

Ending the School to Prison Pipeline

Temple B'nai Shalom

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In October last year, a 16-year-old girl named Shakara sat in her math class at Spring Valley High School in Columbia, Richland County, South Carolina. During that class she pulled out her cellphone.

Robert Long, the math teacher, apparently believed that Shakara's action violated a "zero tolerance policy" of the school.

Mr. Long told Shakara to leave the classroom. She refused.

Mr. Long called an administrator to the room, who repeated the request. Shakara sat quietly at her desk but would not leave the room.

The administrator then called Ben Fields to the room. He was then a Senior Deputy Sheriff of Richland County. He was also a so-called "School Resource Officer." These are police personnel hired by schools to maintain discipline and enforce school rules.

Deputy Fields asked Shakara to leave. When she quietly but firmly continued to refuse, he moved the other students away from her, removed her laptop from her desk, and then attacked the girl violently. He grabbed her by the neck, slammed her and her desk backwards to the floor, and dragged her out of her desk and across the room. Deputy Fields is a large man, perhaps 300 pounds. Shakara is a little girl, perhaps five foot six. Fields is white; Shakara is black.

Deputy Fields threw Shakara to the floor, pinned her arms behind her back, and handcuffed her.

Another girl in the class, Niya Kenny, stood up and verbally protested the actions of Deputy Fields. He responded by placing her under arrest as well.

We know about this incident only because of cellphone videos made by Shakara's classmates. Those videos went viral and sparked a protest.

The FBI, the Department of Justice and the Richland County Sheriff's Department conducted investigations. The Sheriff's Department fired Deputy Fields. But the charges filed against Shakara and Niya Kenny still stand. Both girls face a misdemeanor charge of disturbing schools. If they are convicted, could be fined up to

\$1,000 or face 90 days in jail. Their case will next be heard this coming Thursday, September 15.

A statement by one of the groups seeking justice in this matter places this incident in a larger context. The statement said:

Sadly, what is happening to Shakara and Niya is no isolated incident. There is a racially biased system of school discipline across the country. Black girls are six times more likely to be punished — and more severely so than their white counterparts — and three times their black male counterparts in Richland. The school district suspends students at a rate eleven percentage points higher than the national average and black students are far more likely to be suspended or expelled.

Alice and I learned details of this national tragedy through a compelling artistic performance at the American Repertory Theater in Cambridge last Saturday night. It is called “Notes From The Field: Doing Time In Education.” It was created, written and performed by Anna Deavere Smith. It closes next Saturday, September 17. If you get a chance this week, go see it.

The play consists of two acts followed by a coda. In the first act, Smith appears as nineteen different people, both men and women. She had interviewed them concerning what is known as the “school to prison pipeline.” She then related what they had said by speaking in their voices and mannerisms, a brilliant presentation.

The so-called second act was a new approach to theater. The audience divided into small discussion groups led by facilitators. We used the time to reflect on what we had seen in the first act.

We then reassembled for the coda, a brief recapitulation of the play’s themes. It concluded with a challenge to us: what are we going to do about the problem?

I hope my sermon will help to answer that question.

The term “school to prison pipeline” refers to the punitive and discriminatory school disciplinary practices driving our children into the juvenile and criminal justice systems. I say “our children” but in fact, overwhelmingly, students who are black or Hispanic are the victims of this system. Across America, 70% of students arrested in school or referred to law enforcement are black or Hispanic.

The problem begins with the gross underfunding of public schools. Public schools are not well equipped to deal with the multiple needs of contemporary students. In former times, teachers received training on classroom management. Teachers would handle infractions as they should be handled, namely, as teaching opportunities and learning what is driving the student to the misbehavior. If that

approach failed, the teacher would typically ask the principal to become involved and would also engage the parents when appropriate.

In our current reality, however, teachers and administrators often do not receive that kind of training and parents often are not involved. To fill this void, many school districts operate with zero tolerance policies. The policies are meant to keep schools free of drugs and weapons by imposing severe punishments for infractions regardless of circumstances. Typical punishments can include suspensions as long as one year or even expulsions from school. Often these policies are enforced by police personnel sometimes called “School Resource Officers.” These officers perhaps have received training for dealing with dangerous criminals but often they have little if any understanding of how to respond to children in school.

Over the last two decades in particular, students have been suspended or expelled at extraordinarily high rates. In the 2012 – 2013 school year, for example, two thirds of all out of school suspensions in Massachusetts were for non-violent, non-criminal, non-drug offenses. Many of these consisted of simply disobeying a teacher or administrator.

There are currently 1.6 million children attending public schools in America that employ law enforcement officers but no counselors. The presence of on-site police officers frequently results in more student arrests and more arrests for misbehavior previously handled informally by educators and parents.

These policies are not working. In Massachusetts, one third of children arrested before they turn 18 years old are arrested again within one year of the release.

These policies are also not applied fairly in some of our cities. In the Boston schools, for example, black girls are disciplined at a rate 11 times higher than white girls, and black boys are disciplined at a rate eight times higher than white boys.

These policies have permanent and lifelong consequences for the children caught up in them. Thirty years ago, about one out of 25 white male high school dropouts was at risk of imprisonment by age 34. More recently that risk has increased almost fourfold to one out of seven. But the figures are far, far worse for African-American male high school dropouts. Already thirty years ago that risk of imprisonment was one out of seven for them. Now it is an astonishing two out of three. Sixty-nine percent of African-American men who are high school dropouts are at risk of imprisonment by age 30 – 34. And for a great many of them, that journey into prison begins with an encounter with a police officer in a school like the arrest of Shakara and Niya.

A recent investigation of schools in Boston, Springfield and Worcester concluded that all three districts used “catchall public order offenses” to justify arrests

in schools based on misbehaviors that could have been addressed appropriately by teachers and school staff, with significantly less harm to students. Last year there were bills introduced in the Massachusetts legislature to decriminalize student nonviolent conduct and verbal misconduct such as cursing, sassing or bouncing a basketball in hallway. All of these are misbehaviors for which students have been arrested and charged in criminal or juvenile court. Those bills failed to advance.

All of this demonstrates that the school-to-prison pipeline is a problem for our schools and our youth. But it is also a significant cause of America's enormous prison problem.

Nearly two and one-half million Americans are prisoners in the vast array of our federal penitentiaries, state corrections facilities, and local jailhouses. These institutions form our nation's thriving prison-industrial complex.

Since 1980, the number of people incarcerated in the US has more than quadrupled. The causes include four decades of laws passed by politicians trying to prove they are tough on crime, coupled with a draconian war on drugs.

More than one out of every 100 Americans is behind bars. We have the largest prison population in the world. That is true not only in the number of inmates but also as a percentage of the population. The numbers are staggering: the US incarceration rate is nearly 3.5 times higher than that of Mexico, even though Mexico has been fighting an actual drug war for the last ten years or more. We lock up Americans at a rate between five and ten times higher than those in Western Europe. There are more people imprisoned in the US than in China even though China has 1.3 billion people, more than four times the US population. We have nearly a quarter of all the world's prisoners, but we are just five percent of the global population.

Two questions remain.

First, why is this a Jewish question?

And second, what can we do about it?

Our Torah portion today includes the requirement "Justice, justice you shall pursue." We violate this requirement when we bring criminal complaints against students for minor classroom disruptions and then relegate them to a system that often results in extraordinarily long terms of incarceration. We also deny justice to prisoners who are thrown in jail for long periods for often minor non-violent drug offenses or held there far too long under so-called "three strikes" laws that became popular recently.

The Torah also tells us repeatedly, "You shall have one law for yourselves and the stranger." This ancient requirement foreshadows the Equal Protection Clause of the United States Constitution. We violate this principle when we apply our laws in a

racially discriminatory manner, and we are doing that. Police are far more likely to stop and question a person of a minority group, and to lock up and prosecute a greatly disproportionate number of black and Hispanic men and women, compared to their white counterparts.

OK. Suppose one reason we should care about this is that we are Jews. But what can we do about it?

This fall we have a chance to make our voices heard. We should study the positions of the presidential candidates and include this issue among those we care about as we decide for whom we will vote.

I have done that. I am not going to tell you what I found, but we can all do it for ourselves. The best way I found was through the U.S. Justice Action Network. On its website there is a button labeled “Issues” and a page headed “Where 2016 Candidates Stand on Criminal Justice Reform.” That page begins with the following statement:

Voters deserve to get the facts and know where the candidates stand. We are focused on justice reform, and we know many voters will be, too. That’s why we’ve put together comprehensive profiles that show you exactly where each candidate stands on these critical issues — from mandatory minimums to re-entry programs. Get the facts. Click on each candidate for the full profile.

I hope you will join me in working on improving the conditions in our schools and prisons, for the sake of justice and equality.

To learn the positions of the candidates, click on the link [HERE](#).