

February 13, 2024

Dear Members of the Senate Judiciary and Public Safety Committee:

On behalf of NAMI Minnesota, I am submitting our concerns regarding the school resource officer bill. We are very aware of the controversy surrounding the issue of school resource officers (SROs) and the use of prone restraints and understand the need for clarity, but it should not be done at the expense of student safety.

Prone restraints are different than other types of restraints because it involves putting a student in a face down position on the floor or another surface and physical pressure is applied to the student's body to keep them in that position. Many states have banned the use of prone restraints in schools and treatment facilities due to the danger of impairing a child's ability to communicate and breathe. Using prone restraints can actually damage the brain due to lack of oxygen, and the risk increases when the student who is being restrained struggles against its use. It's also known that putting pressure on the chest can lead to cardiac events. An adult applying their full weight in prone restraint to a student who is smaller, could lead to serious injury.

NAMI Minnesota advocated for the first legislation to regulate the use of seclusion and restraints in our schools. Later, upon recommendation of the advisory committee overseeing this legislation, banning prone restraints became law. The committee had a very robust discussion about the pros and cons of banning prone restraints but came down on protecting the health and well-being of students. We do not agree that SROs should be exempt from this prohibition. We support maintaining the ban on prone restraints to include SROs.

An important component of the seclusion and restraint law is training. Training on how to de-escalate a situation or identify the antecedents in order to avoid their use. Training on restraints to prevent harm and injuries. The use of prone restraints, which can already lead to injury, should not be used in our schools even if someone has extensive training.

We believe it's important to define the role of SROs in our schools. The Office of Community Oriented Policing (COPS) within the US Department of Justice produced a report in 2022 titled "Guiding Principles for School Resource Officer Programs." There is much to learn from this document. The report highlighted the controversy surrounding the use of SROs in schools:

*For example, there are documented cases of SROs interceding to prevent mass shootings on campus and responding to mitigate school violence events. However, SRO programs also have the potential to result in unintended negative consequences. Although there is a need for more rigorous research evaluating the effects of SROs in schools, some studies have found an increased use of exclusionary student discipline and arrests in schools where SROs are present. Research also suggests that students of color in some schools have greater levels of fear and mistrust of SROs than their White classmates do. Because of the potential for negative outcomes, including the exacerbation of perceived or actual discrimination by SROs based on race, color, national origin (including English language learners), disability, and sex (including sexual orientation, intersex traits, and gender identity), communities must carefully consider for themselves whether to implement an SRO program.*

Providing detail on the duties of SROs is important. We support the language on lines 6.1 through 6.3. SROs should not be used to enforce school rules. The COPs report suggested the following for the role of SROs which are somewhat different than what is being proposed in the bill:

- to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;
- to develop or expand crime prevention efforts for students;
- to educate likely school-age victims in crime prevention and safety;
- to develop or expand community justice initiatives for students;
- to train students in conflict resolution, restorative justice, and crime awareness;
- to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and
- to assist in developing school policy that addresses crime and to recommend procedural changes.”

We have heard SROs play an important role in developing relationships with students. In a 2014 report on SROs in Minnesota, it was noted that 44% of SROs had held this position for less than two years. It is difficult to build the relationships noted under section 9 subdivision 2, with high turnover.

While the bill establishes a task force to develop a model policy, we would also recommend that they create a model MOU. In the MN School Resource Officer report only 64% of officers were aware of an MOU. The COPS report suggests that an Memorandum of Understanding (MOU) should contain the following items:

- documents the SRO duties and program mission;
- identifies partner roles and responsibilities;
- prohibits SROs from engaging in school disciplinary incidents or enforcing school
- codes of conduct or addressing typical student behavior that can be safely and appropriately handled by school officials;
- defines reporting and data collection requirements;
- requires annual assessment of SROs;
- provides for effective training on various school-related topics (see “Specialized
- training” on page 13), including nondiscrimination and serving diverse students and
- communities (e.g., diversity based on race, color, national origin, disability, and sex);
- outlines supervision of the SRO(s) named in the MOU.<sup>7</sup>

Back in 2004 the Minnesota School Board Association did work with advocates on creating a model policy to govern SROs and removing students with disabilities from school. It might be good to look at that policy. We also suggest that the model policy be developed in consultation with mental health professionals, particularly those with experience in mental health crisis response, and a representative from an intermediate school district. One piece missing is collection of data on the activities of an SRO in the building. The national COPS report recommends keeping and sharing data so that disparities can be addressed.

The training requirements are very important. In the MN SRO report, only half of the SROs surveyed had received training on child development, youth brain development, or trauma. When asked what additional training they would like to see:

- Current juvenile case law and school law 23%
- Active shooter, 20%
- External threat, 20%
- Working with and understanding special ed students, especially EBD, 12%
- Drug and gang training, 12%
- Juvenile interviewing, interrogation, 11%
- Social media, 9%
- Juvenile search and seizure, 9%
- Youth mental health 8%

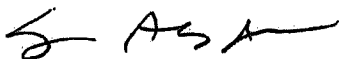
The national COPS report also listed topics for training and the bill omits several important topics mentioned in the report including the following:

- Conflict resolution
- Trauma informed practices
- FERPA (Family Education Rights and Privacy Act)
- Social media use
- Bias-free policing
- Teen dating violence and sexual assault
- Restorative justice practices
- Multi-tiered system of supports
- Knowing when to call a mental health professional/mobile mental health crisis team
- The role of an SRO in a school

The training list in the bill should clarify that under (4), physical intervention strategies are not to be used for simply verbal conflict but when there is an actual threat to hurt someone. Number (11) is also poorly worded and should include an understanding of student and parents' rights under FERPA. And lastly, we need to make sure police understand the physical and mental impact on youth when using restraints.

Thank you for the opportunity to provide written testimony.

Sincerely,



Sue Abderholden, MPH  
Executive Director

