



MINNESOTA CHIEFS OF POLICE ASSOCIATION

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Minnesota Chiefs of Police Association (MCPA)

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FOR IMMEDIATE RELEASE: MCPA STILL SEEKING CLARITY FOLLOWING ATTORNEY GENERAL'S OPINION REGARDING NEW LAW IMPACTING SCHOOL RESOURCE OFFICERS

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On behalf of the Minnesota Chiefs of Police Association, Executive Director Jeff Potts expresses the association's concerns about a lack of clarity in the new law impacting School Resource Officers (SRO) despite an opinion by the Minnesota Attorney General (AG).

Potts said the Attorney General's opinion, issued on August 22, does resolve some issues with the new law but does not address many of the common scenarios faced by SROs in schools across Minnesota.

"Our number one priority continues to be keeping students and staff members inside schools across our state safe," Potts said. "Although we are grateful for the Attorney General's expertise and thoughtful opinion, we still aren't confident that can be accomplished with the new law."

On August 14, 2023, the Minnesota Chiefs of Police Association contacted elected state officials to seek guidance related to the new laws impacting School Resource Officers (SROs) and Officers hired as agents of a school district; Mn Stat. 121.58 and 121A.582. Our association requested that the Mn Department of Education (MDE) ask the Mn Attorney General for an opinion to offer binding guidance on how the new law impacts the use of force exercised by SROs and school agents. On August 18, 2023, the MDE asked the Attorney General for clarity regarding the recent amendments to student discipline laws. The Attorney General connected with police chiefs impacted by this question and asked for input before issuing the Attorney General's guidance.

The MDE asked the Attorney General if the new language acts as an exception to the general prohibition on prone restraints and other types of physical holds, thereby allowing the use of these practices when doing so would prevent imminent bodily harm or death to the student or another. In summary, The Attorney General stated that the statute amendment does not limit the types of reasonable force that school staff and agents may use to prevent bodily harm or death. We appreciate that the Attorney General provided binding guidance on this question and provided SROs and school agents clarity on this change to the law. However, the AG Opinion did not address other questions submitted by the MCPA.

In response to the outreach from the AG's Office, the MCPA asked the Attorney General to clarify several additional questions, including what is acceptable under the new law in situations that do not present a threat of bodily harm or death but are clearly violations of State law. The Attorney General's Opinion did not answer or address these questions. However, the AG Opinion acknowledged that other important questions were raised about the standards applicable to SROs or other contracted peace officers at school events. He said those questions are beyond the scope of the August 18 request and more appropriately directed at the legislature.

In some situations, an SRO responds to a student acting unruly and committing crimes such as damage to property, trespassing, or disorderly conduct. If an SRO is involved in these situations, what authority does an SRO have to intervene and stop the criminal behavior? The Attorney General indicated these are important questions but directed us to the legislature. Had the MCPA and other stakeholders been included in the original legislative process, these present questions could have been discussed, and a consensus could have been reached. Unfortunately, those impacted by these changes have been excluded from the process, and schools are now vulnerable. All of the questions presented by the MCPA need to be answered in order to provide the appropriate clarity and guidance to SROs and school agents.

Students, Teachers, School Administrators and Staff, and parents all deserve clarity on the expectations of what force SROs and agents can use to keep schools and school events safe. We want to avoid any impacts on school and student safety due to the lack of clarity of the law and important unanswered questions. This lack of clarity has created enough concern that some Chiefs are now having to carefully determine the risk both SROs and students may be put in under this new law. Agencies will need to weigh all of their options, the information we have received from the Attorney General, and what is best for everyone involved.

ABOUT THE MCPA

The Minnesota Chiefs of Police Association is a professional member organization representing approximately 1000 current and retired law enforcement and public safety leaders. Together, we bring the highest quality police services and leadership to the people of Minnesota