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Commentary  
Case Study: Stolen Trust  
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### A Misleading Truth for a “Missing” Phone

*(In the “Stolen Trust” case study, there is a young teacher who has to make some decisions about what to do about a problem she is facing. Wesley is her student and he has had many infractions within the school and on occasion with the police. Ms. Smith, a young teacher, saw that Wesley was heading in the wrong direction and decided to take action, taking him under her wing and helping him get on track. One day before winter break, Wesley violated Ms. Smith’s trust – Ms. Smith’s phone was gone and the last in the room was Wesley. Ms. Smith was baffled and did not know how to make a decision that could potentially hurt or help herself as well as Wesley.)*

In Stolen Trust the dilemma here is not only about what decision Ms. Smith should make, but also about the zero tolerance policy at the school. No matter the outcome, the zero tolerance policy plays a role and has a great effect on what happens. Ms. Smith has a moral obligation as a teacher to follow school rules and do what she signed up for, but also as a citizen she is obliged to do what is right. The zero tolerance policy is unfair, therefore Wesley should not be reported. Instead, Ms. Smith should clarify whether or not Wesley has her phone, take steps to get it back, and be creative in how she meets her obligation to follow the rules.

I believe Ms. Smith should call Wesley at his home phone, ask him about the phone, and simply signal she knows it may be him who took it. Then, depending on what he says, go from there. For instance if Wesley answers and confesses about the phone, she should say she accepts his apology, and let the past be the past. Then she should go get her phone and tell him she will keep a close eye on him. If he says he saw it but does not have it, then she should ask where he last saw it. If he says anywhere other than her purse, then she would know he is lying. In this case she should say something like, "Thank you, but I know my phone was last in my purse, so I know you are not telling the truth. If you have the phone, I will not report you. I just want it back, that's all." Hoping that he will confess and say he has the phone, he will give her the phone and they both could come to an agreement about what to do next.

Now if she calls and asks and he says that he has not seen her phone and leaves it at that, she could say, "Ok thank you. Have a nice break." If he denies it, she could report the phone -- not stolen but missing -- to the Vice Principal so that she is in agreement with the school policy. She will be telling a misleading truth so that Wesley is not suspected or questioned about the phone.

### **Responsibilities...**

Ms. Smith has a responsibility to keep Wesley safe; it is her job as a teacher to do so. It is her job as a citizen to keep him safe from the zero tolerance policy, which will lead to expulsion or jail because Wesley is already past the point of suspension. The zero tolerance policy is the gateway to the school-to-prison-pipeline. The Justice Policy Institute states that, "zero-tolerance policies...translated into more suspensions for offenses that previously hadn't warranted them —

talking back to teachers, skipping class, or being otherwise disobedient or disruptive.

...Cracking down on small offenses...” basically puts young men (specifically young men of color) in a starting position for ruining their lives. The zero tolerance policy is not deliberately sending these young men into the juvenile system, but it is pushing them closer and closer to it by constantly dealing with symptoms of disengagement in a punitive way instead of dealing with the underlying issue – that these schools are not supporting the students well enough. This leads disengaged students of color to seeing themselves as “bad kids,” which then leads to worse behaviors. They will then enter a system where they are charged with class C crimes (theft, possession of substance, etc.) that for more privileged students are overlooked. And the criminal justice system is treating these young men like adults. That is just wrong.

Getting a felony for Wesley would ruin his chances of succeeding in society, for instance not being able to get a job, not being able to get good pay, being looked at ominously etc. There are so many problems that could stem from getting a felony. My stepfather, an African American and Cape Verdean man who had run-ins with the police and the juvenile system in his younger days said, “getting in trouble when I was younger and getting low class felonies affected me because people did not trust me. The police knew who I was so they never left me alone. They kind of harassed you. They say they seal your juvenile files, but in actuality they use it against you in your adulthood so getting in trouble then really affects how you are viewed now.” A record is a record, and a felony is a felony. No matter what you do, your past always comes to light, and mistakes of your youth are hard to escape.

If Ms. Smith was to report Wesley, it shows other students that she cannot be trusted, that they cannot go to her for anything. Wesley has been improving in his grades, and although his grades have nothing to do with him stealing a phone, the fact that he has been improving and doing what he needs to do shows that he can be put on track. After all, Wesley is an African American male and if he was reported he would get harsher punishments than if he was white - the system would have no leniency. The American Civil Liberties Union states, “sentences imposed on black males in the federal system are nearly 20 percent longer than those imposed on white males convicted of similar crimes.” Therefore, Wesley would not only be treated as if he was an adult, but he would likely get a longer sentence on top of that. This shows how unjust our system is as well as our school systems for letting these young men go through this.

### **Following the rules given...**

At the end of the day Ms. Smith knew what she was getting herself into. She knew she was walking into a school that had a zero tolerance policy. For her not to report a theft is already violating her contract. Going back to the vice-principal and NOT reporting Wesley but instead reporting her phone missing is something else. Immanuel Kant argued that all lies are wrong, even lies that save lives. But Kant made an exception for misleading statements. Misleading statements are morally “admissible” because they are “technically” saying the truth and honoring the moral imperative not to lie. As long as the person telling the misleading truth does not just go out and say something they know is not true, and if there is a good motive, then it is OK. Now when using a misleading truth simply to deceive others, it is no different than lying. With that in mind, how could Ms. Smith simply mislead Mr. Jackson to help Wesley?

Here is an example: Ms. Smith tells the Vice Principal her phone is missing and Mr. Jackson says, “well, where were you last?” Ms. Smith could say, “in my classroom.” She was there at the end of the day marking papers. If he asked, “Was anyone around you before you found it missing?” She would say no because it was the end of the day. If he asks if the phone is an iPhone she would say it is. Now if he asks, “Can’t you use find my iPhone?” she could simply say, “I think my phone is dead.” How is she going to know if it is charged or not? Maybe it ran out of battery sitting in her purse? Therefore that is not lying; it is simply misleading. As Mr. Jackson keeps asking questions, Ms. Smith could simply mislead him with her answers. As long as she is not lying and plays her words right then she is being ethical and not risking her job. If he says that there is nothing he could do, then she could suggest that maybe he or she announce the phone missing when they come back from break, perhaps mentioning a little reward. If Wesley has the phone, maybe he will turn it in for the reward. Depending on how he approaches the situation, he too could tell a misleading truth and get out this situation without getting caught.

### **Figuring out the wrongs...**

This case study has presented itself with many dilemmas, but the main and obvious one is the zero tolerance policy. This policy only hurts young men rather than helps them. This shows something about this justice system: that it is more worried about putting “criminals” (young men) in, rather than keeping them out. This system is quick to build a jail rather than build a school and give these young men a better chance at bettering their lives. The real question to this

dilemma is: should there even be a zero tolerance policy? If not, what are the necessary steps to take to get rid of it?

To get rid of the zero tolerance policy, Ms. Smith should first find other teachers who would support the cause of getting rid of the policy within their school. The case study stated that, “Two respected, non-tenured teachers... openly opposed zero tolerance policies...” This means Ms. Smith has a good chance at starting a group or a meeting. A second step would be holding a meeting, and getting all the teachers who are not in favor of the zero tolerance policy together. They can talk about various ways to get rid of it, like maybe substituting the policy for more reasonable rules. Third, they should advocate to Mr. Jackson why the zero tolerance policy does not help, trying to persuade him of getting rid of it. If Mr. Jackson denies their points they could take it to the superintendent of schools and fight to get rid of the policy.

If most teachers nowadays have a student like Wesley, they would say their hands are too tied even to be worrying about this one student. Teachers have a hundred-and-something students who they are putting their time and effort into; a problem like this would not be worth their time. They would just report Wesley and move on. Ms. Smith has a chance to really make something of Wesley – to give him a better life.

Ms. Smith should also think about herself: how much risk and stress does she need to take? She has a bunch of other students she needs to worry about, as well as her personal life. What if another student other than Wesley (a student of color specifically) who has the same mentality as him steals her phone? Would she be thinking of what to do or would she report that student right

away? Would she treat any other student the way she is now with Wesley if they stole her phone? Or is she treating Wesley with a bit of sorrow and prolonging the case because she worked with him and does not want to throw away all that effort she put into him? Is this fair? Is this morally right?

At the end of the day, Ms. Smith needs to realize that no matter what she chooses, she will be fine. She will not be going to jail or be seen as trouble within the eyes of the law. Wesley will be, and that is something she needs to think about. Will she be the cause of Wesley failing in life? Or the cause of him succeeding?