



MINNESOTA CHIEFS OF POLICE ASSOCIATION

DEDICATED TO THE IDEALS OF PROFESSIONAL POLICING

Office of Governor Walz
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St. Paul, MN 55155

TO: Governor Tim Walz

FR: Jeff Potts, Executive Director, Minnesota Chiefs of Police Association

CC: Keith Ellison, Attorney General
Senator Ron Latz, Chair of Senate Judiciary and Public Safety Committee
Senator Warren Limmer, Minority Lead of Senate Judiciary and Public Safety Committee
Representative Kelly Moller, Chair of House Public Safety Finance and Policy
Representative Paul Novotny, Minority Lead of House Public Safety Finance and Policy
Commissioner Bob Jacobson, Minnesota Department of Public Safety
Commissioner Wille Jett, Minnesota Department of Education

Date: August 14, 2023

Re: New Law impacting School Resource Officers; Mn Stat. 121A.58 and 121A.582

Governor Walz,

On behalf of approximately 325 police chiefs and another 150 command staff members at police departments across the state, the Minnesota Chiefs of Police Association (MCPA) writes this letter to articulate our concerns about the provisions that were contained in your education policy proposal, specifically related to limiting the lawful authority of School Resource Officers (SROs). Ultimately, the recommendations in your proposal were included in the Education Policy bill and have been signed into law.

With students returning to school very soon and SROs preparing to help at many schools across the state, we raise these concerns with the hopes that you will provide an immediate response that will provide clarity to police chiefs about the law change regarding SRO's abilities to keep the children and staff safe. We bring this concern forward with added frustration that although this law directly impacts the actions of police officers assigned to schools across the state, the public safety community was never invited to provide input, perspective, or feedback on the unintended consequences of this significant law change. In fact, we learned of the changes after you had already signed them into law.

The specific provisions causing concerns are in Minnesota Statute 121A, which governs student rights, responsibilities, and behavior. The effects of these changes to sections 121A.58 and 121A.582 are to: (1) limit the use of force toward pupils to situations where it is necessary to prevent bodily harm or death; (2) **prohibit the use of prone restraint**; and (3) **prohibit the use of compressive restraint on the head, neck, and across most of the torso**.

SROs 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 SROs are often the first to respond to address and manage the situation. With your 20 years of experience as an educator and observing how frequently violent incidents occur at schools across our Nation, you can understand the value of having SRO programs in our schools. 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.

The practical implications of the changes to Minnesota Statute 121A prevent a school resource officer from safely intervening in situations that occur regularly in schools. When an altercation between students or students and staff members occurs at a school, the school staff swiftly alerts the SRO to intervene. Often responding alone, the SRO quickly respond and attempt to de-escalate the situation. This work frequently requires the SRO to physically intervene to stop students from fighting. Prohibiting the most basic measure of safely restraining and controlling the aggressor in a fight severely impacts the SRO's ability to intervene, stop the altercation, and protect everyone's safety. The new law restricts the SRO from separating those involved in the fight or altercation, safely holding them on the floor while trying to calm them down. Again, this is a measure used commonly in schools by SROs to keep all children safe. With the passage of this law, these professional and expected measures of an SRO would be illegal and further subject the officer and their department to criminal and civil liability.

Since learning about the law change, we have had conversations with legislators and non-partisan House of Representatives staff to seek clarification and guidance about the legislative intent and interpretation of the law change. The answers to our questions are unclear about the use of prone restraints. Additionally, it appears that any physical contact with a student's upper torso by an SRO is prohibited, even if the actions prevent bodily harm or death to another.

While an SRO program has many benefits, the ultimate goal is keeping the nearly 900,000 students and staff members inside schools across our state safe. We implore you to use whatever powers you have to address this situation.

Respectfully,



Jeff Potts
Executive Director
Minnesota Chiefs of Police Association