



NYCLU

NEW YORK CIVIL LIBERTIES UNION

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VIA FACSIMILE AND FIRST CLASS MAIL

Mayor Michael R. Bloomberg
Office of the Mayor
City Hall, New York, NY 10007

Chancellor Joel I. Klein
New York City Department of Education
52 Chambers Street
New York, New York 10007

Dear Mayor Bloomberg and Chancellor Klein:

In recent years, the New York Civil Liberties Union has received increasing numbers of complaints about the introduction of police and policing techniques into our public schools. These complaints have multiplied with the recent expansion of a program involving the use of metal detectors in the schools.

Indeed, the complaints that we have received suggest a pattern of over-policing with consequential damage to the educational environment in schools. We have been told of police officers who are assigned to schools in the interests of student safety but who attempt to extend their authority beyond safety issues to enforce general school rules of student conduct, dress and deportment. Indeed, as demonstrated by the current controversy over cell phones, it appears that school safety agents have been instructed to enforce school discipline in this regard without any input from principals. Such overreaching invites questions of school governance for it remains unclear to principals disturbed by such behavior as to whether they have the authority to direct school safety agents (who remain police department employees) to undertake certain conduct or to refrain from certain conduct.

We have also received a complaint, now reflected in a lawsuit pending in the United States District Court for the Southern District of New York, regarding police officers who entered a school at the request of teachers but who did so in a way that utterly disrespected the administrators, teachers and students in the school. In essence, the officers entered the school with the swagger of street-thugs as they engaged in abusive conduct directed at both teachers and students. The systemic issues raised by this episode involves the question of the degree to which police officers are trained with regard to the special characteristics of schools and the need to respect those characteristics.

With regard to the use of metal detectors, we have also been told of students being required to take off shoes and belts simply to walk into school and female students being

required to lift up their shirts for school safety agents because their wire bras set off the metal detectors. Moreover, administrators and students alike have complained about lost class time, missed tests and even failed classes as a result of delays occasioned by large numbers of students having to pass through metal detectors to enter school buildings at the beginning of the day.

In general, such over-policing creates a fortress-like atmosphere in the schools. This atmosphere is incompatible with the idea of the school as a nurturing environment conducive to learning and to cultivating academic skills and competencies. That is the complaint that will be advanced this day, in the form of petitions, to be presented by a student organization, the Urban Youth Collaborative. The students are seeking "safety with dignity." As the group states in a press release: "Our school should be a place of learning, not a prison facility." We agree.

It is, of course, the case that the Department of Education has a responsibility to ensure a safe and secure educational environment where children can learn. But, there needs to be an appropriate balance between security and the dignitary rights of individuals -- especially in our schools. The complaints that we have received, unfortunately, suggest that an imbalance is developing or, indeed, has developed. Moreover, when it comes to schools, there must be an appropriate deference by the police to the decision-making authority of school administrators. Too often, such deference is disregarded.

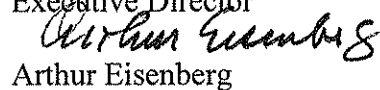
To correct such imbalance, it is important for the Mayor and/or the Department of Education to establish clear rules of governance that confer upon principals the authority to direct the conduct of school safety agents and other police officials in the schools except in circumstances where imminent safety concerns require police intervention. Police officers who are called upon to interact in the schools with school officials and children must be properly trained. There must also be a clear, confidential procedure for complaints of abuse against police and school safety agents in the schools. Finally, regarding the use of metal detectors, the City should retain, on a pro bono basis, an independent consulting firm to prepare an Educational Impact Statement consisting of an evaluation of the need for metal detectors and their impact in the schools, based on such quantitative measures as lost class time and such qualitative measures as the degree to which such techniques adversely affect the educational environment.

We would be happy to discuss these matters with you.


Sincerely,



Donna Lieberman
Executive Director



Arthur Eisenberg
Legal Director



Udi Ofer
Legislative Counsel