



## Legislation Text

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**To:** Board of County Commissioners

**Through:** Tyler Brown, Sheriff

**Prepared By:**

Ken McKlem, Special Operations Captain, Sheriff's Office

**Presenter:** Glenn Thompson, Bureau Chief, Sheriff's Office; Captain Ken McKlem, Sheriff's Office; Tyler Brown, Sheriff

**Subject:**

1:00 PM \*Cherry Creek School District Re-appropriation of 2020-2021 Funding and SRO Program Overview

**Purpose and Request:**

The purpose of this study session is to authorize the re-appropriation of the CCSD 2020/2021 funds given to the Sheriff's Office and allow its use as soon as possible.

**Background and Discussion:**

**Issue #1 - Re-appropriation of 2020-2021 Funds** Starting in 2015 and in each year since, the Cherry Creek School District (CCSD) has given some of their surplus funds at the end of their fiscal year (July 1-June 30) to the Arapahoe County Sheriff's Office (ACSO) for the stated purpose (by the current superintendent and chief of staff) of using it **"to enhance ACSO's ability to respond to incidents in CCSD"**. They do not mind if it also enhances the ACSO overall abilities to respond to crisis anywhere, as long as it is also applicable to CCSD. However the expectation from CCSD was and is that these funds do not supplant existing budget in order to meet the "enhance" objective of the ability to respond. The check amounts have ranged from \$30,000 to \$310,000 depending on the year. For the 2020/2021 school year the amount received from CCSD was \$310,000. ACSO has always spent this money ethically in accordance with the stated purpose and intent of CCSD for training and equipment that enhances ACSO ability to respond to crisis incidents, especially active threat type incidents that are the greatest worry of CCSD and other districts. ACSO has also used funds for overtime when deputy presence is requested for CCSD functions, sporting events, school board meetings, back to school nights etc. This is in lieu of charging them for "extra duty" deputies through that process. The acceptance, use, and annual re-appropriation of this money was discussed and approved in the past, going back

to the administration of Sheriff Walcher. The 2020/2021 check was cut on 9/16/20 and clearly states that it is for the 2020-2021 school year which runs from August 2020 to June 2021. This has been the timing of this money each year. Based on County Finance rules, formal acceptance was delayed until adoption of 3<sup>rd</sup> quarter review on 12/8/20. Due to end of year spending deadlines, there was no time to rush through identified purchases for the 2020/2021 CCSD funds in 2020. This is true every year based on this timeline, but especially true in 2020 due to extra duties and concerns dealing with COVID-19. These funds are essential in providing training and equipment that would otherwise not be obtained, or delayed to future years for purchase, reducing our effectiveness or even endangering the lives of deputies. We just saw yet another example from the events in Boulder of why this type of protective equipment and training is critical for the ACSO to provide public safety service to the community in and around our schools.

The ACSO has struggled in recent years to keep pace with increased work load, advancing technology and increased costs of equipment and training with the existing budget. This has often left the ACSO having to make “lesser of two evil” decisions on what purchases to make and which ones to delay to future years, knowing that many times future year budgets likely won’t allow for those expenditures either. The additional funds from CCSD have allowed the ACSO to make expenditures for training and equipment critical to day-to-day operations and delivery of School and public safety services which would not have been able to provide within the existing budget. The funds from CCSD close some of the budgetary gaps and allow the ACSO to remain effective and efficient; taking advantage of technological, equipment and training improvements which otherwise would have to be delayed or presented and prioritized through the annual budget process and thus likely being eliminated due to current budget restrictions. Expenditures already identified for the 2020/2021 funds received from CCSD and which would be delayed or eliminated include: Kevlar Tactical Helmets estimated at \$70,000; new Noise Flash Diversion Devices w/o ballistic/flame - \$10,000; additional AVON masks with upgraded integrated mask communication accessories for special operations - \$23,500; new communications equipment for SWAT, Bomb, K9 - \$51,000; additional Less Lethal with ATF required storage area - \$14,000; equipment for use in Agency Active Threat Training - approximately \$10,000; hosting Tactical Command Training for ACSO Supervisors only - \$25,000 to \$40,000; and potential to fund a new ballistic film for vehicle windows - unknown cost at this point. The final remaining issue related to the 2020/2021 CCSD funds is that the City of Centennial would request a \$116,250 credit to the 2021 contract for law enforcement based on ½ of the 3 School Resource Officers (SROs) assigned to CCSD being paid through that contract. The position of the Sheriff’s Office is that the re-appropriation of the 2020/2021 funds from CCSD should be viewed as an entirely separate issue from how SROs are paid for, how these funds should be used if received in future years or the desire to have CCSD partially fund the SRO salary and benefits costs in the future. Supplanting existing budget with these funds was not the intent and is not appropriate.

**Issue #2 -SRO Funding** The second issue is the stated desire by some members of the BoCC to evaluate how SROs are funded and the possibility of having CCSD and other school districts pay for and/or use funds provided to reimburse the personnel costs of the SROs assigned to their respective school districts. A concern identified is that there is a possible equity issue with Littleton Public Schools (LPS) paying for 50% of SRO salary and benefits for SROs while the other school districts don’t. Current makeup of the SRO program is as follows: 2 Sergeants - 1 Arapahoe County and 1 Centennial contract 4 SROs for LPS - all funded through the Centennial Contract and with 50% salary and benefits reimbursed by LPS; 8 SROs for CCSD - 5 Arapahoe County and 3 Centennial Contract; 1 SRO for Cherry Creek Academy - Arapahoe County and approved based on 50% reimbursement by Cherry Creek Academy; and 1 SRO for Byers and Deer Trail - Arapahoe County. Historically, none of the school districts ever paid for SROs to be in schools. This was a function of division of

duties and responsibilities of the SRO vs. school security officers and was discussed thoroughly in the SRO presentation to Centennial last summer. All SRO positions were approved by the BoCC or Centennial City Council with no discussion or expectation of the school districts contributing to those costs, but that changed after the school shooting at Arapahoe High School. Sheriff Walcher (once appointed) and the various school districts focused discussion on ways to improve school safety. National Association of School Resource Officer (NASRO) best practices recommendations such as 1 SRO per 1,000 students were evaluated. During those discussions, Sheriff Walcher learned that LPS was providing 50% salary and benefit funding for those LPS schools in the City of Littleton that had Littleton PD SROs assigned to them. Specific to LPS, (since all SROs for LPS schools are funded through the Centennial contract), Sheriff Walcher, LPS and the City of Centennial came to an agreement that LPS would fund 50% of the ACSO SROs also to make thing consistent *across the LPS school district*. The discussions with the other school districts focused on how safety could be improved in schools, not necessarily who would pay for SROs.

Each school district had unique abilities in working with the Sheriff's Office to improved school safety. CCSD specifically indicated with their large number of SROs across 5 different law enforcement jurisdictions, paying for salary and benefits was likely not feasible due to the cost of implementation. When this desire was discussed with them last year, CCSD indicated they were predicting financial difficulties starting with the end of the 2021-2022 school year. They placed two bond issues on the November 2020 ballot to address these predicted shortfalls and both were passed. The stated uses for these funds did not specifically include additional funding for SROs from any of the law enforcement agencies who cover CCSD. It is unknown if CCSD is willing or able to provide additional funds for this or any other purpose. If CCSD was to fund the seven (7) CCSD SROs, the previously mentioned equity and consistency issue would then exist between CCSD funding and the Byers and Deer Trail Schools funding. There should be no question that the Byers and Deer Trail schools do not have the financial resources to fund 50% of their shared SRO. If the BoCC and/or Sheriff desire to pursue this option with CCSD, it would require conversations about ability and willingness of the involved parties to meet specific service level expectations for existing and future service.

### **Fiscal Impact:**

**Issue #1 - Re-appropriation of 2020-2021 Funds** There is no negative fiscal impact to Arapahoe County, by either accepting these funds or having the SO spend them as indicated above. The impact is only positive, as it prevents ACSO from using other County funds for these purposes. If these funds are not reappropriated for ACSO use, the \$116,250 credit to the 2021 Centennial contract would have to be made.

**Issue #2 -Additional funding from CCSD** The potential fiscal impact of crafting an agreement to split the personnel costs of the CCSD SROs would be dependent on the terms of that agreement and there are too many variables to identify.

**Alternatives:** Reappropriation of these funds would allow for the benefits to school and community safety as described above. The alternatives to 50% CCSD funding are to either eliminate the Arapahoe County funded SROs and let CCSD provide for their own security at their own expense or to continue with the past and current practice of fully funding those positions without the help of CCSD.

**Alignment with Strategic Plan:**

- ☐ Be fiscally sustainable
- ☒ Provide essential and mandated service
- ☐ Be community focused

**Staff Recommendation:** Staff recommends the re-allocation of the 2020/2021 CCSD fund as soon as possible.