

- Q. Are there student rights support for minors when parents are unengaged/uninvolved or is that student left to the administration/staff to decide the outcome?
- A. In Ohio, we have specific rules on interviewing suspects, including minors. Schools should not allow for an interview with a student and Law Enforcement for a delinquent act committed outside of the school unless a parent is present. If the parent is not able to be present, a representative from the school should be with the student during the interview.
- Q. You mentioned SRO should not be involved in school rules and enforcement actions and being a part of a board. How about being a part of a Safe Schools enforcement team role as a sit in? Very similar to a TA team. Have you seen many boards like this outside of a TA team? In alameda it was called, ASSET (Alameda Safe Schools Enforcement Team), comprised of admin, YSS / Juv probation, SRO or LEO assigned to school, mental health. This program included meetings with parents and the student involved. But everyone had input, aimed closely at restorative action and not the "hammer."
- A. I think every time Law Enforcement sits on a school committee working to create a safe working and learning environment it is one more opportunity to build relationships in your school. You are correct this is remarkably like being on a Threat Assessment Team. The purpose of TAT is not to punish a child but to determine what help the child needs to get them off a pathway to violence or a pathway to justification. Alameda Safe Schools Enforcement Team seems to be ahead of the curve by taking a multi-disciplinary approach to solving the problems in their schools. I am a huge proponent of restorative justice programs. From an SRO standpoint, using this approach allows students to see the SRO as a person to help them, not arrest them.
- Q. I am a former Police Officer and saw the need for SRO'S not long after the D.A.R.E programs ended, there was no plan as to how to extend or bridge the to the two roles. Does the D.A.R.E. program still have a role or need still today in our schools? Maybe a comeback?
- A. In my early teaching days, we had D.A.R.E. in our eighth-grade health classes. I was never fan of the D.A.R.E curriculum and there has yet to be a study showing the effectiveness of D.A.R.E. However, the real benefit of D.A.R.E. is the officers were able to start building relationships with students at an early age. I have seen agencies that had to cut D.A.R.E.

due to budget restrictions and manpower shortages use patrol officers assigned to a school who make regular visits to the school to build relationships.

Combining one answer with similar questions

- Q. Wouldn't you say that an established/best practice School Behavioral Threat Assessment Model/Process would help define behavior evaluation, action-mitigation, and follow-ups?
- Q. in Florida almost all districts have SROs included on Threat Assessment Teams. Very valuable because we are often made aware of additional behaviors, charges & past history, family concerns. Thoughts on having SROs in TATs?
- A. SROs can be an important member of a TAT. As stated, an SRO can add additional to see a better picture of the student. I think I once heard, "In order to connect the dots you have to collect the dots." TAT are not based on punishment or discipline but are designed to get children the help they need when in crisis. I am always looking for silver linings. After Parkland I saw a shift in from security personnel and hardware to counselors and social services. This is long overdue.
- Q. Is there anything that you would keep as zero tolerance or prefer to eliminate that stigma completely?
- A. When I think of examples where there should be zero tolerance, I think of actions like bringing a weapon to school to cause harm and assaults. But even in those cases the focus should be on helping the child. Those who work on a Threat Assessment Team know we sometimes must remove a child from school because of safety concerns. But the goal, if possible, is to re-engage the child in a school setting. This is where our counselors and social workers play a vital role.
- Q. Do school administrators still need to participate in the "class" with their SROs? If not, why did this part of the program cease to exist?
- A. Unfortunately, when the grant funding went away, so did the requirement for the SRO and school administrator to attend the NASRO annual conference. We talked during the session about hitting a reset button. I believe in our reset there should be mandatory training for school administrators with an SRO in their building.

I combined one answer for the next two questions.

- Q. School administrators, both at the building and district level, fear public backlash and have now become hesitant to discipline students and to promote positive behaviors and culture. This has led to leaning on SROs for discipline (school to prison pipeline) that is unfair to law enforcement. Thoughts on this?
- Q. The issue of enforcing school discipline rules is huge. It must be made clear to all in the school and LE agency that the SRO does NOT enforce school rules. Sometimes administrators ask officers to enforce school rules. This officer needs to have the maturity, training, backing of command and MOU policy to say, "enforcing school rules is not my role. That is the role of the school administrator." This issue is sometimes a particular challenge for school district police officers, who are employees of the school district.
- A. I cannot state enough times it is NOT the role of the SRO to enforce school rules. This weakens the effectiveness of the SRO because they are now looked upon to use their legal authority to enforce a rule that may not be an offense if committed outside of the school. I can see some challenges for the School Based Law Enforcement Officers, but this is where it takes the right person to be a SBLEO. In taking an action because of a violation of a school rule, they need to react as if they are a teacher or any other school employee and not a LEO.

Quick scenario: A teacher looks out their class window and sees a student skipping class. She decides to go out to the student and the student gets belligerent, curses at the teacher, and runs away. Would the teacher chase after the student and use force to bring the student into the building? Instead of a teacher approaching the child, A SBLEO goes up to the child. Could the child be charged with Obstructing Justice? Would a SBLEO be justified in a use of force to bring the student back to the building?

A well-written MOU and training for the SRO, school administration, and staff will help eliminate this problem.

- Q. I found I have some administrators who want to do their own investigations first before calling the SRO even though they know it is a crime that was broken. I have talked myself blue trying to get them to stop that practice. Do you have any other suggestions?

- A. This is where guidelines must be clear between the school and the local Law Enforcement Agency. We also need to do a better job educating school personnel about how Law Enforcement Agencies work. I had a client in another state call me about an incident in their school. A student was caught in school with over an ounce of marijuana. The school decided to handle this without calling the jurisdiction that served their school and then called me for my advice. They said they did not want to call the Law Enforcement Agency because they did not want the student arrested. They were under the common misconception that calling Law Enforcement always means some type of enforcement action will be taken. My recommendation was for them to call the local Law Enforcement Agency. Have them take a report and impound the marijuana. Because the school was considering this as a school violation, they would be handling the discipline of the child. However, they now had a legal way of getting rid of the marijuana and the incident was reported to Law Enforcement. Perhaps this student was already known to or was a suspect in an investigation by Law Enforcement. Remember, whatever happens in our community happens in the schools. We have given Law Enforcement a dot to connect because they had another dot to collect.
- Q. Are there trends for implementing School Police vs SRO? We are weighing on the differences.
- A. After Parkland I was starting to see a trend of schools starting a SBLE program and more parents wanting SROs in their schools. Now I am just seeing the call to remove all Law Enforcement from schools. A few years ago, a district replaced their SROs with a private security firm. They only had SROs in their high school and middle schools. They were able to put an armed security guard (All were retired military/LEOs.) in every building with the cost savings. Because they were not Law Enforcement Officers, they have zero arrest powers. They are basically a gun in the school in case the worst happens.
- Q. I agree with you about the body cams, but it is so expensive to blur out the faces of the other kids that are in the view of the camera that is not involved in the incident. how do you cut that cost down?
- A. As we all learned in the academy, in the absence of law we follow department policy. If as an SRO you must wear and use your body cam then you will need to follow your policy. In Ohio, we now have a law that covers SROs and LEOs responding to an incident at schools.

Ohio House Bill 425, which took effect April 2019, exempts images of students captured on a resource officer's body camera from disclosure in response to a public records request.

Some Peace Officers – including School Resource Officers (“SROs”) – wear body cameras, which occasionally capture images of children. The statute clarifies that images of children – and any information that could lead to identifying prominently featured children – do not have to be produced in response to a public records request. Under this law, even a parent's consent does not authorize the release of these images in response to a public records request. Importantly, however, this statute does not affect school districts' obligation to provide parents with educational records as required by the Family Educational Rights and Privacy Act (FERPA). If a parent requests educational records, which include body camera images of their own child, the district is likely obligated to provide access to said footage following FERPA requirements. This, of course, assumes that the video has been shared with the district. If the video was not shared with the district by the SRO (or the police department), it is not “maintained” by the district and cannot be an educational record under FERPA.

A person seeking public records which include such student images may ask the Ohio Court of Claims to consider whether the public interest outweighs the child's privacy. If the court finds that the public interest in the recordings substantially outweigh student privacy interests, it will order the records released.

*The new law also exempts school districts' infrastructure records from mandatory disclosure. Specifically, the configuration of critical systems – ventilation, water, security codes, electrical, mechanical, communication, computer, or the infrastructure or structural configuration of a building – do not have to be produced in response to a public records request. However, simple floor plans depicting only the spatial relationship of components of the building may be disclosed. **

**Miriam Pearlmutter is an attorney at Walter | Haverfield.*

If you have any additional questions, please feel free to contact me.

Gary L. Sigrist, Jr.
gary@safeguardrisksolutions.com
614 679-5608