The Growing Concerns Regarding School Resource Officers

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Abstract

There have been an increasing number of incidents in which school resource officers (SRO) have been used to manage student disciplinary issues with disastrous results. Court cases brought by parents and advocacy groups claim SROs have traumatized and injured students. This article addresses several critical issues concerning SROs being used to manage student misbehavior, lack of training, lack of policies regulating roles and responsibilities, and inadvertently promoting a school-to-prison pipeline. The authors provide recommendations and best practices for future use.

Keywords

school resource officer, discipline

During the past year, the media has exposed a rash of incidents concerning school resource officers (SROs) using excessive force to manage student misbehavior. Among the most disturbing cases receiving national media attention include those in (a) Kenton County, Kentucky, where an SRO handcuffed two elementary students ages 8 and 9 above the elbows on multiple occasions for noncompliance (S.R. & L.G. *v*. Kenton County Sherriff's Office, 2015) and (b) Richland County, South Carolina, where a high school girl who was seated in her desk was physically assaulted by an SRO for being noncompliant and refusing to give up her cell phone (Ford, Bothelo, & Conlon, 2015). Incidents such as these have left many parents and advocacy agencies questioning if the presence of law enforcement in school buildings has actually made children safer or merely placed them at an increased risk of injury and criminal prosecution (Bracy, 2010; Price, 2009).

History and Purpose

The permanent placement of law enforcement within schools originated more than a half century ago during the 1950s in Flint, Michigan, with the belief that a police presence would help decrease school violence, particularly gun-related incidences (Johnson, 1999; see also James & McCallion, 2013). Since their inception, school law enforcement officers, more commonly referred to today as school resource officers, experienced a significant degree of mission creep, a gradual expansion of the original goals/intent of the position. In the case of SROs, the original intent of helping create a safer school climate has been expanded in many districts to encompass discipline and enforcement of school policy. This expansion is in part due to a lack of precision or clear policy guidelines for defining their roles (Na & Gottfredson, 2011). The disparity of court decisions surrounding the role of police in schools and the extent of police powers, especially with regard to the blurring of lines between duties of administration and those of law enforcement, gives further evidence to the lack of clarity surrounding SRO programs at every level from policy to implementation (Thurau & Wald, 2010). According to a 2005 study prepared for the National Institution of Justice, a frequent mistake made by SRO programs is that they lack a detailed written definition of the roles and responsibilities to guide officers in their duties and

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govern school administrators in the use of SROs (Finn, Shively, McDevitt, Lassiter, & Rich, 2005).

The changing mission of SROs has often been reactionary to public outcry of a perceived threat to our nation's youth. During the sixties and seventies, SROs were placed in schools in many Southern states to help address issues related to racial tensions (Coon & Travis, 2012). Shortly thereafter, SROs were tasked with deterring drug-related problems across the nation (Price, 2009). In more recent years, there has been a huge growth in SROs in the wake of mass school shooting tragedies such as Columbine and Sandy Hook (Samah, 2015; Toppo, 2013). As a result of these societal fears, the presence of law enforcement officers within schools has expanded exponentially over the past several decades (James & McCallion, 2013). According to the National Association of School Resource Officers (NASRO), school-based policing has become one of the fastest growing areas of law enforcement (NASRO, 2012), with nearly half of all public schools having a police presence (U.S. Department of Justice, 2010). Today, there are approximately 19,000 SROs working in schools across the country (Statement of Interest 2015). The Safe and Drug Free Schools and Communities Act established SROs to help (a) educate students in crime and illegal drug use prevention and safety, (b) develop community justice initiatives for students, and (c) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.

Roles and Responsibilities

The NASRO defines the role of SROs as threefold, including (a) law enforcement, (b) teaching, and (c) mentoring. First and foremost, SROs are police officers responsible for the protection of life and property through the enforcement of laws and ordinances. Beyond that, SROs also serve as teachers in a host of programs such as DARE (Drug Abuse Resistance Education), GREAT (Gang Resistance Education and Training), and alcohol awareness/DUI prevention. In addition, SROs serve as mentors to students as well as advisors to the educators and administrators who work with them. As such, SROs are available for both formal and informal guidance. They also work closely with educators on attendance issues and counselors who work within the school and community to help build working relationships (NASRO, 2012). According to statistics released by the Justice Policy Institute (2011), nearly half (48%) of an SRO's contracted time is spent dealing with matters of law enforcement, a quarter (24%) is spent advising and mentoring, 12% is devoted teaching, and 16% performing various other duties.

Controversies

While an increasing number of schools have embraced the use of SROs to address safety issues ranging from drugs to weapons, their presence has not been without controversy. This column addresses several critical issues related to the use of law enforcement in schools, including SROs being used to manage student misbehavior, inadvertently promoting the school-to-prison pipeline, lack of training, and lack of policies regulating roles and responsibilities, as well as recommendations for best practices.

Managing Student Misbehavior

A common complaint among many educators and administrators has been the increased level of challenging behaviors they face from students, ranging from noncompliance to dangerous behaviors. These behaviors interfere with students' learning, disrupt the instructional environment, and pose threats to the safety and well-being of students and educators alike (Scheuermann, Peterson, Ryan, & Billingsley, 2015). A recent survey by the National Center for Educational Statistics (NCES) reported that 41% of public school teachers claimed student misbehavior interfered with their teaching. This is not overly surprising given the NCES also found that practically the same number (43%) of schools reported inadequate levels of teacher training in behavior management (NCES, 2014). Educational researchers have long cautioned that the combination of ineffective educational programming (e.g., failure to provide appropriate curricular instruction) and a lack of appropriate behavioral interventions can exacerbate student behaviors, leading to a vicious cycle of antecedents that set the stage for problem behavior (Couvillon, Peterson, Ryan, Scheuermann, & Stegall, 2010; Long, 1996). These increased levels of misbehavior coupled with a lack of professional training in positive behavioral interventions have resulted in many schools becoming overly reliant on increasingly harsh and often aversive behavioral interventions for dealing with challenging student behavior, including the use of suspension, seclusion, and restraint (National Disability Rights Network, 2009). An unfortunate consequence of tasking SROs to deal with student misbehavior has increasingly criminalized traditional school disciplinary issues and exacerbated the school-to-prison pipeline (Bracy, 2010; Mukherjee, 2007). This claim appears to be substantiated by the U.S. Department of Education Office for Civil Rights (OCR), which found that over the course of a recent academic school year, more than 260,000 students were referred to law enforcement, 92,000 students were arrested, 70,000 were physically restrained, and 37,000 students were placed in seclusion (U.S. Department of Education, 2014). Regrettably, the students most commonly impacted by these harsh and intrusive interventions were disproportionately minorities from low socioeconomic status (SES) (Anyon et al., 2014; Fabelo et al., 2011; Thurau & Wald, 2010).

School-to-Prison Pipeline

Although the original intent of SROs was to create a safer school environment, an unintended effect of placing law enforcement within schools has been increased opportunities for negative interactions between youth and police. This has resulted in an increase in youth being referred to the juvenile justice system for assault, weapons, and drug offenses (National Center for Juvenile Justice, 2014; U.S. Department of Education, 2014). A report from the Justice Policy Institute (2011) showed that schools with SROs had five times as many arrests for disorderly conduct as schools without SROs. According to Flannery (2015), in an article for *NEA Today*, more than a quarter million students were referred to police officers to receive legal consequences in 2010 for offenses that once would have, in years past, simply earned them a stern talking to by school personnel. The Statement of Interest (2015) acknowledged the school-to-prison pipeline theory in a Letter of Interest describing the involvement of law enforcement in the application of harsh school discipline, which can prove to be discriminatory, especially to students with disabilities. The U.S. Department of Justice cautions that SROs are more likely to criminalize minor school infractions and push students unnecessarily into the school-to-prison pipeline (Statement of Interest 2015). Such practices force students out of school and into the juvenile justice system.

The 2013 Strategies for Youth Survey found that the single offense in juvenile justice that has not been reduced over the past 30 years is public order offenses. Public order offenses include offenses such as disorderly conduct or obstruction of justice, which have increased by 108% from 1985 to 2009 (Strategies for Youth, 2013). Again, the populations most adversely affected by this trend are students of color and those with disabilities (U.S. Department of Education, 2014). Fabelo et al. (2011) reported that nearly half of students with emotional disturbance and 24% of students with learning disabilities had contact with the juvenile justice system in comparison to 13% of non-identified students. Civil Rights Data Collection (CRDC) data from 2014 showed that while Black students made up only 16% of the overall population, they represented 27% of students referred to law enforcement and 31% of students arrested at school. Comparable findings of disproportionality have been reported by researchers across the United Sates (Fabelo et al., 2011; Leiber, 2002; Mallet, 2014).

Lack of Training

Currently, there are no national standards outlining training requirements for SROs, and only a handful of states (AR, CA, CO, IN, MD, MS, MO, NJ, SC, TN, and TX) have established specific training/certification requirements for these specialized officers (U.S. Department of Education,

2015). The need for a more systematic approach to training SROs is a major factor in increasing their effectiveness as a solution to school safety issues. Unfortunately, a 2011 survey by the International Association of Chiefs of Police (IACP) found that three-quarters (76%) of respondent states do not mandate juvenile justice training for law enforcement beyond the basic training received at the police academy (IACP, 2011). This is disheartening given state police academies reported they spend less than 1% of total training hours on juvenile justice issues (Strategies for Youth Survey, 2013). Further, the curriculum in the majority (40) of states had a central focus on the juvenile justice code and legal issues rather than behavior management, child development, communication techniques, issues for minority populations, factors for disabled youth, or other recommended topics specifically related to working with juveniles. This lack of training is especially problematic when SROs interact with students with disabilities, especially those with emotional and behavioral disorders who have specific behavioral intervention plans that schools are required to comply with to optimize their educational success.

According to a 2011 IACP survey, almost three-quarters of SRO training is provided by outside agencies. Strategies for Youth, a national policy and training organization working to support effective policing in communities, recommends training that focuses on providing information that promotes positive interactions and decreases conflict by teaching about brain structure and child development, including capacity of youth to make decisions (Strategies for Youth Survey, 2013). The NASRO provides a 40-hour block of instruction for SROs, which includes law enforcement concepts, ethics, diversity and child development concepts, and trends in juvenile justice as well as teaching and informal counseling strategies (NASRO, 2012). Some exemplary state programs as well as additional information can be found on the Safe Supportive Learning Government website, https://safesupportivelearning.ed.gov/discipline-compendium.

Establish Policies Regulating Duties and Responsibilities

Currently, SROs are guided by varying regulations according to each state. However, Community Oriented Policing Services (COPS) encourages law enforcement agencies and schools to adopt a memorandum of understanding (MOU) to clearly document the roles, expectations, and responsibilities of all individuals involved for the purposes of maintaining and increasing safety in schools and communities (U.S. Department of Justice, 2013). Several well-established and model MOUs are shown in Table 1.

An MOU can help schools avoid the inappropriate use of SROs by clarifying the conditions under which law enforcement can intervene with a student and the level of force permissible. According to the Council of State Governments

Table 1. Sample Memorandum of Understanding (MOU).

MOU Guidance	World Wide Web Link
Advancement Project	http://b.3cdn.net/advancement/cf357b9f96d8c55ff8_rdm6ib9js.pdf
NASRO sample MOUs	https://nasro.org/?s=memorandum+of+understanding
U.S. Department of Justice	http://www.cops.usdoj.gov/pdf/2013_MOU-FactSheet_v2_091613.pdf

Justice Center (2014a), as of September 2013, 29 states have statutes that require SROs or school police to be sworn peace officers or certified law enforcement officers (i.e., AL, AZ, AR, CA, CO, CT, FL, GA, IN, KY, LA, MD,MI, MN, MS, MO, NV, NJ, NY, NC, ND, OR, PA, SC, TN, TX, UT, VT, VA). Further, in 2013, at least 29 states introduced more than 90 bills regarding SROs; as of September 2013, 17 of these bills became law. In Alabama, qualified SROs are allowed to carry a weapon while on duty and retired police officers may serve as part-time SROs. Connecticut law provides for training of SROs regarding children's mental, social, emotional, and behavioral health needs. The cost of SROs in Tennessee is a law enforcement responsibility. A Virginia law authorizes an appropriations combined with federal funds for the School Resource Officer Incentive Grants. (See also Council of State Governments Justice Center, 2014b, on legislative action on school safety.)

Relevant litigation also provides guidance regarding the contact of SROs. For example, *Freeman v. Gore* (2007) provides law enforcement officers the authority to use force to accomplish lawful objectives, such as detention and arrest. However, the level of permissible force that can be used was established through the Supreme Court ruling in *Graham v. Connor* (1989). The *Graham* case established a three-prong test that mandates law enforcement officers take into account the (a) severity of the crime committed, (b) level of threat to the safety of the public or officer, and (c) level of resistance.

Summary and Recommendations

Whereas the original intent of SROs was to create a safer environment, some unintended consequences of placing law enforcement in schools have been (a) greater opportunities for negative interactions between youth and police and (b) an increase in youth being referred to the juvenile justice system for assault, weapons, and drug offenses (National Center for Juvenile Justice, 2014; U.S. Department of Education, 2014). As highlighted by the U.S. Department of Justice, a poorly implemented SRO program can exacerbate the school-to-prison pipeline, resulting in significant harm to students' educational outcomes. The absence of sufficient training and clear policies to limit SROs' roles and responsibilities has resulted in continued mission creep. To ensure SROs are used effectively, schools should consider the following: (a) not use SROs to manage student misbehavior unless criminal in nature; (b) increase SRO training to include behavior management, child development, communication techniques, and disability awareness; (c) establish an MOU to delineate specific roles and responsibilities for SROs; and (d) include the SRO as a team member of the school-wide positive behavioral support (SWPBS) team to enhance safe school planning efforts. While SROs perform an important role in our nation's schools, it is critical that educators—and not SROs—be responsible for student behavior and discipline. The SRO should not criminalize behavior that school officials should properly handle (Statement of Interest 2015). This stance was reiterated by a recent position statement released from the NASRO, which states SROs should be prohibited from becoming involved in formal school discipline situations that fall under the responsibility of school administrators (NASRO, 2015).

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