



Committee: Joint
Committee Review: At a future date
Staff: Robert H. Drummer, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #PoliceFreeSchools, #SupportOurStudents
#PoliceFreeSchoolsMoCo, #SupportOurMoCoStudents

AGENDA ITEM 6B
November 17, 2020
Introduction

SUBJECT

Bill 46-20, Police – School Resources Officers – Prohibited
Lead Sponsors: Councilmembers Jawando and Riemer

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce Bill – no vote expected

DESCRIPTION/ISSUE

Bill 46-20 would prohibit the Montgomery County Police Department from deploying school resource officers in schools.

SUMMARY OF KEY DISCUSSION POINTS

What are the strengths and weaknesses of assigning school resource officers to County public schools?

This report contains:

Bill 46-20	©1
Legislative Request Report	©4
Councilmembers Jawando and Riemer Memorandum	©5

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MEMORANDUM

November 13, 2020

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney

SUBJECT: Bill 46-20, Police – School Resources Officers – Prohibited

PURPOSE: Introduction – no Council votes required

Bill 46-20, Police – School Resources Officers – Prohibited, sponsored by Lead Sponsors Councilmembers Jawando and Riemer, is scheduled to be introduced on November 17, 2020. A public hearing is tentatively scheduled for January 12 at 7:30 p.m.¹

A school resource officer is a sworn uniformed law enforcement officer trained in emergency preparedness, crisis management, community policing concepts, and problem solving who is assigned to work as a liaison to Montgomery County Public Schools. The County Police currently assign 23 police officers to work as a school resource officer in a specific public school pursuant to an existing MOU with the Montgomery County Public Schools.² Bill 46-20 would prohibit the Montgomery County Police Department from deploying school resource officers in County public schools.

The lead sponsors, Councilmembers Jawando and Riemer, explained their reasons for introducing Bill 46-20 in a memorandum at ©5-6.

This packet contains:	<u>Circle #</u>
Bill 46-20	1
Legislative Request Report	4
Jawando and Riemer memorandum	5

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¹#PoliceFreeSchools
#SupportOurStudents
#PoliceFreeSchoolsMoCo
#SupportOurMoCoStudents

² The Sheriff, the Gaithersburg Police Department, and the Rockville Police Department each have 1 school resource officer assigned to a County public school.

Bill No. 46-20
Concerning: Police – School Resources
Officers – Prohibited
Revised: 11/4/2020 Draft No. 3
Introduced: November 17, 2020
Expires: May 17, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Jawando and Riemer

AN ACT to:

- (1) prohibit the Montgomery County Police Department from deploying school resource officers in schools; and
- (2) generally amend the law governing policing.

By adding

Montgomery County Code
Chapter 35, Police
Section 35-23

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 35-23 is added as follows:**

2 **35-23. School Resource Officers.**

3 (a) Legislative Findings. The County Council finds that:

4 (1) Black students are 275% more likely to be arrested in school than
5 their white peers;

6 (2) Black students are nearly 20 times more likely to be held by the
7 Department of Juvenile Services for pretrial detainment for
8 misdemeanor offenses than their white peers;

9 (3) Black students are 85% less likely to be referred for Screening and
10 Assessment Services for Children and Adolescents (SASCA)
11 Diversion Programs for substance abuse and mental health
12 screenings;

13 (4) Black students are 320% more likely to be incarcerated at the
14 conclusion of their trial than white students;

15 (5) over the past 3 school years, Latinx students were 86% more likely
16 to be arrested in school than their white peers;

17 (6) the use of heavy-handed security measures such as school resource
18 officers has been associated with more incidents of school crime
19 and disruption, and have been ineffective in protecting students;

20 (7) school mental health programs have been shown to reduce
21 suspensions, reduce behavioral problems, decrease absences,
22 reduce disciplinary problems and increase academic achievement;

23 (8) Montgomery County Public Schools fall well short of the student
24 to mental health and counseling staff ratios recommended by the
25 National Association of School Psychologists and the American
26 School Counselor Association; and

28 (9) students of color would benefit from more opportunity to speak
 29 with therapists, nurses, and school psychologists with diverse
 30 backgrounds who can speak to the challenges they are facing.

31 **(b) Prohibition against school resource officer deployment. In this Section,**
 32 **school resource officer means a sworn uniformed law enforcement**
 33 **officer trained in emergency preparedness, crisis management,**
 34 **community policing concepts, and problem solving who is assigned to**
 35 **work as a liaison to Montgomery County Public Schools. The Chief of**
 36 **Police must not assign a police officer to work as a school resource officer**
 37 **in any school operated by the Montgomery County Public Schools.**

38 **(c) Adherence to state law. The County Police Department must continue to**
 39 **provide adequate local law enforcement coverage for public schools as**
 40 **required by State and County law.**

41 **[35-23] 35-24 – 35-26. Reserved.**

LEGISLATIVE REQUEST REPORT

Bill 46-20

Police – School Resources Officers – Prohibited

DESCRIPTION:	Bill 46-20 would prohibit the Montgomery County Police Department from deploying school resource officers in schools.
PROBLEM:	Statistics indicate that Black and Latinx students have been arrested in County public schools in greater proportion to their population.
GOALS AND OBJECTIVES:	Racial equity and social justice.
COORDINATION:	Police Department, Montgomery County Public Schools
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	OLO
EVALUATION:	To be determined.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Senior Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Not applicable.
PENALTIES:	None.

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MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

WILL JAWANDO
COUNCILMEMBER
AT-LARGE

MEMORANDUM

TO: Montgomery County Council
FROM: Will Jawando and Hans Riemer, Councilmembers
DATE: November 12, 2020
SUBJECT: Removing SRO's from MCPS and Special Appropriations

Today Montgomery County has a police officer in every high school and several middle schools. At the same time, our counselor-to-student ratios lag far behind other school systems both in the region and nationally. Over time, our county government has chosen to prioritize funding of police in schools who can quickly make arrests, instead of professionals and services that can assist our students with non-law enforcement-based interventions and mental health or wellbeing.

Over the past four years, almost half of all student arrests were of Black children, a cohort that is one-fifth of the student body.¹ These disparities raise serious concerns about the school-to-prison pipeline. In fact there are broad disparities in how students are treated once they enter the criminal justice system. Black students are nearly 20 times more likely to be held by the Department of Juvenile Services for pretrial detainment for misdemeanor offenses than their white peers.² Black students are 85% less likely to be referred for Screening and Assessment Services for Children and Adolescents (SASCA) Diversion Programs for substance abuse and mental health.³ Black students are 320% more likely to be incarcerated at the conclusion of their trial than white students.⁴

While we know our SRO's are good people doing the job they have been assigned, there are better research-based approaches to resolving disciplinary problems and more effective ways to use precious county resources. School counselors, nurses, therapists, and security guards are better equipped to help students deal with the challenges that today may result in arrests. We should address behavioral problems early through guidance, mental health support, and restorative justice techniques rather than criminalizing adolescent mistakes.

School discipline begins with the teacher, ensuring that all teachers are properly trained in mediating conflicts. Students are another key factor: ensuring that students take steps to atone for the harm they have caused has been correlated with lower suspension and expulsion rates and with students feeling

¹ Statistic derived from previous 4 years of Maryland Department of Education Public School Arrest Data reports. These reports indicate that from SY 2015-2016 through SY 2018-2019, 475 of the 1042 students arrested on MCPS property were Black.

² Statistic is derived from Table 5.24 of the 2016-6 OLO School to Prison Pipeline Report, page 72

³ Statistic is derived from Table on page ii of 2016-6 OLO School to Prison Pipeline Report.

⁴ Statistic is derived from Table 5.27 of the 2016-6 OLO School to Prison Pipeline Report, page 73

safer in the school community. Principals and other administrators are also a key component, as they frequently request arrests or police intervention as a means of resolving disciplinary problems. Training all employees in MCPS in restorative justice and other practices to ensure equitable discipline from the classroom up through the administration is essential to reducing disparities and ensuring better outcomes for all students. That is one of the key goals of our appropriations.

The package of appropriations and legislation we are introducing today will invest in mental health professionals and restorative justice while prohibiting the Montgomery County Police Department (MCPD) from placing SROs in school buildings. The discontinuation of the SRO program would achieve approximately \$3 million in annual cost savings in future fiscal years. We are not suggesting firing these officers, rather they should be moved to other unfilled positions within MCPD.

Beginning next year, the \$3 million in savings would be allocated to 3 separate programs that will better address the needs of students: 1) Providing funding for an after school student service hub model to reduce risk factors for students through the Montgomery County Collaboration Council (\$406,000), 2) Providing recreational therapeutic group activities for students through HHS (\$312,455), and 3) Providing funding for restorative justice training for MCPS educators and staff (\$750,000). Our goal is to provide at least some funding before the end of the fiscal year. Next year when we begin to work through the budget, we need to take a closer look at the counseling and therapy needs for students and look at addressing mental health professional ratios. It is necessary to begin to address these mental health challenges as soon as possible. Thank you for your careful consideration of these proposals.