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The Development of an
Independent School District Police Department

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ABSTRACT

Traditional law enforcement agencies have not been able to keep up with the ever growing problems occurring on our public school campus'. The officers are not normally trained in the Education Code and may not realize some of the violations that may be occurring if called to a campus. With the ever-increasing caseload of calls within their jurisdiction, local agencies are too short handed to be able to take the time necessary to adequately ensure the safety of either the school officials or students.

Independent school police departments are becoming more popular among school administrators in order to deal with this rising problem. As more and better training is directed toward the educating of these school officers they will be better equipped to address the specialized problems associated with schools.

Although independent school district police departments are becoming more in demand, there are still many school administrators that believe it is too difficult to start the development of an agency for their district. When taken into the full context of developing a police department of any size from scratch, the thought can overwhelm even the most experienced administrator. However, if taken by steps, it does not have to be this way.. The actual initialization of an agency is relatively easy and, if the right leadership is selected, a more in-depth development can be attained over a period of time.

This paper addresses the need for school district police agencies and covers the basic first steps to consider in their formation.

Introduction:

Criminal activity on public school campus's is rising. There is a number of contributing factors, such as drug and alcohol use by both the parent and student, "crack babies" coming of age, familial stress, and any number of other social and psychological reasons, for this rising crime rate. It does not appear that the crime rate will decrease in the near future (Blauvelt 1994).

In order to help combat this rising crime rate on school property, it is becoming a growing trend for Texas school districts to form their own law enforcement agencies instead of using outside officers within the school setting. Although the Texas Education Code has allowed the hiring of certified peace officers by school districts for a number of years, it has only been within the last couple of years that it became mandatory for any armed security officer working for a school district to be certified as a peace officer (Texas Ed. Code 1994). Consequently, when the new laws went into effect requiring certification, many districts had to change from hiring armed security officers and form their own school district police department with certified peace officers in order to keep the programs they already had. In addition, other districts are learning from the schools that do employ certified peace officers on a full time basis what benefits these officers offer to the district. Ever more, districts are thinking about developing their own campus or school district police departments.

However, when the school trustees make a decision to hire a peace officer, they may not be aware of the procedures necessary to start this process. Also, they may not know the procedures necessary to get an officer or department certified. There are also several basic considerations

that a district should consider in deciding how to develop a department that includes personnel, expenses that may be incurred and other aspects of forming a new school police department.

In order for school administrators to be better prepared in making the final decision of forming a school police department within their school district, this paper will address these basic considerations and procedures. Its intended reader is a school administrator that is thinking of forming a school district police department for the district. By citing numerous articles, books, and other resources, including the author's own experience, the school administrator will be better prepared to make the decision of having a school district police department formed. In addition, there will be a brief discussing of some of the other areas that the district must consider in the overall initial development of the school district police department.

Historical and Legal Context

As educators, school administrators prefer to have as little disruption in the school environment as possible. When a local law enforcement official comes to a campus, it is almost always a disruption of some kind, especially if the officer is there to question or arrest a student (Garrison 1995). When a school district police officer is in place and the students are already accustomed to their presence, it is less disruption for the school district police to take these actions.

While police intervention increases on campus, school administrators are experiencing more negative publicity as the news media reports incidents that have been reported to the local law enforcement agencies. Although, in most cases, criminal reports to a police agency eventually become a matter of public record and can be reported by the news media (State of Texas 1991),

there is less of a chance for this information to come to public light within a school district police department. It has been my experience that even though an officer, under most circumstances, is obligated to provide the necessary information to the news media when asked, it is rarely requested. Except in the most severe criminal episodes will the local media attempt to gain information through a school police department.

In an effort to respond to the concerns of parents, students and faculty, school trustees' are beefing up old, often unorganized, existing school security forces into well trained, independent school district police departments. Before 1993, school district police were restricted to policing exclusively on campus. They are now allowed to investigate school-related incidents off campus, as determined by board policy (Francis 1995).

When schools are unsafe, it creates fear and encroaches upon a student's rights to an education, development and prosperity. Parents and children have a reasonable expectation of each child's protection at school (Johnson 1993). Although a state-operated school district has no federal constitutional duty to protect students from violent acts, schools may still be sued for negligence in state tort cases if the pattern of violence can be shown on a campus or area and the district fails to provide some type of safeguard to prevent it happening again (Anderson 1994).

Because a public school campus is not immune to criminal activity and violence, school district police are charged with an ever increasing responsibility of protecting students, visitors, and faculty in an increasingly unsettled environment (Ray 1991). Teachers must be able to teach and students must be able to learn, but to do so they must be able to enjoy a safe and wholesome school atmosphere. Local police and sheriff departments have been unable to provide the type and level of response necessary (Nichols 1993).

Although the Education Code has allowed the hiring of police officers for years, most districts are not aware that they can have their own law enforcement agency. Even when the districts were aware of it, they were not necessarily inclined to develop one. It has only been in the last several years that districts are realizing the benefits of having their own school district police department.

Having police in school systems in one form or another is not a new idea. For years both school districts and local law enforcement have experimented in placing officers in the schools, but usually on a limited and part time basis. Programs such as the School Resource Officer (Clede 1994), D. A. R. E. (Drug Abuse Resistance Education), McGruff and Officer Friendly have been successfully tried and are still a part of many school systems and local law enforcement agendas. However, most of these programs were not for enforcement of the laws and school rules but mainly for education or public relations. When a district did hire an officer for security or enforcement purposes, it was usually on a contractual basis to work on a specific problem campus, the secondary schools or for extracurricular activities (Kicker 1996).

In Texas, some of the larger school districts such as Houston, Austin and Edgewood (San Antonio area) have had their own district school police departments for a number of years. An example is Houston I.S.D. that first had their school district police department started in 1975.

However, each school district had their own philosophy of using these school officers, which may or may not have been certified, within their school district. If a district wanted certified officers, many of the older districts would have a officer certified through an established local law enforcement agency such as a community college or sheriff's department (McMillian 1996).

One of the reasons why most public school districts did not commission their own officers before 1984 was because there was controversy over whether a school district could have their own certified police department. Although the Educational Code allowed the hiring of police officers by school districts, neither the Penal Code or the Code of Criminal Proceedings, which give a peace officer their statute powers, addressed public school police officers. In 1984 the Texas General Attorney issued an opinion (JM-219) that reasoned that officers commissioned under the Educational Code Chapter 21 were in fact peace officers. However, due to some jurisdictional conflicts and court rulings, legislation was eventually passed that dealt with these and other problems (Hopkins 1994).

By 1991, the Texas Commission on Law Enforcement Officers Standards and Education reported about thirty school districts that had their own school district police departments. As of May of 1996, this number has grown to seventy school district police departments!

One of the most common questions asked of school administrators and of school district police officers is, "Why does a school district need police officers?" (Nicoles 1996). In the past, when students got into trouble, they received detention or a suspension. Hardcore cases might be expelled, but school administrators usually handled the situation themselves. Schools rarely, if ever, called the police (Libby 1994).

There are two types of normal incidents that occur on school property. The first, (school-based), involves violations of school board rules that are routinely handled by campus administrators. The other type, (police critical incidents), does involve the use of law enforcement authority whenever confronted (Ward 1995). There will be increased dependence

upon using school security or school district police agencies to solve these serious problems (Blauvelt 1996).

Review of Literature and Practice:

Because of the fore mentioned benefits and expanded duties of public school district police officers, many school boards and superintendents come to a favorable conclusion to start their own law enforcement agency. Once this decision is made, it is critical how the operation is designed and implemented for a successful program. The right program staffed with the right types of personnel can prove to be a major resource to a school district (Blauvelt 1996).

The selection of the chief for the school district police department is the most critical decision to be made by the school board. Not every officer has the temperament or the desire to work in an educational environment on a full time basis. The school district must find an officer willing to enforce the laws when necessary, but must also be willing to work within school board policy and the Education Code, which tends to take more of a corrective attitude toward offenders. Peace officers in most municipal and county agencies are usually trained to take more of an enforcement and punishment, or reactive, attitude. However, there are plenty of well-qualified officers from these agencies and from other areas of law enforcement that will suit the needs of the district. These officers philosophies will be more in the realm of community oriented policing that focuses more in the prevention, or proactive, attitude. "School police officers do not necessarily work under the same type of policies that a local police agency will. The role of a campus department is to contribute to the educational institution- namely, to educate (Powell 1994)."

Although it is possible for a district to hire a chief that is not currently certified as a peace officer by the Texas Commission of Law Enforcement Officers Standard and Education (TCLEOSE), most districts will probably find it more cost effective and desirable to look for an officer that has his certification current. The procedure necessary to certify someone can be somewhat tedious and an expense to the district that is usually not necessary.

Because Texas and other states are starting to offer more training schools directed toward school district police officers, it is becoming easier for districts to find qualified officers (Clede 1994). When this author started and formed the Athens Independent School District Police Department, there was very little or no training available for peace officers in a public school setting except for programs such as School Resource Officer. There was nothing that trained an officer in school district policy or the Education Code. Now there are more and more criminal justice centers and police academies in Texas offering training in this field.

If the school district is willing to wait for a period of time to have the district police department fully equipped, probably one of the best methods to use is the method used by the Tyler Independent School District when they started their department. In the past, the district had been contracting with the Tyler Police Department to provide an officer at each of the districts' secondary schools when school was in session. During the night, private security guards patrolled the school grounds. In 1994 the district hired a retired law enforcement officer as the chief of the Tyler I.S.D. Police Department. Due to the size of the district, it was realized that more officers would be needed and one of the new chiefs' responsibilities was to evaluate the needs of the district and prepare a plan to organize the rest of the school police department.

Based on his recommendations, the school board is now considering hiring the additional personnel needed and the equipment necessary to outfit a department (Kicker 1996).

Discussion of Relevant Issues:

When the chief administrator for the school police department has been selected, it is then necessary for the school district to apply for agency certification. The first step is to draft a resolution outlining the need for a school district police department which is then approved by the school board during a public meeting of the trustees. A copy of this resolution, along with the other necessary paperwork supplied by TCLEOSE naming the chief administrator of the school police department, is then delivered to the commission in Austin. Once the commission determines that the named chief can meet the requirements of a Texas peace officer, the department can be certified and an agency number will be issued.

There is a broad spectrum of related topics on different aspects concerning the philosophy and the actual daily operation of the school police department that the school board, superintendent, and the chief administrator for the department must consider. There are volumes of research material available that discusses each aspect of the operation of any police agency that will assist in this task. Because the main focus of this research paper is to inform a district on the basic preparation to initiate the proceedings necessary to start a public school district police department, the more detailed relevant topics will not be discussed at this time. However, there are several factors and considerations that should be addressed during this initial development of the department.

When the school board, superintendent and chief administrator first begins to develop the school police department, they should determine whether or not the officers should be in

uniform or in plain clothes. Although some districts have preferred the “low key” approach and have kept their officers in plain clothes, most departments have found it more beneficial to supply uniforms.

“The Los Angeles school board put 295 police officers who patrol the district’s middle and high schools into uniforms to make them more visible and reduce school violence. ‘Things have changed on our school campuses,’ school district police chief Wesley Mitchell said. ‘It is clear that the visible presence of a law enforcement officer is essential. The officers had been wearing suits and concealing their guns now they wear blue uniforms similar to those of city police officers, complete with guns and baton (Torok 1993).”

When I first went to work for the Athens Independent School District, it was on a trial basis and the school board did not want a uniformed officer on a campus unless absolutely necessary. Even after my position became permanent, it was several years before the board decided that being in uniform would be beneficial. Due to several factors, including the increase of gang activity, the district requested that I design and purchase uniforms to wear. I immediately noticed a marked increase from both students and the general public in recognition and fewer problems that was normally associated in wearing plain clothes.

Another factor to consider is the jurisdiction and the responsibilities that the board wants the school district police to have. Although most districts usually give their officers the responsibilities of traffic and parking control as stated in the Education Code statutes 21.48, 21.482, and 21.487, the school board must also outline the responsibilities concerning enforcement of other laws and the jurisdiction that the board wishes the officers to have. A

basic outline is described in Education Code 21.483, which also includes mandatory duties (Montelongo 1995). This procedure usually is accomplished in conjunction of the initial employment, or soon thereafter, of the chief administrator of the department. Another factor in this area is a memorandum of understanding between the local law enforcement agencies in the school district and that of the district police department. To insure that there is less misunderstanding concerning the use of services between the different law enforcement departments that have overlapping jurisdiction within the district, it was necessary to include the requirement of this understanding into law (Fuller 1992).

While considering the duties of the school district police officer, it is strongly recommended that the school board and educational administrators not use these officers as school disciplinarians, which some districts have tried (Garrison 1995). Police officers should be enforcers of the law and should leave the penalties and punishment to the courts or school administrators.

Last, but not least, is the question of how much will the department cost the district. This will vary greatly from district to district depending upon the size of the department. But even with a one person department, the district must consider, at the minimum, salary and benefits, training, liability insurance, transportation, and equipment. Depending on whether or not the district hires a chief administrator to survey the needs of the district before expanding or if the district wants to hire all of the personnel and purchase the necessary equipment all at once will be up to the individual needs of the district. In any event, the district should not equate the cost associated with the department to the amount of money that the department may be able to

generate. When it comes to the security of students, faculty, and the general public, one cannot put a price tag on the overall safety around our schools!

Conclusion:

School violence is far more than a problem afflicting only some troubled urban school systems (National League of Cities 1994). With violence becoming more and more pervasive within our educational system, educators are looking for ways to help curb these criminal acts.

Although many school administrators are becoming aware that districts can hire peace officers on a full time basis, they have classified this ability under the heading of hiring part time security for extracurricular activities and other programs that have traditionally used local police officers. Because of the recent passage of new laws concerning school district police officers and the publicity relating to them, administrators are now beginning to think in terms of having their own school district police department for the district.

There are certain procedures required to be able to certify a new police agency with the state. There are also some basic considerations as to the initial development of the department and the hiring of the chief administrator. This paper helps to address these issues. A school administrator can then make a better decision about whether to initiate the proceedings for establishing a school district police department for the school district.

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