based on the negative reputations of older siblings. After recognizing her last name, the SRO told one of these students that she would “probably drop out just like her brother.” *Id.* These accounts document a culture of systematic intimidation and harassment facing some students as they walk

through the school doors each morning, a culture that is distinctly counterproductive to scholastic and social growth. *Id.*

This kind of treatment “has the effect of substantially interfering with a student’s education,” can be “so severe [...] that it creates an intimidating or threatening educational environment,” while having the effect of “substantially disrupting the orderly operation of the school.” RCW 28A.300.285 (2002). A number of students feel disinclined to attend school and seem to internalize SRO harassment by “living down” to the expectation that they are breaking the rules, even when they are not. *Id.* One student, another victim of an unfounded hunt for marijuana, noted that the search made her feel like she might as well have done what she was falsely accused of. *Id.* SRO interaction with some students can create a culture of harassment, intimidation, and even bullying akin to that which many students face from their peers. “In the final analysis, this behavior poisons the school environment by lowering student self-esteem, encouraging students to pay the harassment forward on other students, and creating a culture that is distinctly counterproductive to scholastic and social growth.” *Id.*

- C. **The reasonable grounds standard applied to SRO searches facilitates bullying by biased student informants and leads to fruitless searches of rule-abiding students.**

Perhaps the most surprising and disturbing revelation from SYPP's focus group participants was how often fruitless searches by SROs were based on information from a student with animus toward the accused student. Focus group participants reported that students who have good reputations but also hold a bias against a particular student could easily make that particular student the subject of SRO attention, questioning, and even search despite the suspected student's total innocence. *Police in Schools*. Under the lower level of suspicion needed to justify a search on reasonable grounds, a student tip combined with a suspected student's bad reputation (even a reputation based on rumor or family name) will generally be enough to generate the "moderate chance of finding evidence of wrongdoing" required by the lesser standard for school searches. *Safford Unified School District v. Redding*, 129 S.Ct. 2633, 2639, 174 L.Ed.2d 354, (2009).

The character and stakes of such a search – as well as the stigma that accompanies being suspected, accused, and frisked by a police officer enforcing criminal law – are fundamentally different from the character and stakes of a search conducted by a school principal focused on enforcing school rules. In effect, the reasonable suspicion standard applied to SROs enables a clever student bully to direct the full force and

authority of the state at another student – using the SRO as a sort of bully-by-proxy.

This is not to say that SROs act without thought in pursuing student tips, but rather that, quite understandably, SROs must treat any report of a dangerous weapon or controlled substance as a potentially serious crime requiring some investigation. Also quite understandably, schools are loathe to enact policies that punish incorrect or bad tips which might in turn make an honest informant reluctant to report misconduct or law-breaking; similarly, state law generally places more focus on protecting informants from retaliation rather than penalizing false accusations. *See, e.g.*, RCW 28A.600.480(2). The problem emerges because SROs, subject to the reasonable suspicion standard need not investigate much further to initiate a search and, in many cases, end up searching innocent students. Once the requisite level of suspicion is reached, a search becomes the surest and most time-efficient way for a police officer like an SRO to confirm or refute an informant's tip – in other words, once it becomes an option, a search becomes inevitable.

This Court has held that corroboration or indicia of the informant's reliability are important to determine whether an informant's tip creates probable cause, *see e.g. State v. Sieler*, 95 Wn.2d 43, 46-47, 621 P.2d

1272 (1980); *State v. Lesnick*, 84 Wn.2d 940, 943-944, 530 P.2d 243 (1975). As far as Washington courts have addressed the issue, though, such indicia or corroboration are not required to reach reasonable suspicion under the school search exception. *State v. E.K.P.*, 162 Wn.App. 675, 677-678, 255 P.3d 870 (2011) (rejecting a challenge to a school search conducted by an assistant principal acting on a student tip without any corroboration or any indicia of reliability). This means that even a questionable student tip is sufficient to trigger investigation of the suspect student, while the lower requirements of the school search exception mean that a student tip, by itself, may justify a search that would be patently impermissible under probable cause.

D. Fruitless searches of students by SROs are highly detrimental to a school's learning environment and to student perceptions of law enforcement.

The negative externalities stemming from this type of interaction between students and police officers assigned as SROs are almost impossible to overstate. Students surveyed by SYPP who had been subjected to search, especially when they were not in violation of any rules at the time, carried feelings of resentment and fear regarding the police officers assigned to their schools, and many were less comfortable attending school afterwards. Focus group participants who had not been

searched expressed disdain for school administrators, such as principals, for their overreliance on SROs in addressing school discipline. *Police in Schools*. SYPP's survey revealed feelings of distrust regarding SRO motivations: 11% of surveyed students believe SROs focus on certain students or groups because of racial prejudice or profiling. *Id.* Finally, the frequency of fruitless searches under the reasonable suspicion standard has led some students to believe that police may search whoever they want, whenever they want, without any redress available to students.

From SYPP's research, youth interactions with law enforcement assigned to their schools are overwhelmingly negative experiences. Out of just over 100 students surveyed, 23% reported that they had been questioned by their SRO in some capacity, whether as a suspect, witness, or victim. Over three-quarters of those students who had been questioned characterized the encounter as being negative, while about one-third also reported that the presence of an SRO on campus made them less likely to attend school *Id.* When asked whether and why SROs target certain students or groups of students for investigation more than others, 11% of students believed that SROs focus on students because of their racial or ethnic status.

While verbal contact between SROs and students, including accusatory questioning and investigation, may sometimes be unpleasant for the students involved, *amicus* concedes that such contact is commonly necessary and unavoidable in order to maintain a quality learning environment. In light of this, several questions on SYPP's survey were drafted to determine precisely what type of SRO actions negatively impact the learning environment and student comfort at school.

One question asked students whether the presence of an SRO on campus made students more likely, less likely, or equally as likely to attend school. By correlating this to other responses on the same survey, SYPP has been able to infer which interactions with SROs make students want to avoid school. Repeated, frequent contact with SROs, particularly the experience of being searched by an SRO, correlated strongly with a lower desire to attend school because of SRO presence there. Students who reported in the survey that they had been searched by an SRO at school universally characterized those experiences as negative, citing feelings of intimidation or harassment; several responses included write-in comments that being the target of a fruitless search left them feeling 'violated' or 'scared to come to school' afterwards. Responses from both the focus groups and survey indicate that being searched by a police

officer is traumatic for students, particularly when they felt the search was grossly unjustified because they weren't carrying any contraband. *Id.*

Studies on child and youth trauma confirm that this type of experience leads to several common reactions among youth, particularly adolescents: those who feel they were not assertive or resistant enough during the traumatic incident may more aggressively recreate the circumstances of that incident while being provocative and combative toward any authority figures they see, while others may redirect this anger at classmates in conflicts that disrupt school. Some even recreate the traumatic situation by engaging in the misconduct they were falsely accused of during the first encounter. *See* Understanding Child Traumatic Stress, <http://www.nctsn.org/resources/audiences/parents-caregivers/understanding-child-traumatic-stress> (last visited December 26, 2011).

M.B., a female student in the ninth grade, reflected this almost to the letter when speaking during one of SYPP's focus groups: "It's weird, but it [being searched] made me actually want to do what they were accusing me of since they were already treating me like I had done it." . Others in the focus group who had been searched agreed with M.'s statement. For students like these, who volunteer in extracurricular

activities as SYPP members and who rarely if ever get in trouble at school, the search itself was viewed as humiliating punishment for something they hadn't done.

These negative effects are further compounded by the lack of any remedy for an unjustified search (or a search perceived by as unjustified by the student) which turns up no evidence of wrongdoing. Barry C. Feld, *T.L.O. and Reddings Unanswered (Misanswered) Fourth Amendment Questions: Few Rights and Fewer Remedies*, 80 Miss. L.J. 847, 950-952 (2011) (discussing the barrier to constitutional tort claims and consistent court dismissal of students' claims for relief).

Finally, the lax nature of the school search standard when compared to probable cause appears to contribute to a mindset that SRO searches in schools require no explanation to students. Of the 11 students who indicated in the survey that they had been searched by an SRO, only one was given any explanation or justification for the search. *Police in Schools*. Many focus group participants were unaware that they could withhold consent to a police search while at school. Only one had ever tried to deny an SRO's request to search her bag, but in that instance, the SRO proceeded to search her regardless. The search turned up nothing. *Id.*

All of this contributes to a growing atmosphere of anxiety and distrust for youth in public schools, where students increasingly view police officers and educators as powerful opponents who can apply the law as they will. Students are inculcated to consent to all police searches sine they will be searched anyway, and do not expect to be told why they are being searched. This lack of knowledge among students relating to why SROs conduct searches leads students to ascribe bias as a common police motive, which is almost certainly inaccurate but nevertheless creates distrust of police that can last long after those student become adults. Schools represent a crucial nexus of both civic education and governmental authority for youth – students see and learn about a major government institution while they participate in it, a fundamental step in preparing them to be informed and responsible adult citizens in accordance with the legislature’s stated basic education goals in RCW 28A.150.210. Unfortunately, the minimal level of suspicion required by the reasonable suspicion standard, when applied to police officers assigned to schools, teaches these students dangerous and inaccurate lessons about their own rights and police powers while fostering a hostile relationship between students and police.

CONCLUSION

Nearly every one of the deleterious effects of SRO contact with students can be eliminated or considerably mitigated by subjecting warrantless searches by SROs to the probable cause standard. Certainly, some SRO searches of students are both necessary and desirable; but if some medicine is good, more is not necessarily better. The lax standard of reasonable suspicion increases the range of student behaviors that may lead to an SRO search, and the damaging consequences from this vastly outweigh any marginal benefit that comes from applying reasonable suspicion instead of probable cause to SRO searches. *Amicus* urges the Court not to create a new or complex test to determine whether a particular SRO was behaving more like a school official or law enforcement officer at the time of a search, since doing so would add further ambiguity to an already unclear standard.

Rather, *amicus* urges application of the probable cause standard to all warrantless police searches in schools, whether conducted by an SRO assigned to the school or by a patrol officer responding to a call from a school. Understanding that police are bound by a clear and consistent standard in searching youth and adults alike would go a long way toward reversing student perceptions of SROs and other law enforcement officials as capricious, intimidating antagonists. The probable cause standard— as

well as the considerable body of judicial guidance regarding application of that standard – would also serve to filter out malicious student ‘tips’ by requiring SROs to corroborate or established reliability for a student tip before a search is initiated. Additionally, applying probable cause would serve to familiarize students with the actual warrantless search standard that applies to them as when they become adults or leave school grounds, fulfilling the legislature’s intent to close the achievement gap between students of different backgrounds and reduce dropout rates in public education. RCW 28A.150.198(2). Finally, limiting the reasonable suspicion standard to searches by non-police school officials, as professional educators primarily interested in school order rather than criminal law, would bring the law back to its logical basis in *State v.*

McKinnon:

The high school principal is not a law enforcement officer. His job does not concern the discovery and prevention of crime. His duty as the chief administrator of the high school includes a primary duty of maintaining order and discipline in the school. In carrying out this duty, he should not be held to the same probable cause standard as law enforcement officers.

88 Wn.2d 75, 81, 558 P.2d 781 (1977).

Respectfully Submitted on December 27, 2011,

A handwritten signature in black ink, appearing to read 'K. Ambrose', is written over a light gray, textured rectangular background.

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RULE 9 Intern, # 9125704
Jay Singh
Law Student

DECLARATION OF SERVICE

I DECLARE, UNDER PENALTY OF PERJURY,
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date below I served a copy of the foregoing document by emailing
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Signed this 27th of December, 2011 in Seattle, King County,
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Harold Daniels

APPENDIX I



SEATTLE YOUNG PEOPLE'S PROJECT



POLICE IN SCHOOLS: STUDENT PERCEPTIONS OF SCHOOL RESOURCE OFFICERS

DECEMBER 2011

FOCUS GROUP WITH SYPP MEMBERS

SYPP began this study with two focus groups—composed of ten female students, all SYPP members from five greater Seattle area schools. The students were enrolled in the 9th, 10th, 11th, or 12th grade and came from Garfield High School, Franklin High School, Chief Sealth International High School, Ingraham High School, and Kenmore Junior High School. The focus group's primary topic was student attitudes about having a police officer, usually called a school resource officer (SRO), assigned to their school. The discussion was not overly formal, and students were encouraged by the focus group facilitators, two law students from the University of Washington, to respond to and ask each other questions.¹

BEYOND THE CALL OF DUTY?

Overall, most students in the focus groups agreed that SROs tend to go beyond their safety and disciplinary duties and establish their authority by intimidating and harassing some students. This harassment was most commonly described as being unsolicited comments, usually about a student's clothing or appearance, but sometimes about a student's academic performance.

WHAT DO SROS SAY TO HARASS STUDENTS?

"They wait by the entrance in the morning and tell the guys 'Pull your pants up' all the time in front of everybody." — M.B., a 9th grade student

"Sometimes they tell people they know who've been in trouble before to pay more attention in class. It makes people not want to go to them for help since they [the SRO] always have some comment to make." — K.A., a 12th grade student

Student opinion was fractured on whether this was an acceptable trade-off, given the benefits of having a police officer for campus safety. Some believed that SROs made schools safer and that behavior was unsavory but not excessively negative;

¹ Quotes from focus group members use only the student's first initial for anonymity reasons; since several student had the same initials, a second initial was used while recording their quotes to distinguish between them.

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roughly half of the focus group participants believed SRO behavior impugned students' sense of self-worth and made them more likely to lash out against the SRO or school officials, particularly when SROs searched students who hadn't done anything wrong.

SEARCHED

Searching students for evidence of wrongdoing, along with the harassing comments, were viewed by most focus group members as a way for SROs to intimidate students. K.B., a 12th grade female student, noted that the SRO at her school "judges me" and is "intimidating" whenever they speak. Last year, K.B. was searched for marijuana possession after she left school grounds during lunch (allowed by her school during lunch hours) and walked past a popular off-campus gathering place for students. According to K.B., the SRO didn't have grounds for a search and simply searched her because she was walking by a place where students sometimes gather to smoke tobacco or marijuana. The search turned up nothing, but the SRO nevertheless told her that he would arrest her if he "ever [saw her] in that area again." Several of those searched suspected that fellow students gave false tips to SROs in order to satisfy a grudge against that student.

K.A., a 10th grade student, and K.B. both felt SROs profiled them based on the disciplinary history of their older brothers, who the SROs were familiar with. On one occasion, an SRO told K.B. that she "would probably drop out just like her brother." K.A. noted that SROs "constantly bug" her about things on account of her brother's problems. K.A. and K.B. experienced this treatment from their first day at that school, before they were given a chance to establish a reputation for themselves, because their SROs recognized their last names. Other students felt "watched," while those who attended Garfield High School reported unwarranted sweeps of all students' lockers. These accounts document a culture of intimidation and harassment for certain students that focus group members considered counterproductive to scholastic and social growth.

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SECURITY

Some students felt that SROs provided a sense of safety despite the negatives. M.A., a 10th grade student, noted that “we need SROs there because there’s so many kids, even if they might take things too far sometimes.” Others felt that the intimidation and harassment overrode any feeling of added safety, and had little respect for school principals and vice-principals who “stay in their offices all the time” so that the SRO would handle any and all disciplinary matters. K.B., who had been searched to no avail, noted that the way she was treated made her feel like “maybe [she] should have smoked that joint.” M.B., a 9th grader, echoed these sentiments when she noted that when SROs targeted her, she found herself wanting to actually break the rules she was falsely accused of violating. These statements indicate that many students internalize SRO harassment and “live down” to incorrect SRO judgments about their character. In the final analysis, this behavior poisons the school environment by lowering student self-esteem, encouraging students to pay the harassment forward on other students, and creating a culture that is distinctly counterproductive to scholastic and social growth.

NOTABLE QUOTES FROM FOCUS GROUP MEMBERS:

“It’s weird, but it made me actually want to do what they were accusing me of since they were already treating me like I had done it.” – M.B., a 9th grade student, on being wrongfully searched

“Where do I start? The first time, in 7th grade, I had an infection in one eye, so [school security] pulled me out of class and searched me in the hall.” – K.B., a 12th grade student, when asked whether she had ever been searched; she described being searched 3 separate times, at least twice by an SRO, all with no evidence of wrongdoing being discovered.

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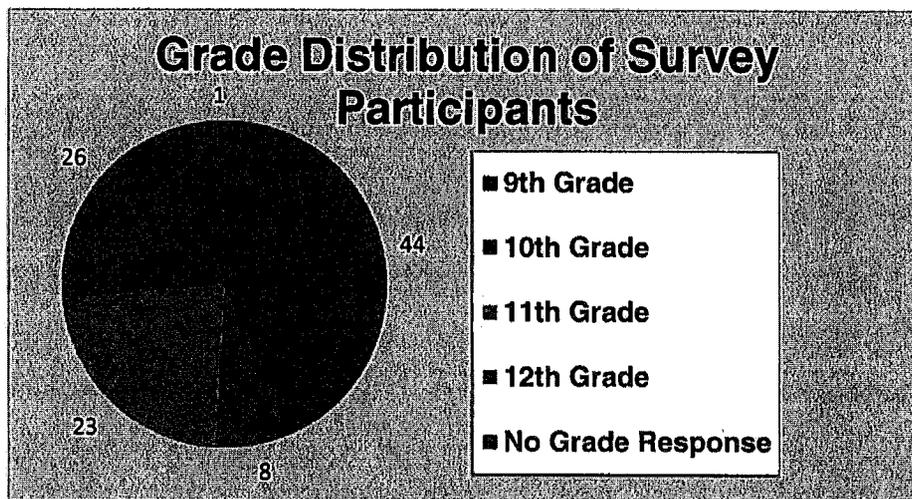
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NOVEMBER 2011 STUDENT SURVEY ON SROs

Immediately following the focus groups, student participants worked with adult focus group coordinators to refine questions for a survey of a wider group of students. The survey, conducted informally but with close attention to neutral question structure, consisted of 9 questions about how visible SROs are at school, how much contact students have with them, and students' reactions to both SRO contact and SRO presence overall. This report only focuses on the most significant results, but all results can be seen in the datasheet.

SYPP members administered the survey at their respective high schools; participants were randomly selected, with administrators distributing their surveys to an entire class at a time. This yielded 102 responses from students at five Seattle and greater King County area schools.² Because the survey was administered in classrooms, all survey participants were actively enrolled at school (that is, none were on suspension or expulsion at the time). Survey participants were in grades 9 through 12 as below:



² The schools surveyed were: Garfield High School, Franklin High School, Ingraham High School, Chief Sealth International High School, and Kenmore Junior High School.

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SURVEY SUMMARY

The survey revealed a few key themes:

- **SRO Visibility:** Students of color, particularly, African-American students, were generally more likely to see their SROs during the school day.
 - In contrast to this, students from Asian backgrounds were by far the least likely to see or interact with their SRO.

- **SRO Contact:** Most close interactions with SROs (being questioned or searched) were negative experiences for the students involved.

- **SRO Searches:** Being searched by a police officer assigned to school was a universally negative experience for the students involved; in the comments section, many added that the search discovered nothing.

- **Comfort at School:** Almost 27% of students reported they were either more likely or less likely to attend school due to the SRO being present there.
 - About 14% of the total survey population were less likely to want to go to school, and these students had high levels of contact (seeing, being questioned by, or being searched by the SRO).
 - About 13% were more likely to attend school due to SRO presence; most of these students saw their SRO regularly, but had very few interactions with the SRO.

SEATTLE YOUNG PEOPLE'S PROJECT

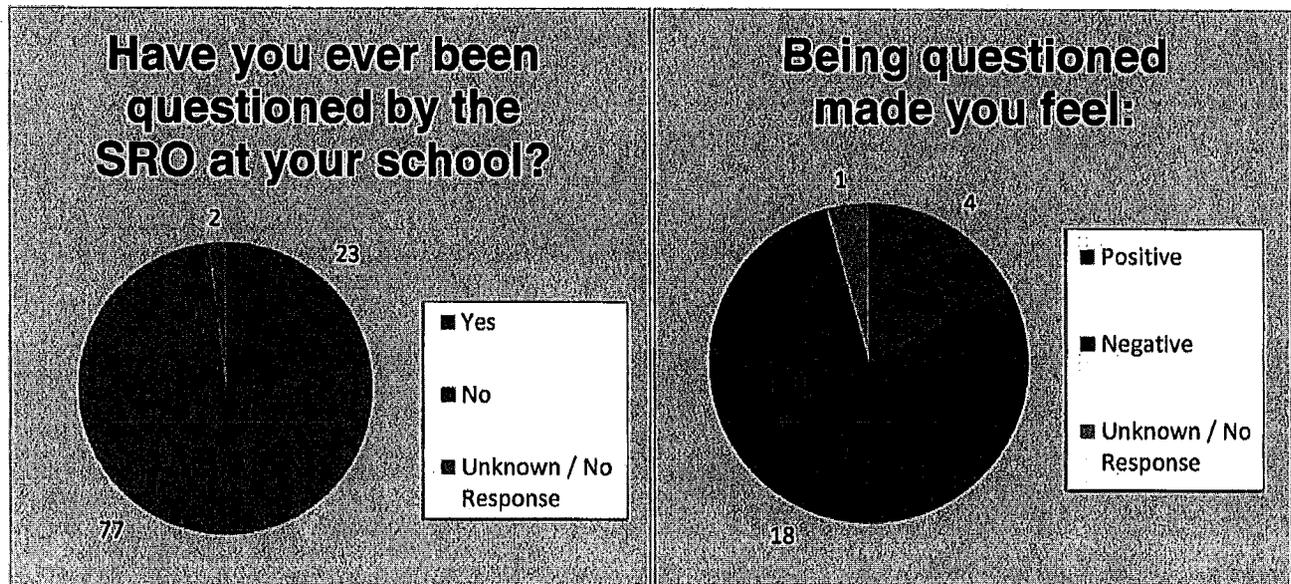
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QUESTIONING BY SROs

Students were asked whether they had ever been questioned by their SRO and, if so, how the experience made them feel. This included any type of questioning, and so included students who had been questioned as suspects, victims, or witnesses.³



NOTES

- Students from most racial/ethnic groups were questioned at proportional rates.
- The exception was students of Asian backgrounds, who were questioned much less than any other group.
- Males and females were questioned at relatively equal rates.

³ The edges of each chart show the actual number of students who gave that response out of 102 total students surveyed, not a percentage of the total.

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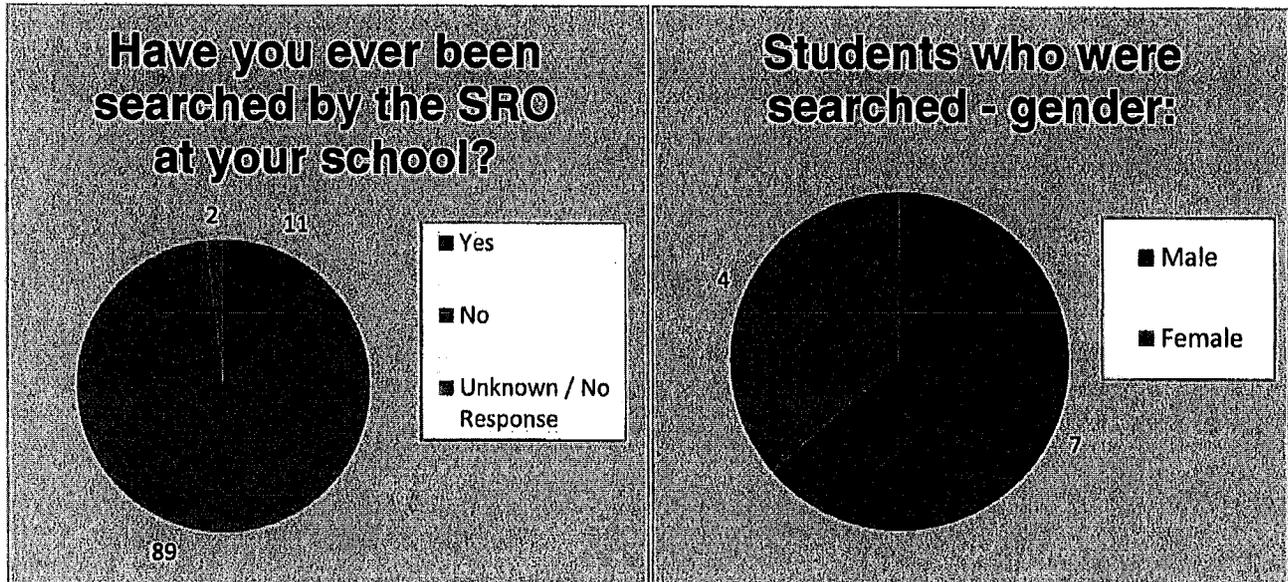
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SEARCH BY SROs

As with being questioned by the SRO, students were asked whether they had been searched and, if so, how the search made them feel.



NOTES

- Every student who had been searched felt it was a very negative experience, with some checking that they felt harassed or intimidated, and others writing in descriptions of the negative experience.
- Students from most racial/ethnic groups were searched at proportional rates.
- As with being questioned, Asian students had much less contact with SROs: no Asian students reported having been searched.
- Males were considerably more likely to be searched than females.

HOW BEING SEARCHED MADE STUDENTS FEEL:

"I was scared to come to school." – 11th grade male student

"Violated." – 10th grade male student

"Harassed – for no reason." – 10th grade male student

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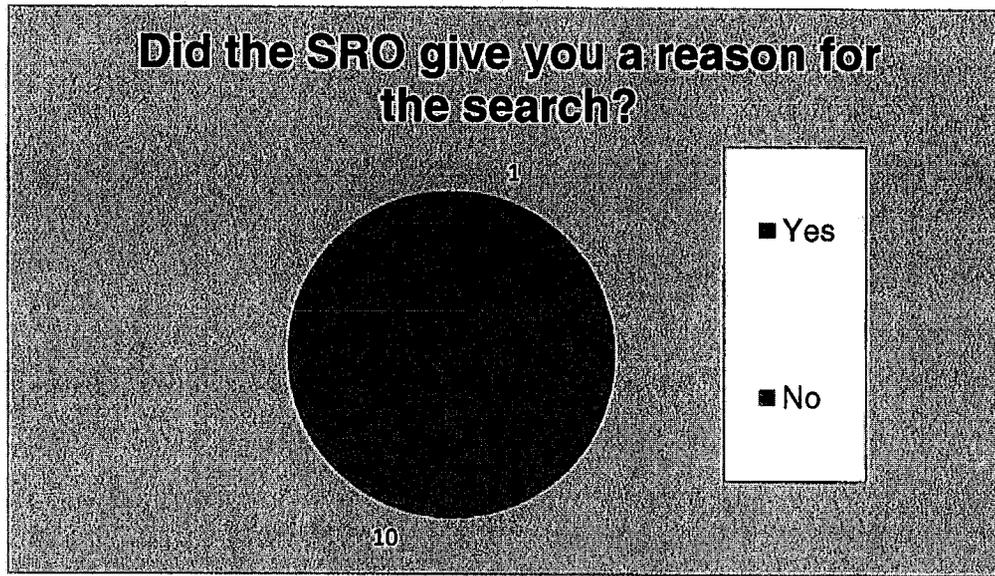
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REASON FOR SEARCH

Students who had been searched were also asked whether they were given any reason or explanation for being searched:



NOTES

- This matched the information gathered from the focus group: students, were usually only told to hand over their bag so that the SRO could search it; after nothing was discovered, which was overwhelmingly the case among focus group participants, the students were told to be on their way with no further explanation of what the SRO was looking for or what they had been doing that led to the search.
- Students in the focus group who had been searched but not given any explanation generally had no serious disciplinary history; because of this, and because they were not told why the search was happening, several assumed it was because of their race or ethnicity.

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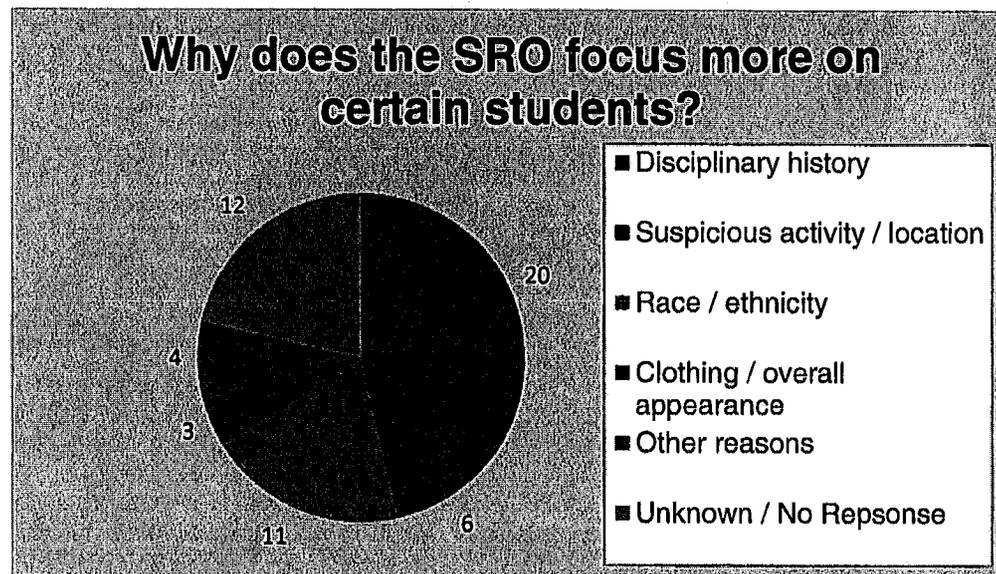
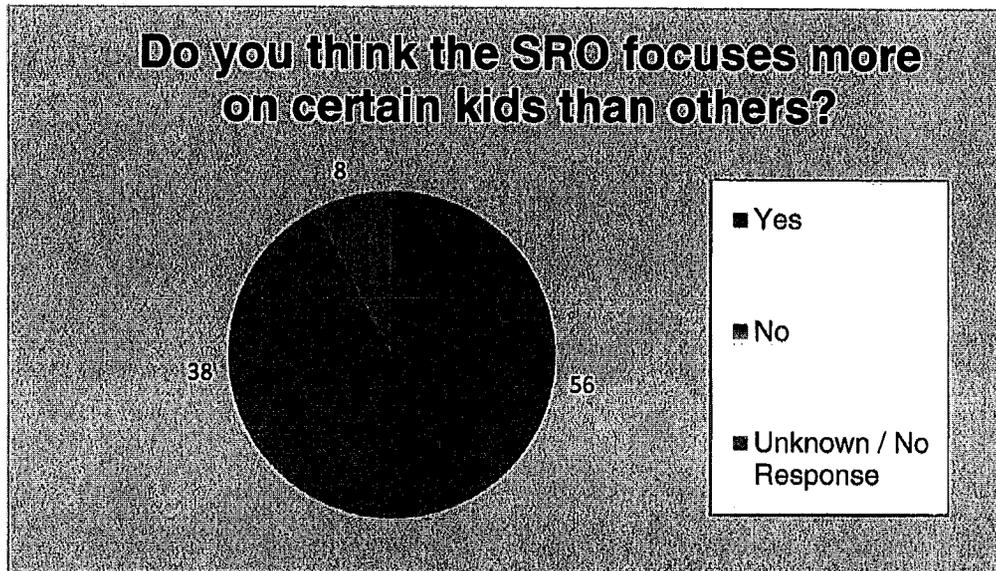
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WHICH STUDENTS SROs FOCUS ON

All students were asked whether they thought their SRO focused more on certain students than others. Those who answered yes were also asked to write in why they thought the SRO focused on those students.



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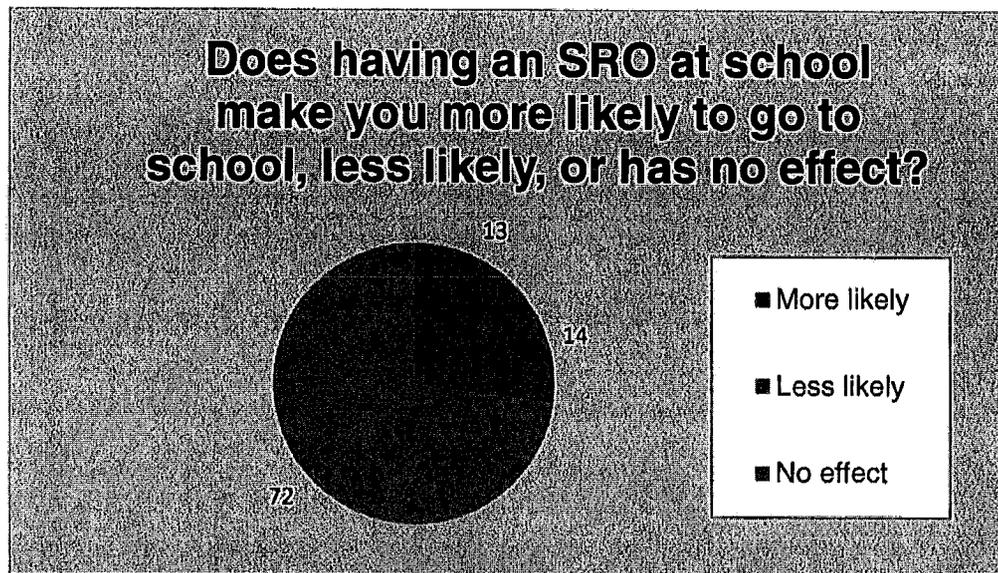
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REACTION TO HAVING AN SRO AT SCHOOL

One of the key questions on the survey asked whether having an SRO assigned to their school made students more or less likely to attend school; those surveys that answered “Less likely” were then compared to other questions to see what may have led students to give this response.



- **Out of those students who answered “Less likely”:**
 - Nearly all – 13 students out of 14 – knew another student who had been questioned or searched by an SRO.
 - A majority – 8 students out 14 – had been searched and questioned by an SRO.
 - A large majority – 11 students out of 14 – knew another student who had been suspended, expelled, changed schools, or dropped out because of an interaction with an SRO.
 - In general, these students had a much higher degree of contact with SROs than all students combined.
- The students who answered “More likely” had less contact with SROs: only 1 out of 13 students who answered this way had been questioned by an SRO, and none had ever been searched.

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CONCLUSIONS

- We can infer that students benefit most from an SRO who they see around school regularly, but do not closely interact with: they feel more secure at school because they know the SRO is on hand for any serious incidents, but don't feel like they're being unfairly targeted or picked on. Regular SRO interaction was not viewed as rapport-building by students, but as harassment.
- Students are usually searched without being given a reason; even when the search turns up nothing, no explanation or apology is offered. This tends to make students resent their SRO, and can be particularly harmful in that students who don't break the rules begin to see their SRO as someone who is out to get them.
- Students in the focus group tended to have more of a problem with an SRO's actions than the mere presence of an SRO on campus. Many appreciated having a police officer around for safety, but questioned the decisions that SROs made to search or repeatedly talk to certain students.
- Being searched by an SRO, especially when the student has done nothing wrong and has no contraband, can be tremendously damaging to both that student's level of comfort at school and the SRO's reputation and effectiveness in working with the student population.

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Cc: Christopher Gibson; David Huneryager; David Perez; Nancy Talner; Travis Stearns; William L. Doyle
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Cc: Christopher Gibson; David Huneryager; David Perez; Nancy Talner; Travis Stearns; William L. Doyle
Subject: For Filing: Motion for Extension of Filing Time & Amicus Brief (St. v. Meneese)

Clerk of the Supreme Court:

On behalf of the Seattle Young People's Project, the following attached documents are enclosed for filing:

- 1) Motion for Extension of Time for Filing Amicus Curiae Brief;
- 2) Amicus Curiae Brief.

Service on counsel for the parties and known amici is effected concurrently via this email.

Respectfully,

Harold Daniels
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William H. Gates Hall, Suite 265
University of Washington School of Law
P. O. Box 85110, Seattle, WA 98145-1110
206.543.3434 / 206.685.2388 (fax)
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