

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 379a

49th Legislature, 1st Session, 2009

Short Title: Local School District Police Force & Funding

Sponsor(s): Representative William R. Rehm and Others

Analyst: Pamela Herman

Date: March 13, 2009 (revised)

AS AMENDED

The House Judiciary Committee amendment:

- **requires a school district that establishes a police force to create a community oversight task force;**
- **requires that police officers employed by a school district participate in ongoing, specialized training that focuses on working appropriately and effectively with an adolescent population, with such training provided by the school district at no cost to the officers; and**
- **removes proposed language in the *Law Enforcement Protection Fund Act* providing for a distribution of funds to a local school district police force.**

Original Bill Summary:

HB 379 creates a new section of law to Chapter 29 (Law Enforcement) to authorize a local school board of a school district with a population of more than 200,000 to establish a police force. HB 379 also amends the *Law Enforcement Protection Fund Act* to provide for distribution of funds to a public school district to maintain and improve its police force and to make payments to surviving family members of officers killed in the line of duty.

Among its provisions, HB 379 adds a new section of law to:

- allow a local school board to establish and adopt policy and rule for a police force in a public school district with a population of more than 200,000;
- allow a superintendent to employ and assign duties to school district police officers; and
- provide for school district police officers to:
 - be New Mexico certified law enforcement officers;
 - have the powers of peace officers within the exterior boundaries of a school district;
 - enforce all applicable laws within the exterior boundaries of the school district; and
 - make arrests for violations of law only if wearing a badge bearing the name of the school district and a uniform, both issued by the local school board.

HB 379 also amends the *Law Enforcement Protection Fund Act* to include a public school district with a police force to be included in distributions from the Law Enforcement Protection Fund annually on or before April 15, as follows:

- an amount to be determined annually by the Local Government Division (LGD) of the Department of Finance and Administration to the survivors of public school district police officers killed in the line of duty;
- \$17,000 to the public school district for the maintenance and improvement of its police force; and
- \$600 for each full-time police officer who has been certified as a police officer by the New Mexico Law Enforcement Academy, or a reduced amount as determined by LGD based on available funds, also to the district.

Amended Fiscal Impact:

HB 379a does not make an appropriation.

As amended, no funds would be allocated from the Law Enforcement Protection Fund to Albuquerque Public Schools for its police force.

Original Fiscal Impact:

HB 379 does not contain an appropriation.

Up to \$44,000 would be allocated from the Law Enforcement Protection Fund to Albuquerque Public Schools (APS) for its police force, as follows:

- \$17,000 as specified in the bill for school district and university police departments; and
- \$600 for each full-time certified police officer employed by the school district. APS states in its “white paper” regarding the APS Police Department that it has 45 sworn police officers.

Fiscal Issues:

Current law provides that if the balance in the Law Enforcement Protection Fund is not sufficient to pay \$600 per officer to each entity with a police force identified in the act, LGD shall reduce that allocation to the maximum amount permitted by available money. The inclusion of a new police force within the eligible entities could therefore result in lower distributions to municipalities, universities, tribes, and county sheriff’s departments that currently receive allocations from the fund.

APS states in its “white paper” that its police force “receives \$5.6 million in funding, which is 0.85 percent of the district’s operational budget.”

APS states that, if authorization occurs, the APS Police Department could apply for state and federal grants, including: gang resistance grants, underage drinking grants, school resource officer grants, and other federal and state emergency management and homeland security grants.

Issues:

If HB 379 is enacted, the only school district in New Mexico that would currently qualify to establish a police force is in Albuquerque, with a 2,000 population of approximately 448,000.

In December 2007, the New Mexico Attorney General issued an advisory letter stating that “based on our examination of the relevant New Mexico statutes, opinions and case law authorities, and on the information available to us at this time, we conclude that the APS Board does not have the authority to create and fund an independent police department without specific legislative authority.” The Attorney General stated that “the applicable constitutional and statutory provisions give the [L]egislature sole authority to create police departments.” HB 379, if enacted, would appear to be an exercise of the required legislative authority.

APS states that its police department currently is able to enforce law by being commissioned by the Bernalillo County Sheriff’s Department.

- The department has 45 sworn police officers, 90 campus security aides, and a full dispatch and radio center that helps monitor all 138 APS properties throughout the district.
- The department has three divisions: School Services, Patrol, and Investigations.

According to APS, “officers work hard at trying every avenue. . .to help students succeed in academics while they are going through difficult situations, and to become trusted members of the school community at each level, including at elementary, middle, and high schools.

- The assistance they provide includes anti-bullying programs, crisis intervention, counseling referrals, tardiness and truancy interventions, improper attire resolutions, and overall mentoring of students.”
- APS states that, since the start of school year 2008-2009, its police officers have responded to 4,993 calls for service, for situations such as defiance, crisis intervention, truancy and excessive tardiness, bullying, harassment, assaults and batteries, drug possession, possessing deadly weapons on school property, and lockdowns.
- APS does not state whether or not its police officers are armed.

Background:

According to the Public Education Department (PED), quoting the National School Safety and Security Services¹ publication *School Resource Officers, School Police & School Security Officers*, “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.” The publication states that many SROs are law enforcement officers from local or county law enforcement agencies assigned to schools through cooperative agreements, as is the case with APS currently.

The publication states that 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.

¹ National School Safety and Security Services is a national independent consulting service used by school districts, school boards and school administrators, according to its website <http://www.schoolsecurity.org>.

The publication also notes that another very common form of school security personnel are in-house school security officers or district security coordinators or directors, typically responsible for campus supervision, enforcement of school rules and related safety tasks. These personnel may sometimes be commissioned with limited arrest authority, but are typically civilian non-police classified school support personnel without full police powers. However, PED observes that in many school systems, these officials are the backbone of school operations with respect to school safety support services, enhanced campus supervision, assistance with disruptive students, monitoring visitors, coordination with law enforcement, and other school safety functions.

Related Bill:

SB 525a School District Law Enforcement