

The uneven spread of school criminalisation in the United States

Paul Hirschfield explains why school misconduct in the United States, especially in the inner cities, is increasingly treated as crime.

Deadly violence in US schools is rare, but frequent enough to upstage steady declines in school victimisation since the early 1990s. A more prominent competing storyline is the ‘criminalisation’ of school misconduct. This topic is the central focus of a recent article in *Theoretical Criminology* (Hirschfield, 2008). High-profile incidents include the handcuffing of a New York City (NYC) kindergartener, separate student arrests for inadequately cleaning up spilled cake and slapping the posteriors of female classmates, the arrests of two NYC high school principals (separate incidents) for interfering with students’ arrests, and a full-scale drug raid at a high school in South Carolina that yielded no arrests.

Such headlines and corroborative research suggest that school discipline in the public schools—especially in major cities—has been criminalised. Fully understanding the scope, novelty, and gravity of this phenomenon requires an expansive conception of criminalisation. Whereas the term traditionally connotes the social and political processes transforming behaviours into crimes, few criminal laws single out student behaviour. School criminalisation assumes at least three forms. First, emergent policies and practices make it easier for transgressions that once sent students to the principals’ office for discipline (e.g. detention or suspension) to also trigger arrest and court proceedings. Second, schools allegedly criminalise students merely through *treating*

them like criminal suspects, subjecting them to bodily and property searches at the metal detector, high fences, and the scrutiny of armed guards and surveillance cameras. Third, criminalisation can be broadly conceived as the definition and management of student problems like disruptiveness and academic failure through a crime control paradigm (Hirschfield, 2008). For example, Jonathan Simon (2006) shows how politicians have depicted students as *victims* of the *crime* of illiteracy in order to help justify policies that punish educators and schools for lax performance and behavioural standards.

This piece focuses on the first two forms of criminalisation, because they are the easiest to document and compare. Although schools across America’s diverse social landscape have criminalised school discipline, poor or urban African-American and Latino students encounter more extreme levels and forms of it. My explanation of criminalisation accounts for key patterns of spatial and demographic convergence and divergence in the United States. Its applicability for the British context is an open question.

Statistics demonstrate the uneven spread of criminalisation. School-based policing is the fastest-growing

law enforcement field. Sworn police officers in schools soared from 9,400 in 1997 to 14,337 in 2003, with 60 per cent of high school teachers reporting armed police stationed on school grounds in 2004.

Unsurprisingly, installing police results in more arrests, at least initially. Police in Miami-Dade, Florida, made 2,435 school arrests in 2001 (up from 820 in 1999), 57 per cent of which were for simple assaults and ‘miscellaneous offenses.’ Additionally, the prevalence of surveillance camera systems has more than doubled since 2000 with 70 per cent of high schools reportedly using them in 2005–2006 (Dinkes et al., 2007). Although police and cameras are comparably widespread in urban, suburban, and rural schools, metal detectors are largely restricted to disadvantaged urban schools—where negative encounters with weapons are more common (Dinkes et al., 2007). To illustrate, urban schools comprising mostly minority students represented 14 per cent of US middle and high schools in 2003–2004, yet about 75 per cent of the schools that scanned their students with metal detectors daily (based on the National School Survey on Crime and Safety; Guerino et al., 2006).

Moreover, a comparable presence of police and surveillance cameras in urban and non-urban schools does not imply parity in criminalisation. School administrators in suburban and rural towns exercise greater control over the selection and management of their ‘school resource officers’, who were mostly hired under a designated federal programme that prepares officers for the unique rhythms and rigors of the school milieu. Suburban school cops

more often assimilate into school cultures that stress discipline and inclusion over criminalisation and exclusion. By contrast, their big-city

counterparts more likely operate within specialised units administered by the city or school district, which

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fosters a semi-autonomous culture and command structure.

Consequently, police officers in urban schools, irrespective of the preferences of school staff (who tend to be more exclusionary than their suburban counterparts, regardless), are more likely to import aggressive 'street' policing approaches. Off-site supervisors within the police department or the school district require

tangible indicators of productivity; arrests and seizures of contraband are natural choices. When aggressive police operate surveillance cameras and metal detectors, these devices are pressed into service of a criminalisation agenda. Police (and principals) may employ cameras to detect and prosecute offenses. Likewise, metal detectors and attendant personal searches make 'crimes' more visible and invite confrontations with police that can escalate into arrests (New York Civil Liberties Union and the American Civil Liberties Union, 2007). In more inclusive contexts, cameras articulate with a 'disciplinary' agenda, proactively encouraging students to direct their bodies toward normal, orderly, and productive action. Metal detectors are inclusionary and disciplinary only to the extent that they teach *all* students ritualised submission to authority.

How did this happen? Extant accounts reveal part of the puzzle but no single explanation accounts for patterns of both contextual convergence and divergence, while specifying intermediary social processes linking school practices to political-economic changes. First, the idea that sensationalised rural and suburban school shootings prompted an extended moral panic

helps explain when and why schools across the socio-economic and 'risk' spectrums embraced the general category of 'quick-fix' solutions

(police and cameras). However, this perspective does not explain specific patterns of divergence (e.g. why non-urban schools reject metal detectors) nor why school criminalisation continued to intensify after public panics over school violence subsided.

The school accountability

narrative addresses these gaps by adding an institutional objective furthered by criminalisation. Selectively criminalising students can help financially strapped schools meet external demands to boost standardised achievement and attendance levels by excluding low-achievers and truants. The problem with this explanation is that administrators were likely aware that transferring disciplinary responsibilities to the police is an inefficient means of identifying and excluding lax performers; many high performing students are criminalised as well.

A complementary explanation roots school exclusion and criminalisation in transformations in governance. At the risk of gross oversimplification, the governing through crime narrative (Simon, 2006) argues that reorienting schools toward the detection and punishment of crime tempers both the obligations of government and the rights of citizenship, while elevating centralised policy makers to the roles of protector, prosecutor, and judge. Criminalisation represents not only schools' control and exclusion of students but also schools' *compliance* with a neo-liberal governing regime that emphasises market competition, safety, and

accountability. The principal shortcoming of this explanation is that it leaves unexplained the variable, discretionary manner in which school actors comply with and resist criminalisation.

Finally, the due process narrative illuminates school-level actors' complicity in school criminalisation. Beginning in the late 1960s, court rulings afforded students rights to 'due process' and 'equal protection' in school disciplinary hearings. Federal law grants special protections to students with disabilities. During the 1990s as financially strapped schools faced pressure to crack down on school crime and failure, teachers', principals', and local school boards' fear of lawsuits restrained exclusionary responses. One solution was to delegate frontline disciplinary responsibilities to security and police officers, who operate under a different set of legal guidelines and professional code of ethics. For example, disabilities afford no protection against arrest. Accordingly, urban teachers unions have championed the creation of some specialised school police units. The due process narrative may explain why the school districts with the largest budgets appear to exhibit greater criminalisation. On the other hand, preserving traditional disciplinary structures would also leave affluent school systems vulnerable, given that their students are better equipped to mount legal challenge to disciplinary practices.

The uneven spread of criminalisation can be adequately understood only in light of America's altered structural landscape and schools' efforts to prepare students to function within it. Schools' classification and sorting practices, including school discipline, must accommodate certain political-economic realities like contracted industrial and mining sectors and the stable or expanded penal, service, and military sectors. These shifting structural configurations impact school criminalisation through three basic processes. First, at the macro-political level, rural legislators and entrepreneurs have fought economic decline, in part, by securing the location and expansion of juvenile

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and adult prisons in their districts. These politicians, arguably, benefit politically from policies that keep prisons full, such as encouraging schools to expel and arrest more students and cutting educational and prevention resources for inner-city schools (facilitated by surging correctional spending).

Second, within this structural landscape, teachers and administrators, especially in resource-deprived schools, are more likely to view chronically troubled students as unsalvageable or 'bound for jail' (Ferguson, 2000). Certain urban practices like mass arrests and metal detector searches may socialize and sort some students for prison. Heavy surveillance and rituals of docility also prepares valued students for a workplace that is increasingly devoid of individual and social rights. Even progressive-minded teachers may feel compelled to summon guards to exclude disruptive students, since structural factors deprive them of the resources and the cogent narrative of opportunity that would garner voluntary compliance.

Third, the expanded criminal justice system has produced a network of highly trained criminal justice professionals who seek enhanced professional legitimacy

and influence, as well as economic opportunities. The penetration of police and the juvenile court into schools can be seen as jurisdictional expansion on the part of powerful professional interest groups. Likewise, many former military and criminal justice professionals now act as school security consultants and vendors of high-tech school security equipment, fueling fears and aggressively marketing surveillance cameras, metal detectors and ways of knowing to school officials (Casella, 2006).

This article briefly traces the multiple social and historical underpinnings of the criminalisation of school discipline in the US. While the intention is to sound a cautionary note for policy makers in the UK, this article should also underscore for scholars that school surveillance practices are social and cultural products. As such, it is quite possible the metal detectors and CCTV in British schools—at least in some—serve a radically different agenda than they do in parts of the US.

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