

Kentucky students victimized by “zero-tolerance” policies

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11 March 2005

Two instances of overreaction by law enforcement officials highlight the effect of the so-called zero-tolerance policies being applied in Central Kentucky schools. Both incidents involve alleged violence depicted in the creative writing assignments of teenagers.

On Tuesday, February 22, William Poole, an 18-year-old junior at George Rogers Clark High School in Winchester, was charged with terroristic threatening and arrested by local police. Poole’s journal was taken from the home where he lived with his grandmother. While he insisted that it contained only a short story he had written for English class, investigators have characterized it as evidence outlining a violent plot aimed at students, teachers and police.

Police reported that Poole wanted to “recruit a gang to take over the school.” Local detective Berl Perdue stated that the plan involved using weapons. “He didn’t have a gang, but he was attempting to organize one,” he told the *Winchester Sun* newspaper, adding that no threat had been made against a specific individual.

According to Poole, who spoke with a Lexington television reporter, “My story is based on fiction. It’s a fake story. I made it up. I’ve been working on one of my short stories, [and] the short story they found was about zombies. Yes, it did say a high school. It was about a high school overrun by zombies.”

Winchester Police detective Steven Caudill defended the extraordinary arrest. “Anytime you make any threat or possess matter involving a school or function it’s a felony in the state of Kentucky.”

But William Poole, who is being held at Clark County Detention Center, countered, “It didn’t mention nobody who lives in Clark County, didn’t mention [George Rogers Clark High School], didn’t mention no principal or cops, nothing. Half the people at high

school know me. They know I’m not that stupid, that crazy.”

Poole’s bond was raised by a local judge on February 24 from \$1,000 to \$5,000 at the request of the prosecution, who emphasized the seriousness of the charge.

“Terroristic threatening” was made a felony—along with “use of a weapon of mass destruction”—by the Kentucky General Assembly in 2001. The rationale cited in the bill’s provisions was that by reclassifying misdemeanor offenses as state felonies, overpopulated local jails could be given state funding to house prisoners and to expand and fortify facilities. This fiscal justification masks a bizarre legal incongruity: an allegation of a threat can now carry a heavier sentence than an actual crime. For instance, destruction of property carries a 90-day maximum sentence, while merely threatening destruction of property carries a mandatory one-year minimum sentence.

And the statute provides further convenience to law enforcement by nature of its breadth: unlike the similar, misdemeanor charge of menacing, alleged victims of terroristic threatening do not have to be “placed in reasonable apprehension of imminent physical injury” or even have knowledge of a threat. In Poole’s case, he had only to vaguely and fictitiously refer to violence on school grounds in his private journal for the law to come down upon him.

Winchester, like most of Central Kentucky, is an economically depressed and politically polarized area, officially dominated by conservatives and the Christian right. The Clark County school district dropout rate is 8.05 percent, the second highest in the state, and more than 3 percentage points above the National Center for Education Statistics’ estimated national average.

In another incident last October in nearby Richmond,

a 13-year-old was removed from Clark-Moores Middle School by the school's security guard and taken to a psychiatric care facility after turning in a short story depicting a child contemplating the murder of his parents. Due to a pending court case, names of those involved have been withheld.

The boy's mother, a nurse and native of China, was called repeatedly by the security guard while on shift at the hospital, but by law was unable to leave her patients. She misunderstood the magnitude of the problem, thinking her son was only being held at school and not at a mental hospital. The guard refused to provide details of what her son had done, stating only that he "took charge" of the situation and demanded that she leave work immediately.

According to the boy's father, Richmond police trumped up a citation against the student to legitimize his institutionalization, worked with the security guard in transporting and detaining the child without a court order, and refused to allow the parents contact with their son when they arrived at the facility after work. At no point were any papers provided to the parents to sign their consent for admittance or treatment. A police officer standing guard at the door barred the father's entry and harassed him, calling his wife lazy for not leaving her hospital job at the demand of the security guard.

The boy, who had repeatedly told authorities that his story was meant in irony, was kept in various offices throughout the day and went 10 hours without a meal. He was then transported to a Lexington facility for the night. The following morning, he was evaluated by a doctor and released.

The first installment for medical fees, a bill for \$1,500, was sent to the parents in December. The boy's father sent the bill to the school and began to question administrators about the behavior of the security guard, who had been hired as a hall monitor to conduct locker checks and had no background in law enforcement. The security guard retaliated by filing a neglect complaint against the parents, with the city police and local psychiatric caseworkers lining up behind him.

The boy, last fall an honor roll student, now has a C average and faces failing marks in two subjects. Because of budget cuts, after-school tutoring programs have been canceled, and the parents may have to choose between hiring private tutors and sending the

child to live with relatives in another school district.

The "zero-tolerance" policies adopted by many school districts around the country after the 1999 Columbine massacre have resulted in the expulsion and arrest of students for acts ranging from carrying a concealed weapon to writing a violent story.

Violence or the threat of violence in schools is a cause of genuine concern for students, parents and teachers. However, the extraordinary measures utilized by police and school authorities against these two Kentucky students and their families have little to do with countering indications of violent activity and far more to do with intimidating students and creating a general atmosphere of repression.

In America, the political establishment, incapable of responding to social or emotional desperation, sees the solution to every problem as more police repression, a tendency that has been systematically promoted in the wake of the terrorist attacks of September 11. This response ignores any consideration of the complex combination of factors that underlies these expressions of violence, which in their most extreme have taken the form of school shootings such as the Columbine tragedy.

Moreover, the official response ignores the fact that expressions of truly violent behavior in the schools are, at the most fundamental level, fostered by the brutality of an increasingly polarized and militarized society. As the father of the Richmond middle school student told the WSWS, "Every night, kids see body parts flung all over the TV from the war in Iraq, and then they wonder where all the violence comes from when it comes out at school."



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