



February 9, 2024

Senator Bonnie Westlin
Representative Cedrick Frazier

RE: School resource officer (SRO) legislation

Dear Senator Westlin and Representative Frazier,

Thank you for authoring legislation aimed at clarifying the roles and duties of school resource officers (SROs). While our organizations do not advise cities on whether to take part in SRO programs, we support the authority cities and school districts have to enter into agreements for the purpose of keeping schools safe. Our hope is the bill that advances will support school safety and other important objectives of police/school relations, while minimizing potential civil and criminal liability risks created by ambiguity in the current law.

The draft legislation provides clarity around some key issues. Our organizations support provisions in the bill that make it clear SROs are not employees or agents of school districts and are not present in school settings for school disciplinary purposes. We also appreciate the provision clarifying SROs have explicit authority provided in Minn. Stat. § 609.06, the state statute governing use of force.

We have concerns about the “duties” provisions in section 9 of the bill. Specifically, we request the word “shall” on line 5.21 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 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 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.

Finally, the 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 appreciate you considering our input and look forward to working with you to advance legislation that serves all impacted stakeholders.

Sincerely,



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League of Minnesota Cities



Bradley Peterson
Executive Director
Coalition of Greater Minnesota Cities



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Mayor of Edina
James Hovland
President
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Cc: Governor Tim Walz
Speaker of the House Melissa Hortman
Senate Majority Leader Erin Murphy
House Minority Leader Lisa Demuth
Senate Minority Leader Mark Johnson