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**SCHOOL SECURITY AND SCHOOL RESOURCE OFFICERS****Overview**

The recent spate of random and senseless "sniper shootings" in Maryland, the District of Columbia, and Virginia require a follow-up to last month's commentary concerning school safety and security. The fact that someone has killed or injured helpless and unsuspecting citizens (including the wounding of a student outside a public middle school in Maryland) has aroused feelings of fear and uncertainty in the minds of many.

The repercussions of these senseless and horrible acts were visible across the entire nation as government officials acted quickly to protect citizens. In communities nearest the shootings immediate precautionary steps were taken. Public gatherings were canceled. Citizens acted with extra diligence when going to the store, to the service station, and in commuting to and from work. Public and private schools immediately curtailed and in some cases canceled all outside events (e.g., recess periods and other playground activities, school field trips, soccer and football games at high schools, and October homecoming festivities).

The terrifying events of early October caused families to rethink their daily routines (e.g., going shopping, or to the movies, or to the library, or to the park). At the same time, parents of school age children expected that school administrators and staff do everything possible to protect the welfare and safety of their children.

Based upon a review of data available at this time, it can be reported that school systems in Maryland, the District of Columbia, and Virginia were prepared and more than adequately fulfilled their responsibilities. System-wide safety plans were set in motion, school buildings were made secure, and school security personnel, school resource officers, and community police agencies took immediate steps to protect students and staff from possible harm. The evidence shows that school officials and staff members met the many challenges caused by the "sniper shootings."

**The Importance of School Security Personnel**

As demonstrated in the hours and days following the initial "sniper shootings," a critically important aspect of establishing and maintaining safe and secure schools was the presence and immediate involvement of school security personnel. In addition to a quick response from the local police, the presence of school security in

school buildings had a calming influence and kept students, parents, and school staff from being caught in the grip of fear and panic. Ironically, at a time when school security personnel demonstrated their importance as members of the school safety and security team, there are policy issues that need immediate attention. For example, the authority, roles, and functions of *school resource officers* are often confused with those of *school security officers*. In the current climate of fear and anxiety, where coordinated security efforts are of paramount importance, it behooves school officials to move quickly to formulate policies that rectify this situation.

### **School Resource Officers and School Security officers**

In most school systems student discipline remains the sole responsibility of school principals and assistant principals, while in other school systems building-level administrators rely on *school security officers* for assistance. There are other school systems, however, where administrators carry out many of their disciplinary functions (especially in weapons-related, drug-related, and gang-related situations) in concert with a *school resource officer*. What need clarification are the roles, functions, and legal status of *school security officers* and *school resources officers*. While it is possible to generally categorize both as *school safety and security personnel* the two possess a very different legal status.

In Virginia, for example, the law is clear. A *school resource officer* is defined as "a trained, certified law-enforcement officer hired by a local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools." In other words the *SRO* is a police officer on duty in a public school. On the other hand, a *school security officer* is "an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining and apprehending students violating the law or school board policies on school property or at school-sponsored events, and who is responsible solely for ensuring the safety, security, and welfare of the students, faculty, staff, and visitors in the assigned school." In other words a *school security officer* is a school system employee engaged in school business.

The language in the Virginia statute suggests that *school resource officers* and *school security officers* perform the same basic functions. They assist school administrators in providing and maintaining a safe, secure, and crime-free school. However, the difference in their legal status created in the same law is clear, and cannot be overlooked. This is especially important in situations where violations of the law are suspected and students and/or their belongings are subject to a search.

### **Case Law Examples**

As the United States Supreme Court established in New Jersey v T.L.O (1985), public school officials and police officers are government officials; however, the judicial standard applied to each in matters of search and seizure is different. Probable cause is the standard applied in police searches and reasonable suspicion is the standard applied in school searches.

Patman v State (2000) is a Georgia case involving the search of a student by a police officer. The officer was on special detail in a public high school. A high school secretary had informed the officer that a student smelled of marijuana. The officer stopped the student in the school hallway. Smelling marijuana the officer frisked the student and felt stamp sized bags in the student's pocket. At that point the student said to the officer, "Come on and let me slide." Hearing the student's words, the officer reached into the student's pocket and removed bags of marijuana. Even though the search took place on school property, the police treated the matter as a police matter and not as a school matter. At trial the student's attorney moved to suppress the evidence. *Probable cause* was

the standard applied by the court to the police officer initiating and conducting the student search. In the court's view the officer did have probable cause to search the student. While "feeling the packages" and the "smell of marijuana" alone did reach the standard, those two factors plus the student's statement to the officer gave him probable cause to execute the search. *The search was upheld.*

Anders ex rel. Anders v Fort Wayne (2000) is an Indiana case decided by a federal district court. In Anders a public high school student parked his car on the school parking lot. A school security officer spotted the student in the school parking lot, during instructional time. The security officer followed the student back into the school building. The security officer questioned the student about his presence out on the parking lot. The student said that he was looking in his car for an art project. The officer asked the student to go with him to the car. The student complied with the request. Subsequently the security officer searched the car. He found an open package of cigarettes, a lighter, and two pocketknives. All items were in violation of school system policy. School officials disciplined the student. The student went to court. The standard applied by the court to the search by the security officer was *reasonable suspicion*. Prior to the search there had been numerous complaints about students smoking in the parking lot. Smoking was prohibited by school system policy. The student in this case did not produce a valid pass to be out of the school building. Moreover, his explanation to the security officer was suspect. *The search was upheld.*

In re D.D. (2001) involved a search by a school principal, a school resource officer, and school security officers. The school principal received information that a student fight was to take place. He told the school resource officer. The school principal immediately looked into the matter. A school resource officer assisted the school principal. Four juveniles were observed in the school parking lot. Three of the kids were identified as non-students. The principal, the resource officer, and school security went to the scene. Subsequently, the kids were asked to empty their pockets. A box cutter was found. The kids were taken to court on delinquency charges where a motion to suppress the evidence was made and denied. On appeal the court applied the *reasonable suspicion* standard. Because the school principal initiated the search, and the purpose of the search was not to collect evidence of a crime but rather to maintain a safe and proper educational environment, it was a school search and not a police search. The fact that a school resource officer and school security were present and assisted the principal did not change the character of the search. *The court held for the school system.*

### **Policy Implications**

The need to make policy that is consistent with law, proactive in character, clear in purpose, practical in nature, and effective in implementation never has been greater. Public school officials and building-level administrators realize that they need help and assistance. As the recent "sniper shootings" illustrate, a key to successfully maintaining school safety and in alleviating fear among students, parents, and staff is an immediate response from local police agencies in coordination with school system security. To enhance the speed and effectiveness of the school system's response to all forms of criminal enterprise that threaten the safety and wellbeing of students and staff, and that disrupt the school's educational environment, policy must clearly delineate the roles, responsibilities, and functions of school administrators, school security officers, and school resource officers. These policies must be:

- In writing.
- Consistent with the school system's mission.
- Clear that the local board of education is vested with the constitutional and legal authority to make all policies governing school safety and security.

- Clear that the specific intent of such policies is to provide a safe, secure, crime-free educational environment.
- Tailored to the features and characteristics of the school system's community.
- Written in non-legalistic terminology.
- Clear in the definitions of key terms such as: school administrator, school security officer, school resource officer, reasonable suspicion, probable cause, emergency situation, school emergency response team, weapons, drugs, terrorist acts, and others.
- Clear in the designation of individuals, by position and not by name, who are authorized to initiate and carryout school lock-downs, and searches and seizures of students, staff, visitors, and trespassers.
- Clear in such matters as "who reports to whom."
- Clear that emergency situations (e.g., bomb threats, terrorist threats, the presence of weapons on school grounds) will require the immediate, prompt, and direct response of the school emergency response team.

### **Resources Cited**

*Anders ex rel. Anders v Fort Wayne*, 124 F.Supp. 2d 618 (N.D. Ind. 2000).

*In re D.D.*, 554 S.E. 2d 346 (N.C. Ct. App. 2001).

*New Jersey v T.L.O.*, 105 S.Ct. 733 (1985).

*Patman v State*, 537 S.E. 2d 118 (Ga. App. 2000).

*Code of Virginia* 22.1-280.2:1 (2002)

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Note: The views expressed in this commentary are those of the author.