



February 9, 2024

Re: School Resource Officer Legislation

Dear Senator Westlin and Representative Fraiser:

Thank you for your continued work on the school resource officer (SRO) legislation and the opportunity to provide feedback on the latest changes to the draft language. We appreciate your effort to clarify the role and responsibilities of SROs and the urgency to hear the legislation early in the legislative session.

The organizations listed on this letter respectfully request the changes outlined below be made to the bill. We have provided further explanation for our continued request for clarifying language addressing our special duty concerns. We look forward to continuing the work this legislative session to clarify officer roles and responsibilities as they serve as a valuable resource in Minnesota schools.

Clarification on SRO Duties

We continue to request that the term “shall” be changed to “may” to reflect the various goals and resources of SRO programs across the state. We further request SROs have explicit authority for lawful physical contact in “caretaking” situations, such as taking a child into protective custody or where a designated mental health professional believes a person, as the result of a mental disorder, presents an imminent likelihood of serious harm. Under the current version of this bill, it is clear that SROs can enforce criminal laws; however, there is also explicit language prohibiting SROs from using force or the authority of their office solely to enforce school rules or policies or in the enforcement of discipline for violations of school rules. It is important for the legislation to expressly state that SROs have lawful authority to perform other duties of a peace officer including the ability to intervene in a non-criminal, caretaker situations.

We respectfully request the use of the following language:

Sec. 9. [626.8482] SCHOOL RESOURCE OFFICERS; DUTIES; TRAINING;

5.11 MODEL POLICY.

5.21 Subd. 2. **Duties.** (a) A school resource officer's contractual duties with a school district or charter school may include:

5.22 (1) fostering a positive school climate through relationship building and open

5.23 communication;

5.24 (2) protecting students, staff, and visitors to the school grounds from criminal activity;

5.25 (3) coordinating criminal investigations between law enforcement and school officials;

5.26 (4) providing advice on safety drills;

5.27 (5) identifying vulnerabilities in school facilities and safety protocols;

5.28 (6) educating and advising students and staff on law enforcement topics; and

5.29 (7) enforcement of criminal laws and execution of other duties imposed upon peace officers by law.

6.4 Subd. 3. **Instruction required.** (a) Except as provided for in paragraphs (b) through 6.5 (d), beginning December 1, 2025, a peace officer assigned to serve as a school resource officer 6.6 must complete a training course that provides instruction on the learning objectives identified

7.23 Subd. 5. **Model Policy.** (a) By June 1, 2025, the Board of Peace Officer Standards and 7.24 Training, after consulting with the Department of Public Safety's School Safety Center, the Minnesota School Resource Officers Association, the National Association of School Resource Officers, the 7.25 Minnesota School Boards Association, the Minnesota Association of Secondary School 7.26 Principals, Education Minnesota, the Minnesota Sheriffs' Association, the Minnesota Chiefs 7.27 of Police Association, the Minnesota Police and Peace Officers Association, Juvenile Officers 7.28 Association, Solutions Not Suspensions, and the Minnesota Youth Council, and at least one 7.29 community organization supporting the rights of special education students, shall develop 7.30 a model school resource officer policy.

The most recent draft of the SRO bill could be read to mandate SROs undertake specific duties for the benefit of a particular class of persons. If not explicitly addressed, our concern is this will be an opening for litigation that could unintentionally create challenges to the language of the legal duties established. We support language that will make it clear that no special duty is being created: *Nothing in the enumeration of these duties or the inclusion of them in a contract between a school resource officer's employer and the designated school district or charter school shall create a special duty to any individual.* This will further help address concerns raised by stakeholders regarding unintended (and additional) civil liability exposures for SROs and their employers.

We thank you again for your engagement with us on this important issue. Our organizations hope bill authors support our recommendations to the proposed language. If the aforementioned changes to the language are adopted, we would offer support for passage and enactment.

Respectfully,



Jeff Potts
Executive Director
Minnesota Chiefs of Police Association



Brian Peters
Executive Director
Minnesota Police and Peace Officers Association



James Stuart
Executive Director
Minnesota Sheriffs Association

Cc: Governor Walz, Speaker Hortman, Senate Majority Leader Murphy, Chair Moller, and Chair Pryor