



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

VIA CERTIFIED MAIL

September 30, 2019

Leon Lott, Sheriff
Richland County's Sheriff's Department
5623 Two Notch Road
Columbia, SC 29223

Re: *Compliance Review of the Richland County Sheriff's Department (15-OCR-678)*
Notice of Closure

Dear Sheriff Lott:

I am writing to advise you of the Richland County Sheriff's Department's (RCSD) successful completion of the terms of the Voluntary Resolution Agreement (Agreement) that the RCSD and the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) entered into on August 9, 2016 (effective date August 12, 2016). As you are aware, on May 22, 2015, the OCR initiated a Compliance Review of the RCSD's School Resource Officer (SRO) program, focusing on its adherence to federal civil rights laws prohibiting discrimination against students based on race, color, national origin, and disability. The OCR opened the Compliance Review under our authority to ensure that recipients of DOJ funding are complying with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, and its implementing regulations at 28 C.F.R. pt. 42, subpt. C; the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 34 U.S.C. § 11182(b), and its implementing regulations at 28 C.F.R. pt. 42, subpt. D; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulations at 28 C.F.R. pt. 42, subpt. G; and Title II of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12132, and its implementing regulations at 28 C.F.R. pt. 35.

In the interest of resolving the Compliance Review and to quickly enhance the RCSD's SRO program, the OCR and the RCSD mutually agreed to enter into the enclosed Agreement prior to the completion of the OCR's investigation. Pursuant to the Agreement, the RCSD agreed to take a number of actions to improve services for students, including:

- Conduct a comprehensive assessment of the RCSD SRO program, including interviews of RCSD personnel and community stakeholders, data analysis, and a review and revision of the SRO program's policies, procedures, and practices;
- Institute a program of detailed data collection and analysis to assist the SRO program's compliance with civil rights laws;

- Develop policies on meeting the needs of students with disabilities and minimizing school-based seizures and arrests;
- Provide intensive, annual professional development to the RCSD SROs on de-escalation, bias-free policing, adolescent development, and other topics designed to appropriately meet the needs of students with disabilities and reduce racial or ethnic disparities in seizure and arrest rates, as well as generally improve the SRO program;
- Collaborate with the school districts the RCSD SRO program serves in order to implement the Agreement and appropriately revise the governing memoranda of understanding; and
- Establish a community working group to provide the RCSD SRO program with recommendations for improvement, particularly with regard to civil rights matters.

The period of the Agreement was three years from the effective date of the Agreement (August 12, 2016). During this period and pursuant to the terms of the Agreement, the OCR monitored the RCSD's progress in meeting its obligations under the Agreement and provided technical assistance to the RCSD as requested.

As the OCR relayed to your staff during a September 11, 2019, closeout meeting at RCSD Headquarters, the OCR is very pleased to inform you that we have concluded that the RCSD has complied with its obligations under the Agreement. The RCSD has made great strides over the past three years to improve its data collection related to SRO activities along with its overall services to students to help ensure that it is not discriminating against students based on race, color, national origin, or disability. Of particular note, the RCSD has taken the following specific actions that resulted in the noted outcomes:

- Worked with the OJP's Diagnostic Center, and subsequently the OJP contractor IDEA Analytics,¹ to conduct a comprehensive review of the SRO program's data collection processes and procedures. This review led to the RCSD's purchase of the Qualtrics data collection software; the implementation of an electronic SRO Interaction Form to record SRO interactions with students, including interactions involving counseling, education, arrests, or investigations; the identification of two RCSD employees to serve as data analysts; comprehensive data analysis and written reports on SRO interactions by the Diagnostic Center and IDEA Analytics; and ongoing training on data collection and the use of Qualtrics by the Diagnostic Center and IDEA Analytics.
- Due to this enhanced capability to collect and analyze data on student arrests has, made data-informed decisions regarding its policies and procedures to try to minimize arrests and reduce any racial disparities. Since the RCSD has begun accurately and consistently tracking SRO activities, a comparative analysis between arrest data for the 2017-18 and 2018-19 school years demonstrates a decrease in the total number of incidents that resulted in one or more arrests, the total number arrests, and the number of schools where an arrest

¹ The OJP's Diagnostic Center was a technical assistance resource that used data-drive approaches to help communities address criminal justice and public safety issues. The Diagnostic Center dissolved in the fall of 2018, and IDEA Analytics, a contractor through the OJP's Bureau of Justice Assistance's National Training and Technical Assistance Center, began providing technical assistance and training to the RCSD on its data collection processes.

occurred.² Specifically, during the 2017-18 school year, SROs were involved in 255 incidents that resulted in 368 total arrests occurring at thirty-one schools. During the 2018-19 school year, SROs were involved in 224 incidents involving 343 arrests occurring at twenty-four schools, which represents a nearly fifteen percent decrease in the total number of arrests. Of note, during the 2018-19 school year there was a significant decrease at five of the six schools that reported the highest number of arrests during the previous school year. Specifically, at Westwood High, the total number of arrests decreased from 52 to 43; at A.C. Flora High, the number decreased from 38 to 16; at Columbia High, the number decreased from 36 to 22; at Hopkins Middle, the number decreased from 34 to 21; and at Summit Parkway Middle, the number decreased from 21 to 11. At these five schools, the number of arrests of African American students also decreased. In the RCSD's 2018-19 program report that it submitted to the OCR, it indicated that after the RCSD evaluated the arrest data from the 2017-18 school year, it identified Westwood High and Summit Parkway Middle as two leading schools where the application of trauma-driven policing could be used the most. The RCSD noted that each of these schools had the same SRO assigned to it for the 2017-18 and 2018-19 school years, and that having the SROs attend training sessions each year on how to utilize conscious discipline, trauma-informed policing techniques, disability identification, adverse childhood experience, narrative mediation and conflict resolution skills resulted in a decrease in arrests at these target schools. The arrest data further demonstrates that the total number of arrests decreased at two of the three school districts that the RCSD serves (Richland County School District One and School District Five of Lexington & Richland Counties). As for the remaining school district (Richland County School District Two), the RCSD's qualitative analysis indicated that there was a significant increase in the number of arrests at two particular schools, which the RCSD attributed to the fact that there was a newly-assigned SRO at each of these schools who had only participated in one of the SRO training sessions discussed above and was still establishing a foundation of trust with students and school faculty;

- Conducted thorough qualitative analysis of the counseling interactions that SROs reported on the SRO Interaction Form to better understand what may be causing student misbehavior and how SROs may proactively engage with students to prevent potential misbehavior. Counseling activities involve SROs speaking with students and providing informal mentoring on topics such as school, family life, peer pressure, and relationships. Data collected from these forms indicates that in the recent 2018-19 school year, SROs engaged in 3,685 counseling interactions with students. SROs initiated 44.51% of these interactions, followed by students with 41.76%. These counseling interactions demonstrate that SROs are serving as proactive and positive role models to students and are assisting students to overcome toxic trauma or risk factors that may lead to misbehavior, contributing to the decrease in arrests;
- Reviewed the existing Memorandum of Agreement (MOA) with each school district the RCSD serves and developed a unified MOA that clarifies the role of SRO to ensure that school districts understand that SROs should not be involved in the school discipline process, minor behavior, and the enforcement of the school code of conduct. The revised

² Due to the RCSD's lack of an effective data collection system prior to the 2017-18 school year, the RCSD or the OCR is unable to analyze arrest data and determine the overall number of arrests prior to the 2017-18 school year.

MOA and clarification of a SRO's roles and responsibilities have resulted in school personnel requesting SRO involvement in school discipline issues much less frequently;

- Developed a SRO School-Related Disability Policy and Procedure to ensure that SROs are affording students with disabilities equal access to the RCSD's services and programs and are effectively serving students with disabilities, including making any reasonable modifications to agency policies, procedures, or practices when such modifications are necessary to avoid discrimination on the basis of disability. Due to this Disability Policy and annual training on the policy and disability identification, SROs are able to more effectively identify when a student requires an accommodation or when a student's behavior may be a manifestation of a disability rather than an intentional criminal act;
- To provide SROs with greater insight into and understanding of adolescent behavior and to minimize disparities based on race, color, national origin, or disability in school-based seizures and arrests, developed and implemented ongoing professional development training for SROs. This required annual training includes training on the SRO Disability Policy and other SRO policies and procedures and on topics including disability identification, implicit bias, cultural diversity, trauma informed care, conscious discipline, and adverse childhood experiences. As a result of this continuous training, SROs are now able to engage in trauma-informed policing and to identify opportunities to counsel students and assist in conflict resolution in lieu of punitive law enforcement action;
- Reviewed and revised the RCSD's policies and procedures contained in its SRO Manual to clarify the role of a SRO and to minimize disparities based on race, color, national origin, or disability in school-based seizures and arrests. As noted above, during the period of the Agreement, SROs have become less involved in school discipline issues, have reduced the overall number of student arrests, and are engaging in more trauma-informed policing and conscious discipline;
- Conducted a comprehensive program review of the SRO program's policies, procedures, services, and arrest data and developed an action plan in response to this review to improve its overall services to students and to minimize disparities implicating race, color, national origin, or disability. This program review has identified the need for consistent accurate data collection and for continuous training on the topics discussed above to ensure that SROs continue to engage in trauma-informed policing to gain the trust of students and to make more informed decisions when responding to student misbehavior;
- Convened a Community Working Group comprised of representatives of school districts, SROs, parents, students, and juvenile advocates and service providers, which periodically met and developed recommendations for improving the SRO program's policies and procedures and its services to students. The development of this Community Working Group greatly enhanced the relationship between the RCSD and the community and allowed community members to relay any concerns regarding the SRO program and directly participate in the strengthening of the SRO program;
- Reviewed and revised its policies and procedures for receiving and investigating complaints of SRO misconduct and developed an Early Warning Intervention System to identify and intervene in SRO behavior that does not meet the RCSD's standards of conduct. This will allow the RCSD to immediately address any SRO misconduct or signs of potential misconduct; and

- Modified the SRO recruitment, selection, and assignment process to include a multi-disciplinary interview board comprised of an educator from a school district, a community member from the Community Working Group, and two command staff supervisors from the SRO program. The involvement of representatives of school districts and the community has enhanced the RCSD's ability to select highly qualified SROs who are able to fulfill the SRO roles of a counselor, educator, and law enforcement presence.

The OCR commends the RCSD for the numerous actions that it has taken during the period of the Agreement to further strengthen its SRO program, to minimize school-based arrests, and to respond to any disparities implicating race, color, national origin, or disability. We greatly appreciate the passion and commitment that the RCSD has demonstrated to furthering the objectives of the Agreement and to ensuring that it is in full compliance with applicable civil rights laws. The RCSD should continue to conduct comprehensive program reviews of its SRO program and make any necessary modifications to its policies, procedures, and services. While the overall number of arrests has decreased from the 2017-18 school year to the 2018-19 school year, there still are disparities in the numbers of arrests involving African American students. As the OCR discussed with the RCSD during our September 11 visit, the RCSD should continue to analyze why this is occurring and build on the actions that it has already taken to respond to and minimize any disparities, including ensuring that SROs participate in comprehensive annual training and engage in trauma-informed policing. To that end, it is essential that the RCSD ensures that SROs are timely and accurately recording all interactions with students, including arrests, and that the RCSD utilizes Qualtrics or any future data collection system to compile, analyze, and act on this data.

At this time, the OCR is administratively closing our review of the RCSD. I would like to thank you for your continued cooperation during the course of our review and the period of the Agreement and the professional courtesy and commitment by the members of your staff, particularly Deputy Chief Chris Cowan and First Sergeant W.J. McDaniels. This closure letter, along with the Agreement and the OCR's August 10, 2016, transmittal letter, are public documents that the OCR will post on its website.

If you have any further questions regarding this matter, please contact OCR attorney [REDACTED]. [REDACTED] is always available to answer any questions you may have and to assist the RCSD in continuing to strengthen its SRO program.

Sincerely,

X

Michael L. Alston
Director

Enclosures (Resolution Agreement and RCSD SRO School-Related Disability Policy and Procedure)

cc: Deputy Chief Chris Cowan