

Kentucky restraint case highlights concerns over use of SROs



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By Mark W. Sherman, a Washington bureau correspondent who covers special education issues for LRP Publications.

Key points:

- Use of school resource officers grew after 1999 shooting in Colorado
- Training often inadequate, observers say
- Efforts underway to retrain SROs, adopt 'transformational' approach

Amanda Petteruti knows there's a [video](#) showing an 8-year-old, 52-pound boy being handcuffed by a school resource officer in Covington, Ky.

The handcuffs are around the boy's upper arms, which are pinned behind his back. He cries. He struggles. But Petteruti hasn't watched it and doesn't intend to.

"I couldn't bear to, now that I have a son," said Petteruti, senior research associate at the [Justice Policy Institute](#). "I just, the level of horror -- I couldn't do it."

Petteruti is no stranger, however, to the issues surrounding such events. In 2011, for example, her group issued a [report](#) on the shift toward districts using SROs instead of in-house staff.

"For many years prior to the widespread placement of SROs," it said, "schools operated using their own discretion regarding student behavior, calling the police for incidents of serious concern, but primarily relying on teachers, administrators and counselors to educate and maintain safety."

Now, the institute and other groups are trying to unwind that development, returning discipline responsibilities to schools.

In Covington, for example, the [state](#) and [national](#) American Civil Liberties Union and the Kentucky-based [Children's Law Center](#) are helping represent the 8-year-old boy and a 9-year-old girl who was restrained by the same SRO in a [suit](#) against the SRO and his employer, the [Kenton County Sheriff's Office](#).

The question, Petteruti says, is whether schools around the country will take heed and move to reclaim their traditional role in disciplinary matters.

"Why is it that a person with a gun and a Taser is the first person we call?" she said. "There were no police in the school when I was a kid."

Creating an MOU

Petteruti knows part of the answer to the question she posed.

The use of SROs "really gained traction in 2000, after Columbine," she said, referring to the Colorado city where two high school seniors killed 12 students and a teacher before killing themselves in 1999.

Schools are under no obligation to use SROs, however, according to Lisa Thurau, executive director of [Strategies for Youth](#).

"Some school systems say, 'No, thank you,' and in fact most suburban school systems say, 'No, we're not going to have you here,'" she said.

But if a district does use SROs, she said, it should create a memorandum of understanding, spelling out who does what and who answers to whom in responding to student discipline issues.

Often, "it's just like two systems that weren't well-integrated, [with] absolute confusion about to whom officers report and to whom they are accountable," she said.

[Denver Public Schools](#) has a good MOU on SROs, as do the schools in [Buffalo, N.Y.](#), and [Cambridge, Mass.](#), according to Thureau. A [model MOU](#) created by the [Advancement Project](#), meanwhile, is available on the website of the [Coalition for Juvenile Justice](#).

The Kenton County Sheriff's Office has a contract but no MOU with the Covington district, according to emails from Pat Morgan, chief deputy in the sheriff's office.

Recapturing what was lost

In crafting agreements with the police, schools must not be afraid to keep some measure of authority over SROs, according to Peter Leone, a professor at the [University of Maryland](#).

Too often, he said, police or sheriff's departments say, "You allow us to lay down the rules, or we just won't be around."

Second, SROs need more training, a problem Leone learned about when he testified this year in a [suit](#) about the use of SROs in Birmingham, Ala.

"There was no training for the SROs other than standard police department training, and they saw what was happening in school, even minor incidents, as criminal behavior," he said. "Name calling, and pushing and shoving, and hair-pulling -- through the lens of a police officer, all that stuff was criminal behavior."

In Kentucky, all "school personnel," even nonemployees such as SROs, receive general training in restraint and seclusion, including the use of Positive Behavior Interventions and Supports and de-escalation techniques, according to [regulations](#) from the [state education department](#).

However, only "core team" members are trained in how to implement physical restraint, and SROs are exempt from that requirement, according to the regulations. After all, "school resource officers or other sworn law officers are trained in physical restraint as part of their job responsibilities," according to an [FAQ](#) from the department.

That's a mistake, according to Kim Tandy, executive director of the children's law group.

"Standard use-of-force training that law enforcement receives is not the same sort of training that is contemplated in the seclusion and restraint regulations," she said.

In particular, SROs need training in working with students with IEPs, according to Thureau of the youth strategies group.

"We fail routinely to do a couple of things with SROs," she said. "One is we don't train them, and when we do train them, we don't train them about learning disabilities and emotional-behavioral disabilities."

In short, Thureau said, SROs need to learn how to connect with children, not just how to overpower them.

"We're working with a bunch of SROs who have adopted what we call a transformational approach," she said from Richmond, Calif., where she was conducting a workshop. "They're saving kids, they're sitting them down, and they're doing the behavioral adjustment work to make sure they stay in school."

That's what was lost when schools started outsourcing their discipline, according to Petteruti of the policy institute. And that's why the Covington case is important, according to R. Kenyon Meyer, an attorney at [Dinsmore & Shohl](#), which has 17 offices in six states and the District of Columbia.

"People should care about this case all over the country because there is video evidence of something that really happened in a school and that was perpetrated by a law enforcement officer in this country," said Meyer, who is helping represent the plaintiffs. "And if it can happen in Covington, Kentucky, it can happen in other places."