



# **TOOLKIT:**

## **FILING A COMPLAINT AGAINST A SCHOOL RESOURCE OFFICER**



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This general information is being provided to members of the National Campaign for Police Free Schools who are seeking to file complaints with the school district or police department against school police officers, school security guards, or other school staff. You are welcome to contact the Advancement Project National Office at [PoliceFreeSchools@advancementproject.org](mailto:PoliceFreeSchools@advancementproject.org) to request more support before preparing your complaint. If you are seeking legal advice or want to file a lawsuit in court, you should contact a local attorney before preparing your complaint.

### **When can I file an internal complaint against a school resource officer?**

**Complaints can be filed for many reasons, including:**

- Use of force (such as pushing, tackling, use of pepper spray or taser, punching, chokeholds, etc.)
- Harassment
- Discrimination
- Retaliation
- Violation of school policy
- Insulting, demeaning, or humiliating treatment
- Any other inappropriate or harmful behavior

### **Who can file an internal complaint against a school resource officer or other school staff?**

**Generally, the following people can submit a complaint:**

- A parent/guardian of the student harmed
- The student harmed
- A teacher or other school staff member who witnessed the incident
- Other students who witnessed the incident and/or their parents/guardians
- An organization supporting the student harmed

### **What steps can I take to prepare my internal complaint?**

#### **1. Gather information about the incident.**

You can use the attached “**School Policing Intake Form**” to collect all of the relevant facts to include in your complaint.

#### **2. Find out if your school district or police department has a complaint form.**

You can search the internet or contact your local school district or police department to find out if they have a complaint form for school resource officers. For example, if the school resource officer is a member of the police department, the local police department may have an online complaint form that you can use. The school district or state department of education may also have a complaint form.

If your school district or police department has a complaint form, you should submit the form as soon as you are able. Be sure to check for any deadlines or other local requirements (for example, you may have to file a complaint within a certain amount of time from when the issue occurred).

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### **3. If there is no complaint form, you can write a complaint letter.**

If your local school district or police department does not have a complaint form or other formal complaint process, you can write a letter describing your complaint. The letter should be sent to the school board, superintendent, school principal, and the police chief. This toolkit includes a “Complaint Letter Template” to help you write your letter. Be sure to update anything in this template that is written inside of brackets. You should send your complaint letter as soon as you are able.

### **4. Keep a copy of your complaint and any documents that you receive from the school/police department.**

Be sure to keep written copies of everything you send and receive related to your complaint.

## **What other resources are attached to this toolkit?**

**This toolkit also includes these additional resources regarding internal complaints against school police officers:**

- School Policing Intake Form (Attachment A)
- Complaint Letter Template (Attachment B)
- School Monell Claims (Attachment C)



Staff member filling out form: \_\_\_\_\_

**I. Caller Information**

- Name:
- Telephone:
- Email:

**II. Background Information**

A. Is the request from an INDIVIDUAL or ORGANIZATION? **(Circle One)**

B. If organization, list organization contact information below:

- Name of Organization:
- Phone:
- Email:
- Website:

C. If individual, list the individual's information below:

- Name:
- DOB:
- Race:
- Gender:
- Grade, School & School District:
- City & State:
- If a student, does the student receive special education services? **(YES / NO)**
- If a student, please provide the parent or guardian information below:
  - Name:
  - Phone:
  - Email:

**III. Potential Litigation**

A. Did the incident primarily involve an ADMINISTRATOR/SCHOOL RESOURCE OFFICER/TEACHER/SCHOOL SECURITY?  
**(circle all that apply)**

B. Date, location and approximate time of the incident:

C. Describe the issue for which they are calling:

**IV. Follow-up Questions**

A. Has the victim suffered any known injuries (ex. Physical harm, loss of sleep, nightmares)?

- If yes, document and describe all of the injuries suffered as a result of the school police officer's actions. If appropriate, take pictures of the injuries as soon as possible. Describe how the injuries feel, and keep a record of any doctor's visits and medical statements received as a result of the injury.

B. Were there any witnesses to the incident? **(YES / NO)**

- If yes, is the individual able to contact the witnesses? **(YES / NO)**

• If yes, keep the witnesses contact information and recorded statement. Their testimony may be used against the SRO and in favor of the student later.

C. Are there any video or audio recordings of the incident? **(YES / NO)**

- If yes, store the recording in a secure space where it will not be deleted or altered (i.e., cloud, external drive, or with an attorney).

This also may be used against the SRO and in favor of the student later.

D. Has the incident been reported to school administration? **(YES / NO)**

- If yes, when was the incident reported, and how did the school district respond? Keep a written record of what the individual reported to school administration and the administrator's response. Also, keep a physical copy of any incident report, referral or other paperwork provided to the student by the school administrator.

E. Was the student arrested or disciplined by the school because of the incident? **(YES / NO)**

- Again, keep a record of all disciplinary documents provided by the school administration as a result of the incident.

F. How quickly does the individual/group need a response?

G. Was the student's mistreatment influenced in any way by the student's race, sex, sexual orientation, disability, religion, or national origin? **(YES / NO)**

- If yes, ask the student and their parent for any facts that show that the student was discriminated against based on these (or other) factors.

[Your name]  
[Your street address]  
[Your city, state, zip code]  
[Your phone number]  
[Your email address]

[Date you're sending the letter]

**VIA ELECTRONIC MAIL**

[Superintendent name]  
[School district name]  
[School district address]  
[School district phone number]  
[School district email address]

[School board chair name]  
[School board name]  
[School board address]  
[School board phone number]  
[School board email address]

[\*Note: Do not include the principal if they were involved in the incident]

[Principal name]  
[School name]  
[School address]  
[School phone number]  
[Principal's email address]

[Police chief or sheriff name]  
[Police/sheriff department name]  
[Police department/sheriff's office address]  
[Police department/sheriff's office phone number]  
[Police chief/sheriff's email address]

[SRO program supervisor name]  
[SRO program supervisor department name]  
[SRO program supervisor office address]  
[SRO program supervisor office phone number]  
[SRO program supervisor email address]

**RE: Complaint Letter regarding** [School resource officer's name/"Incident of [Date]"]

Dear School District and Police Department Officials:

My name is [name] and I am a [student/parent of (student name)/educator/staff member/organizational title] at [school/organization]. I am writing to submit a formal complaint to all parties listed above regarding the egregious misconduct of a school resource officer. [Short one to two sentence summary of the incident.] The details of this incident are described in more detail below.

The [school district name] is responsible for [my/student name's] care, safety, and education. I urge the District and Police Department to do everything in their power to hold [school resource officer name] accountable, to repair the harm done to [me/student name], and to prevent this dangerous behavior from occurring again.

**I. Facts of the Incident**

*[Describe the facts of the incident in detail, focusing on the officer's actions. Be sure to include the date, time, exact location, and names of all who were involved and/or who witnessed the incident.]*

*[If the incident was recorded, note that the facts are supported by video/photographic evidence. You can offer to provide copies of these recordings at their request.]*

*[If your complaint involves discrimination, describe the type of discrimination (i.e. race, sex, sexual orientation, disability etc.) and any facts showing discrimination.]*

*[If your complaint involves a violation of school policy, name the policy and any facts showing it was violated.]*

**II. Harm Caused by the Incident**

*[I/student name] was [physically and/or emotionally] harmed by this demeaning treatment by [officer name]. [Describe the harms that this incident has caused for you and/or the student. Include both physical and mental/emotional harms, as well as unfair discipline against the student or loss of instructional time.]*

**III. Demand for Investigation and Termination of Officer [or other demands]**

*Students should feel safe and nurtured at school, not subjected to this unacceptable conduct by a [school police officer/ school security officer/school employee]. I am demanding a full investigation of my complaint. I am also seeking the immediate termination of [officer name]. [List any other demands here. Other possible demands may include that the student's record is cleared, if they were disciplined for the incident.]*

*Please provide me with copies of any information you obtain in the process of investigating my complaint, as well as written documentation explaining the outcome of the investigation. Such information can be mailed or emailed to my addresses listed below. I can also be reached at these addresses if you need further information regarding my complaint.*

*Thank you for your prompt attention to this important matter.*

**Sincerely,**

*[Your signature] [Date of signing]*

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*[Your name] [Your street address] [Your city, state, zip code] [Your phone number] [Your email address]*



## **What Information Do We Need to Prove a Policy/Custom of Abuse?**

In order to hold a school district or police department accountable for repeated acts of police abuse or misconduct, advocates must be able to prove that they have created a “custom or policy” of abuse. A custom or policy is a practice so persistent and widespread that it practically has the force of law. Assuming that there has already been a constitutional violation, collecting information that proves the four statements below will help hold the school, school district and/or school police department accountable for having a policy or custom of abuse as long as the incidents are school related.

**School-related incidents include abuses that occur:**

- (a) On school property during school hours;
- (b) On the way to and from school; and
- (c) During a school sponsored event or activity.

## **Must Prove that the School/District has a History of Ongoing Abuse by School Police**

**To prove a policy or custom, you must be able to identify prior instances of officers abusing students or violating their constitutional rights.**

**Decision makers include:**

- (a) Principal
- (b) Superintendent and School Board
- (c) Chief of School Police

- ▶ Testimonies: Student and parent testimonies, even from students who no longer attend the school, help establish a custom of prior abuse.
- ▶ Complaints: Informal and formal complaints against one officer can be enough to establish a “custom” of constitutional violations or prove that school decision makers “recklessly disregarded” previous constitutional violations.
- ▶ Possible constitutional violations include:
  - 1st Amendment right to free speech and freedom of religion
  - 4th Amendment right to be free from unreasonable search, seizure and excessive force
  - 5th Amendment right to against self-incrimination
  - 14th Amendment right to equal protection under the law (discrimination based on race, national origin, gender)

## **Must Prove that School Decision Makers were Aware of Past Incidents of Abuse**

Complaints about abuse are necessary to prove that school decision makers knew about the abuse and did not take adequate steps to prevent the mistreatment from happening again.

Complaints should be given to the Superintendent, Principal, School Board AND Police Chief..

### **Complaints should include:**

- 1) The SRO and school employees involved;
- 2) The time and location of the incident;
- 3) An explanation of exactly what happened, including the extent of the harm.

## **Must Prove that the School/District has a History of Ongoing Abuse by School Police**

To prove a policy or custom of abuse, you must also be able to show that school decision makers did not take enough action to prevent future harm.

## **Must Prove that the Same abuse Happened again because of the District/Police Department's Inaction**

Finally, you must prove that the same type of constitutional violation happened again because of the district/police department's failure to take enough action to prevent the harm.

As you collect information, continue to document violations, submit complaints and follow up on complaints.

### **After submitting complaints:**

- 1) Follow up with each complaint in writing
- 2) Save all responses from the District or Police Department
- 3) If the same violation happens again, write another formal complaint

## **Woodland Hills Example**

Students at Woodland Hills High School filed a lawsuit against the school district for a culture of verbal abuse and excessive force that allowed resource officers to stun gun, body slam, punch and arrest students who did not commit a crime. The Woodland Hills lawsuit argues that the School and District had a custom of abuse because:

- (1) Parents and students previously filed complaints based on the same type of abuse;
- (2) Students stated that it is generally known that the SRO and Principal harassed and abused students;
- (3) The SRO was recorded confirming the custom of abuse;
- (4) The District took no action against the principal or SRO to prevent future abuse; and
- (5) The SRO and Principal allegedly continued the custom of abusing students.