



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

Zero tolerance makes zero sense

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The suspension of a 5-year-old Hopkinton kindergartener for bringing his souvenir toy gun to school may seem like an utterly absurd over-response. Actually, it is the latest in long list of mindless applications of the zero tolerance school policy to relatively innocuous behaviors.

Just weeks ago, a 7-year-old Maryland boy was suspended after he nibbled away at his breakfast pastry until it was left shaped like a gun. A Colorado girl, who mistakenly grabbed her mother's lunch bag from the kitchen counter while rushing off to school, was punished after she learned of her error and volunteered the small paring knife that her mother had packed for slicing an apple. Ignorance was no excuse.

Patterned after a controversial policing strategy that emerged in the 1990s for dealing with issues of public disorder, the zero tolerance response to school disciplinary matters became the rule of law in countless school districts across the country in response to heightened concerns over schoolyard terrorism. Hoping to send a stern message, school administrators alerted students that infractions involving weapons or the threat of serious harm would result in suspension or expulsion, no matter what the mitigating circumstances.

The zero tolerance approach is designed, ostensibly, to achieve several objectives. Most fundamentally, mandatory sanctions are often believed to achieve the greatest deterrent effect, as punishment certainty (rather than severity) tends to carry the greatest weight in the calculus of decision-making. At the same time, it is hoped that removing all serious violators of the student code of conduct, no matter what their intent or exact purpose, would create a calmer school climate, ensuring the safety and well-being of the overwhelming majority of the student population.

In addition to the stated objectives, school administrators embraced the zero tolerance approach because it eliminated any second-guessing that could potentially follow from discretionary use of sanctions. Similarly, it was also widely assumed to alleviate professional responsibility and civil liability should an under-response in disciplining a troublemaker lead, subsequently, to serious acts of aggression.

Notwithstanding the many inane examples such as the Hopkinton case, the zero tolerance approach could still be defensible were there evidence that it had an appreciable deterrent effect on the likelihood of

violent or threatening behavior, or a measurable incapacitation effect by keeping dangerous youth separate from their peers.

However, no evidence exists that the zero tolerance approach has made schools any safer. If anything, school climate has been harmed, not helped, by this excessively rigid and punitive approach to school safety.

Overall, the zero tolerance school discipline makes zero sense. It lacks the essential element of discretion and level-headed reasoning about the difference between menace and mistake.