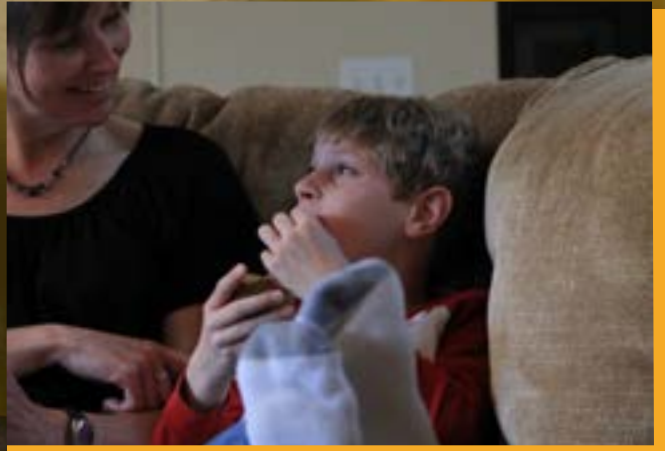




School Safety Monthly

September 2020

Re-imagining School Safety in 2020



Photos: Rachel Wilson



Will “Re-imagined” Alternatives to Security and Police Personnel be Safe for Students and Staff as well as Defensible during Litigation Against School Officials? by Michael Dorn

Recent calls for “re-imagined” public safety approaches are designed to eliminate or replace police and security personnel in the K12 setting. Regardless of how well-intentioned these approaches may be, many of them are largely, if not completely, experimental and theoretical. In fact, we have seen no data to support the safety or effectiveness of these approaches – let alone data that is likely to be found reliable enough to be accepted in most courts. While it is easy to spout data created through poor methodology and even unethical distortion of reliable data when addressing a school board, conducting media interviews, speaking at a conference, or posting on social media, much of the school safety data we hear people repeatedly regurgitate in these forums would not be allowed into evidence in a civil action because it is simply not accurate.

The suggestions that school mental health personnel can safely assume many duties presently carried out by armed law enforcement officers reminds me of an attempted active shooter event at a Bibb County Georgia High School a few years back. For some inexplicable reason a staff member requested by radio that a school counselor be sent to deal with a student armed with a handgun. The counselor wisely replied that the school had two police officers who were far more capable of addressing the situation. When contacted by the first of the two officers, the student had already told a group of students that he was about to shoot them and was trying to clear a malfunction that prevented him from opening fire on them with his semi-automatic pistol. The student finally dropped his pistol after staring at the business end of a Glock .40 caliber service pistol being brandished by a school district police officer. In addition

to the handgun, school police recovered more than 100 rounds of ammunition from the student who admitted that he had planned to kill a large number of students that day. The approaches being suggested, and in at least a few cases being implemented, could easily result in the types of deaths we have seen time and time again when unarmed school officials have attempted to search students for guns, break up fights involving gang members, and approach suspicious people without assistance from an armed officer. These are not hypothetical cases I mention but actual cases where one, two and in at least one case in Jacksboro, Tennessee, even three school officials have been shot by a student while trying to address these types of situations for which they were neither equipped nor prepared. In a school district which has removed all armed personnel and replaced them with “re-imagined” and unarmed personnel, it is more likely than not that a number of victims would have been shot. In a school district that has had substantial problems with students and or non-students carrying firearms to school, the reliance on a theoretical approach will not likely carry water in litigation. For districts that have already experienced multiple shootings, an inability to meet the standard of care will very likely pose major problems unless litigation occurs in a state with extremely strong qualified governmental immunity – and plaintiffs are unable to demonstrate the need for the case to be heard in a federal court. In addition to the lack of evidence that these theoretical approaches are safe and effective for staff and students at schools where they are implemented, there are strong arguments to be made that viable options to address concerns relating to the use of force and excessive utilization of the option to arrest students

by police assigned to schools already exist. Districts that adopt alternative approaches to replace police and security personnel in schools will very likely be challenged to provide evidence that the options which have demonstrated success have been properly attempted and that these efforts have failed – with objective rather than subjective evidence.

**Where Have We Been?
Safe Havens Resumes
Publication of Blogs and
our Free E-newsletter**
by Michael Dorn

Readers may notice that we have not published an edition of School Safety Monthly since November 17, 2019. Unfortunately, since that time, our analysts have had to provide post-incident assistance for seven active assailant and targeted shootings in K12 schools. Due to a massive and unprecedented surge in requests to conduct school safety, security, climate, culture and emergency preparedness assessments for public and non-public schools, our analysts also conducted assessments for more than 1,000 K12 schools in roughly 12 months. For contrast, we have now assisted with assessments for about 8,300 schools in the past twenty years and it took us two years to assess 1,000 schools after the attack at Sandy Hook Elementary School.

Even though we now have more than 60 analysts, we were forced to decline more than 50% of all requests for assistance for two years after the attack at Marjorie-Stoneman Douglas High School on February 14th, 2018 and were forced to begin declining more than 75% of all requests about eight months ago.

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Defunding Police in Schools – Can this Approach Reduce Safety in Schools and Increase Civil Liability Exposure?

by Michael Dorn



While there has been a passionate call for removal of police from schools in some communities, the potential for violence and significant liability exposure should be weighed carefully by school leaders.

shooter and targeted school shootings and for dozens of the far more common types of fatal and non-fatal shootings and edged weapons assaults at schools, athletic events, and on school buses that were not planned attacks. In my experience some school districts, particularly mid-sized to large school districts that suddenly drop police coverage, could face significant challenges in proving they meet the standard of care for a variety of school violence incidents. While many people assume that only school shootings result in massive out of court settlements and jury awards, the reality is that a variety of other types of violent incidents result in large claims.

Lawsuits involving permanent injury in the form of concussions related to fights and unprovoked assaults, as well as litigation focused on bullying, are relatively common and often involve questions relating to the preventive impact of school resource officers. Like many lawsuits relating to alleged bullying, concussion suits and cases involving sexual violence may not garner national headlines, but do frequently result in large out of court settlements and jury awards. Civil actions of this type are sometimes litigated in federal courts where state tort limits do not apply and where massive settlements and jury awards are very real possibilities. While I don't suggest that these districts are certain to experience such losses as a result of their decisions to discontinue police protection, I will be far from surprised if this occurs. These and other districts that defund police protection may be hard-pressed to demonstrate efforts to meet the standard of care. While we do not automatically advocate that police officers be assigned to all schools, with the exception of a handful of districts, mid-sized and large public school systems

School boards in Seattle, Denver, Milwaukee, Minneapolis, and other communities have debated, and in some cases have actually voted, to discontinue the use of school resource officers in response to a national movement to defund police officers. Citing concerns that many students feel uncomfortable with officers being assigned to their schools, school board members have even taken steps to discontinue long-standing assignments of officers in their districts. This decision has been made despite serious school violence, including homicides, in their districts. Opponents of these efforts point out a number of legitimate concerns for student and staff safety, as well as the significant potential for increased anxiety and trauma due to the violent victimization that historical data demonstrates will occur in many schools if police protection is no longer provided. These concerns can especially impact minority students who attend schools with higher rates of violent crime.

School boards considering the elimination of school/law

enforcement partnerships should also carefully consider the very real potential for increased and substantive civil liability exposure. For example, the fact that there have already been at least three shootings at Seattle schools provides clear notice to school officials that the risk of homicide in the district schools is well-established. While Seattle Public Schools settled a lawsuit relating to one of these shootings for \$250,000 in the 1990s, more recent settlements related to shootings have been considerably larger. For example, the insurance carrier for the Marysville School District in Washington State settled a series of lawsuits following a shooting at a district high school for \$18 million in July 2017. While multiple factors are involved with litigation resulting from school shootings, the assignment of armed law enforcement officers to protect students and staff, or lack thereof, is frequently an important standard of care issue in school shooting cases.

I have provided official post-incident assistance for 20 active



Continued: Defunding Police in Schools – Can this Approach Create Less Safe Schools and Significant Civil Liability Exposure?

by Michael Dorn

have relied upon some form of dedicated police coverage for many years. I also note that the U.S. per capita K12 school homicide rate began to drop after school resource officer programs became the norm, rather than the exception, in the late 1990s. Like many other knee-jerk reactions to school safety concerns, the decisions to remove police officers from schools have not been made based on reliable data demonstrating that students, staff, and visitors were at significant risk of being unlawfully killed by school resource officers. While this is a common assertion by those advocating defunding of police in schools, no data to support this claim exists that would be accepted as valid by most courts. While there have been instances of excessive force by police officers in the K12 setting, there is no demonstrable pattern of unlawful shootings of students, staff, or visitors in the K12 setting.

An even greater problem these districts face is that there is overwhelming data demonstrating that more than 1,000 people have been murdered on our nation's K12 school campuses in the past 30 years. We also have numerous specific instances of law enforcement officers assigned to schools that have averted imminent shootings, bombings, and other lethal acts of violence. Despite the fact that the majority of people who are shot or cut with edged weapons on school campuses survive the attacks, data supports the assertion that the risk of serious injury and deaths from violence at schools is significant. There have been multiple studies by governmental and non-governmental organizations, using proper methodology, that support this claim.

While I have gone to great lengths to educate people that the statistical risk of mass

casualty school shootings is often overstated in comparison to more typical forms of homicide, medical emergencies, and traffic fatalities on school property, the potential for mass casualty violence is very real in every public and non-public school in our nation – and as hundreds of attacks in other countries have demonstrated, globally as well. In my experience, it is highly unlikely that any qualified school safety expert will be able to successfully defend testimony purporting that the largely hypothetical and undocumented risks alleged to be posed by assigning police officers to schools outweighs the compelling evidence of the risk of harm provided by more than 1,000 violent crime victims murdered on U.S. K12 school campuses. School resource officers can also significantly reduce other even more statistically common causes of fatalities on school property such as vehicle/pedestrian accidents in school parking lots and driveways. Removal of officers could also easily become a factor in litigation relating to these types of incidents. Such was the case in a large settlement in an auto accident where a student lost her leg at a Catholic school in Florida that I worked a few years ago. In that case, elimination of security officer positions was an issue because sworn testimony revealed that security officers had previously been assigned to prevent student pedestrians from being hit by vehicles in the exact location where the student was hit by a grandparent's vehicle and pinned to a cement column requiring amputation of her leg. Another common justification for the removal of police from public schools involves the purported, but questionable, "Pipeline to Prison" theory. This popular theory alleges that the assignment of police officers to schools results in massive numbers of

minority students ending up as prison inmates because school resource officers assigned to public schools arrest them for bullying and other "minor" infractions which feed these students into the prison system. While multiple "studies" have produced data to support this theory, it is important to note that numerous courts have rejected much of this data because of unsound research methodology. As Dr. Bernie James from the Pepperdine School of Law has documented, there have been at least eight school shootings and edged weapons assaults where courts have rejected the pipeline to prison theory data as unsound. This resulted in jury awards and settlements once the defense argument based on the data supporting the theory was debunked. There have also been sexual assault and concussion cases where the pipeline to prison theory cited by defense counsel has been ineffective. While I am of the belief that thoughtfully developed restorative practices backed up by fidelity testing and survey data to prove effectiveness can be valuable and effective school safety tools, I caution my clients not to rely on the above-mentioned data to justify a failure to levy consequences for physically violent students. While my experience has been that the assignment of full-time school resource officers to public and non-public schools should not be considered an automatic pass/fail standard of care option, there are many school systems where the approach is needed to achieve a reasonable level of school safety. As we have seen with successful and substantive litigation following deaths and serious injuries resulting from knee-jerk and emotionally driven implementation of unsound multi-option active shooter training programs, school officials should carefully scrutinize assertions that school safety approaches are

Continued: Defunding Police in Schools – Can this Approach Create Less Safe Schools and Significant Civil Liability Exposure?

by Michael Dorn



appropriate, necessary, reliable, and safe before making major changes in life-safety efforts. As discussed in previous blogs, fidelity testing should be used to find and address potentially dangerous outcomes and validate that new approaches actually work.

Unfortunately, as has occurred in multiple cases with unsound active shooter training approaches and improperly implemented restorative justice programs, innocent people may be seriously injured and killed before litigation demonstrates the danger caused by mistakes made in eliminating school resource officer coverage – especially in cases where data can be used to demonstrate that it is unsafe to do so. While there are occasions where school resource officer coverage can be safely reduced, or where some officers can be replaced with other approaches, districts should make such adjustments based on accurate and defensible data and logical outcomes.

While the court of public opinion may sometimes allow wildly inaccurate data, politically expedient actions, and highly emotional arguments to result in dangerous decisions, things often look quite different in arenas where arguments must be based on factual and objective evidence guided by well-established rules governing what jurors will be

allowed to hear and see. Much of the alleged “evidence” cited for removing officers from schools will not be admissible in litigation because it is simply not accurate, no matter how fervently and often it is repeated.

The author of 29 books in his field, Michael Dorn’s school safety work has taken him to eleven countries during his 40-year campus safety career. Michael has provided post-incident assistance for some of the most catastrophic school safety events and has provided subject matter expertise for multi-million and multi-billion dollar civil actions involving school safety issues in dispute. Michael welcomes reader feedback at www.safehavensinternational.org.



Continued from page 2: Where have we been?

by Michael Dorn

We have had to make a number of difficult decisions to focus our energies on some clients who required a high priority, none of these more urgently required our attention than the Broward County School System (BCPS).

After we were selected to perform the first comprehensive school safety, security, climate, culture, and emergency assessment for a public school system that experienced a mass casualty shooting, 23 of our analysts conducted more than 1,000 unique site visits to 254 schools and support facilities, interviewed over 2,000 school employees, met and received feedback from hundreds of students, parents, and area public safety officials and produced more than 20,000 pages of reports. The district has since approved two extensions of our original contract to assist them in developing new all-hazards, role-specific emergency plans, job descriptions, and training systems for the more than 30,000 employees in the nation’s 6th largest school district. While it

has been an honor, and one of the most productive school safety projects we have ever worked on, we have had to push all non-critical tasks aside and make our work with BCPS our first priority. After working seven days a week with average days of 12-18 hours for more than two years with only ten days off, our leadership team was finally able to begin taking two to three days off each month in May. While we are still very heavily booked through the end of January 2021, we are finally able to start working on new projects and will resume publishing our newsletter – perhaps not yet on a monthly basis. We will also now be able to resume work on additional free resources that were nearing completion when the tragedy at Marjorie-Stoneman Douglas High School occurred.

We appreciate the patience of our readers and those who have had to wait when requesting free technical assistance by e-mail and phone.



FANNING
HOWEY

Smart Schools Roundtable

A New Series Presented by Fanning Howey

Join us via Zoom on Thursday, October 8th at 12:00 PM for the first edition of Smart Schools Roundtable, a virtual learning opportunity for educational leadership.



Our expert presenter is Safe Haven International Executive Director, Michael Dorn. Michael's decades long career with the world's largest K-12 school safety center has taken him all over the globe, overseeing school security assessments for more than 8,300 K-12 schools globally.

School Safety by Design

Creating Safer, More Effective and Pleasant School Environments

This fast-paced, interesting and practical session will focus on concepts that can be used to create safer, more secure schools while improving school culture and climate. The highly visual session will focus on key opportunities in new school construction and renovation projects, including:

- Design features that can help address public health concerns.
- Concepts that blend effective security with positive school culture and climate.
- Life-saving design features to better protect students and staff in emergencies.
- Unique examples of the application of crime prevention through environmental design in schools.
- Concepts which improve the ability of staff to more effectively supervise students.



All Smart Schools Roundtable sessions are recorded and shared via Fanning Howey's social media channels.

This online event is open to educational leaders nationwide.

To register, click above or visit

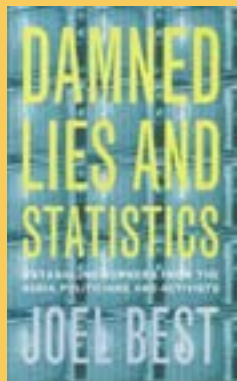
<https://mailchi.mp/24cb9692ab08/smart-schools-roundtable>

Coming in January 2021



Due for publication by Cognella in January, *Extreme Violence – Understanding and Protecting People from Active Assailants, Hate Crimes, & Terrorist Attacks* was written by twelve Safe Havens analysts and a university professor. The thirteen authors and contributing authors conducted research on more than 2,300 acts of extreme violence globally, and dedicated more than three years to researching and writing this book. With an estimated length of approximately 600 pages, *Extreme Violence* will be among the most comprehensive books on the topic in print when it is released. Additional information on the book will be provided in a future edition of *School Safety Monthly*.

Book Review



School and public safety officials are continually confronted with statistical data and it can be difficult to discern good data from that which is unreliable, or which has been presented inaccurately. *Damned Lies and Statistics – Untangling Numbers from the Media, Politicians, and Activists* by Joel Best does an excellent job of explaining how to quickly determine whether statistical data is accurate and reliable. As serious injury and death followed by successful litigation has sometimes occurred

when school officials relied upon unsound data, it is prudent for practitioners to learn how to evaluate the accuracy of data with school safety implications. We have found this to be an excellent book on this important topic and often recommend it to our clients.

Damned Lies and Statistics by Joel Best is available at major booksellers and online at [Amazon.com](https://www.amazon.com).



What's Wrong With This Photo?

Unsecured areas can be dangerous even if they are small - such as this storage area under a stage in an elementary school. Students could be injured or fall asleep when hiding inside, or a victim could be trapped inside even if there are items blocking a portion of the space.



Photo by SHI Adjunct Analyst Tod Schneider.



This fire exit route is blocked by storage of several large items which would impeded or prevent egress in an emergency. In addition, one of these items is a large ladder which should be secured since it poses a gravity hazard if used without authorization.

Photo by SHI Photographer Rachel Wilson.

Article Contributor: Michael Dorn

Michael Dorn serves as the Executive Director of Safe Havens International and is a veteran campus law enforcement officer. Michael is working on his 28th book - *Extreme Violence: Preventing and Preparing for Active Shooter, Active Killer and Acts of Terrorism*.

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Safe Havens International



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