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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/10/09

SPONSOR Rehm LAST UPDATED 2/26/09 HB 379/aHJC

SHORT TITLE Local School District Police Force and Funding SB \_\_\_\_\_

ANALYST Weber

### REVENUE

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY09	FY10	FY11		
	0.0	0.0		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

### SUMMARY

Synopsis of House Judiciary committee Amendment to House bill 379

1. On page 1, line 14, after "DISTRICT", strike the remainder of the line, strike lines 15 through 17 in their entirety and insert in lieu thereof a period.
2. On page 1, line 25, after "force" strike "and" and insert in lieu thereof a period.
3. On page 1, line 25, before "adopt" insert "If the board establishes a police force it shall".
4. On page 2, line 1, after "force" insert "and create a community oversight task force".
5. On page 2, line 14, strike "and".
6. On page 2, line 21, strike the period and insert in lieu thereof "; and".
7. On page 2, between lines 21 and 22, insert the following new paragraph:

"(6) shall be required to participate in ongoing, specialized training that focuses on working appropriately and effectively with an adolescent population, with such training to be provided by the school district at no cost to the officers."

8. On page 2, strike line 25, strike pages 3 through 8 in their entirety and on page 9, strike line 1.
9. Renumber the succeeding section accordingly.

The key changes are related to items 7 and 8. Item 7 requires special and continuing training related to the adolescent population that will be policed. Item 8 eliminates all reference to participation in the Law Enforcement Protection Fund and the subsequent reduced general fund reversion.

### Synopsis of Original Bill

House Bill 379 authorizes a local school board of a school district to establish a police force and adopt policies and rules applicable to the police force. The superintendent of the district may employ and assign duties to police officers for the school district.

Police officers employed by a school district:

- shall be New Mexico certified law enforcement officers;
- shall have the powers of peace officers within the exterior boundaries of the school district;
- shall at all times while on duty carry commissions of office issued by the local school board;
- may enforce all applicable laws within the exterior boundaries of the school district; and
- may make arrests for violations of law, but no arrest is valid unless the arresting police officer is, at the time of the arrest, wearing a distinctive: badge issued by the local school board and bearing the name of the school district; and a uniform prescribed and issued by the local school board.

A "school district" means a local public school district with a population of more than two hundred thousand in the last federal decennial census."

In addition the bill amends 29-13-4 NMSA 1978 to include public school district police departments in distributions from the Law Enforcement Distribution Fund sets the amount at \$17 thousand. Finally, the bill corrects minor pronoun and grammar dislocations in the existing statute.

### **FISCAL IMPLICATIONS**

The fiscal implications would lie primarily with the school district for costs related to a police force. If there were overall increased costs this could create a secondary responsibility for the state to participate in such funding.

The distribution from the Law Enforcement Distribution fund of \$17 thousand is a reduction of monies that would currently be reverted to the state general fund.

## SIGNIFICANT ISSUES

PED offers the following commentary.

The bill would only pertain to the Albuquerque Public Schools (APS). Based on the Decennial Census of 2000, Bernalillo County had a population of 556,678. (U.S. Census Bureau, State and County Quick Facts).

School Resource Officer (SRO) programs have been in schools since the 1960s. Although the placement of law enforcement officers in schools has grown tremendously over the past decade, the move to do so appears to have increased dramatically following the school shootings of the late 1990s.

Many SROs are law enforcement officers from local or county law enforcement agencies assigned to schools in cooperative agreements with education officials. A number of school districts also have their own school police departments. These officers are typically full-time, in-house school officers with police powers who are employed directly by the school district rather than directly by a law enforcement agency outside of the school district.

SROs should be officers who voluntarily wish to work with children in schools. School and law enforcement officials should be sure that SROs receive specialized training for working with children and in school settings. SRO programs should include formal agreements between school districts and law enforcement agencies regarding officer selection, funding, training, supervision, evaluation, and associated issues.

Another very common form of school security staffing is the in-house school security officer and/or district security coordinator or director. The titles of the individuals at the school level tend to vary a great deal from those such as school security officer, school safety officer, campus supervisors, security aides, etc. Regardless of their title, many are typically responsible for campus supervision, enforcement of school rules and related safety tasks.

In-house school security personnel, although sometimes commissioned with limited arrest authority depending upon jurisdiction, qualifications, and other issues, typically are civilian, non-police classified school support personnel without full police powers. In many school systems, these officials are the backbone of school operations with respect to providing school safety support services, enhanced campus supervision, assistance with disruptive students, monitoring visitors, coordination with law enforcement officials, and a host of other functions geared toward improving and maintaining school safety. Frequently the "unsung heroes" of many school systems, school security personnel are increasingly becoming a part of many of our nation's school staffs.

### Reference:

National School Safety and Security Services, *School Resource Officers, School Police, & School Security Officers*, <http://www.schoolsecurity.org/resources/school-resource-officers.html>. Retrieved, January 28, 2009

**POSSIBLE QUESTIONS**

Why would only this one school district be authorized to form a police department?

How is an internal department better than working with a local law enforcement agency to provide services?

MW/mc:mt