

POLICING OUR SCHOOLS:

THE PUBLIC RISK MANAGEMENT CHALLENGE

BY DR. JOE JARRET



THEY HAVE BEEN VALIDATED AND VILIFIED. PRAISED AND PENALIZED. Courted and cancelled. Welcomed and warned off. They are School Resources Officers (SROs), and their presence in public schools continues to be an emotional and political issue, despite the fact that a recent poll revealed that students, parents, staff, and community members rank school safety at the top of their list of concerns. That same poll revealed that when students feel safe at school, they have a greater chance of thriving both academically and socially.

In a 2021 survey of SROs across the United States conducted by U.S. Department of Justice, Office of Community Oriented Policing Services, 80 percent reported that they had confiscated a weapon from a student in the last school year. The United States Justice Department has reported that SROs assist school administrators with incidents that would have previously been referred to the criminal justice system, and that SROs possess specific training that school administrators often lack when it comes to responding to threats of violence. As a result, schools with an SRO appear to be better equipped to effectively address any threatening situation that might arise in the course of the school day. This doesn't mean, however, that the presence of SROs in schools is without risk and should not include input from the public risk manager.

SROS: A BRIEF HISTORY

Part Q of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, defines the SRO as “a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with school and community-based organizations.” According to the Center for the Prevention of School Violence at North Carolina State University, the SRO concept evolved during the 1950's in Flint, MI, where community policing had been implemented and police officers had become involved in schools. The concept flourished during the 1960's and 1970's (predominantly in Florida), then languished in the 1980's, and did not gain momentum nation-wide until the mid-1990's.

On September 6, 2000, the Department of Justice announced that the COPS in Schools program of its Office of Community Oriented Policing Services (COPS) would award \$68

million in grants to hire 599 SROs in 289 communities across the Nation. These grants enabled communities to hire new police officers and encourage working relationships between police and schools, thus bringing the principles and philosophy of community policing directly into the school environment. Although these community grants provided the funding needed to hire new SROs, it was soon learned that the SROs multifaceted role—as law enforcement officer, counselor, teacher, and liaison between law enforcement, schools, families, and the community required training beyond that which is traditionally offered in police academies. This dilemma continues as not all states require law enforcement officers specialized training before they are deployed to schools as SROs.

SROS VERSES SCHOOL SECURITY

Generally speaking, SROs are sworn law-enforcement officers with arrest powers who work, either full- or part-time, in a school setting, but who are employed by a law enforcement agency, such as a sheriff's or police department. As sworn law enforcement officers, SROs are certified by a particular state's Peace Officer's Standards and Training (POST) certification. In the United States, certification and licensure requirements for law enforcement officers vary significantly from state to state. Law enforcement agencies tend to maintain SRO programs because they are often viewed as an effective means to reduce the workload of patrol officers, improve the image of officers among juveniles, create and maintain better relationships with the schools, and enhance the agency's reputation in the community.

A school security officer, on the other hand, is trained, supervised, and employed by the school district and most often lacks arrest powers. When a violation of the law or school

policies occurs, the school security officer is required to place the student into the custody of the school administrator, the SRO, or another law enforcement officer.

THE MOU

Key to the school system-SRO relationship is the Memorandum of Understanding (MOU). Over the years, I have been afforded the opportunity to serve as a public risk manager, a juvenile crimes prosecutor, and a school board attorney. As such, I have observed, firsthand, the risks involved when a poorly drafted MOU governs the relationship between a school and the law enforcement agency providing SROs. Some of the infirmities I've observed in MOUs included a failure to specify SRO roles and responsibilities, and the lack of a detailed plan for exactly how the SROs were to be utilized. Although most MOUs provide for the SROs' deployment in the schools, many described the officers' activities in very general terms, such as noting that the officers worked for the law enforcement agency and stipulating who paid and supervised them. The MOUs did not elaborate on the SROs' day-to-day operations, duties, responsibilities, and limitations. The most serious issues I observed that could translate into liability for the school system concerned disagreements that arose regarding where to draw the line between criminal violations and serious incidents meriting SRO attention on the one hand, and disciplinary activities more properly handled by teachers and staff on the other hand. Many MOUs didn't require any specialized training, necessary for an SRO to be successful in a school environment. Other common areas of disagreement were whether the SROs would be available beyond normal school hours and during the summer, and whether they would direct traffic or routinely teach or give presentations.

Public risk management is critical in providing a safe and secure learning environment for students, staff and the general public. As such, the posting of SROs in public schools should not be done in a vacuum.

It is essential that the risk manager (regardless if serving the school system or the law enforcement agency providing the SROs), be involved in the crafting of the MOU along with input from a variety of sources including the SROs, school officials, law enforcement leadership, community members, school counselors, parents, the entity's attorney and other stakeholders. The MOU should also include a mechanism for the school district to receive feedback regarding SROs' activities and actions. Something as obvious as whether the SROs are going to be called upon to perform traditional law enforcement duties such as patrolling and responding to calls for service, versus serving as mentors and teachers, guest speakers, involvement in extracurricular activities and the development of safety programs within the school can have a substantial impact on an entity's exposure. Also, which entity is responsible for workers compensation costs associated injuries to an SRO, damage to equipment, claims of excessive use of force or civil rights violations, should be clearly outlined in the MOU.

POLICING OUR SCHOOLS

It is imperative that public risk managers insist that the law enforcement officers assigned to the schools for which they are responsible, are there voluntarily. Officers who are involuntarily designated to be SROs may have the tendency to express a lower level of commitment to the program or the school. A recent United States Department of Justice study revealed that school administrators report that the most effective SROs:

- Like kids, wants to work with kids, and are able to work with kids;
- Want to be SROs and don't see the position as a demotion, or a glorified babysitting job;

- Have the right demeanor and "people skills," including being:
 - calm,
 - approachable,
 - able to put up gracefully with guff from kids, and
 - have infinite patience;
- Have experience as a patrol officer or road deputy;
- Have above average integrity;
- Have the ability to work effectively with students, parents/guardians, teachers, and school administrators;
- Possess strong interpersonal communication skills;
- Have the ability to competently engage in public speaking;
- Have effective teaching skills;
- Understand the importance of diversion programs and alternatives to arrest for youth;
- Understand the potential negative impact that SRO programs can have on students;
- Have knowledge of the specific needs and local concerns of the community;
- Have been thoroughly trained in teaching, mentoring, and properly interacting with students; and,
- Carry out their responsibilities in a fair and impartial manner while not discriminating based on race, color, national origin, limited English proficiency, disability, or sex including sexual orientation and gender identity.

All of the above attributes have the potential to reduce the frequency and severity of claims asserted against SROs and the entity itself.

A WORD ABOUT LIABILITY

Regarding liability, it is strongly suggested that SROs not be involved in disciplining students

or be directed to resolve student issues that would otherwise be the responsibility of a teacher or school administrator or be subject to the school's internal discipline procedures or school code of conduct. SROs should not respond to incidents that do not pose a threat to safety or involve typical student behavior that can be safely and appropriately handled by a school's internal disciplinary procedures. The United States Justice Department suggests that restraining a student or placing a student in physical custody for any length of time via wrist restraints, frisking, community separation, or other means should only be done to ensure the safety of everyone at the school campus and consistent with applicable laws. SROs should not detain students solely on the direction of a school administrator. Prior to detaining, arresting, or ticketing a student, SROs should use all other appropriate de-escalation techniques and account for the age and size of the student. Because of recent negative interactions between law enforcement and citizens, courts across America are less and less inclined to grant immunity (in its various forms), to SROs and the school system to which they are assigned when sued for violations of civil rights or personal injuries sustained by students.

Public risk management is critical in providing a safe and secure learning environment for students, staff and the general public. As such, the posting of SROs in public schools should not be done in a vacuum. Like any other exposure, it is the risk manager who is responsible for identifying and analyzing exposures and determining what actions to take to avoid, prevent, reduce, retain, or transfer risk. When it comes to SROs, it is the risk manager who is responsible for ensuring that SROs, along with all school staff, follow departmental policies and processes, and that risk management is integrated into other policies and processes necessary to maintain a safe learning and teaching environment.

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