

# Hidden Harms: Increased Law Enforcement Interactions

In the wake of high-profile school shootings, schools have considered, and in some cases implemented, plans to increase the number of law enforcement officers on campus.<sup>1</sup> Other school districts have determined this could actually lead to more harm than good and minimized or eliminated police in schools entirely.<sup>2</sup> This same debate is taking place regarding how technology enables increased law enforcement interactions with students, including monitoring students' online activities.

Recent research from CDT shows that technologies, such as student activity monitoring, are leading to increased contact between students and law enforcement, including in students' homes.<sup>3</sup> In fact, **44 percent** of teachers report that they know of a student who has been contacted by law enforcement as a result of information gathered via activity monitoring, and **37 percent** of teachers whose school uses student activity monitoring report that their school sends alerts to law enforcement outside of school hours.

Not surprisingly, disagreements, similar to those regarding the presence of police on campus, exist with respect to law enforcement's receipt of student information as well as their involvement in monitoring and responding to students' online activities. We found that:

- Students from historically marginalized communities are more uneasy about sharing student activity monitoring information with law enforcement than their peers;
- Parents with a greater understanding of student privacy practices are more concerned about law enforcement receiving student information generally but more comfortable with their involvement in online monitoring; and
- Teachers who work with students from low-income and special education communities are more concerned about sharing student data with law enforcement, including student activity monitoring information.

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1 Corey Mitchell, "Will more police solve the nation's school violence problem?" The Center for Public Integrity (2022), <https://publicintegrity.org/inside-publici/newsletters/watchdog-newsletter/will-more-police-solve-the-nations-school-violence-problem/>.

2 Stephen Sawchuk et al., "Defunded, Removed, and Put in Check: School Police a Year After George Floyd," EducationWeek (2021), <https://www.edweek.org/leadership/defunded-removed-and-put-in-check-school-police-a-year-after-george-floyd/2021/06>.

3 Elizabeth Laird et al., *Hidden Harms: The Misleading Promise of Monitoring Students Online*, Center for Democracy & Technology (2022), <https://cdt.org/insights/report-hidden-harms-the-misleading-promise-of-monitoring-students-online/>.

## Students from historically marginalized communities are more uneasy about sharing student activity monitoring information with law enforcement than their peers.

Individuals from marginalized communities have historically been more harmed by being surveilled and monitored.<sup>4</sup> Therefore, it is understandable that students from vulnerable communities report that they are more concerned about their activities being monitored online and related information being shared with law enforcement. Only **41 percent** of Hispanic students and **52 percent** of Black students report that they are comfortable with law enforcement being involved in the student activity monitoring and review process. **55 percent** of white students felt the same.<sup>5</sup>

In fact, the use of these programs may result in students from marginalized communities facing higher rates of disciplinary action.<sup>6</sup> Such a disparity could in turn exacerbate the disparity in fears about law enforcement involvement. Only **34 percent** of students who have been disciplined are comfortable with law enforcement being involved in the monitoring and review process, compared to **53 percent** of students who have never faced detention or suspension.

LGBTQ+ students, currently being targeted by emerging policies and practices, also express heightened concern about sharing information with law enforcement.<sup>7</sup> As previous research shows, they are more likely to be contacted by law enforcement for concerns about committing a crime than their peers.<sup>8</sup> Additionally, only **39 percent** of LGBTQ+ students report that they are comfortable with law enforcement involvement in the student activity monitoring and review process, compared to **54 percent** of non-LGBTQ+ students. Earlier research from CDT further elaborates on this trend, noting that LGBTQ+ students are less likely to endorse data sharing with a variety of school and external stakeholders.<sup>9</sup>

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4 Barton Gellman and Sam Adler-Bell, *The Disparate Impact of Surveillance*, The Century Foundation (2017), <https://tcf.org/content/report/disparate-impact-surveillance/>.

5 The difference in levels of concern between Hispanic students and white students is statistically significant. Black students also express less comfort than white students, though not at a statistically significant level.

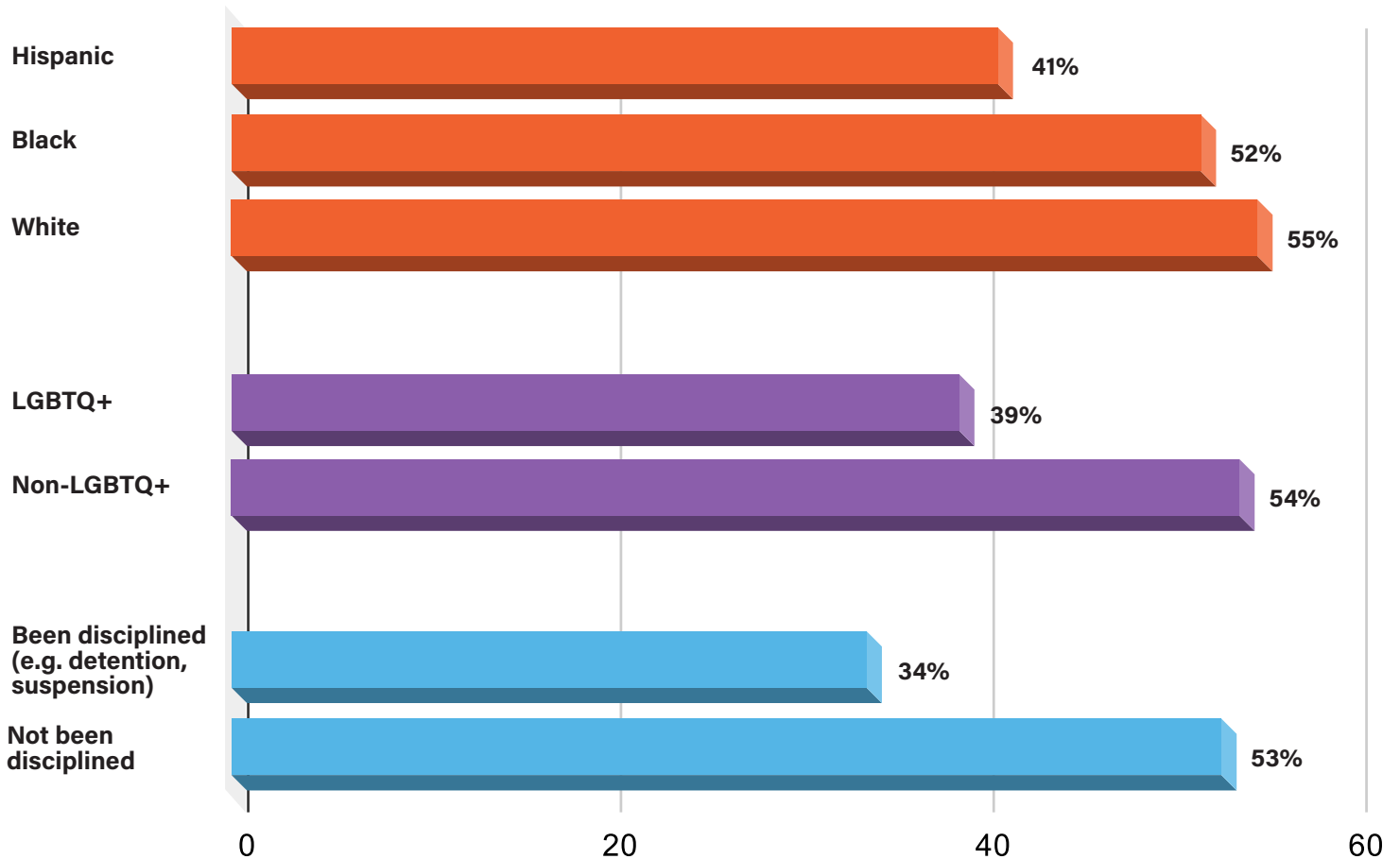
6 Senators Elizabeth Warren and Edward Markey, *Constant Surveillance: Implications of Around-the-Clock Online Student Activity Monitoring*, Office of Senator Elizabeth Warren (2022), <https://www.warren.senate.gov/imo/media/doc/356670%20Student%20Surveillance.pdf>.

7 Elizabeth Laird and Aaron Spitler, *Hidden Harms: Targeting LGBTQ+ Students*, Center for Democracy & Technology (2022), <https://cdt.org/insights/brief-hidden-harms-targeting-lgbtq-students/>.

8 Elizabeth Laird et al., *Hidden Harms: The Misleading Promise of Monitoring Students Online*, Center for Democracy & Technology (2022), <https://cdt.org/insights/report-hidden-harms-the-misleading-promise-of-monitoring-students-online/>.

9 Elizabeth Laird and Aaron Spitler, *Hidden Harms: Targeting LGBTQ+ Students*, Center for Democracy & Technology (2022), <https://cdt.org/insights/brief-hidden-harms-targeting-lgbtq-students/>.

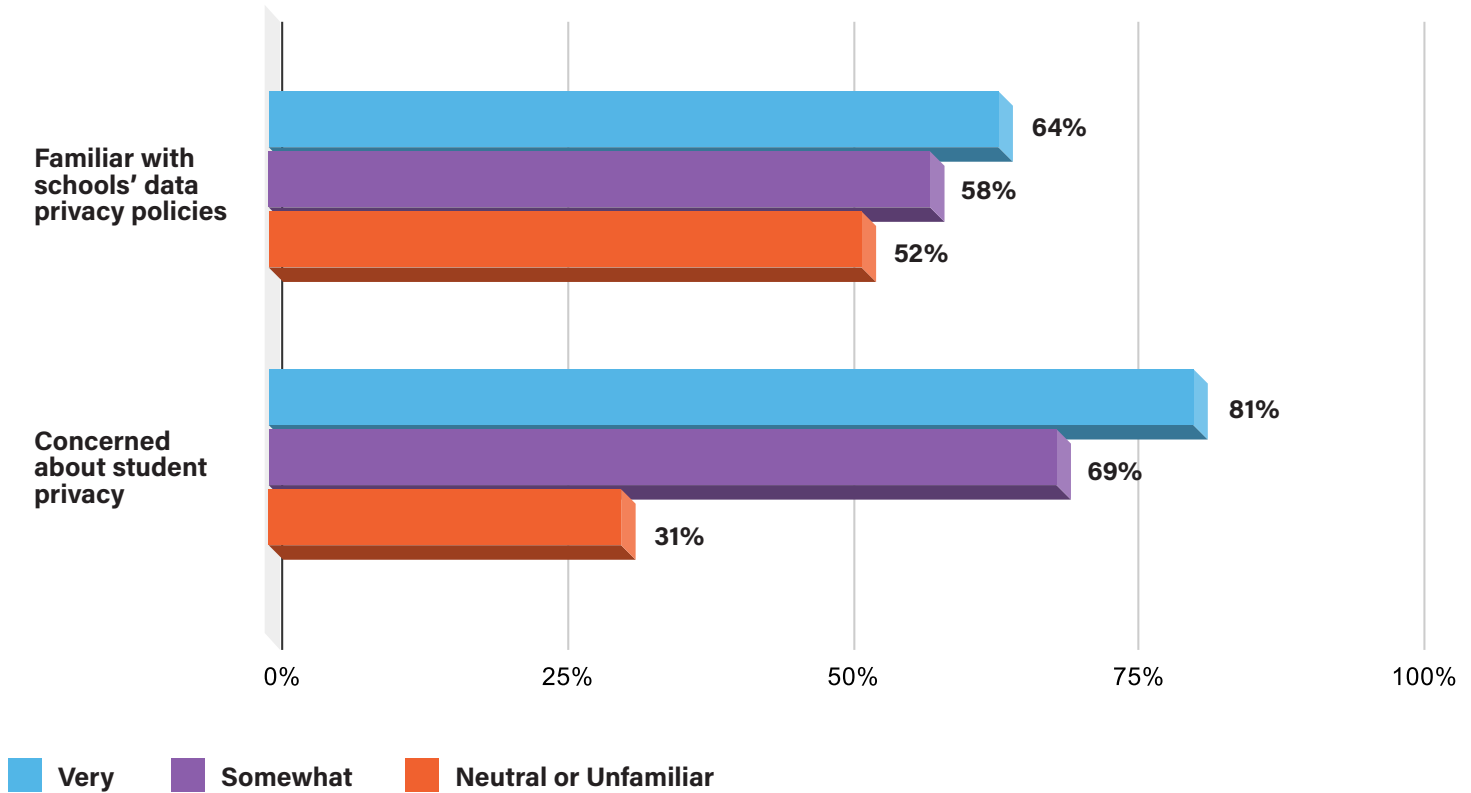
**Percentage of students comfortable with law enforcement involvement in student activity monitoring and review process:**



**Parents with a greater understanding of student privacy practices are more concerned about law enforcement receiving student information generally but more comfortable with their involvement in online monitoring.**

Students are not the only ones concerned about sharing data with law enforcement. When it comes to how student data could be used, parents who are more privacy- and data-savvy express higher levels of concern about the practice of sharing any type of student information with law enforcement.

### Percentage of parents concerned about sharing student information with law enforcement:



Additionally, whether or not parents are involved in the crafting of these policies matters. **64 percent** of parents who report that they have a great deal of say in the way that student data is collected and handled at school are concerned about sharing student data with law enforcement, compared to **54 percent** of parents who have some say and **52 percent** of parents with little or no say.

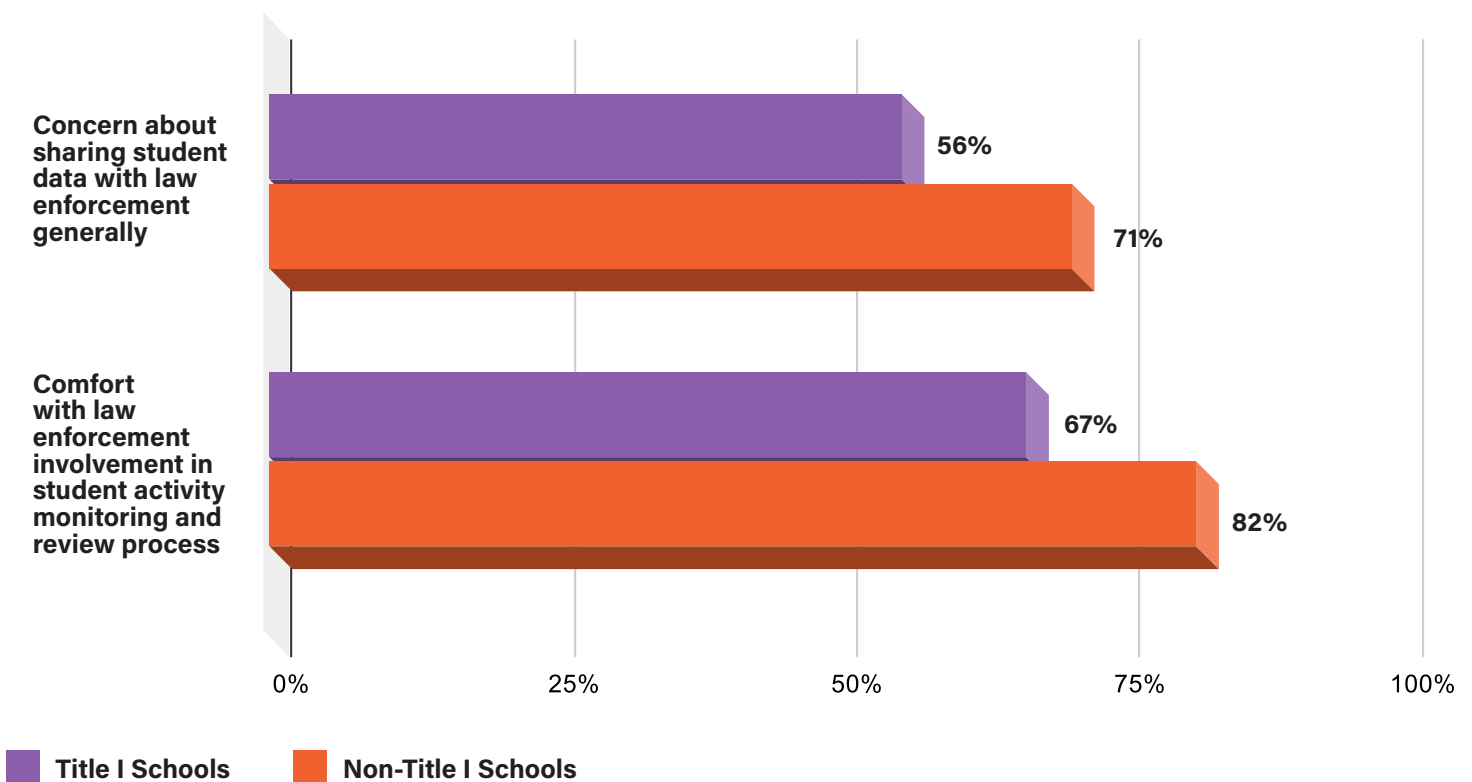
Interestingly, heightened concerns among privacy- and data-savvy parents about sharing student information with law enforcement do not translate to less comfort about law enforcement's involvement in monitoring students' online activities. **75 percent** of parents who are very familiar with their schools' student privacy policies are comfortable with law enforcement involvement in the student activity monitoring and review process. **57 percent** of those who are somewhat familiar with procedures agreed, and just **41 percent** of those who were neutral or unfamiliar with plans echo the sentiment.

And **65 percent** of parents who have a report that they have a great deal of say in the way that student data is collected and handled are comfortable with law enforcement involvement in the student activity monitoring and review process, compared to **57 percent** of parents who have some say and **45 percent** of parents with little or no say.

## Teachers who work with students from low-income and special education communities are more concerned about sharing student data with law enforcement, including student activity monitoring information.

Educators who work with students who may be disproportionately affected by student activity monitoring are also cautious about sharing information with law enforcement. For example, teachers who work at Title I schools, which receive financial assistance as they serve high numbers or high percentages of children from low-income families,<sup>10</sup> are initially less concerned about sharing student information with law enforcement; however, when it comes to involving law enforcement in the student activity monitoring and review process, teachers who work at Title I schools become more concerned than their peers.

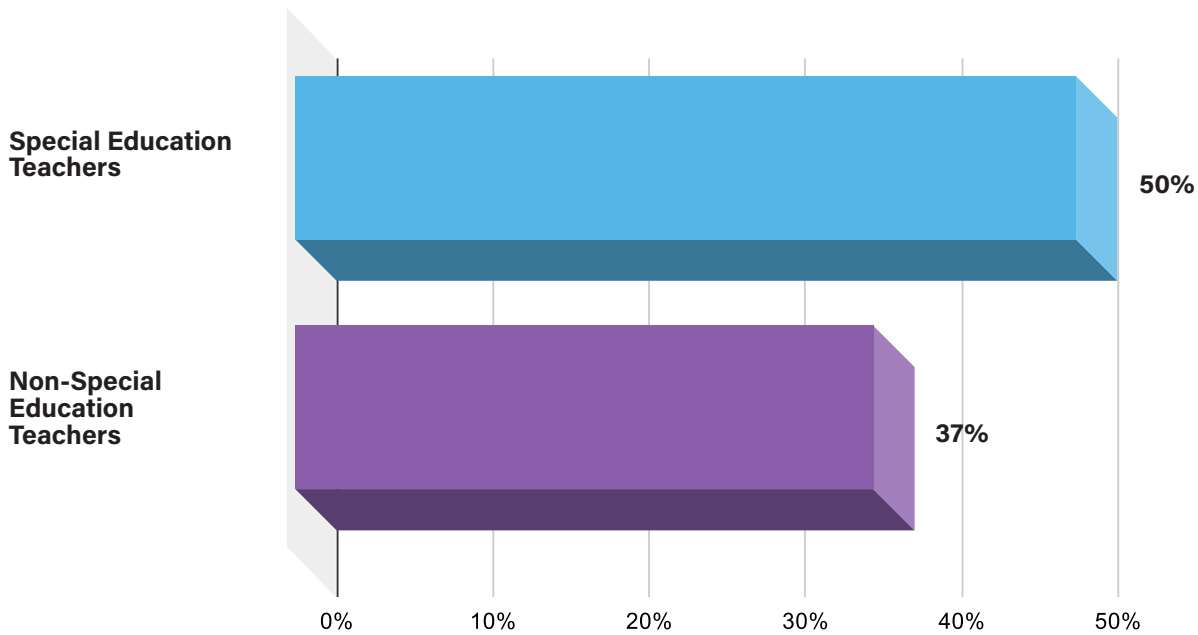
### Percentage of teachers concerned:



10 “Parents/Prepare My Child For School - Improving Basic Programs Operated by Local Educational Agencies (Title 1, Part A),” U.S. Department of Education (2022), <https://www2.ed.gov/programs/titleiparta/index.html>.

In addition to teachers who work with students experiencing economic disadvantage, teachers who work with students with disabilities also have increased concerns. **66 percent** of special education teachers report concern about sharing student data with law enforcement, compared to **55 percent** of general education teachers. This extends specifically to law enforcement involvement in the student activity monitoring and review process, where **78 percent** of special education teachers are concerned, compared to **65 percent** of general education teachers. The increased concerns among special education teachers might be grounded, in part, in increased interactions of their students with law enforcement due to student activity monitoring.

**Percentage of teachers who report that a student was contacted by law enforcement due to behaviors flagged by monitoring software**



## Conclusion

These findings bolster the argument that students coming from communities that are disadvantaged suffer harm from technologies that have been implemented with the promise of keeping them safe. Furthermore, parents and guardians who are in-the-know about how privacy is protected at schools are also wary of sharing data with law enforcement and their involvement in student activity monitoring. Lastly, educators who work alongside students that may be negatively impacted by these programs are reluctant to involve law enforcement, including in responses to alerts generated by these systems.

Administrators should take these results into consideration when evaluating whether student activity monitoring can deliver on its promises to protect students.





**For more information  
from this research, see  
CDT's recent report on  
the promises and perils  
of student activity  
monitoring software,  
*Hidden Harms.***



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