

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Work Session was held on November 20, 2023 at the City Hall, 1301 81st Avenue NE, Spring Lake Park, at 5:30 PM.

1. CALL TO ORDER

MEMBERS PRESENT

Councilmember Ken Wendling
Councilmember Barbara Goodboe-Bisschoff
Councilmember Lisa Dircks
Councilmember April Moran
Mayor Nelson

STAFF PRESENT

Public Works Director Terry Randall, Public Works Director George Linngren, Police Chief Josh Antoine, Administrator Daniel Buchholtz

OTHERS PRESENT

Jeff Ronneberg, Superintendent, Spring Lake Park School District; Matthew Boucher, Spring Lake Park High School Principal; Brad Johnson, Anoka County Attorney

2. DISCUSSION ITEMS

A. School Resource Officer (SRO) Discussion (Buchholtz/Antoine/Thames)

Chief Antoine provided an overview of recent changes to State Law impacting School Resource Officer (SRO) partnerships across the State. He stated that the Legislature amended State Law to expand the definition of an agent of the school to include a SRO. He reported that the Legislature prohibited the use of prone restraint or any physical hold that restricts or impairs a student's ability to breathe, ability for a student to communicate distress, places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a student's torso. He said the Legislature also limited the use of reasonable force by an agent of the school only to prevent imminent bodily harm or death to a student or another. Chief Antoine stated that these were major changes as use of force by an SRO was previously governed by M.S. §609.06, which governs use of force by all police officers.

Chief Antoine stated that the new law resulted in widespread confusion and concern across the State. He said this confusion, and subsequent guidance from the League of Minnesota Cities Insurance Trust (LMCIT), resulted in many cities, including Spring Lake Park, to cancel their SRO contracts and remove SROs from schools.

Chief Antoine reported that the Attorney General issued two opinions in attempt to clarify the law. He stated that the Attorney General stated that SROs must avoid the restraints identified

in the new law, but stated that SROs could use reasonable force when necessary under the circumstances, including restraining a student to prevent bodily harm or death to another. He reported that the Attorney General also stated that use of force by SRO's would be governed under M.S. §609.06, rather than the new law. Chief Antoine explained that there has been disagreement amongst attorney's, including Anoka County Attorney Brad Johnson and Hennepin County Attorney Mary Moriarty, on the Attorney General's opinion. He noted, however, that the Attorney General's opinion was binding under State Law until decided upon by a court of competent jurisdiction. Chief Antoine noted that, after the Attorney General's opinions were issued, a number of cities returned their SRO's back to the school.

Chief Antoine stated that he wanted to provide the City Council with all of the information the City had to date and to gain guidance from the City Council on a path forward. He presented two options: 1) stay the course and wait until the Legislative session, which would begin in March; or 2) rely on the Attorney General's opinion and reinstate the SRO program.

Councilmember Dircks inquired if our current SRO was comfortable returning to the school. Chief Antoine responded affirmatively.

Mayor Nelson expressed significant concern with reinstating the SRO program until the Legislature clarifies the law.

Councilmember Moran asked if the City or the School had been involved in litigation due to the SRO program. Administrator Buchholtz responded that there has not been litigation to date relating to the SRO program.

Brad Johnson, Anoka County Attorney, provided an overview of how the use of force authorization under M.S. §609.06 has changed over the past 60 years. He stated that the new law places SROs in the unenviable position of being held to two different standards, resulting in the fact that a SRO cannot use the same use of force as a police officer outside the school, despite the fact that both are sworn law enforcement officers. He stated that the new law reduces an SRO's discretion and judgment, as well as goes against their training. Attorney Johnson stated that he has reviewed the Attorney General's opinion and researched the matter and has determined that his office will only charge SRO's for violation of M.S. §609.06, rather than the new Legislation. Administrator Buchholtz noted that the POST Board has stated that it will follow the Attorney General's guidance when investigating complaints and considering licensure sanctions.

Superintendent Ronneberg stated that the School District has had a great relationship with the City of Spring Lake Park over the years. He stated that the School District does its best to place the SRO in a position to succeed by being very clear about what the role of school staff is in student discipline and only ask the SRO to intervene in an instance where there is imminent harm to either the student or others. Mr. Ronneberg stated that the most important aspect of the SRO program is the day to day relationship between the Officer and the students. He stated that while he understands the potential liability the new law presents, he stated that

since 2010, there has not been a single instance when an officer in any of the schools were accused of wrongdoing or excessive use of force.

Principal Boucher stated that he misses the lack of partnership between school district staff and the School Resource Officer. He stated that there has been significant discussion about the appropriate roles of school district staff and the SRO. He gave an example, noting that school district staff are responsible for breaking up fights, but that the SRO is responsible for following up on potential charges against a student.

Superintendent Ronneberg stated that 99% of the SRO's job is student outreach and that they need him to be a police officer 1% of the time. He stated that the school district is very prescriptive about when to utilize the SRO as a police officer.

Councilmember Dircks asked if there was a detriment to waiting until the Legislature clarified the new law relating to SRO's. Administrator Buchholtz stated that there are funds in the budget to cover the SRO's salary. He said the detriment is the lack of relationship building between law enforcement and the students at the High School.

Councilmember Goodboe-Bisschoff inquired about the SRO's training. Chief Antoine stated that he sent Officer Imig to a training in September. Attorney Johnson stated that the SRO's in Anoka County meet monthly to share information and ideas. Superintendent Ronneberg stated that Officer Imig had training with the District Student Services Director where they reviewed the de-escalation strategies that staff utilizes throughout the District.

Councilmember Goodboe-Bisschoff stated that she is conflicted, knowing the benefit of the SRO program but also concerned about the potential liability to the City. Councilmembers Wendling, Dircks and Moran each stated their support of reinstating the SRO program. Mayor Nelson reiterated his opposition to reinstating the SRO program until such time as the Legislature clarifies the law.

Administrator Buchholtz stated that, based on the opinion of a majority of the Council, staff would begin to prepare to draft a new SRO contract with Spring Lake Park School District for future City Council consideration.

B. 2024-2028 Capital Improvement Plan Review

Administrator Buchholtz asked if there were any questions or concerns regarding the proposed 2024-2028 Capital Improvement Plan. Hearing none, Administrator Buchholtz stated he would add this to the December 4 City Council agenda for possible adoption.

C. Public Utilities Budget Review

Administrator Buchholtz asked if there were any questions or concerns regarding the proposed 2024 Public Utilities budget. Hearing none, Administrator Buchholtz stated he would add this to the December 4 City Council agenda for possible adoption.

3. REPORT

A. Councilmember Reports - None

B. Administrator Report - None

4. ADJOURN

Mayor Nelson adjourned the City Council Work Session at 6:50 PM.

Robert Nelson, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer