

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

**School Based Law Enforcement And The
Emotionally Disturbed Student**

**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

**By
Troy L. Wootton Sr.**

**New Caney Independent School District Police Department
New Caney, Texas
February 2014**

ABSTRACT

The lack of specialized training for law enforcement, more specifically school based law enforcement, in dealing with the emotionally disturbed student is an area of training that must be addressed immediately. The increased number of students who are being diagnosed with some form of mental impairment is and has been on the rise for several years now. For that reason, it is important to ask the state legislature to mandate specialized training for the school based law enforcement officer. The research conducted for this paper was found in articles, books, journals, and sources on the internet, which included experts in the field of mental health, education, and criminal justice. Specialized training for the school based law enforcement officer will instill confidence in the officer. This may also prevent injury to the officer and student while creating a positive relationship with the community that is served and reduce the number of use of force complaints. This specialized training is needed and should be legislatively required for the school based law enforcement officer.

TABLE OF CONTENTS

	Page
Abstract	
Introduction	1
Position	3
Counter Position	8
Conclusion	9
References	12

INTRODUCTION

The passage of the Children's Health Act of 2000 set the federal standards for use of force with children who are housed in mental facilities (H.R.4365, 2000). This act does not address the use of force in public schools. This is left to each state's own standards and requirements when the use of force (physical restraint) is used in a school setting and to what degree a school based law enforcement officer responds to a crisis situation involving an emotionally disturbed student in a public school setting.

As of this writing, Texas peace officers who are school resource officers or employed as a peace officer for an independent school district police department are not required by state mandate to receive "specialized" training in how to respond to students with mental illness. There is a requirement for those Texas peace officers who hold a basic peace officer certificate or no certificate to receive crisis intervention training on how to deal with mental illness in general (Texas Occupations Code 1701.351(a-1), 1701.352). This is usually a course taken in the academy or for advancement to an intermediate peace officer certification.

According to information from Texas Commission on Law Enforcement Officers Standards and Education (2009) website, the purpose or mission of this state regulatory agency is "to establish and enforce standards to ensure that the people of Texas are served by highly trained and ethical law enforcement, corrections, and telecommunication personnel" (para. 1). The Texas Commission on Law Enforcement Standards and Education would be the agency that has the authority to enforce any mandated training required by legislative action for peace officers in the state of Texas. The Texas Commission on Law Enforcement Officers Standards and Education is the

agency that would be tasked to create or oversee the creation of the legislatively mandated curriculum.

For the purpose of this paper the following definitions will apply. A student is a child, based on their biological age that is required or compelled by Texas state law to attend school (Texas Education Code Sec. 25.085). A school based law enforcement officer is a peace officer who has been certified by the Texas Commission on Law Enforcement Standards and Education and is employed by a school district police department or a law enforcement agency that contracts with a school district to provide School Resource Officers and is authorized to bear arms. Mental illness is any disease of the mind; the psychological state of someone who has emotional or behavioral problems serious enough to require psychiatric intervention (<http://webster-dictionary.org/definition/mental%20illness>). Specialized means relating to one particular area or designed for a particular purpose (<http://dictionary.cambridge.org/us/dictionary/business-english/specialized?q=specialized>).

The safety of a school based law enforcement officer and the student they may come into contact with is of the utmost importance. According to the U.S. Department of Health and Human Services, in a mental health report from the Surgeon General, about one in 10 children live with a serious mental or emotional disorder (US Department of Health, 1999). Less than one-half of children with a diagnosable mental disorder receive any mental health services in a given year (The National Alliance on Mental Illness, 2013). With that in mind, emotionally disturbed students are just that, emotionally disturbed, and do not react in a manner that is commonly expected by a

school based law enforcement officer who has not received specialized training in how to recognize the signs of mental illness.

The research conducted for this paper, using articles, books, journals, and the Internet, will show that when dealing with the emotionally disturbed student, proper training in skills and techniques are important and should be required for all school based law enforcement officers. The research cited will include experts in the field of mental health, education, and criminal justice. The emphasis of this paper will be on “specialized” training for the school based law enforcement officer. All school based law enforcement in the state of Texas should be legislatively required to receive specialized training on how to recognize and respond to a crisis situation involving an emotionally disturbed student in a school setting.

POSITION

Specialized training in how to recognize and respond to a student who is emotionally disturbed will instill self-confidence in the school based law enforcement officer and how that officer responds to a crisis situation. Inzana, Driskell, Salas, and Johnston (1996) claimed “ that subjects who receive preparatory information or training prior to a stressful event will experience a greater confidence in their ability to perform properly, and do in fact perform at a higher level” (p. 433). Jurkanin (2007) claimed that the mental health and criminal justices communities recognize the need for law enforcement officers to receive specialized training to help officers identify signs mental illness. Jurkanin (2007) also stated that training should include “how to improve their engagement skills in crisis management and through risk management reduce the need for the use of physical force” (p.114). It was also suggested that the officers should

receive training on how to better access mental health resources (Jurkanin, 2007). The lack of specialized training could cause serious injury to the student if the school based law enforcement officer has only one option, due to the lack of specialized training, which is to use force to control the crisis situation.

Not only will specialized training increase confidence of school based law enforcement officers, it will also reduce the number of complaints involving use of force. The International Association of Chiefs of Police defined the use of force as “the amount of effort required by police to compel compliance by an unwilling subject” (National Institute of Justice, 2012, p.1). In a report published by the U.S. Department of Justice in conjunction with the National Institute of Justice (NIJ) and the Bureau of Justice (BJS), it was claimed, with modest confidence, that “the use of force is more likely to occur when dealing with someone under the influence of alcohol or drugs or with mentally ill individuals” (as cited in Adams, 1999 p. viii). Chief of Police John S. Farrell, Prince George’s County, Maryland stated, in a police use of force handbook written for the U.S. Department of Justice, that “Intense officer training must precede aggressive enforcement” (Farrell, 1999, p.17).

It is understood that parents expect that when they send their children to school, they will be in a safe and secure environment. They also expect that any faculty, staff member, or employee their child comes in contact with is properly trained to perform the job function that they were hired to do by the school district. A teacher is expected to be trained in the field that they teach. A staff member is expected to be trained in the job function they are performing, and the school based law enforcement officer is

expected to be trained in how to respond to any crisis situation that may occur while on duty in a school setting.

The Texas Education Agency and the State Board of Education guide and monitor activities and programs related to public education in Texas. One of the responsibilities of the Texas Education Agency is to monitor the compliance of school districts with state and federal guidelines. The state of Texas guidelines are found in the Texas Education Code. The Texas Education Code is a set of laws that govern the way public education is conducted in Texas. This code or set of laws was established by the Texas Legislature and may be updated or changed in each legislative session. During the Texas 82nd Legislative Session, there were over 20 changes made to Chapter 37. Discipline: Law And Order, of the Texas Education Code (TEC Chapter 37, 2011). There were multiple other changes made to the Texas Education Code during the Texas 82nd Legislative Session, which can be found by searching the website www.statutes.legis.state.tx.us. This paper will be referencing Chapter 37 of the Texas Education Code.

The Texas Education Agency directs how public education will work to meet set objectives. One of those objectives is to provide a safe environment that is conducive to learning. Another objective of the Texas Education Agency is to encourage educational staff to keep current with training. School based law enforcement officers fall into this category (TEC Chapter 37, 2011). The Texas Education Code only requires that school based law enforcement officers need to meet the minimum standards for peace officers as established by the Texas Commission on Law Enforcement Standards and Education (TEC Chapter 37, 2011). The Texas Education

Agency requires teachers who teach children with disabilities or special needs to receive specialized training. Once this training is complete, the teachers are issued a special certification to teach the children with special needs. The teachers who obtain this type of certification are required to meet continuing education mandates established by the Texas Education Agency and are monitored for compliance by The State Board for Educator Certification. The State Board for Educator Certification was established by the Texas Legislature in 1995. Because school district law enforcement officers are not recognized as professionals by The State Board of Education, the authority to enforce requirements for continuing or specialized training for school based law enforcement officers is not authorized.

With specialized training for the school based law enforcement officer, it is believed that this may prevent or reduce injury to the emotionally disturbed student in a crisis situation. According to a recent report by the Texas Education Agency to the Senate Committee on Education, special education students are nearly twice as likely to be suspended from school as students in the general education population (Ergenbright, 2010). When a student is suspended from school, the potential for violent verbal or physical outburst is common with students who are emotionally disturbed. Training that teaches the school based law enforcement officer skills, such as verbal de-escalation techniques for defusing a crisis situation, will bring compliance from the student, and the school based law enforcement officer may not have to use force preventing the potential of serious injury to the student. Experts in the field stated that de-escalation techniques are abnormal and must be practiced before they are needed so they can become "second nature" (Skolnik-Acker, n.d.). An emotionally disturbed

student who is injured by a school based law enforcement officer who has not received specialized training in dealing with this type of student will create a negative image of the officer, the agency, and the school district in which the school based law enforcement officer works.

With that in mind, specialized training for the school based law enforcement officer will foster a positive image. The U.S. Department of Justice found that without proper training, the school based law enforcement officer can make serious mistakes that could cause short term crisis and jeopardize the entire school program and could make serious mistakes related to school based law enforcement officer relationships with school administrators, students, and parents (Knaack, 2011). It is believed that a better working relationship with the teacher will be created because the teacher will know that the school based law enforcement officer has received specialized training in how to respond to an emotionally disturbed student in a crisis situation.

School based law enforcement officer specialized training will create a better relationship with the student by showing the student that the officer understands the behavior. This specialized training will reinforce to the parents that this officer knows and understands why the child is reacting or responding in the manner being observed. The knowledge learned will show the community, as a whole, that the officer is really there to help the children and not to just put the student in handcuffs or place them in a juvenile correctional facility, thereby creating a trust with everyone involved in a crisis situation.

Trust is defined as a charge or duty imposed in faith or confidence or as a condition of some relationship and something committed or entrusted to one to be used

or cared for in the interest of another (<http://www.merriam-webster.com/dictionary/trust>). This can be attained with state mandated specialized training for school based law enforcement officers. By doing this, all the stakeholders involved would have a better understanding of when and how to respond to an emotionally disturbed student in a crisis situation (Knaack, 2011).

COUNTER POSITION

The Texas Legislature reduced the amount of state funding allotted to school districts during the 82nd legislative session in 2011. Due to this action taken by the Texas legislature, school districts have had to make large cuts in the school district budgets. The requirement for school based law enforcement officers to receive specialized training in how to respond to a crisis involving an emotionally disturbed student would create a larger burden on the school districts already reduced budget.

There is no price that can be put on the safety of students. Investment in training an employee will create an asset for the organization (Kinney, 2012). Kinney (2012) stated, "the cost of training upfront could benefit the organization in the future" (p. 17). The requirement for school based law enforcement officers to receive specialized training on how to respond to and emotionally disturbed student would help reduce the number of workers compensation claims due to injuries the officer may receive when responding to a crisis situation involving an emotionally disturbed student. Workers compensation is defined as a system whereby an employer must pay, or provide insurance to pay, the lost wages and medical expenses of an employee who is injured on the job (<http://legal-dictionary.thefreedictionary.com/Workers+Compensation>). The time lost from work

because of an injury to the school based law enforcement officer could require the payment of overtime to other officers working the shift, thereby affecting the budget. Less coverage could affect the overall safety of the students, staff and faculty.

The requirement to receive specialized training would lessen the chance of civil litigation filed against the school district for “failure to train.” In a US Supreme Court ruling (*City of Canton, Ohio v. Harris*, 1989), it was made clear that police officer training is an agency responsibility, and if not done, the administrator could be held responsible. Additionally, the training must go beyond just the basic academy. Lawsuits can result when a police officer fails to recognize that a person suffers from mental illness (Hill & Logan, 2001).

Opposition may also argue that state mandated training creates more government bureaucracy by placing yet another rule or law to follow. As stated previously, it is the Texas Education Agency’s responsibility to provide a safe learning environment for the students in a public school setting. This is mandated in the Texas Education Code, Chapter 37 and was created by the Texas Legislature.

CONCLUSION

In conclusion, it is recommended that the Texas Legislators should amend the Texas Education Code Chapter 37 and add the requirement that to be a school based law enforcement officer, he or she must receive specialized training on how to recognize and respond to an emotionally disturbed student in a crisis situation. This specialized training would prepare the officer for the many mental and physical challenges when interacting with the emotionally disturbed student. The training will instill self-confidence in the school based law enforcement officer when responding to a

crisis situation involving an emotionally disturbed student (Adams, 1999; Ashley, 2000). This will reduce the number of complaints received by the law enforcement agency who employs the officer or the school district where the officer works (Farrell, 1999). It will also reduce the number of injuries sustained by the school based law enforcement officer or student in a crisis situation (Skolnik-Acker, n.d.). Finally, the knowledge obtained will create an overall positive image and trust for the school based law enforcement officer, the police agency, and the school district (Knaack, 2011).

Although opponents opine that the training will put a burden on their budget and it is just more government red tape, the truth is that by requiring specialized training, the overall cost of workman's compensations claims and potential civil suits are reduced. Additionally, the state government is already required to provide a safe and secure educational setting conducive to learning. The recommendation could be accomplished by the introduction of legislation through the established guidelines for the introduction of legislation (GTLI, 2010).

Once the legislation is passed and signed by the governor, the agency responsible for implementing the training, which is the Texas Commission on Law Enforcement Officers Standards and Education, will create the curriculum. This training would then be distributed to the police training providers. The school districts or respective law enforcement agencies would then be held accountable for the training of the school based law enforcement officers. This is important to the law enforcement community as a whole because with proper specialized training and education, the school based law enforcement officer will be able to perform their respective job

functions. This will create a positive, professional, and trusted relationship with the whole community.

REFERENCES

- Adams, K. A. (1999). *Use of force by police*. Washington, DC: U.S. Department of Justice.
- Ashley, S. D. (2000, June 12). *The effect of police officer confidence on officer injuries and excessive force complaints*. Retrieved from <http://www.sashley.com/articles/effectofpoliceofficerconfidence.htm>
- City of Canton Ohio v. Harris, 489 U.S. 378 (1989).
- Ergenbright, K. (2010, August 16). Special education students disciplined twice as often. *The Texas Tribune*. Retrieved June 24, 2012, from <http://www.texastribune.org/2010/08/16/special-ed-students-disciplined-twice-as-often/>
- Farrell, J. S. (1999, February). Policies on use of force. Prince George's County, MD: U.S. Department of Justice.
- Guide to Texas Legislative Information (GTLI). (2010, August 30). Retrieved from http://www.tlc.state.tx.us/gtli/legproc/process_intro.html
- Hill, R., & Logan, J. (2001, June). Civil liability and mental illness: A proactive model to mitigate claims. *The Police Chief*, 31, 29-32.
- H.R 4365, 106th Cong. (2000).
- Inzana, C.M., Driskell, J.E., Salas, E., & Johnston, J.H. (1996, August). Effects of preparatory information on enhancing performance under stress. *Journal of Applied Psychology*, 81(4), 429-435.
- Jurkanin, T. J. (2007). *Improving police response to persons with mental illness a progressive approach*. Springfield, IL: Charles C. Thomas.

Kinney, M. R. (2012, June 19). *Budgeting & fiscal reporting*. Training conducted at the Leadership Command College, Module 1, College Station, TX.

Knaack, F. (2011, March). *Use of force in Texas public schools*. Retrieved from www.aclutx.org/download/30/

National Institute of Justice, Office of Justice Programs. (2012, January 20). *Police use of force*. Retrieved from <http://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/Pages/welcome.aspx>

Skolnik-Acker, E. (n.d.). Verbal de-escalation techniques for diffusing or talking down an explosive situation. *National Association of Social Workers*. Retrieved from <http://www.naswma.org/displaycommon.cfm?an=1&subarticlenbr=520>

Texas Commission on Law Enforcement Officers Standards and Education. (2009). www.tcleose.state.tx.us

Texas Education Code, Chapter 37 (2011).

Texas Education Code, Chapter 25, section 25.085

Texas Occupations Code, 1701.351(a-1), 1701.352

The National Alliance on Mental Illness. (2013, March). *Mental illness: Facts and numbers*. Retrieved from

http://www.nami.org/factsheets/mentalillness_factsheet.pdf

U.S Department of Health and Human Services. (1999). *Mental Health: A report of the Surgeon General*. Rockville, MD: U.S. Department of Health and Human Services.