



# MINNESOTA POLICE AND PEACE OFFICERS ASSOCIATION

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August 16, 2023

Dear Members:

Student Resource Officers (hereinafter SRO) are asked to provide a variety of public services within the school setting, including mentoring and building deeper relationships between law enforcement, the students, and staff. When a crisis or altercation occurs, school SRO's are often the first to respond to address and manage the situation. They truly are the best line of defense when a school needs to protect children who are defenseless and often exposed to acts of violence.

One of the many laws passed during this year's state legislative session amended Minnesota Statutes Chapter 121A by adding two provisions in the education bill that limit the use of force towards students. This law applies to all school employees and agents of the school district. This would include SRO and law enforcement working contractually with a school through sporting and student events. This amendment became law was never subjected to traditional public safety committee processes nor were any law enforcement associations or stakeholders consulted.

In the amended Minnesota Statute sections 121A.58 and 121A.582, the language now "prohibits the use of prone restraint." The authority to use force for the sole purpose of restraining a student has been removed from law. As a result, using a prone restraint circumstances in any situation, including the threat of death or bodily harm is no longer an option.

According to the Minnesota Department of Education's Legislative Update Pertaining to Restrictive Procedures, Prone Restraint and Reasonable Force: "[a]n employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, shall not use prone restraint . . . [and] shall not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso."<sup>1</sup>

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<sup>1</sup> <https://education.mn.gov/MDE/dse/sped/PROD081619>

The Minnesota Police and Peace Officers Association, along with the Minnesota Chiefs of Police and Minnesota Sheriffs' Associations, are greatly concerned by the uncertainty of the language, the application of the amended law, and the increased liability, both civilly and criminally, that may occur. The unintended consequences of this new law limit the lawful authority of SRO's to keep children safe at school and those contracted with school districts to provide safety to the students, players and staff. SRO's are counted on to support students and staff safety, and must have a clear understanding and meaningful procedures and training in place before the implementation of any law.

The MPPOA recommends each of our member officers working for a school district to evaluate the risks associated with the new law to make a choice on whether to participate in school functions. If a member has any concerns regarding the applicability of the law, they should consider SRO assignments or any contracted work as an agent of the school district until more clarity is provided. Until then, as your general counsel, I have significant concerns for our members to work in any capacity as an SRO or any work contracted through a school district.

Be well and stay safe!

Sincerely,

A handwritten signature in cursive script that reads "Imran Ali".

Imran S. Ali  
General Counsel, MPPOA

A handwritten signature in cursive script that reads "Brian Peters".

Brian Peters  
Executive Director, MPPOA