



Written by [Bob Adelman](#) on April 16, 2014

“Zero Tolerance” Policy Causing Schools to Resemble Prisons

Jordan Wiser, an 18-year-old student at Ashtabula County Technical and Career Campus (A-Tech) in Jefferson, Ohio, about 60 miles northeast of Cleveland, [has been caught in the zero-tolerance web](#). His plans to become a police officer are probably ended. He'll be lucky to find work anywhere if he's convicted of a felony.



On December 12, 2013, Wiser was aggressively approached by the principal of his school, demanding that he be allowed to search Wiser's car parked on campus. Wiser explained:

The principal said he had reason to believe I had weapons in my vehicle and needed to search it. He made me empty out all my pockets, and the vice-principal grabbed me and patted me down very forcibly. It was somewhat awkward. Then they took my car keys.

When Wiser said he wanted to talk to an attorney or his father, he was told that “wasn't an option.” The search revealed an airsoft gun, a stun gun, and (horror of horrors) a 3-inch folding knife inside the pocket of his EMT jacket which was locked in the trunk of his car. Wiser is — or was — a volunteer firefighter, and had the knife in the event he needed to cut a seat belt to free a victim in a car crash.

But those days, along with his dreams of eventually becoming a law enforcement officer, are long gone. Wiser was arrested and jailed, where he stayed incarcerated for nearly two weeks. In a hearing the judge ordered him to be held on an incredible half-million dollar bond. But he got off a little easier. Said Wiser:

I was in jail for almost 13 days. The first bond hearing I went to was on December 15. The judge ordered me to be held on a half-million-dollar bond, pending a psychological evaluation. I did that and passed. They found I was not suicidal, homicidal or a threat to anybody. My attorney brought it up in front of a different judge, who let me out on a \$50,000 bond and an ankle monitor. I was released from jail on Christmas Eve.

His trial is set for June, and the prosecutor isn't bending. He's running for an open judgeship on a “no tolerance” platform, and Wiser is unwittingly helping his campaign. Said Harold Specht, currently Ashtabula's chief assistant prosecutor:

There are all these school occurrences where people are shot, people are killed by other students.



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We see it every day ... so we don't take these things lightly....

We have to be sure that we don't have a potential for something like that to happen here.

If convicted, Wisner could face fines plus jail time of from 10 to 20 years.

While Specht might be suffering from an extraordinary dose of political hubris, his options are limited in any event. Ever since zero-tolerance policies have been installed in schools across the country, there is zero room for understanding, common sense, or good judgment. The policy precludes any wiggle room based on circumstances but instead requires punishing any infraction of a rule, whether due to accident, ignorance, or extenuating circumstances. In Specht's world, and in Wisner's, rules are rules and any infractions must be dealt with harshly, regardless.

Studies of such draconian policies have come up empty of any evidence that they reduce crime. But such studies have shown their ludicrous nature, and some long-term consequences.

Students have been expelled for possessing nail clippers, cough drops, mouthwash, or rubber bands. A six-year-old Cub Scout was ordered to attend a "behavioral modification" school for nine weeks for bringing a dinner knife to school to eat his lunch. A third-grade girl was expelled for bringing a cake cutter to school along with a birthday cake to celebrate her birthday with her classmates. A kindergartner was suspended for making a "finger gun" while a second-grader suffered the same punishment for biting a Pop-Tart into a shape some teachers thought resembled a gun.

John Whitehead, president of the Rutherford Institute, a public-policy law firm dedicated to defending such egregious miscarriages, said this about the Wisner incident:

What should have happened here [is that] school officials should have called him [in and] talked with him, to get a frame of reference of where [he] is at.

They'd have found out right away ... that he's just a normal kid.

Whitehead has been fighting zero-tolerance battles for years. Back in February 2011 he had this to say about the long-term consequences such policies are having on schools and their students: "What we are witnessing is the inhumane treatment of young people and the criminalization of childish behavior."

After reviewing several of the more egregious examples and impacts on young lives of enforcing zero-tolerance policies, Whitehead pointed out four major implications or consequences of such policies. First, they fail completely to take into account the student's intentions or any long-term consequences the student would suffer under mindless by-the-book punishments.

Second, such rules and punishments don't work. Wrote Whitehead: "These one-strike-and-you're-out policies have proven to be largely unsuccessful."

Third, they destroy the distinction between punishment and discipline. Explained Whitehead:

Schools exist to educate students about their rights and the law and discipline those who need it, while prisons exist to punish criminals who have been tried and found guilty of breaking the law.

As a result, many American schools now resemble prisons.

Finally, such zero-tolerance policies criminalize innocent behavior just as if it were intended for evil. There is no distinction, no room for tolerance, for understanding, for justice.

Whitehead then ominously points out a fifth and most important consequence of such policies: turning students into compliant, fearful robots:



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These policies ... render young people woefully ignorant of the rights they intrinsically possess as American citizens....

[Instead] they are being browbeaten into believing that they have no true rights and government authorities have total power and can violate constitutional rights whenever they see fit.

Young Jordan Wiser is now wiser about the consequences of the zero-tolerance policies at A-Tech. It's too bad that he probably won't be able to turn his experience into real-world service in law enforcement. He would certainly be able to have something to teach his fellow officers about the Constitution and its limitations on police power deliberately built in to protect citizens from such policies.

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