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November 24, 2008

Superintendent Daniel Lowengard and Board President Laurie Menkin
Syracuse City School District
725 Harrison Street
Syracuse, NY 13210

Dear Superintendent Lowengard and Commissioner Menkin:

We write today in reference to the October 30, 2008 incident at Corcoran High School involving student Quanasia Johnson and School Resource Officer (SRO) Paul Kluge. We call on you to take immediate steps to investigate this particular incident, similar occurrences of police misconduct in Syracuse schools, and the need for increased transparency and clarity in the relationship between the Syracuse City School District (SCSD) and the Syracuse Police Department (SPD). It is the duty of SCSD and the Superintendent's office to ensure that unwarranted physical altercations between police personnel and students do not occur again.

Although the exact series of events that took place that day is disputed, it has become clear that Officer Kluge used physical force against the 15-year-old student, allegedly causing immediate injuries to her face, head, neck and arms, as well as injuries to her back that are of continued concern. Statements made by several witnesses allege the extremely violent nature of the encounter and the use of excessive force beyond what might have been appropriate to bring the student into custody. Witnesses allege actions far more violent than those recounted in Officer's Kluge's statement—including several additional blows to Quanasia's head and face and a severe nosebleed allegedly caused by Officer Kluge's punching her in the face. These allegations, if proven true, represent a horrific account of police misconduct, and a blemish on the Syracuse City School District.

We believe that the event in question, while unusually violent, is not an isolated incident. In fact, the NYCLU has received several reports of police brutality at Corcoran High School, including allegations of abuse by Officer Kluge on at least three separate occasions. We have also received reports of Corcoran students being questioned by police in regards to this recent incident outside the presence of a school administrator, and without any attempt to contact their parents, as required in the District's own Code of Conduct.¹

¹ See Syracuse City School District Code of Conduct, X. (C), p. 21.

While this particular incident has underscored the problem of police activities in SCSD schools, your inquiry into the larger issue should begin—not end—with Quanasia Johnson. The SCSD School Board must act quickly and decisively in light of these allegations to restore confidence to the school system. This is an important opportunity to reexamine and improve upon SCSD’s association with the SPD for the wellbeing of all public school students in Syracuse.

Across New York State, many large school districts are facing problems caused by relying on police personnel to enforce school rules—such as preventing students from skipping class or loitering in hallways or restrooms. This reliance increases interactions between students and police exponentially, leading to flashpoints of conflict that all too often end in mistrust, hostility, disrespect, physical altercations and injuries, and arrests of students for non-criminal violations. For this reason, we believe that the assistance of the police department in school matters is appropriate only in relation to immediate safety issues and other criminal incidents. School rules and disciplinary codes should be developed and enforced by pedagogical employees, not by police officers invited into schools to assist with security.

To protect the safety and wellbeing of all the students attending schools in Syracuse, we call on the School Board of the Syracuse City School District to take the following steps:

1) The School Board must immediately commence a formal investigation into the circumstances surrounding Quanasia Johnson’s alleged beating and subsequent arrest. The investigation should examine the facts of the incident; the events leading up to the interaction between Officer Kluge and Quanasia, including the past and continued suitability of SRO’s performing “restroom sweeps” for students; the validity of statements submitted by several student and teacher witnesses; and the adequacy of the response by the school and police department after the incident. In this investigation, all evidence must be weighed and considered—beyond merely the official statements of Officer Kluge and other Corcoran employees who chose not to intervene to prevent a violent situation. The School Board’s findings must be issued in a publicly-available document.

Upon completion of this investigation, the Board must take appropriate and decisive steps to ensure that such an event never again occurs in SCSD’s schools, and that all parties guilty of misconduct face appropriate consequences for their actions.

2) The Superintendent must convene a meeting between representatives of the School Board of SCSD, the Police Department, the Common Council Public Safety Committee, the NYCLU, the Onondaga County/Syracuse Human Rights Commission, and other relevant stakeholders to discuss issues of school security going forward.

The purpose of the meeting should be to discuss the possible parameters of an official District policy codifying the lines of authority, responsibilities, and obligations of school district employees in regards to police activities in schools. There should also be a meaningful distinction created between the enforcement of school rules—which should be the responsibility of pedagogical employees or other school personnel—and the

response to genuine safety concerns and criminal acts in schools—which may require the assistance of police personnel.

3) Subsequent to that meeting, the School Board must adopt an official policy and/or a mutual written agreement with the SPD, such as a Memorandum of Understanding (MOU), that includes the clear articulation of, and mutual adherence to, the following:

- Unambiguous lines of authority and jurisdiction for the enforcement of school rules and the penal law, detailing and limiting the situations where school personnel are permitted to request the assistance of police personnel.
- The rights and responsibilities of SCSD and the SPD regarding school security, whereby pedagogical employees shall henceforth enforce school all rules, and the police—when involved—shall enforce only the penal law, and respond to situations of immediate, genuine danger to pupil or teacher safety.
- A requirement that SRO's include school administrators in interactions with students whenever possible. A chain of command should be established, whereby SRO's working in schools must notify and/or include the principal or a designee when pursuing certain actions with students that could result in a use of force, custodial detention by a police officer, questioning of a student by a police officer, or placing a student in handcuffs or under arrest.
- A neutral, confidential, and effective grievance procedure for students, parents, and school employees who have complaints about the actions of SRO's. Ideally, this procedure would include individuals independent of the SCSD and SPD in the process of investigating complaints and determining the appropriate response. The designee charged with receiving complaints must ensure that complainants are given timely and informative information about the investigation and disposition of their complaints. Information about this grievance procedure should be posted on the SCSD website.
- An annual review of the effectiveness of the police presence in Syracuse schools, and an evaluation of the impact that such a presence has on the educational environment.

Currently, the association between SPD and SCSD exists on an unofficial, year-to-year basis. Outside of a few passing mentions of SRO activities in the SCSD Student Handbook, and a line item in the police budget, there is no official recognition of police activities in SCSD schools.

This unofficial relationship has created systemic problems, most of which are traceable to the lack of clear policy or perhaps a legally binding agreement between the two agencies. The creation of and adherence to a mutually-agreeable document, such as an MOU, could begin to solve many of the most basic issues. However, in order to restore student, parent, and community trust in the school district the development of any

agreement must include input from the stakeholders described above, plus students, parents, and staff from all district high schools.

We also feel that the district should examine the institution of positive behavioral reinforcement techniques such as conflict resolution, fairness committees, and peer mediation, where such programs are not in place or are not effective. Many school districts across the country have had success using these measures to reduce conflict and the need for police involvement in schools.

4) The School Board or a designated committee of that body, working with the Superintendent's office and other relevant stakeholders must create a reporting system to track police incidents in schools. It is not adequate to rely solely on SPD to internally maintain and analyze such a database. The system must be made accessible to the public (within the confines of applicable privacy laws) and should monitor and record all interactions between SRO's and students, parents, teachers, or other school personnel on school grounds, including arrests, summonses, and bodily and possession searches, organized by district and by school. The system should also track the demographic characteristics of each student involved in an interaction with an SRO, including their race/ethnicity, gender, age, special education status, immigration status, and any other demographic characteristics volunteered by the student.

This data should be analyzed by the Superintendent or his/her designee at least quarterly, and the Superintendent and School Board must release these reports to the public, both in the course of a public meeting and via the school district website. Such an arrangement will bring much-needed transparency to the actions of police in SCSD schools, including the ability to ensure that discipline is enforced in a fair and equitable manner.

Thank you for your prompt attention to this important matter. The students of SCSD deserve a safe, secure, and fair learning environment. Please contact Barrie Gewanter at (315) 471-2821 or bgewanter@nyclu.org with any questions or to schedule the meeting referenced above.

Sincerely,

Barrie Gewanter
Director
Central New York Chapter



Johanna Miller
Public Policy Counsel



Udi Ofer
Advocacy Director

cc: Deputy Superintendent Jaime Alicea
Commissioner Kim Rohadfox-Ceaser
Commissioner Ned Deuel
Commissioner Dorothy Matthews
SPD Chief Gary Miguel
SPD Deputy Chief Frank Fowler
City Councilor William Ryan
Julius Edwards, Onondaga County/Syracuse Human Rights Commission