

## Use-of-Force During Interactions with Students with Autism Spectrum Disorder (ASD)

### OBJECTIVES

The objectives of this large loss claim review are to:

- Examine a CIRMA Liability-Auto-Property (LAP) loss resulting from claims about law enforcements use-of-force during interactions with students with autism.
- Discuss CIRMA's and other resources on reducing liability associated law enforcement training,
- Develop specific risk management best practices to either prevent or mitigate future losses for members based on lessons learned.

### INCIDENT BACKGROUND

The complaint alleges the School Resource Officer (SRO) placed the 17-year-old child in handcuffs, after grabbing him by the throat and "throwing him to the ground", and told the child "if you spit on me, you are going to pay". The SRO subsequently held the child face down on the ground for approximately 30 minutes.

The parents of the child are accusing the SRO of excessive use of force, because he knew, along with school officials, that their child had several medically diagnosed conditions, and had a history of outbursts and tantrums. Therefore, they should have taken actions outlined in the student's behavior management plan to reduce the likelihood of an altercation.

### INVESTIGATION

- The student is a 17-year-old male who is 5' 10" and 185 pounds.
- He is enrolled in martial arts classes at a local mixed martial arts school.
- He has been medically diagnosed with an autism spectrum disorder at age 7, and sensory processing disorders.
- He has had a formalized 504 Plan, IEP, and intensive behavioral management plan with the same school district for the past ten (10) years.
- School board employees and SRO's have been kept regularly updated on the child's diagnoses and mental health status.
- It was documented that the student had significant difficulties with transitioning into new situations, classes, teachers, etc. Review of the student's files indicates a plan to help the student reduce his anxieties and promote calming behaviors specific to these incidents.
- According to his parents, and documented by the school the student had been having increased behavioral issues over the course of several weeks, specifically during class transition from 3rd period to 4th period.
- The student had been prescribed a new medication, to which the school system had been notified.
- On the date of the incident the student became "agitated and verbalized being stressed out"
- It was determined that it would be best for the student to be brought to a location he liked within the school, a technique often used to help him calm down, according to the complaint, and was in the presence of a special education teacher, behavioral specialist, and teaching assistant.
- The SRO noticed that these staff members were with the students who was exhibiting signs of outbursts (yelling and screaming) and jumping up and down.
- The SRO approached the staff and inquired if they needed him to get involved, to which one of the staff members explained that they were ok and told a school resource officer that they did not need assistance.
- SRO continued to walk behind the group and initially stayed in the hallway as the student and staff entered the location – a study hall room – with the student.
- While in the hallway the SRO states that he heard continued yelling and screaming from inside the room and several minutes later decided that he needed to intervene – as "he thought the situation was out of control".



- Upon entering the room, the SRO observed the student flaying about and screaming. The SRO states he perceived the student to lunge at one of the staff members. Upon seeing this the SRO intervened and began yelling at the student.
- The Student turned his attention to the SRO and became belligerent back at the SRO.
- The SRO pointed his finger at the student and began telling him to get on the ground. At some point the SRO touched the student – who has sensory issues – and the student pushed the SRO.
- The SRO grabbed the student by the throat and took the student to the ground and flipped him on his belly.
- The SRO held the student on the ground for an extended period of time and called for backup.
- The backup officer arrived and was familiar with the student – he was the previous SRO – and staff. Upon realizing who the student was the second officer was able to work with the staff to calm the student down, who was now crying.
- The staff called the student's parents and informed them what had occurred.
- The parents arrived at the school and took their child to the doctor's office for evaluation of his injuries.
- The initial SRO involved in the incident had been an SRO with the school district for 2 years, and records indicated that he was provided with regular updates and briefing on students who had intensive management plans.

### INJURY AND DAMAGES

As a result of this incident, the plaintiff suffered the following injuries:

- Increased anxiety associated with returning to the school and interacting with the SRO. This anxiety has caused a need for the child to be placed in another school, away from his familiar environment, friends, and those educators who understand his intensive management plan, 504 plan, and Individual Education Plan (IEP).
- Bruising to his neck, and throat – which resolved over time
- Bruising to his face – from being held face down on the ground for an extended period of time
- Night-terrors causing emotional distress

The plaintiff filed their notice of intent to sue, with an initial demand of damages for \$300K. After successful pre-trial negotiations this claim **settled for \$65K** and all fees associated with outplacing the student.

### CONCLUSION

Autism Spectrum Disorder (ASD) is a complex neurological disorder that impairs communication, behavior and social interactions. Symptoms range from mild to severe and no two individuals with ASD are identical in how they show their characteristics of autism. With the number of those diagnosed with ASD, SRO's will undoubtedly encounter individuals with ASD while carrying their regular responsibilities within schools.

When SRO's become involved in these meltdown situations there are some important things they should remember. The student may act defensively and strike out, grab at the officer's equipment, run away (flee) and be non-compliant to officers' commands. The interaction should be expected to be frantic and challenging and not expect the student to be well-mannered or compliant, as there may be a total loss of self-control. Understanding that the student may be trying to communicate, and may become frustrated may help calm the situation.

An SRO may try to engage in a situation that they observe. In these situations SRO's should take cues from those staff members on how to handle that specific situation, as they may have a plan in place to de-escalate the student's behavior. This will prevent any additional stressors being introduced into the situation and exasperating it. The goal is to use strategies that reduce fear and anxiety for the student, not the staff or SRO. Going "hands-on" should be a last resort since physical contact / force may trigger fight or flight responses and will add to the stress the student is already experiencing.

### KEY RECOMMENDATIONS/ACTION ITEMS

CIRMA Risk Management is seeking feedback from the Law Enforcement Advisory Committee on the recommended best practices to prevent these incidents from occurring.

- Providing training to SRO's on de-escalation techniques associated with those diagnosed with ASD.



- Ensure that SRO's are well versed on staff response plans & strategies outlined in a student's behavioral management, or 504 plans.
- Work with school employees and take direction from them on response protocols to those with ASD in a "meltdown" situation.
- Provide training for SRO's specific to understanding ASD's and best practices for interaction with individuals experiencing a "meltdown".

Questions on this topic? Ask your Supervisor or CIRMA Risk Management Consultant.

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