

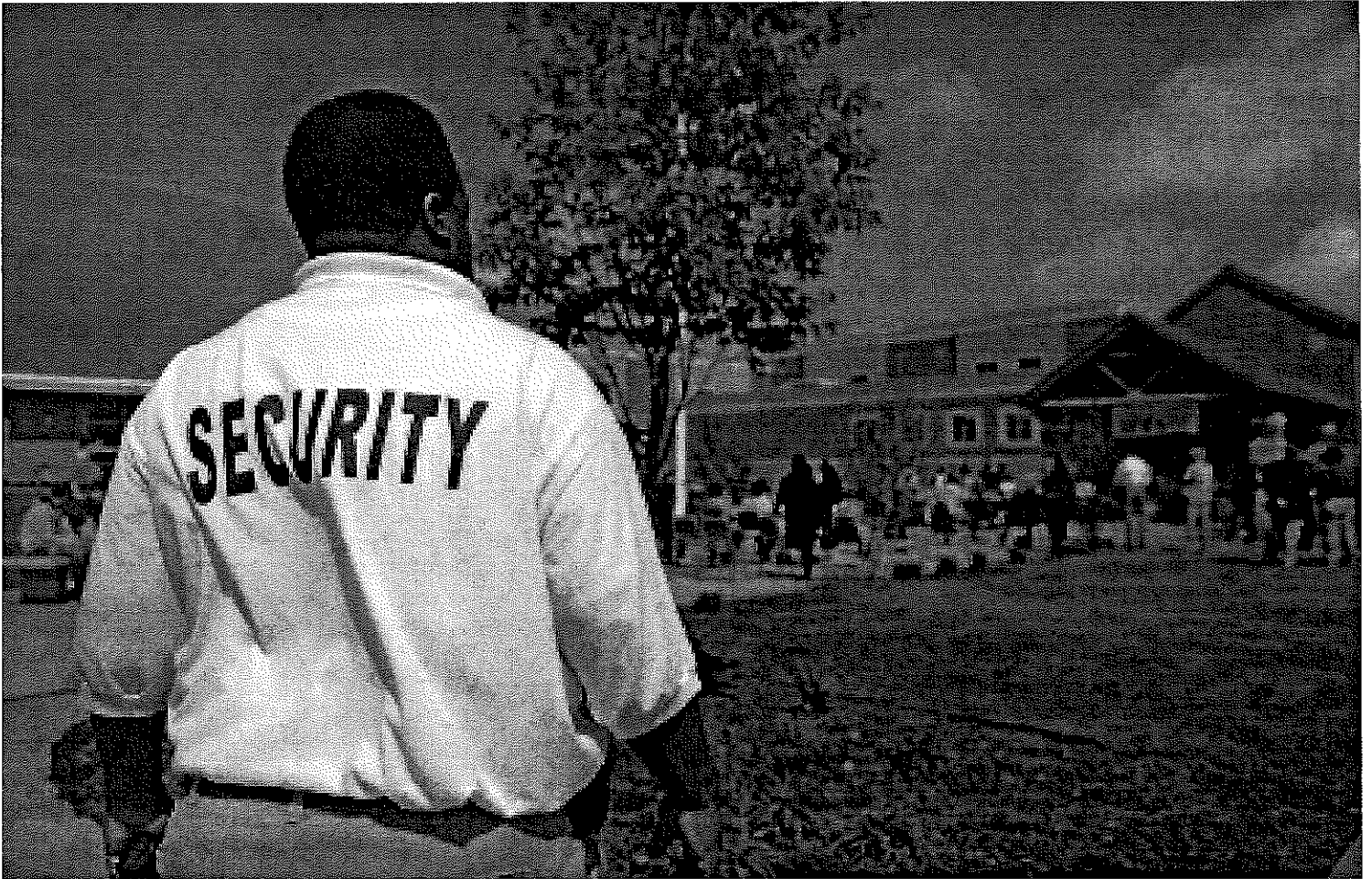


School and Campus Safety Taskforce Meeting

West Reading Room, Patrick Henry Building — July 25, 2013

AGENDA

- | | |
|--------------------------|--|
| 1:00 pm – 1:15 pm | Introduction and Approval of Minutes
<i>Marla Decker, Secretary of Public Safety</i> |
| 1:15 pm – 2:00 pm | Public Safety Study – Executive Summary
<i>Donna Michaelis, Manager, Virginia Center for School Safety</i> |
| 2:00 pm – 2:30 pm | Executive Summary of School Design and Interoperability Sub-Committee
<i>Doug Middleton, Chief of Police, Henrico County Police Department</i> |
| 2:30 pm – 2:45 pm | Break |
| 2:45 pm – 3:00 pm | Presentation of Outstanding Workgroup Recommendations
<i>Garth Wheeler, Director, Department of Criminal Justice Services</i> |
| 3:00 pm – 3:10 pm | Public Comment |
| 3:10 pm – 3:15 pm | Next Steps |



ASSESSING PENDING VIRGINIA LEGISLATION ON ARMED PERSONS IN SCHOOLS

**Reviewing the Requirements, Impacts, and
Implications of HB1557, HB1730 and HB 2277**



Virginia Department of Criminal Justice Services
and the Governor's School and Campus Safety Task Force

Abstract:

The tragic shootings at Sandy Hook Elementary in Newtown, Connecticut catalyzed government action across the nation. The Commonwealth of Virginia is currently considering three pieces of legislation which are intended to enhance safety at schools. Each proposed Bill provides for armed persons in schools, through either School Resource Officers, armed school personnel or citizens, or the redefining of School Security Officers to allow former law enforcement personnel to work for schools. Each article has a series of requirements for schools and localities and implications for school safety. These requirements and implications are considered relative to available scholarly research and data. The Executive Summary highlights key ideas from each Bill and describes broad emergent themes. Subsequent sections address each Bill in detail.

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Executive Summary:

Assessing Pending Virginia Legislation on Armed Persons in Schools

Introduction

The tragic shooting at Sandy Hook Elementary in Newtown, Connecticut catalyzed legislative bodies across the nation to address issues of school safety. The Commonwealth of Virginia is no stranger to these issues as the shooting at Virginia Tech in 2007 catalyzed important policy and legislation. Steps to prevent or deter events such as the shooting at Sandy Hook led to the establishment of the Governor's Taskforce on School and Campus Safety in 2012 and several articles of pending legislation. This report assesses three pieces of legislation (HB 1557, 1730, and 2277), each of which provides for armed persons in schools. The Executive Summary provides an overview of each piece of legislation and identifies cross-cutting themes and issues. The main body of the report details issues, relevant data, scholarly research, and key implications for each House Bill.

HB 1557: Armed Persons in Schools

The pending item of legislation, HB 1557, directs all schools in Virginia to designate a minimum of one person who will be expected to carry a firearm on school grounds. This designee must be one of the following: a school employee, a volunteer, or a former law enforcement personnel. Additional parameters associated with the designee (such as a minimum tenure with the school or district) and minimum weapon certifications are defined in the Bill. While the intent of HB1557 is to enhance the safety and security of schools, students, and school personnel, important issues should be considered. Mandating that a school employee or designee of the school is armed raises liability and public safety issues which could extend to the school, as evidenced in each of the following scenarios:

- Armed designee accidentally shoots a student or school personnel during a critical incident;
- Armed designee loses control of the firearm and it is used against others;
- Armed designee intervenes in a non-critical incident, escalating it to a deadly force situation;
- Law enforcement mistake armed designee for an assailant and fire upon him/her.

Requiring that a firearm be present on school grounds raises important issues of insurance, weapon storage, access to the weapon or weapon storage, and similar logistic issues. The research on citizen use of weapons in defensive scenarios is mixed—there are times when having a firearm can decrease victimization, however, there is also research indicating that the presence of a firearm makes the scenario more dangerous for the victims. The presence of a firearm in a school may have important psychological implications for both students and school personnel. These psychological ramifications may contribute to violence and student propensity to bring guns to schools. Each of these issues is discussed in detail in the subsequent section on HB1577.

HB 1730: Requiring School Resource Officers in all Schools

The presence of police in schools is intended to provide a sense of safety and decrease the likelihood or impact of a critical incident. The scholarly research on the effectiveness of School Resource Officers (SROs) identifies several areas where positive outcomes are noted. Perceptions of safety among students and school personnel are generally enhanced when an SRO is present. Mixed findings have

been reported regarding SRO effects on crime and delinquency in schools. There are no data describing how – or whether – SROs impact critical incidents such as live shooter scenarios. It should be noted that an armed school resource officer was present during the Columbine shooting and numerous law enforcement personnel were on campus during the Virginia Tech shooting. HB1730 mandates that all Virginia schools have an SRO present. While there are a number of important issues associated with this item of legislation, the most cogent is cost. There are approximately 2000 schools in Virginia. The cost to field an SRO is approximately \$100,000 per year (including salary, benefits, health insurance, liability insurance, vehicle, equipment, training, and administrative impact). Thus, the cost to place an SRO in every school is approximately \$200 million per year. As a point of comparison, the largest law enforcement agency in Virginia is the State Police with approximately 1850 sworn personnel and a direct budget impact of \$229 million per year. Approximately 500-550 schools in Virginia are served by an SRO; however, these are often not dedicated SROs. That is, one SRO may serve a number of schools. These SROs are paid locally or through the state SRO fund. Requiring all schools to field an SRO may shift costs from localities to the state. Research findings and other issues are described in greater detail in the section addressing HB1740.

HB 2277: Defining School Security Officer Position

The Commonwealth of Virginia currently defines a School Security Officer as an unarmed security person contracted by the school or board of education. Pending legislation HB2277 redefines the School Security Officer and creates a new position, School Safety Officer. The revised definition of School Security Officer would require these individuals to be retired or former sworn law enforcement personnel who could then be hired by schools to produce an armed presence on school grounds. A number of considerations regarding impact on retirement and benefits of these former law enforcement personnel are provided in the legislation.

The newly created School Safety Officer position would serve as the current School Security Officer. That is, a School Safety Officer would be an unarmed, privately contracted person who is directed to enhance the safety at a school. This person could monitor doors, patrol parking lots, direct traffic, maintain safety during special events, and observe students (i.e. during lunch or when classes change). Data on School Security Officers (as currently defined) in Virginia indicate that they are most likely to be assigned in high schools and appear infrequently at other schools. SSOs are in about 20% of all school divisions and there are close to 850 currently employed in Virginia, most of which are full time. These utilization numbers are higher than reported national averages. Additional data on School Security Officers are presented in the section addressing HB2277.

There are several implications of HB2277 which should be considered. One of the key issues is liability insurance. Law enforcement agencies pay several thousand dollars per officer, per year. This insurance covers decisions against an agency when a suspect or bystander is injured due to action taken by the police. Schools would likely need to secure such insurance if they were the hiring agency for the newly defined School Security Officer.

Emergent Themes

Each of the three articles of pending legislation described previously, and considered in greater detail in subsequent sections, is intended to make schools safer. The desire to protect students and secure those

who work at schools represents an immensely important goal. A careful review of each Bill and the implications of that legislation suggests there are serious considerations of each which must be addressed by decision makers. There are several themes that cut across all, or multiple pieces of the pending legislation.

The most obvious of those themes is cost. Dramatically increasing the number of School Resource Officers would create an unfunded mandate of approximately \$200 million per year for the Commonwealth. HB1730 would instantly mandate the equivalent of the largest de facto law enforcement agency in the state. The hiring and training costs are not included in the \$200 million estimate. HB2277, which redefines the School Security Officer position, would also create important financial issues. Liability insurance is one of the most expensive recurring costs faced by law enforcement agencies. Schools, which already have very tight budgets, would need to consider these costs if they elect to hire one of the newly defined School Security Officers. HB1557 requires that schools designate an armed person (a school employee, citizen volunteer, or former law enforcement person) to enhance safety at schools. There are similar liability insurance implications associated with a school maintaining an armed presence on campus using school employees, citizen volunteers, or former law enforcement personnel, as proposed by HB1557.

Each of the three pieces of legislation is predicated on the idea that an armed agent of the school, or at the school, will enhance school safety. There are no data to support this idea since critical incidents such as the shooting at Sandy Hook Elementary are so rare. There are, however, serious safety and liability implications of having non-active duty law enforcement personnel armed at schools. Teachers, administrators, citizen volunteers, even retired law enforcement, do not regularly qualify with firearms or receive ongoing use of force training. The decisions they make on a daily basis (such as how to store a firearm, or whether to intervene in a fight) will have greater implications for school safety than their response to an unlikely critical incident. There are also important psychological considerations of arming persons at schools that will impact students, teachers, and all school personnel.

**Governor's Task Force
on
School & Campus Safety**



Public Safety Work Group

**School Design Sub-Group
Final Report and Recommendations**

June 28, 2013

Governor's Task Force on School & Campus Safety
Public Safety Work Group

School Design Sub-Group
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Governor's Task Force on School & Campus Safety
Public Safety Work Group

School Design Sub-Group
Executive Summary



The Governor's Task Force on School and Campus Safety, Public Safety Workgroup established several sub-groups to evaluate and consider various recommendations that had been made regarding the objectives established for the Task Force. One such sub-group was assigned to consider relevant information associated with School Design.

The sub-group members met three times on the following dates and at the identified locations:

- | | | |
|----------------------|---|---|
| <i>May 14, 2013</i> | - | <i>Henrico County Police Headquarters</i> |
| <i>May 30, 2013</i> | - | <i>Moseley Architects, Richmond, Va.</i> |
| <i>June 17, 2013</i> | - | <i>Moseley Architects, Richmond, Va.</i> |

During their discussions, the sub-group members reviewed a significant amount of material that has been previously published regarding safety at educational facilities and institutions. Using this information, as well as their collective knowledge, the sub-group divided itself into three teams.

- | | |
|----------------|-----------------------|
| Team 1: | Infrastructure |
| Team 2: | Communications |
| Team 3: | Building Codes |

Each team met or communicated individually to review their specific topics, consider recommendations, and propose those that were agreed upon as relevant to the work of the Task Force.

This document provides a brief summary and recommendations from each of the teams, and it represents the collective work of the entire sub-group. The members of the sub-group wish to thank Mr. Phil Miskovic for his assistance in representing the Governor and the Secretary of Public Safety during the time this sub-group met to create its recommendations.

Governor's Task Force on School & Campus Safety
Public Safety Work Group

School Design Sub-Group
Sub-Group Members



Mr. Ed Altizer, State Fire Marshal

Mr. Rick Arrington, Department of Criminal Justice Services

Chief Clifford Bowen, Poquoson Police Department

Chief Craig Branch, Germanna Community College Police

Mr. Al Ciarochi, Henrico County Public Schools

Mr. David S. Ellena, Virginia Association of Secondary School Principals

Mr. Fred Ellis, Fairfax County Public Schools

Sergeant Norman Gray, Virginia State Police

Mr. Steve Matsko, Virginia Department of General Services

Mr. Chris McIntosh, Virginia Office of Veterans Affairs & Homeland Security

Chief Douglas A. Middleton, Henrico County Police Division, *Co-Chair*

Mr. Stewart Roberson, Moseley Architects, *Co-Chair*

Mr. Doug Westmoreland, Moseley Architects

NARRATIVE: Infrastructure Team

There are many existing guidelines for safe school design for K12 buildings and institutions of higher learning campuses. These guidelines should be referenced and used proactively in the early design phase of any school building or campus project (to include new or renovated facilities). CPTED (Crime Prevention Through Environmental Design) guidelines are prevalent in the design industry. Persons familiar, trained and experienced with the CPTED should be engaged in proposed design reviews.

K12 school divisions in Virginia are diverse by size, location and demographics. Response to safe school design should be tailored to the specific requirements of each individual school division. K12 school divisions also have varied expertise on staff for the adequate review of best practices for safe school designs. These recommendations are not intended to regulate or stipulate specific solutions for those school divisions currently implementing best practices during the school design process.

K12 school buildings are operated in a closed environment. All persons entering a K12 school facility should be identified and monitored. Institutions of higher learning campuses are operated in an open environment, which create different solutions to safety than K12 school buildings. Access control to exterior doors is critical with all school buildings and campuses.

Governor's Task Force on School & Campus Safety
Public Safety Work Group

School Design Sub-Group
Infrastructure Team Recommendations

Recommendation 1:

All school and campus projects (new and renovations) should require a review of conceptual phase plans by a professional who is trained and experienced in CPTED review and implementation.

Recommendation 2:

All new K12 schools should include a single monitored public entry, including vestibules and electronic access control systems for exterior door(s). Institution of Higher Learning campus buildings should include an electronic access control system for exterior doors. If mechanical keys are utilized a strict control of the key system should be implemented.

Recommendation 3:

Localities and institutions of higher learning should establish consensus driven stakeholder processes for school design and security planning, involving public safety personnel, architects, engineers, school officials and others who may have experience and expertise with local school safety audits.

Recommendation 4:

A link on the DCJS website should be provided to reference the appropriate documents for safe school design.

Recommendation 5:

Local and state policy makers and law enforcement professionals should be urged to exchange trend data regarding other potential threats which would require vigilance and preparation.

NARRATIVE: Communications Team

Local school divisions should discuss with public safety agencies (Police, Fire, Rescue) the need to communicate over a common voice communications system. They should establish policies that foster closer collaboration between public safety and educational institutions, and develop a strategic plan that defines the capabilities that they want to achieve. Once those policies are established, public safety agencies should coordinate the inclusion of local school divisions into the public safety voice communications system.

The most common barrier to achieving interoperable communications is a lack of coordination. Public safety communications programs are in a constant state of evaluation, implementation, or modernization. The inclusion of the school divisions in the process will help to ensure that their requirements are captured and included, and that standard operating procedures are updated to include school-specific applications. Once complete, training and exercise programs to test those procedures should be established.

Various opportunities exist to determine the best way to achieve interoperability for schools and public safety. These can often be achieved through coordinated efforts with public safety agencies, through recommendations achieved by a qualified communications consulting service, from vendors, or through consultation with the Statewide Interoperability Coordinator in accordance with the Commonwealth's Statewide Communications Interoperability Plan (SCIP).

The areas for Public Safety Agencies and Schools to collaborate exceed those of voice communications and can include data, video, school bus AVL systems, etc. when it is determined that shared access benefits the safety of the schools and the ability of public safety to respond.

It is understood that the costs for communications systems are significant, and those investment decisions are not taken lightly. The panel's recommendations take into consideration existing and proposed investments in communications technology and attempt to leverage those programs to the greatest extent possible.

Governor's Task Force on School & Campus Safety
Public Safety Work Group

School Design Sub-Group
Communications Team Recommendations

Recommendation 1:

Local School Divisions should discuss with public safety agencies (Police, Fire, Rescue) the need to communicate over a common voice communications system.

- This will improve response to a school incident
- Public safety agencies will have real time information regarding the specific location its resources are needed
- This includes school facilities & staff, as well as school buses

Recommendation 2:

Public safety agencies should coordinate the inclusion of local school divisions into the public safety voice communications system.

- This may best be accomplished during the acquisition of a new radio system
- Retrofitting may be required of older systems
- Full inter-operability through a common radio system is preferred.
- Integrated systems may utilize other technologies to tie different systems together when it can reasonably be accomplished without compromising either system. (i.e.: Comlinc)

Recommendation 3:

To the extent possible, public safety and school divisions should consider the application of Project 25 compliant systems to ensure the greatest level of interoperability exists.

- Common public safety standard
- Best suited for public safety needs
- Will serve schools and public safety effectively

Recommendation 4:

Public safety agencies and schools should consider data sharing to the greatest extent possible. This may include actual data, video, school bus AVL systems, etc. when it is determined that shared access benefits the safety of the schools and the ability of public safety to respond.

STATEMENT:

Costs for radios subscriber units and systems are significant. That is understood and these recommendations are intended to suggest ideas, not mandate solutions.

Narrative: Building Codes Team

The existences of building codes within the Commonwealth is well known to any involved in design and construction of schools or educational facilities. With that knowledge, the Building Codes Team believes that the State and localities should educate the public on the development process of building codes and what those codes are intended to provide with regard to security. Localities are permitted to add requirements, but they must meet the minimum standards set forth by the State. Further, there is an administrative process through which codes are reviewed that permits input and comments whenever changes are made.

The Building Codes Team considers other facilities, such as child care centers, to be as important as schools with regard to security issues and the application of building codes to ensure they are constructed with emphasis on safety. The Team also acknowledges that some of the recommendations can be cost neutral or less cost restrictive. However, costs are always a consideration when seeking efficiencies that do not compromise the quality of the enhancements being made.

The dialogue that has occurred in the process of creating these recommendations has benefited all of the participants. Because it has been beneficial, advisory teams that include code, building and maintenance officials may prove advantageous in the future.

Governor's Task Force on School & Campus Safety
Public Safety Work Group

School Design Sub-Group

Building Codes Team

Recommendation 1:

Continue the current code development process without a need for changes to the Code of Virginia. The current process has worked well for 40 years and provides a consensus process that dozens of experts, stakeholders, and citizens participate in and has produced a widely recognized set of building and fire codes.

Recommendation 2:

Design professionals, school officials, police chiefs/sheriffs, fire officials and the building officials should form a team at the local level to avoid conflicts in law and regulations when the E (educational) occupancy is having any type of security infrastructure improvements made for new or existing E occupancies.

Recommendation 3:

Stakeholders should review the current USBC and SFPC standards for potential enhancements and to gain consensus if regulatory code changes are to be submitted for the next regulatory process by the BHCD. Stakeholders should actively participate in the current process.

Recommendation 4:

The group should develop an educational training program relating to all aspects of the recommendations from the group not only in the area of building and fire codes but for all other recommendations.



Summary
Public Safety Workgroup Recommendations
Passed Workgroup on June 11, 2013
Presented for Review July 25, 2013

Recommendation Number	Proposal
PS-20	<i>Recommends the Virginia Department of Emergency Management and the Virginia Department of Fire Programs collaborate in the development of a template for use by localities in developing their own local plans for the integration of first responders.</i>
PS-21	<i>Recommends the Amendment of § 18.2-308.2. Currently, the convicted felon statute has three categories – (i) any person convicted of a felony; (ii) any person adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense who is convicted of capital murder, first- or second-degree murder, kidnapping, robbery or rape; (iii) any person under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult. This provision changes category ii, by adding forcible sodomy and object penetration to the list of crimes. Rape, forcible sodomy, and object penetration are all five-to-life crimes. Plea agreements will not be affected. The General Assembly previously aligned all three statutes to keep penalties consistent. An additional change would be to take out the “14 years of age or older at the time of the offense” piece. Gun rights would be lost, no matter when they were adjudicated. Like an adult, they would still have ability to petition the Circuit Court to get their gun rights back.</i>
PS-22	<i>Recommends that all Virginia colleges and universities consider participation in the Certified Crime Prevention Campus. This program is modeled after DCJS’ Certified Crime Prevention Community Program, which publicly recognizes and certifies localities that have implemented community safety strategies. The Campus Program recognizes and certifies those public and private accredited colleges or universities in Virginia that have met the program requirements which specifically relate to campus crime prevention. The program is a one-of-a-kind in the nation.</i>

Public Safety Workgroup Recommendations
New Recommendation for Consideration
Presented for July 25, 2013

Recommendation Number	Proposal
PS-23	<i>Recommends the “Virginia Center for School Safety” of the Department of Criminal Justice Services be changed in legislative code to the “Virginia Center for School and Campus Safety” in order to highlight and include the legislative mandates relating to institutions of higher education.</i>