ARTICLES

HOW STUDENTS BECAME CRIMINALS: THE SIMILARITIES BETWEEN "STOP AND FRISK" AND SCHOOL SEARCHES AND THE EFFECT ON DELINQUENCY RATES

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I. INTRODUCTION

The New York City Police Department (NYPD) is currently under both judicial and public scrutiny for its use of "stop and frisk" searches.[1] Despite this recent outcry for a revision of New York City's "stop and frisk" search policies and procedures, the United States Supreme Court has long upheld such searches by law enforcement officers when they are executed according to judicial standards.[2] However, the District Court for the Southern District of New York recently declared that even when executed properly, a "stop and frisk" search may be deemed unconstitutional when it targets a specific group of people.[3] This reaction from the judiciary has been met with similar concerns from sociologists who have released findings on the negative impact that "stop and frisk" searches have on juveniles—a group who has become a popular target for such

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[1] *Compare* Joseph Goldstein, *Judge Rejects New York's Stop-and-Frisk Policy*, N.Y. TIMES (Aug. 12, 2013), *available at* http://www.nytimes.com/2013/08/13/nyregion/stop-and-frisk-practice-violated-rights-judge-rules.html (holding in Floyd v. City of New York that the New York Police Department violated the constitutional rights of minorities through the execution of its "stop and frisk" tactics; ordering a federal monitor to oversee reforms; denying any requests to end "stop and frisk" searches entirely), *with* Trymaine Lee, *New Yorkers Recall "Stop-and-Frisk" Harassment*, MSNBC (Aug. 12, 2013, 11:42 PM), http://www.msnbc.com/msnbc/new-yorkers-recall-stop-and-frisk (chronicling personal stories of those subjected to "stop and frisk" searches and how such practices violate individual liberties). *But cf.* Joseph Goldstein, *Court Blocks Stop-and-Frisk Changes for New York Police*, N.Y. TIMES (Oct. 31, 2013), *available at* http://www.nytimes.com/2013/11/01/nyregion/court-blocks-stop-and-frisk-changes-for-new-york-police.html (staying the ruling and mandates ordered by Judge Scheindlin in August 2013).

[2] *Accord* Florida v. Royer, 460 U.S. 491 (1983); United States v. Mendenhall, 446 U.S. 544 (1980). *See* Florida. v. Bostick, 501 U.S. 429 (1991) (confirming the validity of a "stop and frisk" search); Terry v. Ohio, 392 U.S. 1 (1968) (creating the "stop and frisk" search).

[3] *See* Floyd v. New York, No. WL 4046217, 2013 U.S. Dist. LEXIS 113205 (S.D.N.Y. Aug. 12, 2013) (ordering the New York City police department to implement new policies and procedures, conduct trainings, and establish a system to review the constitutionality of all "stop and frisk" searches). *But see* Ligon v. New York, 2013 U.S. App. LEXIS 22229 (2d Cir. Oct. 31, 2013) (staying the orders set forth in Floyd v. City of New York).

searches.[4]

This Article argues that a school search resembles a "stop and frisk" search in its suspicion standard, execution, and reasonableness test, and that school searches produce the same increase in juvenile delinquency rates as a result of "stop and frisk" searches.[5] Part II of this article reviews the established "stop and frisk" and school search case law.[6] Part III introduces studies linking "stop and frisk" searches to increases in delinquency rates in juveniles, as well as statistical findings presenting juveniles as the targets of both types of searches.[7] Part IV argues that a school search is similar in its suspicion standard, execution, and reasonableness test to a "stop and frisk" search.[8] Part V concludes that the similarities between the two types of searches provide adequate evidence to suggest that school searches result in the same increase in delinquency

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[4] *See* Maia Szalavitz, *'Stop and Frisk' Stirs Up, Rather than Deters, Youth Crime*, TIME MAGAZINE (Jul. 26, 2013), *available at* http://healthland.time.com/2013/07/26/stop-and-frisk-stirs-up-rather-than-deters-youth-crime/ (analyzing the effects of increased police contact on juvenile delinquency that included "stop and frisk" searches).

[5] *See* Safford Unified Sch. Dist. No. One v. Redding, 557 U.S. 364 (2009); *Bostick*, 501 U.S. 429 (1991); New Jersey v. T.L.O., 469 U.S. 325 (1985); *Royer*, 460 U.S. 491; *Mendenhall*, 446 U.S. 544; *Terry*, 392 U.S. 1. *See also Stop-and-Frisk Data*, N.Y. CIVIL LIBERTIES UNION, http://www.nyclu.org/content/stop-and-frisk-data (last visited Feb. 21, 2015) (showing that juveniles are stopped at much higher rates than other age groups); Szalavitz, *supra* note 4 (linking "stop and frisk" searches to increased delinquency); NAT'L CTR. FOR EDUC. STATISTICS, TABLE 189: NUMBER AND PERCENTAGE OF PUBLIC SCHOOLS RECORDING AT LEAST ONE CRIME INCIDENT THAT OCCURRED AT SCHOOL, AND NUMBER AND RATE OF INCIDENTS, BY SCHOOL CHARACTERISTICS AND TYPE OF INCIDENT: 1999–2000 AND 2009–2010 (Aug. 2011), http://nces.ed.gov/programs/digest/d12/tables/dt12_189.asp (last visited Feb. 21, 2015), *reprinted in* app. A.

[6] *See Redding*, 557 U.S. at 378 (holding that a strip search of a student violated the Fourth Amendment); *Bostick*, 501 U.S. at 436–437 (holding that the appropriate inquiry when determining if an encounter constitutes a seizure is whether a reasonable person would feel free to deny an officer's request or terminate the encounter); *T.L.O.*, 469 U.S. at 341 (holding that school officials do not need probable cause to search a student and instead must meet a reasonableness standard); *Royer*, 460 U.S. at 504 (holding that police actions exceeded the permissible scope of an investigative stop and was instead an unjustifiable seizure); *Mendenhall*, 446 U.S. at 554 (holding that a seizure has occurred if a reasonable person believes they are not free to leave); *Terry*, 392 U.S. at 16 (establishing the "stop and frisk" and when it is legally permissible).

[7] *See generally Stop-and-Frisk Data*, *supra* note 5; Szalavitz, *supra* note 4 (linking "stop and frisk" searches to increased delinquency); NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

[8] *Bostick*, 501 U.S. at 431 (expanding reasonableness test); *Royer*, 460 U.S. 491 (clarifying reasonableness test); *Compare Terry*, 392 U.S. 1 (requiring reasonable suspicion), *with T.L.O.*, 469 U.S. at 341 (requiring reasonable suspicion), *and Mendenhall*, 446 U.S. at 554 (using the "free to leave" test), *with Redding*, 557 U.S. 364 (creating an environment where students would not feel free to leave).

rates as "stop and frisk" searches.[9]

II. BACKGROUND

A. *Establishing the "Stop and Frisk" Search*

The "stop and frisk" search was first established by the Supreme Court in *Terry v. Ohio*.[10] Prior to *Terry*, the Court held that the Fourth Amendment required probable cause for police to conduct a warrantless search or seizure.[11] The Supreme Court granted certiorari in *Terry* after the Court of Appeals of Ohio, Eighth Judicial District, affirmed the denial of a motion to suppress two revolvers found on two of the three petitioners.[12] The issue presented to the Court was whether it is always unreasonable for a policeman to seize and subject a person to a limited search for weapons unless there is probable cause for an arrest.[13]

The Fourth Amendment issues in *Terry* arose when a police officer observed three men pacing, peering, and conferring amongst themselves in front of a row of stores for approximately ten minutes.[14] The officer testified that this behavior led him to suspect that the men were "casing a job" or planning a "stick-up."[15] The officer reported that after observing them he approached the men, introduced himself, and asked the men for their names fearing that "they may have a gun."[16] After the men merely mumbled a response, the officer grabbed petitioner Terry and performed a pat down.[17] The officer testified that during the pat down he felt a pistol and, as a result, reached into the petitioner's coat and removed a gun; he repeated this process with the other two men.[18]

The Court distinguished a "stop" from an "arrest," and a "frisk" from a "search."[19] The Court concluded that a "stop" and a "frisk" only constitute "minor inconvenience[s]" or privacy intrusions on the private citizen, and

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[9] *See Redding*, 557 U.S. 364; *Bostick*, 501 U.S. 429; *T.L.O.*, 469 U.S. 325; *Royer*, 460 U.S. 491; *Mendenhall*, 446 U.S. 544; *Terry*, 392 U.S. 1. *See also Stop-and-Frisk Data*, *supra* note 5; Szalavitz, *supra* note 4 (linking "stop and frisk" searches to increased delinquency); NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

[10] *See generally*, *Terry*, 392 U.S. at 19 (establishing the right of a police officer to conduct a "stop and frisk" search based on reasonable suspicion of criminal activity).

[11] *See* U.S. Const. amend. IV; Katz v. United States, 389 U.S. 347, 357 (1967) (explaining the function of probable cause when police lack a warrant).

[12] *See Terry*, 392 U.S. at 8 (examining whether the revolvers were illegally seized under the Fourth Amendment).

[13] *See id.* at 15 (restricting the question presented to the objective reasonableness of a "limited" search for "weapons").

[14] *See id.* at 5–6.

[15] *See id.*

[16] *See id.*

[17] *See id.* at 6–7.

[18] *See id.* (finding another revolver on one of the other two suspects).

[19] *See id.* at 10, 26.

therefore do not outweigh the benefits of "effective law enforcement" based on an "officer's suspicion."[20] Concluding that the "stop and frisk" was a lesser intrusion of privacy, the Court established the reasonable suspicion standard for this type of police interaction, a standard less stringent than probable cause.[21]

Based on this new standard, the Court established the procedure for a "stop and frisk."[22] Under this standard, the officer's reasonable suspicion must build upon itself to justify each additional privacy intrusion made by the officer.[23] Thus, the following procedure was established: officers may "stop" someone to ask questions based on reasonable suspicion of criminal activity, "frisk" the person based on additional reasonable suspicion of weapons with a pat down of the outer clothing, and then, only if a weapon is felt, the officer may search inside the clothing to secure the weapon.[24] Therefore, the Court ruled that an officer may seize an individual when they believe criminal activity is occurring for the "protection of himself and others in the area."[25]

In *United States v. Mendenhall*, DEA agents suspected that defendant Mendenhall was unlawfully carrying narcotics.[26] Based on these suspicions, they approached her, identified themselves, and asked to see her identification and ticket.[27] After an increasingly anxious Mendenhall produced a ticket with a different name, the agents asked her to accompany them to an office for furthering questioning, informing her that she could decline.[28] Mendenhall did not decline and consented to a search of both her handbag and her person, where the agents found heroin.[29] The District Court denied Mendenhall's motion to suppress the heroin and convicted her, but on appeal, the Court of Appeals for the Sixth Circuit reversed her conviction.[30]

The Supreme Court explained that if, "in light of all of the circumstances . . . , a reasonable person would have believed that he was not free to

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[20] *See id.* at 10–11, 26 (concluding that an arrest imposes a much larger intrusion on individual freedom than a "stop;" establishing the reasonable suspicion standard based on a reasonable officer).

[21] *See id.*

[22] *See id.* at 30–31.

[23] *See id.*

[24] *See id.* (specifying that Officer McFadden first stopped petitioner to ask questions, then upon greater suspicion frisked the petitioner, and then after feeling a weapon, searched the petitioner).

[25] *See id.* at 16, 32 (holding that a "stop and frisk" is a seizure justified by reasonable suspicion of criminal activity with the presumption of ensuring officer safety and public safety).

[26] United States v. Mendenhall, 446 U.S. 544, 547 (1980).

[27] *See id.* at 547–48.

[28] *See id.* at 548.

[29] *See id.* at 548–49.

[30] *See id.* at 549–50 (finding that the officer's request for Mendenhall to accompany them to the office was outside the bounds of *Terry* and constituted an arrest).

leave" a seizure under *Terry v. Ohio* has occurred.[31] Applying this rule, the Court held Mendenhall would have felt free to leave because the encounter was in a public airport concourse and the agents displayed no weapons, identified themselves, requested but did not demand her ticket or identification, and told her she was free to decline to accompany them to the office.[32] The Court also ruled that the officers who initially stopped Mendenhall had reasonable suspicion that Mendenhall was engaging in criminal activity and that their actions did not violate the Fourth Amendment.[33] The Court noted that many factors contribute to a "trained law enforcement agent['s]" reasonable suspicion of criminal activity.[34] These factors include, but are not limited to, knowledge of: (1) the "methods used" in the particular criminal activity suspected, (2) the "characteristics of persons engaged in such illegal practices," and (3) the "behavior of those who appear to be evading" the police.[35] In this case, the agents had "[ten] years of experience" and observed Mendenhall exhibiting all three of the above factors.[36] The Court ultimately held that Mendenhall's Fourth Amendment rights were not violated.[37]

In *Florida v. Royer*, Royer was stopped and questioned by two plainclothes detectives because he fit a drug courier's profile.[38] The detectives asked Royer to produce his airline ticket and identification; the ticket produced did not match Royer's identification.[39] The detectives questioned Royer about the difference but did not return the items to him.[40] They then requested that Royer come with them to their office, but did not obtain verbal consent.[41] Without giving oral consent to the officer's request, Royer opened his locked luggage,

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[31] *See id.* at 554 (establishing a new test to evaluate when an officer's conduct falls within a constitutionally valid "stop and frisk").

[32] *See id.* at 555 (applying the officers' conduct to the established "freedom to leave" rule).

[33] *See id.* at 560 (concluding that the agents had initial reasonable suspicion because Mendenhall fit the drug courier profile, and had additional reasonable suspicion upon Mendenhall's anxiety during questioning and incorrect ticket).

[34] *See id.* at 563 (giving deference to an officer's judgment of objective facts based on their knowledge and expertise).

[35] *Id.* at 563–64 (providing examples of possible objective facts for officers to look at in formulating reasonable suspicion).

[36] *Id.* at 564 (explaining that these factors contributed to a drug courier profile created by officers and that Mendenhall exhibited).

[37] *See id.* at 560 (Powell, J., concurring) (stressing that the initial stop by the agents was not a seizure based on the fact that the officers had reasonable suspicion that Mendenhall was engaged in criminal activity).

[38] *See* Florida v. Royer, 460 U.S. 491, 493–94 (1983) (testifying that reasonable suspicion was based on the officers' experience and factual observations of Royer's "appearance, mannerisms, luggage, and actions").

[39] *See id.* at 494.

[40] *See id.*

[41] *See id.*

revealing marijuana.[42] Applying the "free to leave" rule, the Court held that Royer was illegally detained under the Fourth Amendment based on the actions of the detectives.[43] However, the Court also concluded that the agents' initial stop of Royer was valid under *Terry* based on their reasonable suspicion that he was a drug courier engaged in criminal activity.[44]

In *Florida v. Bostick*, the Court expanded its previous "stop and frisk" holdings and applied the "free to leave" reasonableness test to a confined space.[45] The Court held that the "free to leave" rule applied to persons traveling on a bus.[46] The Court acknowledged that a person on a bus would be unable to physically leave a bus, but held that this limitation should not prevent the rule from applying.[47] Based on these circumstances, the rule was modified to include the freedom to decline an officer's request or otherwise terminate the encounter.[48]

B. *Establishing the School Search*

The Fourth Amendment's protections against unreasonable searches and seizures were not applied to the school context until 1985 with *New Jersey v. T.L.O.*[49] In *T.L.O.*, an assistant vice principal conducted a search of a female student's purse in his office after a teacher alleged that the student was smoking cigarettes in the bathroom.[50] After demanding to see her purse, the assistant vice principal reached inside and removed a pack of cigarettes.[51] While remov-

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[42] *See id.*

[43] *See id. at* 507–08 (plurality opinion) (explaining that when Royer consented to a search of his luggage he was illegally detained, making the consent illegal and a seizure under *Terry*).

[44] *See id.* at 497 (differentiating between the actions of the agents during the initial stop and their actions after questioning began); *cf.* at 508 (Powell, J., concurring) (examining the compelling interest of the public in identifying those involved in the illegal trafficking of drugs).

[45] *See generally* Florida v. Bostick, 501 U.S. 429, 434 (1991) (holding that a consent search does not require Fourth Amendment scrutiny).

[46] *See id.* at 439–40 (deciding that the location of the encounter cannot limit the rule's application).

[47] *See id.* at 436–37.

[48] *See id.* at 439 (extending the "free to leave" leave rule to situations where physically removing oneself from the area would be impractical).

[49] *See* New Jersey v. T.L.O., 469 U.S. 325 (1985) (applying the Fourth Amendment protection against unreasonable searches and seizures to searches of students conducted by school officials on school grounds; holding that the Fourth Amendment applies to school officials).

[50] *See id.* at 328 (recounting that T.L.O. was a fourteen-year-old freshman when she was identified as one of two girls a teacher found smoking in the bathroom in violation of a school rule).

[51] *See id.* (demanding to search T.L.O.'s purse after she denied that she smoked).

ing the pack of cigarettes, he noticed cigarette-rolling papers.[52] Suspecting these were used for rolling marijuana, he conducted a further search of the purse and uncovered a small amount of marijuana, money, a pipe, empty plastic bags, and a list of students who owed T.L.O. money.[53]

Counsel for T.L.O. moved to suppress her confession and the evidence found in her purse, but the Juvenile Court and the New Jersey Appellate Division both denied the motion.[54] The New Jersey Supreme Court reversed, holding that the search was unreasonable, but noted that school officials may conduct searches of students when they have "reasonable grounds" that there is evidence of activity that would "interfere with school discipline and order" or "illegal activity."[55] The Supreme Court granted certiorari in *T.L.O.* to determine whether the search conducted was unreasonable under Fourth Amendment standards.[56]

The Court began by reaffirming the principle in *Tinker v. Des Moines*[57] that students do not "shed their constitutional rights . . . at the schoolhouse gate" while emphasizing the need to proscribe power to school officials to "control conduct in the schools;" these dual principles established the Court's balancing test.[58] The majority concluded that in order to maintain the balance of interests, the level of suspicion needed for a student search must be lessened and cannot be based on probable cause.[59]

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[52] *See id.* (testifying that in the assistant vice principal's experience, possession of rolling papers was associated with the use of marijuana).

[53] *See id.* (noting that the subsequent search of the purse based on the sight of the rolling papers was "[thorough]").

[54] *See id.* at 329 (chronicling T.L.O.'s subsequent confession to selling marijuana at school at a police station).

[55] *See id.* at 330–31 (concluding that warrantless searches by school officials do not violate the Fourth Amendment if they are looking for specified activities).

[56] *See id.* at 327, 332 (hearing the case for a second time to determine what limits may be placed on school officials during a Fourth Amendment search; the Court heard the case the first time to determine the appropriate remedy for an unlawful school search).

[57] 393 U.S. 503 (1969).

[58] *See id.* at 348–49 (1985) (Powell, J., concurring) (reaffirming students' constitutional rights in school); *Id.* at 337–40 (White, J.) (confirming that both the privacy interests of students and the interests of school officials to maintain a proper learning environment are to be balanced); *see also* Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 506–07 (1969) (concluding that students lose some, but not all constitutional rights when in school and noting that these rights are to be properly balanced against a school's need to impose discipline and ensure student safety).

[59] *See* New Jersey v. T.L.O, 469 U.S. 325, 340 (1985) (discussing the Court's previous rulings that imposed a lower suspicion standard to justify a search). *Contra id.* at 354–55 (Brennan, J., dissenting) (arguing that the probable cause standard is appropriate for school searches based on established case law stating that (1) warrantless searches are per se unreasonable, (2) full-scale searches are reasonable only with probable cause, and (3) that balancing tests justifying a standard that is less than probable cause need give sufficient weight to the privacy interests involved).

Searches based on reasonable suspicion are subjected to a less rigorous constitutional standard and are evaluated using a two-prong test.[60] This test first considers whether the search was justified at its inception and second, whether the search was related in scope to the circumstances that led to the initial search.[61] To conduct an initial search of a student, a school official must justify the search at its inception with reasonable suspicion that the search will lead to evidence of a violation of a school rule or a law.[62] Any additional searches beyond the initial search must also be supported by additional reasonable suspicion.[63] Applying this new standard, the Court reversed the holding of the New Jersey Supreme Court and held that the search of T.L.O.'s purse did not violate her Fourth Amendment rights.[64]

In *Safford Unified School District No. One v. Redding*, an assistant principal searched a thirteen-year-old student after it was reported that she was giving over-the-counter and prescription-strength pain pills to other students, possession of which was banned according to school policy.[65] The assistant principal obtained a notebook containing the pills that another student had reported as belonging to the suspect student.[66] The student consented to a search of her backpack by the assistant principal and an administrative assistant.[67] After no pills were found during the first search, the assistant principal ordered the student to go to the nurse's office to be strip-searched; again, no pills were found.[68]

The Court reaffirmed that school searches require "reasonable suspicion," a lower standard than probable cause.[69] Based on the reasonable suspicion standard, the Court explained that in this case the assistant principal's search was valid at the outset if he had a "moderate chance of finding evidence of wrongdoing."[70] The Court held that the initial search of the student's backpack was valid based on reasonable suspicion that the student would be carrying the pills

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[60] *See id.* at 341 (using the reasonableness standard established in Terry v. Ohio).

[61] *See id.*

[62] *See id.* at 341–43 (validating the new standard because it does not unduly burden the students or school officials during a search).

[63] *See id.*

[64] *See id.* at 347–48 (holding that reasonable suspicion warranted the initial inquiry into whether T.L.O. had cigarettes and that, upon finding the rolling papers, the assistant vice principal had the requisite reasonable suspicion to conduct a further search of the purse).

[65] *See* Safford Unified Sch. Dist. No. One v. Redding, 557 U.S. 364, 368 (2009).

[66] *See id.* at 368.

[67] *See id.* (searching the student's bag with consent after she denied knowledge of the pain pills and denying that she was distributing them to other students).

[68] *See id.* at 369.

[69] *See id.* at 370 (explaining that the standard set forth in New Jersey v. T.L.O. is still valid and best serves public interest).

[70] *See Redding*, 557 U.S. at 371 (comparing reasonable suspicion to probable cause as a "fair probability").

on her person, but that the subsequent strip search of the student was unreasonable because the strip-search was not based on any additional reasonable suspicion.[71]

III. Sociological Studies and Statistical Findings of Frequency of "Stop and Frisk" Searches and School Searches

A. *Frequency: "Stop and Frisk" Searches of Juveniles*

Despite the recent and prominent criticism of New York City's "stop and frisk" policy, the practice is not limited to New York.[72] Many other police forces in cities across the United States practice "stop and frisk" searches on members of the public under the standards set forth in *Terry v. Ohio*.[73] However, there currently is no data available on the "stop and frisk" searches conducted outside of New York because police departments are not required to release such data to the public.[74] New York is required to collect "stop and frisk" search data and make such data available to the public as required by the terms of the settlement reached in *Daniels v. New York*.[75]

The New York Police Department collected and reported data on the "stop and frisk" searches it conducted from 2003 through 2011.[76] Over these last eight years, the percentage of those persons stopped by police officers for a "stop and frisk," based on the officer's reasonable suspicion of engagement in criminal activity, has been primarily of youths, persons aged fourteen to twen-

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[71] *See id.* at 373–74 (explaining that if a student is reasonably suspected of giving contraband to other students, then it is reasonably likely that student would be carrying them on her person).

[72] *See* Dylan Matthews, *Here's what you need to know about stop and frisk—and why the courts shut it down*, Wash. Post (Aug. 13, 2013), *available at* http://www.washingtonpost.com/blogs/wonkblog/wp/2013/08/13/heres-what-you-need-to-know-about-stop-and-frisk-and-why-the-courts-shut-it-down/ (alleging that a "stop and frisk" is an NYPD policy); *but see* Elliott Ramos, *Poor data keeps Chicago's stop and frisk hidden from scrutiny*, WBEZ.org (Sept. 12, 2013) http://www.wbez.org/news/poor-data-keeps-chicagos-stop-and-frisk-hidden-scrutiny-108670 (discussing the use of "stop and frisk" searches by police in Chicago, Illinois).

[73] *See* Terry v. Ohio, 392 U.S. 1, 21 (1968) (justifying a "stop and frisk" when a police officer can provide articulable and specific facts amounting to reasonable suspicion).

[74] *See* Ramos, *supra* note 72 (describing the procedures followed by the Chicago Police Department and the lack of transparency as compared to the New York City Police Department).

[75] *See* Stipulation of Settlement at 12, Daniels v. City of New York, No. 99 Civ. 1695 (S.D.N.Y. Nov. 3, 2003), http://ccrjustice.org/files/Daniels_StipulationOfSettlement_12_03_0.pdf (outlining the NYPD's duty to collect data).

[76] *See Stop-and-Frisk Data*, *supra* note 5 (categorizing data by those deemed "innocent" after the encounter, total number of "stop and frisks," age and racial breakdown of those stopped; data for 2012 does not include statistics on the age of those stopped).

ty-four years.[77] This segment of the population includes the ages of those considered to be juveniles for the purpose of this paper; ages fourteen to eighteen.[78] Officers conducted 581,168 "stop and frisks" in 2009 and 601,285 in 2010, totaling 1,182,453.[79] In 2009, 50% of those individuals who were "stop[ped] and frisk[ed]" were aged 14–24, and in 2010, 49% were aged 14–24.[80] This means that from 2009–2010, approximately 585,213 "stop and frisks" were conducted on persons aged 14–24.[81]

Even though the number of "stop and frisks" conducted in New York is only a snapshot of who is being stopped and frisked by police, it is likely indicative of the "stop and frisk" practices throughout the country.[82] Based on this data, this Article concludes that juveniles are consistently the largest group subjected to "stop and frisk" searches.[83]

B. *Frequency: School Searches*

Currently, there are no statistics collected on the number of searches conducted by administrators in public schools during each academic year. However, based on the case law surrounding school searches, the Article concludes that school incidents surrounding illegal or prescription drug possession and/or distribution result in the search of a student.[84] Therefore, this Article analyzes the frequency of such offenses to give us an indicator as to how many searches are performed each year on students in public schools.[85]

The National Center for Education Statistics (NCES) collects and compiles data from public schools as a division of the United States Department of Edu-

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[77] *See Stop-and-Frisk Data*, *supra* note 5 (reporting that forty-eight to fifty-five percent of those stopped between 2003 and 2011 were between the ages of fourteen and twenty-four).

[78] *See Stop-and-Frisk Data*, *supra* note 5.

[79] *See Stop-and-Frisk Data*, *supra* note 5.

[80] *See Stop-and-Frisk Data*, *supra* note 5.

[81] *See Stop-and-Frisk Data*, *supra* note 5.

[82] *Compare Stop-and-Frisk Data*, *supra* note 5 (detailing the number of "stop and frisks" conducted separated by age and race), *with* Ramos, *supra* note 72 (discussing the lack of information on "stop and frisk" searches in Chicago).

[83] *See Stop-and-Frisk Data*, *supra* note 5 (highlighting the large number of "stop and frisks" conducted on juveniles each year).

[84] *Accord* Rinker v. Sipler, 264 F. Supp. 2d 181, 188 (M.D. Pa. 2003) (dealing with a school search for marijuana); Bartram v. Pennsbury Sch. Dist., 1999 U.S. Dist. LEXIS 7916, at *4 (E.D. Pa. May 24, 1990) (searching a high school student for marijuana). *See also* Safford Unified Sch. Dist. No. One v. Redding, 557 U.S. 364 (2009) (involving a school search for prescription drugs); New Jersey v. T.L.O., 469 U.S. 325 (1985) (surrounding a school search for cigarettes and marijuana).

[85] *See* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

cation.[86] NCES collects data reported by public schools and students on a variety of issues including school safety, student achievement, literacy rates, and crimes involving students occurring on and off school grounds.[87] In the most current issue of *Indicators of School Crime and Safety*, NCES catalogued the number of incidents involving possession and/or distribution of illegal or prescription drugs in public schools based on self-reports by public schools.[88]

Appendix A catalogues both the number and percentage of such incidents occurring in schools for the 2009–2010 school year.[89] Table 189 collects the data for all public schools and then divides it into primary, middle, and high schools.[90] During the 2009–2010 school year, 44.7% of public middle schools had incidents of distribution, possession, or use of illegal drugs and 18.8% of public middle schools had incidents of distribution, possession, or use of prescription drugs.[91] During the 2009–2010 school year, 77.2% of public high schools had incidents of distribution, possession, or use of illegal drugs and 43.0% of public high schools had incidents of distribution, possession, or use of prescription drugs during the 2009–2010 school year.[92] Another way to evaluate the data is in terms of numbers of incidents.[93] In middle schools, there were 31,000 incidents of distribution, possession, or use of illegal or prescription drugs.[94] In high schools, there were 98,000 incidents of distribution, possession, or use of illegal or prescription drugs.[95] In total, there were 129,000 incidents of distribution, possession, or use of illegal or prescription drugs in public middle schools and high schools during the 2009–2010 school year.[96] These statistics suggest that over 100,000 student searches occurred during the 2009–2010 school year as a result of the over 100,000 incidents of distribution, possession, or use of illegal or prescription drugs.

C. *Causation: "Stop and Frisk" and Delinquency Rates*

In a recent study published by the journal *Crime & Delinquency*, researchers

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[86] *See About Us*, NAT'L CTR. FOR EDUC. STATISTICS, http://nces.ed.gov/about/ (last visited Feb. 21, 2015).

[87] *See id.*

[88] *See* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

[89] *See* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5 (noting that all catalogued incidents took place "at school" which means in schools buildings, on school grounds, on school buses, and at places holding school-sanctioned events).

[90] *See* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5 (for the purposes of this analysis, we will only be looking at the incidents in middle and high school, since these grade levels include juveniles).

[91] *See* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

[92] *See* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

[93] *See* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

[94] *See* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

[95] *See* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

[96] *See* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

examined the effects of being stopped or arrested by law enforcement officers on future attitudes and delinquent behaviors in juveniles.[97] For the purposes of this Article, the focus will be on the effects of "stop and frisk" searches, not arrests.[98] The study uses data from the second National Evaluation of the Gang Resistance Education and Training Program collected from 2006–2013.[99] Before presenting their research findings, the study discusses the three different theories postulated by previous studies regarding juvenile delinquency: labeling theory, deterrence theory, and limited or null effect theory.[100] This background information provided the researchers with the platform to identify and fill gaps in available research when evaluating delinquency in relation to varying degrees of police contact, including "minimal justice system involvement such as . . . 'stop and frisk'. . . ."[101]

Based on the collection and analysis of the researchers' findings, they concluded that simply being stopped by the police has a negative impact on the delinquent behaviors and attitudes of juveniles.[102] Comparing a stopped juvenile to a juvenile with no police contact, the researchers found that the stopped juvenile is less likely to experience guilt for committing delinquent behavior, more likely to make a commitment to negative peer groups, and more likely to engage in delinquent behavior.[103] Therefore, when involved in a "stop and frisk" type encounter with law enforcement, a juvenile is four times more likely than a juvenile without a "stop and frisk" encounter to commit delinquent be-

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[97] *See* Stephanie A. Wiley & Fin-Aage Esbensen, *The Effect of Police Contact: Does Official Intervention Result in Deviance Amplification*, CRIME & DELINQ., July 12, 2013, at 1, *available at* http://cad.sagepub.com/content/early/2013/05/23/0011128713492496 (describing the goal of the study).

[98] Because a "stop and frisk" does not rise to the level of an arrest, although it may lead to an arrest if probable cause develops, such data is not pertinent to the discussion of the similarities between "stop and frisk" searches and school searches.

[99] *See* Wiley, *supra* note 97, at 7 (the program is engaged in the seven cities chosen for evaluation, out of which 31 schools and 195 classrooms were randomly assigned for data collection).

[100] *See* Wiley, *supra* note 97, at 4–6 (characterizing labeling theory as supporting the idea that police contact results in increased delinquency, deterrence theory as supporting the idea that police contact results in specific deterrent effects, and limited or null effect theory supporting the idea that police contact has limited or no effect on delinquency).

[101] *See* Wiley, *supra* note 97, at 7 (comparing arrested youth, to stopped youth, to youth with no police contact . . . and the effect each different interaction has on delinquent behaviors and attitudes).

[102] *See* Wiley, *supra* note 97, at 17 (including "stop and frisk" in the characterization of a "stopped" youth).

[103] *See* Wiley, *supra* note 97, at 15–16 (noting that the results are similar when comparing an arrested juvenile and a no contact juvenile; identifying guilt as the only characteristic more affected by an arrest).

haviors post-encounter.[104]

The researchers argue that their findings support the labeling theory of delinquency by providing more evidence to show that increased contact with law enforcement increased delinquent behavior in juveniles.[105] The study concludes by connecting the results of the study to the benefits of diversion programs for delinquent youth. The researchers postulate that the positive effects of diversion programs may not even be felt because the negative effects of police contact may have already been experienced in a seemingly minor "stop and frisk" encounter, calling for an increase in positive interactions between youth and law enforcement to help stop this problem.[106] This study supports the premise that "stop and frisk" searches increases delinquency in juveniles.[107]

IV. ANALYSIS

A. *Based on the analogous suspicion standard, execution, and reasonableness test between a "stop and frisk" and a school search, school searches produce the same increase in delinquency rates in juveniles as do "stop and frisk" searches.*

The Supreme Court requires that a "stop and frisk" search be based on reasonable suspicion of criminal activity, that additional reasonable suspicion is identified for each additional intrusion, and that a reasonable person would not feel free to leave during the encounter.[108] In the school context, the Supreme Court requires that an administrative search be based on reasonable suspicion of criminal activity or a violation of a school policy, that additional reasonable suspicion be identified to justify additional searches, and that a reasonable student would not feel free to leave during the search.[109]

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[104] *See* Wiley, *supra* note 97, at 15 (looking at the "ATE = average treatment effect" on delinquency from the results detailed in table 6).

[105] *See* Wiley, *supra* note 97, at 16–17 (contrasting these and other recent findings with a recent increase in deterrence theory policies).

[106] *See* Wiley, *supra* note 97, at 17–18 (concluding with a request to implement strategies to minimize the negative effects of police contact for juveniles). *See also* Szalavitz, *supra* note 4 (arguing in support of Wiley's findings and making a call to action).

[107] *See* Wiley, *supra* note 97, at 15 (confirming that "stop and frisk" searches cause increased delinquency in juveniles).

[108] *See generally* Florida v. Bostick, 501 U.S. 429 (1991); Florida v. Royer, 460 U.S. 491 (1983); United States v. Mendenhall, 446 U.S. 544 (1980); Terry v. Ohio, 392 U.S. 1 (1968).

[109] *See generally* Safford Unified Sch. Dist. No. One v. Redding, 557 U.S. 364, 368 (2009); New Jersey v. T.L.O., 469 U.S. 325 (1985).

1. School searches are analogous to a "stop and frisk" because they are conducted based on reasonable suspicion, producing the same increase in delinquency rates among juveniles.

The Court established that, instead of probable cause, the reasonable suspicion standard is more appropriate for less invasive privacy intrusions.[110] In order to decide whether the reasonable suspicion standard is more appropriate than the traditional suspicion standard of probable cause, the Court constructed balancing tests.[111] These balancing tests weigh the privacy interests of the individual suspect with the government's interests.[112] In *Terry v. Ohio*, the reasonable suspicion standard was justified as permissible because the government interest in investigating crimes, and protecting police officers and the public from harm outweighed the personal liberty interest being infringed upon when an officer stops someone to question them.[113] The Court in *New Jersey v. T.L.O.* constructed a similar balancing test to conclude that reasonable suspicion was appropriate.[114] In a public school, there is a high governmental interest in the school's need to maintain a proper learning environment balanced against the privacy interests of school children.[115] The Court did not conclude that school children do not have privacy interests, only that such interests do not match the much higher interests of the government.[116]

After applying both balancing tests, the Court ruled that school searches and "stop and frisks" were constitutionally valid.[117] This validity is founded on the premise that when the government's stated interests outweigh the privacy interests of a suspect, the constitutional standard for a search or seizure is less than probable cause.[118] When the individuals involved are the subjects of a school search or a "stop and frisk," the Court deems the Constitutional standard to be lower; reasonable suspicion.[119]

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[110] *See generally T.L.O.*, 469 U.S. 325 (deciding that although students do not lose their constitutional rights at school, a lesser privacy interest exists to maintain school safety and order); *Terry*, 392 U.S. 1 (concluding that a "stop" and a "frisk" are lesser privacy intrusions than an "arrest" and a "search").

[111] *Compare T.L.O.*, 469 U.S. at 340, *with Terry*, 392 U.S. at 23–24.

[112] *Compare T.L.O.*, 469 U.S. at 340, *with Terry*, 392 U.S. at 23–24.

[113] *See Terry*, 392 U.S. at 23–24.

[114] *See T.L.O.*, 469 U.S. at 340.

[115] *See id.* (permitting administrators to conduct inquiries without being unduly burdened).

[116] *See id.*

[117] *Compare T.L.O.*, 469 U.S. at 347–48, *with Terry*, 392 U.S. at 30.

[118] *Compare T.L.O.*, 469 U.S. at 340, *with Terry*, 392 U.S. at 10–11, 26 (finding that reasonable suspicion standard is more appropriate than probable cause).

[119] *See generally* Safford Unified Sch. Dist. No. One v. Redding, 557 U.S. 364 (2009); Florida v. Bostick, 501 U.S. 429 (1991); Florida v. Royer, 460 U.S. 491 (1983); *T.L.O.*, 469 U.S. 325; United States v. Mendenhall, 446 U.S. 544 (1980); *Terry*, 392 U.S. 1.

2. School searches are analogous to a "stop and frisk" because they require that each further intrusion be executed based on additional reasonable suspicion, producing the same increase in delinquency rates among juveniles.

The Court held that articulable facts establishing additional reasonable suspicion must be found to allow additional intrusions of privacy.[120]

In *Terry*, the Court held that an initial encounter, or "stop," between a police officer and a person must be based on reasonable suspicion that "criminal activity is afoot."[121] The police officer may then conduct the further inquiry of a "frisk" if the officer has additional reasonable suspicion that the individual he has stopped is "armed and dangerous."[122] If the officer then has more reasonable suspicion that the "frisk" of the outer clothing indicates the presence of a weapon inside the individual's clothing, only then may the officer conduct a search.[123] Here, the Court establishes how reasonable suspicion can build upon itself to permit further privacy intrusions.[124] As long as the officer has articulable facts to describe each additional level of reasonable suspicion, the further privacy intrusions are constitutional under *Terry*.[125]

In *New Jersey v. T.L.O.*, the Court established the same additional reasonable suspicion requirement for additional privacy intrusions for school search cases.[126] The Court discusses this additional reasonable suspicion as relating to the scope of the search.[127] It reasoned that as long as the scope of the search was reasonable based on the offense and suspicion standard, the search would continue to be valid.[128] This is based on an analysis of the additional evidence identified by the administrator after the initial search.[129] Here, the assistant vice principal maintained proper scope by conducting a further search into T.L.O.'s purse because, at that point, he had additional reasonable suspicion

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[120] *Compare Redding*, 557 U.S. 364 (ruling that not finding pills is not additional reasonable suspicion for another search), *with T.L.O.*, 469 U.S. 325 (finding that rolling papers were additional reasonable suspicion), *and Terry*, 392 U.S. 1 (holding that the belief a suspect was armed and dangerous was additional reasonable suspicion).

[121] *See Terry*, 392 U.S. at 26, 28 (holding that an investigatory "stop and frisk" did not intrude on one's privacy enough to require a finding of probable cause).

[122] *See id.* at 30–31 (laying out the proper procedure when conducting a "stop and frisk" and detailing how each additional level of reasonable suspicion builds upon the former).

[123] *See id.* (discussing that an officer may not use their initial suspicion to conduct a full search of the individual stopped); *id.* at 29–30 (contrasting the stop, frisk, search of petitioner Terry with the stop and frisk of petitioner Katz).

[124] *See id.* at 30–31.

[125] *See id.*

[126] *See* New Jersey v. T.L.O., 469 U.S. 325, 341 (1985).

[127] *See id.*

[128] *See id.*

[129] *See id.* at 343–44.

that school policy or the law had been broken.[130]

The Court discussed the same issues in *Safford Unified School District No. One v. Redding* to distinguish what is valid additional reasonable suspicion and what is not.[131] In *Redding*, the Court held that the search of the student beyond the initial search of her backpack was unreasonable under the Fourth Amendment.[132] The assistant principal had reasonable suspicion that the student had broken a school policy based on the allegation that she was giving prescription drugs to other students because of evidence found in her school planner.[133] This reasonable suspicion allowed the assistant principal to conduct the first search of the student's backpack.[134] However, this reasonable suspicion did not validate the second privacy intrusion of ordering a strip search of the student.[135] The Court notes that the assistant principal did not have any further articulable facts that would give him additional reasonable suspicion to support an additional search.[136]

Terry v. Ohio established that additional privacy intrusions must be met with additional reasonable suspicion.[137] The Court described the proper execution of a "stop and frisk" as the building of reasonable suspicion to justify privacy intrusions.[138] In *T.L.O.*, unlike in *Redding*, the Court was able to articulate the new information that provided the administrator with additional reasonable suspicion for the further search.[139] These cases show the analogous execution standards employed in both school searches and "stop and frisk" searches.[140]

3. School searches are analogous to a "stop and frisk" because they require that the search be conducted in an environment that a reasonable person would not feel free to leave, producing the same increase in delinquency rates among juveniles.

The Court established that if a reasonable person, under the totality of the circumstances, would not feel free to leave or terminate the police encounter,

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[130] *See id.* at 347–48.

[131] *See generally* Safford Unified Sch. Dist. No. One v. Redding, 557 U.S. 364 (2009).

[132] *See id.* at 373–74.

[133] *See id.* at 368.

[134] *See id.*

[135] *See id.* at 373–74.

[136] *See id.*

[137] *See* Terry v. Ohio, 392 U.S. 1, 30–31 (1985) (concluding that reasonable suspicion must build upon more reasonable suspicion to justify further privacy intrusions).

[138] *See id.*

[139] *Compare* Safford Unified Sch. Dist. No. One v. Redding, 557 U.S. 364, 373–74 (2009) (concluding that the absence of pills was not additional reasonable suspicion to validate a further intrusion of privacy), *with* New Jersey v. T.L.O., 469 U.S. 325, 347–48 (1985) (holding that the rolling papers provided additional reasonable suspicion to allow an additional privacy intrusion).

[140] *Cf. Terry*, 392 U.S. 1; *Redding*, 557 U.S. 364; *T.L.O.*, 469 U.S. 325.

they have been seized under the Fourth Amendment.[141]

In "stop and frisk" searches, the "free to leave" reasonableness test is based on a fact-specific inquiry into the nature of the encounter between the police officer conducting the search and the individual subjected to the search.[142] Individuals who are seized under the Fourth Amendment would not feel free to leave or terminate the encounter based on the totality of the circumstances, which includes the location of the search, any application of force, and any exertion of control over a person's possessions.[143]

This reasonableness test has been applied in the school search context, which also contains the same fact-specific inquiry to assess whether the subject of a search is free to leave or terminate an encounter.[144] Unlike Mendenhall and Bostick, both of whom the Court deemed free to leave and terminate their respective encounters with police, students involved in administrative searches are not free to leave.[145] Therefore, students have been seized under the Fourth Amendment when an administrative school search is being conducted, which is analogous to a "stop and frisk" search under *Royer* and *Terry*.[146]

In *T.L.O.*, the Court discussed the authority granted to the school by students' parents and the government.[147] Schools are not only responsible for educating students, but also have the common goal of keeping students safe while maintaining a healthy learning environment.[148] With this, the Court gives

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[141] *See* Florida v. Bostick, 501 U.S. 429 (1991) (modifying rule to include the freedom to terminate the encounter); Florida v. Royer, 460 U.S. 491 (1983) (examining a case where the suspect would not have felt free to leave); United States v. Mendenhall, 446 U.S. 544 (1980) (established the "freedom to leave" rule). *Cf. Redding*, 557 U.S. 364 (showing a student is not free to leave when a school administrator is investigating their conduct); *T.L.O.*, 469 U.S. 325 (demonstrating that a student is not free to leave the school when an administrator has reasonable suspicion to conduct a search).

[142] *Compare Mendenhall*, 446 U.S. at 555, *with Royer*, 460 U.S. at 494, *and Bostick*, 501 U.S. at 437.

[143] *Compare Mendenhall*, 446 U.S. at 555 (discussing the lack of a showing of force by the officers and giving Mendenhall control over her papers), *with Royer*, 460 U.S. at 494 (analyzing the officers' failure to return Royer's papers and the location of the search), *and Bostick*, 501 U.S. at 432 (looking at a lack of showing of force).

[144] *See generally Redding*, 557 U.S. 364; *T.L.O.*, 469 U.S. 325.

[145] *See Bostick,* 501 U.S. at 439–40; *Mendenhall*, 446 U.S. at 557–60. *Cf. Redding*, 557 U.S. at 368–69 (submitting to multiple searches despite the student's denial of wrongdoing and lack of evidence); *T.L.O.*, 469 U.S. 336–37 (asserting that the school acts as a student's parent during the school day).

[146] *See Royer*, 460 U.S. at 508; Terry v. Ohio, 392 U.S. 1, 16 (1968). *Cf. Redding*, 557 U.S. at 368–69 (showing that the student did not have the choice to refuse to be searched); *T.L.O.*, 469 U.S. at 336–37 (recognizing the school's authority over student actions while at school).

[147] *See T.L O.*, 469 U.S. at 336–37.

[148] *See id.* (asserting that the school acts as a parent, *in loco parentis*, and not as a government entity during the school day).

schools great discretion to care for students as the schools see fit, including taking on a parental role and maintaining control over students.[149] When viewed in light of *Florida v. Royer*, analogous facts emerge.[150] In *Royer*, *Redding*, and *T.L.O.*, the suspects were not told they were free to leave, they were taken to small rooms to be questioned, and they had their personal effects confiscated by authority figures.[151] Under this comparison, the students in *T.L.O.* and *Redding* were not free to leave or terminate the encounters.[152] It is also likely that based on the authority granted to schools by the Court to care for the students in place of parents, students acknowledge the control that schools have over them.[153] Additionally, students are not free to leave school premises without parental permission, they are not free to leave class without teacher permission, and they are not free to disobey requests by school administration. It is generally accepted that schools are not places in which students come and go as they please, which is further solidified by the Court in cases that grant power to school administrators.[154]

In a "stop and frisk," if a reasonable person does not feel free to leave or terminate the encounter with police, they have been seized under the Fourth Amendment.[155] In a school search, a student would never feel they are free to leave the control of a teacher or administrator.[156] In analyzing *T.L.O.* and *Redding* under the "free to leave" reasonableness test set out in *Mendenhall*, it is clear that, like a "stop and frisk," students involved in a school search are not free to leave.[157]

B. *Based on the sociological studies and statistical findings linking "stop and frisks" to increased delinquency, school searches produce the same increase in delinquency rates in juveniles as do "stop and frisk" searches.*

An increase in law enforcement searches between non-police actors and juveniles produce an increase in delinquent behavior.[158] Using the NYPD as an example, data on the number of "stop and frisks" reported each year shows that

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[149] *See id.*

[150] *See Royer*, 460 U.S. at 508.

[151] *Compare Royer*, 460 U.S. at 508, *with Redding*, 557 U.S. at 368–69, *and T.L.O.*, 469 U.S. at 328.

[152] *Cf. Redding*, 557 U.S. at 368–69; *T.L.O.*, 469 U.S. at 328.

[153] *Cf. T.L.O.*, 469 U.S. at 336–37.

[154] *See id.*

[155] *See* Florida v. Bostick, 501 U.S. 429, 439–40 (1991); *Royer*, 460 U.S. at 508; United States v. Mendenhall, 446 U.S. 544, 555 (1980).

[156] *Cf. Redding*, 557 U.S. at 368–69; *T.L.O.*, 469 U.S. at 328.

[157] *Compare Mendenhall*, 466 U.S. at 555, *with Redding*, 557 U.S. at 368–69, *and T.L.O.*, 469 U.S. at 328.

[158] *See* Wiley, *supra* note 97, at 17 (concluding "stop and frisk" searches increase delinquency).

adolescents are subjected to these searches with a very high frequency.[159] Although the data from the NYPD is not definitive of the entire country, it gives us an indication that police interactions in the form of "stop and frisk" searches of the adolescent population are increasing.[160] In addition to the NYPD data, data from the NCES indicates that the number of school searches is also increasing.[161] Based on school search case law, the Court has indicated that administrative searches of students in schools typically occur when there are incidents of drug possession and/or distribution.[162] Therefore, because the rates of these incidents in public schools are increasing each year, it is also likely that the searches that usually accompany them are also increasing.[163]

The data presented through the NYPD's mandated "stop and frisk" reporting procedures and the statistics on different types of offenses committed on school grounds shows that searches of adolescents are increasing.[164] A school search is considered a non-police interaction because the search is conducted by an administrator, on school grounds, without the presence of law enforcement.[165] Contrary to a school search, a "stop and frisk" search is a police interaction because these searches take place in public by law enforcement agents.[166] However, when school searches and "stop and frisk" searches are compared, it is shown that school searches are analogous to "stop and frisk" searches based on the necessary reasonable suspicion standard, proper execution, and reasonableness test required by the Supreme Court.[167] A school search is a police interaction because the elements of a school search, including the suspicion standard, the execution, and the reasonableness test, are the same as a "stop and frisk" search.[168] Therefore, the two datasets presenting an increase in school searches and "stop and frisk" searches show that the effects of these searches on adolescent delinquency are compounded.[169] When combined, both datasets

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[159] *See Stop-and-Frisk Data*, *supra* note 5.

[160] *See* Stipulation of Settlement, *supra* note 75 (showing that the NYPD is the only police department mandated to collect and report such data).

[161] *See* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

[162] *Compare Redding*, 557 U.S. 364 (involving a school search for prescription drugs), *with T.L.O.*, 469 U.S. 325 (involving a search at school for cigarettes and marijuana).

[163] *Cf.* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

[164] *Compare Stop-and-Frisk Data*, *supra* note 5, *with* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5 (showing the overwhelming number of adolescents searched each year).

[165] *See T.L.O.*, 469 U.S. at 328.

[166] *See* Terry v. Ohio, 392 U.S. 1, 6–7 (1968).

[167] *Accord Redding*, 557 U.S. 364; Florida v. Bostick, 501 U.S. 429 (1991); Florida v. Royer, 460 U.S. 491 (1983). *Compare T L.O.*, 469 U.S. 325, *with* United States v. Mendenhall, 446 U.S. 544 (1980), *and Terry*, 392 U.S. 1.

[168] *Accord Redding*, 557 U.S. 364; *Bostick*, 501 U.S. 429; *Royer*, 460 U.S. 491. *Compare T L.O.*, 469 U.S. 325, *with Mendenhall*, 446 U.S. 544, *and Terry*, 392 U.S. 1.

[169] *Compare Stop-and-Frisk Data*, *supra* note 5, *with* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

show that adolescents are subjected to police interaction via "stop and frisk" searches and school searches at an alarmingly high rate.[170]

The high number of adolescents searched every year is problematic.[171] New research concludes that increased interaction between police and adolescents makes them more likely to engage in delinquent behaviors.[172] In particular, the study published in *Crime and Delinquency* concludes that "stop and frisk" searches are particularly problematic.[173] "Stop and frisk" searches produce the same increase in type and frequency of delinquent behaviors as do arrests.[174] An adolescent involved in a "stop and frisk" is also four times more likely to engage in delinquent behavior, than an adolescent who is not subjected to a "stop and frisk."[175]

Ultimately, school searches will also produce the same increase in delinquency because school searches are similar in suspicion standard, execution, and reasonableness test to "stop and frisk" searches.[176] Because both types of searches are increasing, it is likely that the rates of adolescent delinquency will increase at an even faster rate.[177]

V. CONCLUSION

The similarities between school search and "stop and frisk" search cases are clear.[178] Both a school search and a "stop and frisk" search use the reasonable suspicion standard.[179] Both searches require additional reasonable suspicion

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[170] *Compare Stop-and-Frisk Data*, *supra* note 5, *with* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5.

[171] *See generally* Wiley, *supra* note 97 (studying the effects of "stop and frisk" searches on adolescent delinquency).

[172] *See* Wiley, *supra* note 97, at 17.

[173] *See* Wiley, *supra* note 97, at 17.

[174] *See* Wiley, *supra* note 97, at 15.

[175] *See* Wiley, *supra* note 97, at 16.

[176] *Compare* Safford Unified Sch. Dist. No. One v. Redding, 557 U.S. 364 (2009) (affirming that a person has been seized when they would not feel free to leave), *and* New Jersey v. T.L.O., 469 U.S. 325 (1985) (affirming reasonable suspicion as the standard and that proper execution depends on additional reasonable suspicion), *with* Wiley, *supra* note 97 (concluding that increased police interaction increases adolescent delinquency).

[177] *Compare Stop-and-Frisk Data*, *supra* note 5, *and* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5, *with* Wiley, *supra* note 97.

[178] *See generally Redding*, 557 U.S. 364; Florida v. Bostick, 501 U.S. 429 (1991); *T.L.O.*, 469 U.S. 325; Florida v. Royer, 460 U.S. 491 (1983); United States v. Mendenhall, 446 U.S. 544, 555 (1980); Terry v. Ohio, 392 U.S. 1 (1968).

[179] *See generally T.L.O.*, 469 U.S. 325 (deciding that reasonable suspicion is appropriate because a lesser privacy interest exists for maintaining school safety and order); *Terry*, 392 U.S. 1 (concluding that reasonable suspicion is proper because there are lesser privacy intrusions involved).

for further privacy intrusions.[180] Both searches create an environment in which the subject of the search would not feel free to leave or terminate the encounter.[181] These similarities cause an administrative school search, a non-police interaction, to take on the characteristics of a "stop and frisk" search, which is a police interaction.[182] Because school searches have the same characteristics as a "stop and frisk," these searches have the same effect on adolescents as do "stop and frisk" searches—increased delinquency.[183]

When comparing the datasets recording school searches and "stop and frisk" searches, it is clear that the frequency of both types of searches have increased in recent years.[184] Both of these searches specifically target the nation's adolescent population, and therefore, have the greatest possibility of affecting them.[185] Additionally, there is new research connecting increased police contact with increased delinquent behavior amongst adolescents.[186] This research on police contact shows that "stop and frisk" searches, in particular, increase all types of delinquent behaviors in adolescents.[187] Not only is there an increase in delinquency, but this increase is also equal to the increase seen in delinquent behavior after a juvenile is arrested.[188] Therefore, even what society and the courts would consider a minor police interaction, a "stop and frisk," has large and substantial effects on the way adolescents act.[189]

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[180] *See Redding*, 557 U.S. 364 (ruling that failing to find pills does not constitute reasonable suspicion for an additional search); *T.L.O.*, 469 U.S. 325 (finding that rolling papers warranted additional reasonable suspicion); *Terry*, 392 U.S. 1 (holding that the belief that a suspect was armed and dangerous justified additional reasonable suspicion).

[181] *See Bostick*, 501 U.S. 429 (modifying rule to include the freedom to terminate the encounter); *Royer*, 460 U.S. 491 (examining a case where the suspect would not have felt free to leave); *Mendenhall*, 446 U.S. 544 (established the "freedom to leave" rule). *Cf. Redding*, 557 U.S. 364 (showing a student is not free to leave when a school administrator is investigating their conduct); *T.L.O.*, 469 U.S. 325 (demonstrating that a student is not free to leave the school when an administrator has reasonable suspicion to conduct a search).

[182] *Compare T.L.O.*, 469 U.S. 325 (using reasonable suspicion for a school search), *with Terry*, 392 U.S. 1 (using reasonable suspicion for a "stop and frisk"). *Compare Redding*, 557 U.S. 364 (creating an environment where students are not free to leave), *with Mendenhall*, 446 U.S. 544 (using the freedom to leave rule).

[183] *See* Wiley, *supra* note 97, at 17 (linking "stop and frisk" searches with delinquency rates).

[184] *Compare* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5, *with Stop-and-Frisk Data*, *supra* note 5.

[185] *Compare* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5, *with Stop-and-Frisk Data*, *supra* note 5.

[186] *See* Wiley, *supra* note 97, at 17.

[187] *See id.* at 15 (comparing effect on adolescents with no police interaction).

[188] *See id.* at 16 (comparing effect on adolescents who are arrested).

[189] *See* Terry v. Ohio, 392 U.S. 1, 10–11, 26 (concluding that reasonable suspicion is sufficient when a limited privacy intrusion occurs during a "stop and frisk"); Wiley, *supra* note 97 at 15–17 (concluding that minor police interaction does not have a minor effect).

This new research, when paired with the search data, shows a causal link between "stop and frisk" type searches and delinquent behavior.[190] The causal link between "stop and frisk" searches and delinquency can now be applied to school searches. Administrative searches in schools are now equal to "stop and frisk" searches because of the constitutionally equal standards for school searches and "stop and frisk" searches, thus making the effects on delinquency equal as well. The combination of similar judicial standards for "stop and frisks" and school searches, an increase in school searches of juveniles, an increase in "stop and frisk" searches of juveniles, and new research showing that police interactions increase delinquent behavior in juveniles, may prove to be detrimental for the adolescent population.

[190] *Compare* Wiley, *supra* note 97, at 17 (concluding "stop and frisk" searches increase delinquency), *with Stop-and-Frisk Data*, *supra* note 5 (showing that adolescents are subjected to "stop and frisk" searches the most), *and* NAT'L CTR. FOR EDUC. STATISTICS, *supra* note 5 (showing the large number of searches likely to be occurring in public schools).

APPENDIX A

Table 189. Number and percentage of public schools recording at least one crime incident that occurred at school, and number and rate of incidents, by school characteristics and type of incident: 1999-2000 and 2009-10

[Standard errors appear in parentheses]

Type of incident	All public schools, 1999-2000		2009-10																			
			All public schools		Instruction level of school						Locale								Percent of students eligible for free or reduced-price lunch					
					Primary		Middle		High		City		Suburban		Town		Rural		0 to 20		21 to 50		51 or more	
1	2		3		4		5		6		7		8		9		10		11		12		13	
Number of public schools (in thousands)																						
All schools	82	(#)	83	(0.5)	49	(0.3)	15	(0.1)	12	(0.1)	22	(0.2)	24	(0.2)	12	(0.1)	25	(0.3)	14	(0.7)	26	(1.2)	43	(1.1)
Schools with incident	71	(1.0)	70	(1.0)	38	(0.9)	15	(0.1)	12	(0.1)	19	(0.4)	20	(0.5)	11	(0.3)	21	(0.5)	10	(0.7)	23	(1.1)	38	(1.2)
Percent of schools with incident	**86.4**	**(1.23)**	**85.0**	**(1.07)**	**77.9**	**(1.69)**	**96.2**	**(0.66)**	**98.3**	**(0.49)**	**86.9**	**(1.71)**	**84.3**	**(2.07)**	**89.4**	**(2.63)**	**82.1**	**(2.04)**	**73.0**	**(3.28)**	**85.8**	**(1.78)**	**88.4**	**(1.30)**
Violent incidents	71.4	(1.37)	73.8	(1.07)	64.4	(1.63)	90.5	(1.10)	90.9	(1.21)	74.9	(2.12)	73.5	(2.21)	80.3	(3.14)	70.2	(1.91)	61.7	(3.40)	74.6	(2.04)	77.2	(1.66)
Serious violent incidents	19.7	(0.98)	16.4	(0.94)	13.0	(1.42)	18.9	(1.46)	27.6	(1.35)	21.7	(2.12)	15.5	(1.80)	15.6	(2.33)	13.2	(1.51)	10.5	(1.41)	15.4	(1.65)	18.9	(1.50)
Rape or attempted rape	0.7	(0.10)	0.5	(0.10)	---	(†)	1.3 ‡	(0.42)	2.0	(0.41)	0.7 ‡	(0.26)	0.6 ‡	(0.25)	0.6 ‡	(0.28)	0.3 ‡	(0.13)	0.4 ‡	(0.20)	0.6	(0.17)	0.5	(0.15)
Sexual battery other than rape	2.5	(0.33)	2.3	(0.34)	1.0 ‡	(0.38)	3.2	(0.56)	5.1	(0.73)	3.2	(0.76)	1.6	(0.32)	2.7 ‡	(0.82)	1.9 ‡	(0.68)	1.4	(0.33)	2.7	(0.72)	2.3	(0.44)
Physical attack or fight with weapon	5.2	(0.60)	3.9	(0.48)	3.0	(0.68)	3.9	(0.75)	7.1	(1.02)	5.5	(1.18)	4.6	(1.00)	4.1 ‡	(1.28)	1.8	(0.48)	2.3 ‡	(0.77)	3.6	(0.69)	4.6	(0.73)
Threat of attack with weapon	11.1	(0.70)	7.7	(0.72)	6.8	(1.11)	10.3	(1.04)	10.0	(0.99)	10.2	(1.69)	7.7	(1.15)	6.3	(1.57)	6.2	(1.13)	4.7	(1.06)	5.9	(0.72)	9.7	(1.32)
Robbery with weapon	0.5 ‡	(0.15)	0.2	(0.05)	---	(†)	0.5 ‡	(0.20)	1.0	(0.30)	0.6 ‡	(0.19)	0.2 ‡	(0.10)	‡	(†)	---	(†)	‡	(†)	0.2 ‡	(0.09)	0.3 ‡	(0.09)
Robbery without weapon	5.3	(0.56)	4.4	(0.49)	2.7	(0.66)	5.5	(0.74)	10.6	(0.87)	6.5	(0.84)	3.4	(0.55)	3.0	(1.05)	4.3	(0.97)	3.4	(0.74)	4.5	(0.86)	4.7	(0.74)
Physical attack or fight without weapon	63.7	(1.52)	70.5	(1.11)	60.3	(1.65)	88.8	(1.13)	88.4	(1.36)	71.7	(2.02)	69.9	(2.11)	76.8	(2.93)	67.2	(2.26)	57.9	(3.19)	70.4	(2.30)	74.6	(1.63)
Threat of attack without weapon	52.2	(1.47)	46.4	(1.33)	38.0	(1.94)	61.5	(1.73)	61.9	(1.58)	48.6	(2.43)	46.3	(2.44)	56.2	(3.86)	40.0	(2.15)	34.7	(2.84)	47.7	(2.21)	49.4	(1.97)
Theft/larceny\1	**45.6**	**(1.37)**	**44.1**	**(1.31)**	**25.7**	**(1.82)**	**65.2**	**(1.48)**	**82.6**	**(1.35)**	**47.6**	**(2.70)**	**43.1**	**(1.97)**	**46.2**	**(3.22)**	**41.1**	**(2.51)**	**38.0**	**(2.26)**	**48.8**	**(2.50)**	**43.1**	**(1.98)**
Other incidents\2	---	(†)	**68.1**	**(1.12)**	**57.3**	**(1.72)**	**81.9**	**(1.25)**	**92.2**	**(1.10)**	**73.5**	**(2.39)**	**66.1**	**(2.23)**	**74.1**	**(2.97)**	**62.6**	**(2.62)**	**54.8**	**(3.31)**	**67.3**	**(2.10)**	**72.9**	**(1.79)**
Possession of firearm/explosive device	5.5	(0.44)	4.7	(0.52)	3.5	(0.81)	5.8	(0.79)	9.4	(1.20)	6.0	(0.99)	4.9	(0.89)	3.8 ‡	(1.37)	3.8	(1.01)	3.1	(0.64)	3.3	(0.58)	6.0	(0.93)
Possession of knife or sharp object	42.6	(1.28)	39.7	(1.06)	33.5	(1.51)	51.5	(1.94)	55.2	(1.51)	41.1	(2.36)	38.7	(1.75)	49.8	(3.16)	34.7	(2.13)	26.7	(2.20)	38.0	(1.96)	44.8	(1.72)
Distribution, possession, or use of illegal drugs	---	(†)	24.6	(0.57)	3.5	(0.69)	44.7	(1.17)	77.2	(1.51)	27.8	(1.22)	22.4	(0.83)	25.5	(1.42)	23.4	(1.17)	20.3	(1.39)	27.9	(1.67)	23.8	(0.96)
Inappropriate distribution, possession, or use of prescription drugs	---	(†)	12.1	(0.47)	1.5 ‡	(0.48)	18.8	(1.13)	43.0	(1.64)	10.3	(0.92)	12.1	(0.79)	12.3	(1.12)	13.5	(1.18)	13.1	(1.20)	15.2	(0.98)	9.8	(0.76)
Distribution, possession, or use of alcohol	---	(†)	14.1	(0.50)	2.1	(0.52)	19.7	(1.31)	51.6	(1.60)	14.9	(1.14)	15.5	(0.92)	12.8	(1.17)	12.7	(1.03)	14.7	(1.01)	16.5	(1.21)	12.5	(0.76)
Vandalism	51.4	(1.61)	45.8	(1.12)	37.9	(1.69)	55.5	(1.38)	62.5	(1.86)	56.9	(2.11)	47.2	(2.44)	44.7	(3.54)	35.7	(2.25)	38.5	(2.96)	47.0	(2.27)	47.5	(1.92)
Number of incidents (in thousands)	**2,259**	**(117.0)**	**1,877**	**(50.9)**	**626**	**(39.6)**	**548**	**(23.6)**	**590**	**(18.2)**	**642**	**(32.5)**	**585**	**(37.5)**	**255**	**(23.1)**	**395**	**(19.5)**	**211**	**(15.1)**	**560**	**(25.6)**	**1,106**	**(51.1)**
Violent incidents	**1,466**	**(103.7)**	**1,184**	**(44.4)**	**482**	**(37.3)**	**375**	**(19.3)**	**264**	**(12.9)**	**396**	**(27.4)**	**371**	**(33.0)**	**166**	**(21.2)**	**250**	**(15.9)**	**110**	**(10.6)**	**322**	**(20.5)**	**752**	**(43.2)**
Serious violent incidents	61	(7.0)	52	(5.5)	22	(3.8)	14	(2.4)	14	(1.7)	17	(2.8)	16	(3.1)	6	(1.4)	13	(2.9)	6	(1.4)	13	(2.0)	33	(5.4)
Rape or attempted rape	1	(0.1)	1	(0.1)	---	(†)	#	(†)	#	(†)	#	(†)	#	(†)	#	(†)	#	(†)	#	(†)	#	(†)	#	(†)
Sexual battery other than rape	4	(1.1)	4	(0.6)	1 ‡	(0.4)	1	(0.2)	1	(0.2)	1	(0.4)	1	(0.2)	#	(†)	1 ‡	(0.4)	#	(†)	1 ‡	(0.5)	2	(0.4)
Physical attack or fight with weapon	12	(2.5)	14	(3.6)	8 ‡	(2.9)	2 ‡	(0.7)	3	(0.7)	3 ‡	(1.0)	5 ‡	(2.1)	3 ‡	(1.0)	‡	(†)	1 ‡	(0.3)	3	(0.9)	10 ‡	(3.6)
Threat of attack with weapon	21	(1.9)	19	(2.9)	8	(1.9)	8	(1.9)	3	(0.6)	7	(1.8)	7	(1.5)	2 ‡	(1.1)	3	(0.9)	2 ‡	(0.7)	5	(1.3)	12	(2.7)
Robbery with weapon	‡	(†)	#	(†)	---	(†)	#	(†)	#	(†)	#	(†)	#	(†)	#	(†)	---	(†)	#	(†)	#	(†)	#	(†)
Robbery without weapon	20	(3.2)	14	(1.9)	6 ‡	(1.9)	3	(0.6)	6	(0.8)	6	(0.9)	3	(0.7)	1 ‡	(0.3)	5 ‡	(1.6)	3 ‡	(0.9)	4	(1.2)	8	(1.4)
Physical attack or fight without weapon	807	(59.6)	725	(27.8)	295	(24.0)	239	(12.7)	157	(10.6)	249	(19.7)	232	(17.9)	93	(15.1)	152	(10.7)	68	(5.9)	194	(14.3)	464	(27.5)
Threat of attack without weapon	599	(52.7)	406	(23.0)	165	(21.6)	123	(8.8)	94	(5.4)	130	(10.7)	123	(17.0)	67	(9.4)	86	(7.1)	36	(4.6)	115	(11.7)	255	(20.8)
Theft/larceny\1	**218**	**(9.2)**	**259**	**(8.6)**	**42**	**(5.7)**	**69**	**(4.8)**	**125**	**(5.1)**	**85**	**(7.0)**	**81**	**(4.0)**	**33**	**(3.3)**	**59**	**(4.6)**	**41**	**(3.3)**	**96**	**(5.7)**	**121**	**(8.4)**
Other incidents\2	---	(†)	**435**	**(11.1)**	**102**	**(6.4)**	**104**	**(4.4)**	**200**	**(7.7)**	**160**	**(9.2)**	**133**	**(6.4)**	**55**	**(4.0)**	**86**	**(4.5)**	**60**	**(4.1)**	**142**	**(7.2)**	**233**	**(11.7)**
Possession of firearm/explosive device	9	(2.2)	5	(0.6)	2	(0.4)	1	(0.3)	2	(0.2)	2	(0.3)	2	(0.3)	1 ‡	(0.2)	1	(0.3)	1	(0.1)	1	(0.2)	3	(0.5)
Possession of knife or sharp object	86	(4.0)	72	(2.6)	29	(1.7)	19	(0.9)	22	(1.5)	21	(1.3)	22	(1.9)	12	(0.9)	17	(1.3)	7	(0.6)	22	(1.3)	44	(0.0)
Distribution, possession, or use of illegal drugs	---	(†)	116	(4.7)	3	(0.8)	25	(1.6)	79	(3.6)	44	(4.0)	36	(2.0)	15	(1.5)	20	(1.5)	17	(1.4)	42	(2.6)	56	(4.4)

Inappropriate distribution, possession, or use of prescription drugs	---	(†)	29	(1.9)	1 ‡	(0.3)	6	(0.6)	19	(1.5)	7	(0.9)	10	(1.2)	5	(0.9)	8	(0.9)	5	(0.6)	13	(1.5)	11	(1.1)
Distribution, possession, or use of alcohol	---	(†)	41	(1.8)	1	(0.3)	7	(0.6)	29	(1.5)	14	(1.3)	14	(1.1)	5	(0.8)	8	(0.9)	9	(0.9)	16	(1.3)	15	(1.3)
Vandalism	231	(13.6)	172	(7.3)	66	(5.8)	46	(3.1)	49	(4.5)	72	(5.7)	49	(3.6)	18	(1.8)	32	(3.5)	21	(2.6)	47	(3.4)	103	(6.9)
Number of incidents per 100,000 students	4,849	(252.4)	3,965	(103.7)	2,766	(172.3)	5,860	(249.6)	4,772	(149.9)	4,672	(250.7)	3,527	(230.5)	4,320	(350.6)	3,554	(184.8)	2,220	(131.3)	3,613	(149.4)	4,950	(200.9)
Violent incidents	3,147	(223.8)	2,500	(90.9)	2,331	(163.6)	3,397	(203.9)	2,141	(105.3)	2,865	(210.9)	2,236	(192.4)	2,920	(335.6)	2,250	(149.0)	1,153	(93.2)	2,061	(127.4)	3,364	(177.9)
Serious violent incidents	130	(15.2)	111	(11.5)	97	(16.8)	145	(25.2)	110	(13.7)	126	(21.3)	98	(18.4)	107	(23.2)	113	(26.4)	62	(14.3)	86	(13.2)	149	(24.4)
Rape or attempted rape	1	(0.2)	1	(0.3)	---	(†)	3 ‡	(1.0)	3	(0.6)	1 ‡	(0.5)	2 ‡	(0.9)	1 ‡	(0.5)	2 ‡	(0.9)	1 ‡	(0.4)	1 ‡	(0.3)	2	(0.5)
Sexual battery other than rape	9	(2.4)	8	(1.3)	4 ‡	(2.0)	10	(2.4)	11	(1.8)	11	(2.7)	4	(1.2)	8	(2.5)	8 ‡	(3.5)	3	(0.8)	8	(2.9)	9	(1.8)
Physical attack or fight																								
Threat of attack with weapon	26	(5.4)	30	(7.5)	34 ‡	(13.0)	19 ‡	(7.4)	23	(5.5)	22 ‡	(7.8)	32 ‡	(12.7)	42 ‡	(16.7)	†	(†)	9 ‡	(3.2)	22	(6.1)	46 ‡	(16.0)
Robbery with weapon	45	(4.1)	41	(6.1)	34	(8.4)	81	(20.4)	26	(4.8)	49	(13.2)	40	(9.2)	38 ‡	(17.9)	31	(7.6)	22 ‡	(7.7)	30	(8.3)	56 ‡	(12.3)
Robbery without weapon	4	(1.0)	1	(0.3)	---	(†)	4	(1.0)	2 ‡	(1.2)	#	(†)	---	(†)	#	(†)	#	(†)	#	(†)	2 ‡	(0.7)		
Physical attack or fight without weapon	43	(6.8)	30	(4.1)	25 ‡	(8.2)	32	(6.2)	45	(6.5)	40	(6.6)	19	(4.3)	15 ‡	(4.6)	43 ‡	(14.3)	28 ‡	(9.6)	25	(7.6)	35	(6.3)
Threat of attack without weapon	1,732	(128.8)	1,532	(57.9)	1,305	(106.9)	2,645	(132.7)	1,271	(85.0)	1,814	(148.3)	1,398	(104.3)	1,571	(242.2)	1,364	(100.3)	713	(49.9)	1,251	(89.8)	2,076	(117.2)
	1,285	(113.2)	857	(47.4)	730	(94.0)	1,307	(84.3)	760	(45.4)	945	(81.4)	741	(100.8)	1,142	(154.3)	773	(64.6)	378	(44.0)	744	(73.4)	1,139	(86.5)
Theft/larceny\1\	468	(20.2)	546	(18.5)	385	(24.8)	736	(50.7)	1,012	(43.5)	622	(53.0)	488	(21.6)	565	(52.2)	528	(40.7)	436	(34.0)	619	(37.3)	542	(36.2)
Other incidents\2\	---	(†)	918	(23.2)	450	(27.9)	2,108	(47.1)	1,620	(60.8)	1,166	(62.6)	803	(32.2)	935	(65.7)	776	(42.2)	831	(43.1)	914	(37.1)	1,044	(46.9)
Possession of firearm/explosive device	18	(4.8)	11	(1.2)	8	(1.9)	15	(2.8)	13	(1.9)	13	(2.2)	10	(1.8)	9	(2.4)	6	(1.1)	7	(1.2)	15	(2.3)		
Possession of knife or sharp object	184	(8.7)	153	(6.2)	126	(7.3)	193	(9.8)	175	(12.5)	156	(9.7)	131	(10.9)	208	(15.1)	151	(10.1)	72	(5.4)	140	(6.6)	196	(11.2)
Distribution, possession, or use of illegal drugs	---	(†)	245	(9.8)	14	(3.4)	262	(17.4)	637	(28.9)	321	(27.2)	220	(10.4)	259	(25.6)	184	(13.5)	183	(13.8)	273	(15.8)	251	(18.4)
Inappropriate distribution, possession, or use of prescription drugs	---	(†)	62	(4.0)	4 ‡	(1.3)	68	(6.5)	157	(12.4)	48	(6.4)	60	(7.2)	84	(15.3)	70	(8.3)	55	(6.2)	83	(9.3)	50	(4.8)
Distribution, possession, or use of alcohol	---	(†)	86	(3.9)	5	(1.3)	77	(6.9)	238	(13.7)	100	(9.9)	85	(6.2)	82	(14.2)	72	(8.0)	95	(10.6)	105	(8.6)	69	(5.7)
Vandalism	453	(28.6)	362	(15.3)	293	(25.6)	492	(32.4)	400	(35.4)	527	(40.4)	297	(20.5)	301	(30.3)	289	(32.3)	221	(27.0)	205	(18.2)	462	(29.6)

---Not available.
‡Not applicable.
#Rounds to zero.
†Interpret data with caution. The coefficient of variation (CV) for this estimate is 30 percent or greater.
‡Reporting standards not met. The coefficient of variation (CV) for this estimate is 50 percent or greater.
\1\Theft/larceny was the most frequently reported incident. Theft/larceny includes taking things worth over $10 without personal confrontation) includes pocket picking, stealing a purse or backpack (*if left unattended or if no force was used to take it from owner*), theft from a building, theft from a motor vehicle or of motor vehicle parts or accessories, theft of bicycles, theft from vending machines, and all other types of thefts.
\2\This table shows only the "other incidents" that were included on the 2009-10 questionnaire. In 1999-2000, most of the "Other incidents" differed from those shown in this table.
NOTE: "At school" was defined to include activities that happen in school buildings, on school grounds, on school buses, and at places holding school-sponsored events or activities. Includes incidents that occurred before, during, or after normal school hours or when school activities or events were in session. Primary schools are defined as schools in which the lowest grade is not higher than grade 3 and the highest grade is not higher than grade 8. Middle schools are defined as schools in which the lowest grade is not lower than grade 4 and the highest grade is not higher than grade 9. High schools are defined as schools in which the lowest grade is not lower than grade 9 and the highest grade is not higher than grade 12. All public schools also includes schools with other combinations of grades (including K-12 schools), which are not shown separately. Detail may not sum to totals because of rounding.
SOURCE: U.S. Department of Education, National Center for Education Statistics, 1999-2000 and 2009-10 School Survey on Crime and Safety (SSOCS), 2000 and 2010. (This table was prepared August 2011.)