

I. SECURITY PERSONNEL

Sandy Hook Elementary had all the standard safeguards and more, including a locked, video-monitored front door. It did not have a school resource officer. Instead, like most districts, there were police officers at nearby middle and high schools.¹³

In 1999, Eric Harris and Dylan Klebold killed 15 people and wounded 23 more at Columbine High School. The destruction occurred despite the fact that there was an armed security officer at the school and another one nearby...¹⁴

[Arapahoe County Sheriff Grayson] Robinson said a deputy sheriff assigned as a school resource officer and an unarmed security guard immediately closed in on the shooter.... "We believe that the response from the school resource officer and from the unarmed school security officer was absolutely critical to the fact we did not have additional injury and/or death."¹⁵

The School Resource Officer

Following Newtown, no single security strategy drew more attention than the placement of armed personnel in the schools. The discussion, however, begs for a clearer definition of the type of armed presence available to schools and its purpose—that is, building security, student safety, law enforcement, counseling, education, or a combination of all of these functions.

A December 2012 newspaper article, for example, quoted Governor Christie as opposing the use of armed guards in the schools. “I am not someone who believes that having multiple armed guards in every school is something that will enhance the learning environment. You don’t want to make this an armed camp for kids.”¹⁶

Lost in translation in subsequent media coverage was the critical distinction between armed non-police security and school resource officers (SROs) who, by law¹⁷, receive special training in working with students. In fact, the Governor was expressing opposition to armed guards at school and classroom entrances. The state Department of Education’s Office of School

¹³ Christine Armario, “More armed security at schools after Newtown,” Associated Press, Aug. 24, 2013 (<http://bigstory.ap.org/article/more-armed-security-schools-after-newtown>). Accessed Sept. 8, 2014.

¹⁴ Amanda Terkel, “Columbine High School Had Armed Guard During Massacre In 1999,” *Huffington Post*, December 23, 2012 (http://www.huffingtonpost.com/2012/12/21/columbine-armed-guards_n_2347096.html). Accessed Sept. 8, 2014.

¹⁵ Ray Sanchez, “Lessons of Columbine and other school shootings helped in Arapahoe,” CNN.com, December 15, 2013 (<http://www.cnn.com/2013/12/14/us/colorado-school-shooting-response/>). Accessed Sept. 8, 2014.

¹⁶ Jenna Portnoy, “Gov. Christie opposed to armed guards in N.J. schools,” *Star-Ledger*, December 21, 2012 (<http://www.nj.com/politics/index.ssf?/base/politics&coll=1#4968111101111>). Accessed Sept. 8, 2014.

¹⁷ P.L. 2005, c.276 (http://www.njleg.state.nj.us/2004/Bills/PL05/276_.HTM); N.J.S.A. 52:17B-71.8.

Preparedness and Emergency Planning supports school district consideration of SRO employment, while acknowledging its steep financial cost, according to Anthony Bland, state coordinator of the office.¹⁸

Among its April 2013 recommendations, the NJ SAFE Task Force on Gun Protection, Addiction, Mental Health and Families, and Education Safety, a select study group appointed by Governor Christie after the Newtown tragedy, encouraged districts to consider the use of SROs.

SROs perform many functions and are much more than armed security guards. Experience shows that SROs can earn trust among the student population so that students who would otherwise be reluctant to call the police feel comfortable sharing information of suspicious activity, before it escalates to violence. To the extent that school districts can hire SROs, the State should encourage them to do so.¹⁹

A 2010 U.S. Department of Justice publication points to research that the presence of an SRO may deter “aggressive behaviors including student fighting, threats and bullying” and make students, teachers and staff feel safer.²⁰

SRO Roles and Responsibilities

The school resource officer concept appeared in the mid-20th century, starting in Flint, Michigan in the 1950s and spreading through the Midwest and South over the next two decades. The officers’ functions varied according to individual district needs, but usually encompassed enhancing school safety, reducing juvenile crime, and building trust with students.²¹

Today, the National Association of School Resource Officers (NASRO) describes the SRO’s responsibilities as a triad: law enforcement-educator-counselor.²² On the first anniversary of the Newtown tragedy, Kevin Quinn, NASRO president, explained the purpose of SROs to PBS correspondent John Larson.

...school resource officers are properly trained...police officers from the local jurisdiction that are assigned to a school on a full-time basis. ...they’re more than...“let’s just put an officer with a gun standing at the front door, waiting for something bad to happen.” These

¹⁸ Comments to the NJSBA School Security Task Force, August 22, 2013.

¹⁹ New Jersey Office of the Attorney General, *The New Jersey SAFE Task Force on Gun Protection, Addiction, Mental Health and Families, and Education Safety*, by Peter G. Verniero, John J. Degnan, Manuel Guantez, James Romer, Evelyn Sullivan, Brian Zychowski, Lee Vartan, Ron Susswein, Paul Salvatoriello, and Joseph Fanaroff. (Trenton, N.J., April 10, 2013), 80. (<http://nj.gov/oag/newsreleases13/NJSafe-Report-04.10.13-Web.pdf>, accessed Sept. 10, 2014)

²⁰ U.S. Department of Justice, Office of Community Oriented Policing Services, Center for Problem-Oriented Policing, *Assigning Police Officers to Schools, Problem-Oriented Guides for Police, Response Guide Series No. 10*, by Barbara Raymond. (Washington, D.C., April 2010), 8-10. (http://www.popcenter.org/Responses/pdfs/school_police.pdf, accessed Oct. 16, 2014)

²¹ James Hyslop, SSC, Inc., Huntingdon, PA, “What Is a School Resource Officer” (presentation to the NJSBA School Security Task Force, Trenton, N.J., August 12, 2013).

²² *Ibid.*

officers are completely integrated into the school and into the school system as part of the faculty, as part of the administration team.²³

In his presentation to the NJSBA Task Force on August 12, 2013, Brian Klimakowski, Manchester Township Chief of Police and the New Jersey State Association of Chiefs of Police representative on the Governor's School Security Task Force, described the SRO as a career law enforcement officer, deployed in a community-oriented policing assignment. He or she is assigned by the employing law enforcement agency to work in collaboration with schools to—

- Address crime problems, gangs and drug activities affecting or occurring in or around school property;
- Deploy or expand crime prevention efforts for students;
- Educate likely school-age victims in crime prevention and safety;
- Train students in conflict resolution, restorative justice and crime awareness;
- Assist in the identification of physical changes in the environment that may reduce crime in or around the school, and
- Assist in developing school policy that addresses crime and recommend procedural changes.²⁴

The local police chief has direct authority over the school resource officer, who is member of the police department.

Two government documents that provide guidance to school districts on the use of SROs outline the position's wide range of functions.

The New Jersey Guide to Establishing a Safe Schools Resource Officer Program in Your Community (1998) defines the purpose of the SRO as follows: “to assist schools and communities in reducing juvenile delinquency through a collaborative approach between law enforcement and schools, focused on education, prevention, communication and information sharing.”²⁵

The New Jersey *Guide* includes a sample partnership agreement between the law enforcement agency and the school district that lists 25 SRO duties, encompassing security and surveillance, delinquent activity, liaison with the juvenile justice system, counseling/peer mediation, assistance to the school administration in child custody and truancy issues, and service as an instructor of specialized short-term programs on crime prevention, drug and alcohol education, the criminal and juvenile justice systems, and related topics.²⁶

²³ “School resource officers and the quest for safer schools,” PBS NewsHour, December 14, 2013. (http://www.pbs.org/newshour/bb/nation-july-dec13-quinn_12-14/). Accessed Sept. 8, 2014.

²⁴ Brian Klimakowski, “School Security: 2013 and Beyond” (presentation to the NJSBA School Security Task Force, Trenton, N.J., August 12, 2013).

²⁵ N.J. Department of Law and Public Safety and New Jersey Department of Education, *The New Jersey Guide to Establishing a Safe Schools Resource Officer Program in Your Community*, by Christine Todd Whitman, Peter Verniero and Leo Klagholz. (Trenton, N.J., 1998), 5. (<http://www.state.nj.us/oag/dcj/pdfs/safeschl.pdf>, accessed Sept. 10, 2014)

²⁶ *Ibid*, 13-15.

Assigning Police Officers to Schools (2010), a guide published by the U.S. Department of Justice, Office of Community Oriented Policing Services, identifies the common roles for school resource officers as follows:

- “Safety Expert and Law Enforcer,” noting that SROs are also “likely to serve as first responders in the event of critical incidents at schools, such as accidents, fires, explosions, and other life threatening events” and that they “often support advance planning for managing crises...”;
- Problem-Solver and Liaison to Community Resources; and
- Educator.²⁷

SRO Training

An amendment to the Police Training Act (*N.J.S.A. 52:17B-66 et seq.*), enacted in 2006, requires the New Jersey Police Training Commission to develop a special course for school resource officers.

The Police Training Commission in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the Attorney General, shall develop a training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement... The course shall at a minimum provide comprehensive and consistent training in current school resource officer practices and concepts.²⁸

The New Jersey Association of School Resource Officers (NJASRO) provides a Safe Schools Resource Officer Training Program, which meets statutory training requirements for all SROs assigned to schools after January 1, 2006. The five-day program includes the following components: “Roles and Responsibilities,” including school safety and security, threat/risk assessment, instructional duties, counter-terrorism, and funding and grants; “Law,” including the juvenile justice system, search and seizure, and the Memorandum of Agreement between Law Enforcement and Local Education Agencies; “Teaching Methods”; “Mentoring,” and “Working with School Administrators.”²⁹

NJASRO lists its training partners as the New Jersey Office of Homeland Security & Preparedness, the U.S. Attorney’s Office, the New Jersey State Parole Board, and the New Jersey State Police.

The SRO and the Memorandum of Agreement

During his presentation to the NJSBA Task Force, James Hyslop, president of SSC Security, Inc., and a trainer of school resource officers, noted that the local school district must define a large part of the SRO’s roles and responsibilities. He advised that school district stakeholders and the SRO

²⁷ *Assigning Police Officers to Schools*, 3-6.

²⁸ P.L. 2005, c.276 (http://www.njleg.state.nj.us/2004/Bills/PL05/276_.HTM); *N.J.S.A. 52:17B-71.8*.

²⁹ New Jersey Association of School Resource Officers, *Safe Schools Resource Officer Training: Course Information* (http://www.njasro.org/Forms/Course_Outline.pdf). Accessed Sept. 8, 2014.

have a “clear understanding of how the SRO will do his or her job.” The purpose of the SRO “ranges from enhancing school safety to reducing juvenile crime to building trust with students.”³⁰

For New Jersey school districts, the required Memorandum of Agreement between Education and Law Enforcement Officials (MOA) is the key document in addressing the role of law enforcement, including school resource officers, and the intersection of school disciplinary policies/codes of conduct with the Code of Juvenile Justice. (For more information on the MOA, see Section 3, Policy and Planning, page 46.) The NJ SAFE Task Force cited the importance of the document in its findings.

[The MOA] provides precise guidance on how [the education and law enforcement] professions will work together as a team, each respecting the other’s roles, responsibilities and professional judgments. For example, the MOA explains that police officers entering a school will, except in an emergency, comply with the procedures established by the school for the reporting of visitors.

...the MOA explains in detail how law enforcement interactions with schoolchildren can be done in a way that minimizes unnecessary conflict, distraction or intimidation. For example, the MOA specifies the procedures to be followed when police come onto school grounds to make an arrest or to take a juvenile into custody.

[Provisions of the MOA] are important to the current debate on whether and how to maintain an armed presence in schools because they reflect a well-established policy in this State to carefully control student interaction with, and observation of, armed officers. While the MOA imposes limitations on police activities in schoolhouses, it nonetheless expressly recognizes the positive contributions that school resource officers can make to the well-being of the school community and encourages local officials to consider deploying these specially trained officers.³¹

Through communication with the Safe & Supportive Schools Unit of the New Jersey Department of Education and NJSBA’s policy experts, the Association’s School Security Task Force identified school-police safety initiatives that could be addressed through the MOA. These include perimeter checks, surveillance of buildings and grounds, communications with first responders, emergency alert systems and accessibility to police in the event of an emergency. In addition, the NJSBA Task Force identified several factors that school districts should consider when developing MOAs, particularly as they apply to an armed security presence. These factors include the following:

- The size of the local police force;
- The geographical size of the school district;
- School policy/disciplinary code in relation to criminal code and juvenile justice code (namely, when infractions are addressed by school administration and when they are handled by law enforcement); and
- State law and regulation in areas such as possession of firearms on school grounds and the Anti-Bullying Bill of Rights.

³⁰ Hyslop, “What Is a School Resource Officer,” August 12, 2013.

³¹ *The New Jersey SAFE Task Force*, 75-76.

Blocking the ‘School to Prison Pipeline’

In January 2014, the civil rights units of the U.S. Departments of Justice and Education issued guidelines on the equitable application of discipline in the schools. The 31-page document provides school officials with guidance on the non-discriminatory use of disciplinary measures to promote safe and orderly educational environments.³² It addresses findings of a disproportionate number of arrests, suspensions and expulsions of minority and disabled students for minor, nonviolent offenses.

The New York Times report about the guidelines links an increase in arrests with police presence in schools. “As school districts have placed more police officers on campuses, criminal charges against children have drastically increased, a trend that has alarmed civil rights groups and others concerned about the safety and educational welfare of public-school students. The Obama administration’s document also set[s] guidelines for reducing arrests and keeping discipline within schools.”³³

“A routine school disciplinary infraction should land a student in the principal’s office, not in a police precinct,” said U.S. Attorney General Eric H. Holder, Jr., in a statement accompanying the release of the federal guidelines.³⁴

In its “Recommendations for School Districts, Administrators, Teachers, and Staff,” the guidance document lists nine steps for the “appropriate use of law enforcement.” Some, such as documenting the school resource officer’s roles and responsibilities through a memorandum of understanding with law enforcement, focusing on school climate and developing trusting relationships, are widely recognized in New Jersey. Other steps emphasize the role of school personnel versus that of police in administering discipline and the need for ongoing training of school resource officers. For example—

- Ensure that school personnel understand that they, rather than school resource officers and other security or law enforcement personnel, are responsible for administering routine student discipline.
- Establish procedures and train school personnel and school volunteers on how to distinguish between disciplinary infractions appropriately handled by school officials versus major threats to school safety or serious school-based criminal conduct that cannot be safely and appropriately handled by the school’s internal disciplinary procedures, and how to contact law enforcement when warranted.

³² U.S. Department of Justice, Civil Rights Division, and U.S. Department of Education, Office of Civil Rights, “Dear Colleague Letter: Nondiscriminatory Administration of School Discipline,” by Catherine E. Lhamon and Jocelyn Samuels. (Washington, D.C. January 8, 2014). (<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>, accessed Sept. 10, 2014.)

³³ Motoko Rich, “Administration Urges Restraint in Using Arrest or Expulsion to Discipline Students,” *The New York Times*, January 8, 2014 (http://www.nytimes.com/2014/01/09/us/us-criticizes-zero-tolerance-policies-in-schools.html?_r=0). Accessed Sept. 8, 2014.

³⁴ U.S. Department of Education, “U.S. Departments of Education and Justice Release School Discipline Guidance Package to Enhance School Climate and Improve School Discipline Policies/Practices” (news release), January 8, 2014. (<https://www.ed.gov/news/press-releases/us-departments-education-and-justice-release-school-discipline-guidance-package>), accessed Sept. 10, 2014)

- Regularly meet with school resource officers and other security or law enforcement personnel who work in the school to ensure that they receive training to work effectively and appropriately with elementary and secondary students. Such training may include instruction in bias-free policing, including instruction on implicit bias and cultural competence; child and adolescent development and age appropriate responses; practices demonstrated to improve school climate; restorative justice techniques; mentoring; classroom presentation skills; conflict resolution; privacy issues; and working collaboratively with school administrators.³⁵

In a letter to the NJSBA Task Force, Glenn A. Grant, J.A.D., acting administrative director of the courts for the State of New Jersey, cited the need for a nuanced approach to juvenile justice, based on graduated intervention strategies. “...research has established that youth who are disconnected from their familiar school environments, whether through suspension, expulsion, arrest, or dropping out, are undeniably at greater risk of following a path to crime and prison.”³⁶

“Removal can set in motion a set of unintended consequences that ultimately leave the community less safe and the juvenile more likely to become involved with the juvenile justice system and, later, the criminal justice system,” stated Grant.³⁷ He advised intervention strategies “to prevent juveniles from entering the juvenile justice system in the first place.”

One method for accomplishing this is through the use of Family Crisis Intervention Units (FCIUs). The FCIUs were established in 1985 to deal with issues of truancy, runaways, family conflict matters, and, more recently, involvement in human trafficking, including prostitution. These types of issues do not rise to the level of a formal delinquency charge. The New Jersey Administrative Code (*N.J.A.C. 6A:16-7.8*) provides for the school district in those instances to make a referral to the court program prescribed by the Administrative Office of the Courts, specifically the FCIUs in cases of truancy. We urge the schools and law enforcement to establish and maintain relationships with their respective FCIUs to have a full understanding of the role they play in matters being diverted from the court.³⁸

The least-intrusive enforcement methodology should also apply to delinquency complaints and “generally provides the most desired outcome for the juvenile, the family, and the community,” he wrote. “We urge law enforcement to consider curbside and stationhouse adjustments whenever possible,” stated Grant.

In fact, the state’s official guide on SRO implementation, the *New Jersey Guide to Establishing a Safe Schools Resource Officer Program in Your Community* (1998), specifies the use of the school as a setting for “stationhouse adjustment,” a process that allows for the handling of minor offenses informally and outside of the juvenile justice system.³⁹

³⁵ Nondiscriminatory Administration of School Discipline, Appendix, 5-6.

³⁶ Glenn A. Grant, J.A.D., letter to the NJSBA School Security Task Force, June 24, 2013.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *New Jersey Guide to Establishing a Safe Schools Resource Officer Program*, 5-6.

SRO: The Right Person

We need a certain type of officer to serve as a School Resource Officer. At the risk of insulting some, we must state a fact: Some officers are assigned to schools because they are ineffective on the street. Choose your best officers to protect your most valuable property.⁴⁰

Carefully prescribing the responsibilities of the SRO is essential to the program's success. So is selecting the right person for the job—someone who can serve not only as an effective first responder, but who can also build trust and a line of communication with students.

The U.S. Department of Justice, Office of Community Oriented Policing Services, identifies eight criteria that should be used in selecting an SRO. These criteria should be applied to each candidate for the position “regardless of the school’s grade level, size, student body, and culture, or other considerations.”

1. *Likes kids*, cares about and wants to work with kids, and is able to work with kids;
2. Has the *right demeanor and "people skills,"* including good communication skills;
3. Has *experience* as a patrol officer or road deputy;
4. Is able to work *independently* with little supervision;
5. Is exceptionally *dependable*;
6. Is willing to *work very hard*;
7. Is—or can become—*an effective teacher*; and
8. Has above average *integrity*.⁴¹

SRO: The Cost

The advantage of having a full-time trained police officer in a school means paying a full-time police officer’s salary and benefits. According to the Bureau of Labor Statistics of the U.S. Department of Labor, the average salary for New Jersey police and sheriff’s patrol officers in 2012 was \$84,930.⁴² Various newspaper accounts about New Jersey school districts that considered SRO employment in 2013 cited annual salary and benefits ranging from \$88,208 to \$150,000, depending on the experience level of the individual officer.

In 1995, the federal government created the COPS (“Community Oriented Policing Services”) grant program; the “COPS in Schools” component was added three years later to promote the employment of resource officers in schools. In New Jersey, the program provided over

⁴⁰ Klimakowski, “School Security: 2013 and Beyond,” August 12, 2013.

⁴¹ U.S. Department of Justice, Office of Community Oriented Policing Services, *A Guide to Developing, Maintaining, and Succeeding With Your School Resource Officer Program: Practices From the Field for Law Enforcement and School Administration*, by Peter Finn, Meg Townsend, Michael Shively, and Tom Rich. (Washington, D.C., June 2005), 47. (<http://www.cops.usdoj.gov/Publications/sroguidelines.pdf>)

⁴² U.S. Department of Labor, Bureau of Labor Statistics, “Occupational Employment and Wages, May 2012, 33-3051 Police and Sheriff’s Patrol Officers,” (<http://www.bls.gov/oes/current/oes333051.htm>), accessed Sept. 10, 2014)

\$40 million (\$125,000 per officer per year) to 116 communities to support school resource officer positions through 2005, when the funding dried up.⁴³

In recent years, limited federal grant funding has been available through the COPS Hiring Program (CHP). In fiscal year 2013, CHP provided \$127 million nationwide to community policing efforts, including \$46.4 million to support 370 school resource officer positions in 48 states and U.S. territories. Only one New Jersey school district benefited from SRO funding through CHP in fiscal year 2013.⁴⁴

During the summer of 2013, the NJSBA Task Force surveyed school district officials about the state of security after the Newtown tragedy. Two hundred seventy-three school board presidents and school business administrators participated in the survey.⁴⁵ Their responses illustrate the difficulty facing school districts in funding school safety efforts, especially the employment of SROs or other security personnel.

- 26.6% identified “SRO/Security Personnel” as one of the three steps they would take to improve school safety *if they had the funds*. (“Surveillance cameras” was the most frequently cited item.)
- In an open-ended question asking respondents to identify financial obstacles to school security, “Lack of funding for SROs” was the third most-frequently cited financial obstacle to implementing school security, following “limited state aid” and the most-frequently cited “2% tax levy cap.”
- Only 3.6% of respondents cited “municipal support for SRO” as a source used to fund current security, in spite of the fact that approximately one-quarter indicated that SROs were in place in at least one district school.

Special Law Enforcement Officers

State officials and law enforcement experts who consulted with the NJSBA Task Force expressed the same opinion about the use of armed security in schools: *If a local board of education decides to institute an armed security presence in a school, the ideal method is the employment of a school resource officer*. Nonetheless, even the most ardent supporters of the SRO concept acknowledge the cost factor.

⁴³ U.S. Department of Justice, Community Oriented Policing Services, “COPS Quick Facts for the State of New Jersey: ACCEPTED COPS GRANTS.” (Washington, D.C., January 4, 2010). (<http://www.cops.usdoj.gov/pdf/StateReports2010/nj.pdf>, accessed Sept. 10, 2014)

⁴⁴ U.S. Department of Justice, Community Oriented Policing Services, “2013 CHP School Resource Officers List by State” (<http://www.cops.usdoj.gov/pdf/2013AwardDocs/CHP/2013-CHP-SRO-Fact-Sheet.pdf>). Accessed Sept. 8, 2014.

⁴⁵ NJSBA administered the electronic survey to the state’s school board presidents and school business administrators on July 25 and July 29, respectively. Responses were collected through September 26. Duplicate responses from the same district were eliminated prior to calculation. The survey instrument appears as Appendix C of this report.

'Class II' Officers

As an alternative to employing SROs, some school districts have considered the use of a Special Law Enforcement Officer II (“Class II officer”). A May 2013 article in *The Record* placed the wages for such officers at \$15 to \$20 per hour.⁴⁶ A small fraction (just under 2%) of the respondents to the NJSBA Task Force Survey indicated that their districts currently use Class II officers as part of their security operations.

The NJ SAFE Task Force report describes the Class II officers as follows:

“Special Law Enforcement Officers,” (SLEO IIs) are part-time police officers often employed by resort towns during the summer months to augment the town’s complement of regular year-round officers. SLEOs have police powers and answer through the law enforcement chain-of-command. See N.J.S.A. 40A:14-146.10 *et seq.* Because they are not full-time employees, they can be hired at lower salary and fringe benefit/pension costs than regular police officers. While SLEOs must complete a Police Training Commission-approved curriculum at a police academy, these officers are not required to complete the specialized training required of SROs.

While using Class II officers for school security may be financially advantageous, there are restrictions. Statute limits the number of hours of employment and the number of such officers employed by a municipality.⁴⁷ In addition, the type of training such officers receive does not address working in the school climate.

SLEO III Proposal

During his presentation to the NJSBA Task Force, Brian Klimakowski spoke about the New Jersey Association of Police Chief’s proposal for a new category of law enforcement officer, a Special Law Enforcement Officer III—in essence, a special officer who would receive additional training on working with students and would be assigned to schools. He said that such a designation could give districts that cannot afford an SRO an alternative preferable to the use of non-police security.⁴⁸

For many communities, however, the statutory restrictions on Special Law Enforcement Officer working hours and staffing would have to be eliminated or loosened.

As of publication date, no proposal to create a new category of Special Law Enforcement Officer for schools has been introduced in the New Jersey State Legislature.

⁴⁶ Abbott Koloff, “Special officers’ police training, lower price tag make them tempting option for school security,” *The Record*, May 17, 2013 (<http://www.northjersey.com/news/special-officers-police-training-lower-price-tag-make-them-tempting-option-for-school-security-1.687056>). Accessed Sept. 8, 2014.

⁴⁷ P.L. 2013, c.21, s.6 and s.7 (http://www.njleg.state.nj.us/2012/Bills/PL13/21_.HTM); N.J.S.A. 40A:14-146.16 (Limitation on hours); N.J.S.A. 40A:14-146.17 (Limitations on number, categories).

⁴⁸ Klimakowski, “School Security: 2013 and Beyond,” August 12, 2013.

Retired Police Officers

Should retired police officers be able to provide armed security in a school building? Over 17% of the school officials responding to the NJSBA Task Force survey indicated that their districts employed retired police officers as part of their security details. No differentiation was made as to whether the retired officers carried firearms in school.

Two northern New Jersey school districts—Lodi and Belleville—are among those that have used retired police officers in their security programs, according to news media accounts.⁴⁹ Last December, the Bernards Township Board of Education approved the hiring of a retired police officer to provide additional security at Ridge High School, which also has a school resource officer.⁵⁰

Nonetheless, the New Jersey State Association of Chiefs of Police cautions against the practice.

Raymond Hayducka, then-president of the state police chiefs association, criticized the use of retired officers for school security at NJSBA's January 13, 2013 Safe and Secure Schools Forum.

"As a police chief, I want authority and control over any person in the school who is armed. Police officers are required to have extensive background and training, and schools can get them by having an SRO program or hiring them off duty." Hayducka pointed out that private security guards or retired officers have no law enforcement powers to arrest, detain or frisk subjects. They don't necessarily have up-to-date training on the use of force and on tactics to use in an active shooter situation. He also noted that non-police officers cannot communicate with responding law enforcement officers via police radio and that a local police department may not share non-public information on police procedures with private security officers.⁵¹

Brian Klimakowski, who represents the police chiefs association on the Governor's K-12 School Security Task Force, reinforced this position. While retired officers bring with them professional law enforcement experience, they are no longer vested with any special privileges or immunities of office, and therefore, have no authority other than that of a private citizen.⁵²

During a discussion with the NJSBA Task Force, Anthony Bland, state coordinator for the NJDOE Office of School Preparedness and Emergency Planning, also expressed concern about the use of armed non-police security or retired officers, saying it was "not the best practice."⁵³

⁴⁹ "Lodi schools to employ armed retired police officers," WABC-TV, March 28, 2013 (http://abclocal.go.com/wabc/story?section=news/local/new_jersey&id=9045094). Accessed Sept. 8, 2014.

⁵⁰ "Security officer hired for Ridge High School," *Bernardsville News*, December 17, 2013 (http://newjerseyhills.com/bernardsville_news/news/security-officer-hired-for-ridge-high-school/article_9853f062-673d-11e3-9d68-001a4bcf887a.html). Accessed Sept. 8, 2014.

⁵¹ Janet Bamford, "Making New Jersey's Schools Safe and Secure," *New Jersey School Leader*, Vol.43, No. 4 (January 2013): 28. (<http://www.njsba.org/news/school-leader/01022013/making-nj-schools-safe-and-secure.php>)

⁵² Klimakowski, "School Security: 2013 and Beyond," August 12, 2013.

⁵³ Comments to the NJSBA School Security Task Force, August 22, 2013.

The NJ SAFE Task Force explained the legal parameters of using retired police officers in school security programs and reached a conclusion in agreement with the police chiefs association.

A law enforcement officer who has retired in good standing is authorized by state and federal law to obtain a special “carry permit,” which allows him or her to possess a firearm in most public places. See *N.J.S.A. 2C:39-6(l)*. Those permits do not authorize retired officers to possess a weapon “in or upon any part of the buildings or grounds of any school, college, university or other educational institution.” See *N.J.S.A. 2C:39-5(e)*. However, the governing officer of the educational institution (*i.e.*, the local school superintendent) may give written authorization that would allow a retired law enforcement officer to carry a gun on school property. As a condition of keeping the carry permit, a retiree is required to qualify twice annually in the use of the handgun that he or she is authorized to carry.

It is critical to note, however, that retired officers are civilians. They have no law enforcement powers or immunities, are not allowed access to restricted law enforcement information, and do not report through a law enforcement chain of command to a police chief or county prosecutor. For this reason, should a school district employ a retired law enforcement officer to serve as an armed security guard, the school district, rather than a police department, would be legally responsible for the person’s actions and would bear all liability and indemnification expenses. We agree with the position advocated by the New Jersey State Association of Chiefs of Police that any person carrying a weapon and assigned to protect a school should be employed by and operate under the direct authority of a law enforcement agency.⁵⁴

In addition, the New Jersey Schools Insurance Group advises that retired police officers who work as school security guards would not be covered under the basic insurance policies that it routinely issues to school districts.⁵⁵ Nonetheless, some school districts have found the employment of retired officers to be an effective security strategy, and have found the cost of additional liability insurance coverage not to be burdensome.

Non-Police Security

Over 19% of respondents to the NJSBA Task Force survey indicated that their districts employed non-police security in the schools, often to supplement other security personnel. The survey did not ask the school officials whether or not the non-police security guards were armed.

While the New Jersey State Association of Chiefs of Police may caution against use of retired officers for school security, the organization is vehement in its opposition to the placement of armed, non-police security in the schools. “The use of armed guards, with no police powers or training, creates a false sense of security and may create response issues for law enforcement,” Chief Brian Klimakowski told the NJSBA Task Force. In addition, he noted that the Governor’s

⁵⁴ *The New Jersey SAFE Task Force*, 78.

⁵⁵ Bamford, “Making New Jersey’s Schools Safe and Secure,” 28.

K-12 School Security Task Force believes that the presence of armed guards in schools is not the answer to the complex problem of school security.⁵⁶

His views reflected those of Ray Hayducka, the association's former president, about armed non-police security in the schools. "...there could be severe consequences for the school district if private security personnel act recklessly with a firearm."⁵⁷ As with retired officers, non-police security guards have no access to law enforcement restricted information, no power to arrest, and no required training.

Anthony Bland of the NJDOE Office of School Preparedness and Emergency Planning told the NJSBA Task Force that use of armed guards in schools presents serious questions: Who trained him? How was he trained? Where does he keep the gun? And how will he use it in an emergency?⁵⁸

The NJSBA Task Force notes that private security companies can provide armed/unarmed guards often times at significantly lower cost than the compensation of SROs or retired police officers. Districts usually rely on the contractor to conduct background checks and to provide training. Insurance liability rests with the private companies; however, some districts report that they have encountered legal problems as the result of incidents on school grounds involving the private security companies and their employees.

Veterans in School Security

In January 2014, Governor Christie signed legislation establishing a three-year pilot program through the New Jersey Department of Education to train and place veterans in school security positions. "The purpose of the pilot program shall be to increase school security by utilizing the skills of veterans."⁵⁹

Community Prerogative

In its final report, the NJ SAFE Task Force concluded that, "The decision whether to station armed personnel to guard schools should be left to local education and law enforcement officials. There should be no State policy requiring or recommending an armed presence beyond the discretionary use of SROs."⁶⁰

The NJ SAFE Task Force also listed the following criteria that a school district should consider before introducing armed security into a school building:

1. The decision should be thoroughly vetted by all stakeholders. School officials should solicit input from parents, teachers and staff, students, local police officials and the county prosecutor.

⁵⁶ Klimakowski, "School Security: 2013 and Beyond," August 12, 2013.

⁵⁷ Bamford, "Making New Jersey's Schools Safe and Secure," 28.

⁵⁸ Comments to the NJSBA School Security Task Force, August 22, 2013.

⁵⁹ P.L. 2013, c.277, N.J.S.A. 18A:41-8 (http://www.njleg.state.nj.us/2012/Bills/PL13/277_.HTM), A-4072 (Sumter, Tucker, Andrejczak, Jimenez, Moriarty).

⁶⁰ *The New Jersey SAFE Task Force*, 76.

2. Any person(s) who will be carrying firearms on school grounds should be carefully screened and selected. Not all law enforcement officers, for example, are well-suited to interact with schoolchildren or otherwise perform “community policing” functions. Proficiency with a firearm is required, of course, but is by no means the only criterion that should be considered.
3. Armed personnel should be qualified and assigned to perform functions beyond providing security against the possibility of a mass shooter.
4. Armed personnel stationed at, or assigned to patrol, schools should be sworn law enforcement officers who have the authority to make arrests and to use force in law enforcement pursuant to N.J.S.A. 2C:3-7. All armed persons assigned to protect schools should operate under the authority and direct supervision of a law enforcement agency, answering through a chain of command to a police chief executive and the county prosecutor.
5. All armed personnel stationed at a school should complete the training program established pursuant to N.J.S.A. 52:17B-71.8.⁶¹

⁶¹ *Ibid*, 80-81.

SECURITY PERSONNEL: RECOMMENDATIONS

Based on its research, including consultation with experts in the areas of school climate, security and law enforcement, the NJSBA School Security Task Force makes the following recommendations in the area of security personnel:

Local School District/Community

1. Because of significant variations in the size of school districts and local law enforcement agencies, building lay-outs, student populations and community attitudes, the decision on whether or not to employ security personnel—armed or un-armed, police or non-police—must rest exclusively with the local school district and should not be dictated by the state.
2. A School Resource Officer (SRO) can provide a critical safety factor and valuable counseling and support services for students. The employment of SROs is the “preferred” model for a law enforcement presence in a school building.
3. In assigning SROs or other law enforcement officers to schools, local law enforcement agencies must consider fully the qualifications and aptitude of the individual, including his or her capability as a first responder and ability to relate to students. Additionally, the training of SROs must stress conflict resolution, restorative justice and stationhouse adjustment practices, as well as awareness of gang and drug abuse activities.
4. School districts should ensure that all security personnel (a) receive training appropriate for employment in the school environment and (b) have in-depth understanding of local emergency protocols.
5. In developing the Memorandum of Agreement, school districts/charter schools and local law enforcement should clearly address the intersection of school policy/disciplinary code, Criminal Code and the Juvenile Justice Code. They must ensure that student behavior that is in violation of school codes of conduct be addressed by school officials and not be imposed on police. Based on federal and state law and school policy, such guidance should ensure the following: immediate response to crises; protection of the safety and interests of students affected by violent acts; the appropriate avenues of discipline and referral for student offenders; and the recognition of state requirements in areas such as student possession of firearms and weapons on school grounds, and harassment, intimidation and bullying.

State and Federal

6. The state and federal governments, respectively, should provide and increase grant funding to support the assignment of law enforcement officers as School Resource Officers.
7. The Legislature and the Governor should enact legislation to establish a new category of law enforcement officers, such as Special Law Enforcement Officer Level III, who are specially trained in working with students and assigned to protect our schools. Such law enforcement

personnel can provide an additional school security option to school districts. The legislation should also relieve current limits on working hours for special officers when they are assigned to schools and should ease the restrictions on the number of such officers employed by a municipality.

8. The New Jersey Department of Education and the Office of the Attorney General should revise *The New Jersey Guide to Establishing a Safe Schools Resource Officer Program in Your Community*, which was published in 1998, so that the document reflects recent developments in the areas of security, funding and programming.