



COVINGTON INDEPENDENT PUBLIC SCHOOLS

25 East Seventh Street ★ Covington, Kentucky 41011 ★ 859.392.1000 ★ 859.292.5801 TTY ★ 859.292.5916 fax
Chartered 1850 ★ An Equal Opportunity Employer M/F/D

ALVIN L. GARRISON
Superintendent of Schools

August 6, 2015

Dear Parent or Guardian:

As you may have recently read or seen in the news media, the American Civil Liberties Union and other plaintiffs filed a lawsuit in federal court against the Kenton County Sheriff's Office and Sheriff's Deputy Kevin Sumner, which the Sheriff's Office assigned to serve as a school resource officer for the Covington Independent Public Schools (CIPS). This letter is being sent to reassure you that your children are safe in our schools.

The lawsuit arose from allegations that Deputy Sumner used handcuffs to restrain two students at two of our elementary schools during the fall of 2014 after these students exhibited behavioral problems.

Neither Covington Independent Public Schools nor employees of the school district were named as defendants in the lawsuit and we have cooperated with both the children's legal counsel and the Sheriff's Office in their separate investigations into this matter.

CIPS contracts with the Kenton County Sheriff's Department to provide deputy sheriffs to serve as School Resource Officers (SROs) in our school buildings to ensure a safe learning environment for our students and a safe working environment for our employees.

As a result of these allegations, CIPS hired a private investigator to conduct its own independent investigation. After a thorough review of this matter, including numerous interviews with witnesses and other research, the investigator concluded that Deputy Sumner and Covington school personnel complied with school district's restraint policies, which are designed to ensure that students do not injure themselves or others.

As is our practice when issues arise, CIPS is examining restraint practices to ensure a safe environment for all students, faculty and staff.

I hope this letter has helped provide you with a better understanding of this situation. Nothing is more important than the safety of our students. As we move forward, please rest assured that the welfare and education of your children will remain our primary mission, focus, and concern.

Sincerely,

Alvin Garrison, Superintendent
Covington Independent Public Schools





COVINGTON INDEPENDENT PUBLIC SCHOOLS

25 East Seventh Street ★ Covington, Kentucky 41011 ★ 859.392.1000 ★ 859.292.5801 TTY ★ 859.292.5916 fax
Chartered 1850 ★ An Equal Opportunity Employer M/F/D

ALVIN L. GARRISON

Superintendent of Schools

Estimados padres o guardines:

Recientemente usted pudo haber leído o escuchado en los medios de comunicación, que la American Civil Liberties Union y otros demandantes pusieron una demanda en la corte federal en contra de la Oficina del Sheriff de Kenton County y del diputado del Sheriff Kevin Sumner, el cual es asignado por la Oficina del Sheriff como un oficial para las escuelas de Covington Independent Public Schools (CIPS). Esta carta se le está mandando para reasegurarle que sus hijos están seguros en nuestras escuelas.

Las demandas surgieron por denuncias de que el Oficial Sumner uso esposas para contener/restringir a dos estudiantes en dos de nuestras escuelas durante el otoño del 2014 después de que estos estudiantes exhibieran problemas de comportamiento.

Ni las escuelas de Covington Independent Public Schools ni los empleados del distrito escolar fueron acusados en la demanda y nosotros hemos cooperado con los consejeros legales de niños y la Oficina del Sheriff en investigaciones separadas sobre este tema.

El contrato de CIPS con el Departamento del Sheriff de Kenton County es para proveer un oficial del sheriff para que sirva en nuestras escuelas como un Oficial de recursos (SROs) en los edificios de nuestras escuelas para asegurarles a nuestros estudiantes un medio ambiente seguro para aprender y un medio ambiente seguro para nuestros empleados.

Como resultado de estas denuncias, CIPS ha contratado a un investigador privado para conducir una investigación independiente. Después de una revisión sobre este asunto, incluyendo numerosas entrevistas con testigos y otras investigaciones, el investigador concluyo que el oficial Sumner y el personal de Covington School cumplió con las políticas de controlar/restringir del distrito, las cuales son designadas para asegurarse que los estudiantes no se lastimen así mismos o a otros.

Como es nuestra practica que cuando este tipo de problemas surgen, CIPS está examinando las políticas de restricción para asegurar un medio ambiente seguro para todos los estudiantes, maestros y personal.

Yo espero que esta carta le haya ayudado a tener un mejor entendimiento de esta situación. Nada es más importante que la seguridad de nuestros estudiantes. Así como nos movemos hacia adelante, por favor este seguro que el bienestar y la educación de su hijo seguirá siendo nuestra principal misión, enfoque y preocupación.

Sinceramente,

Alvin Garrison, Superintendent

Covington Independent Public Schools



GENE WEAVER & ASSOCIATES

11 EAST TENTH STREET
COVINGTON, KENTUCKY 41011
TELEPHONE (859) 431-3444 FAX (859) 431-1703

March 2, 2015

Ms. Mary Ann Stewart
Adams, Stepler, Woltermann
& Dusing
40 West Pike Street
Covington, Kentucky 41011

Re: **Children's Law Center – Covington Independent Public Schools**

Dear Mary Ann:

As you are aware, I was retained to conduct an independent investigation into two separate incidents involving students of the Covington Independent Schools and Deputy Kevin Sumner. The incidents occurred at John G. Carlisle and Latonia Elementary Schools in the fall of 2014. After a thorough review on the incidents, meeting with and interviewing

I have come to the conclusion that there was no violation of School District policies by Deputy Sumner or any of the school personnel at either John G. Carlisle or Latonia Elementary.

The separate incidents involved two uncontrollable students, who school staff had worked with for an extended period, using various methods allowable under the policies of the Board, to bring the children under control. The involved staff has received extensive training and experience in safe crisis management through the Covington School District. And they have all were aware of and were trained in the District's policy on restraint and seclusion. Significantly, in these instances no one employed by the School District engaged in any activities of restraint and seclusion; nor did they instruct or direct Deputy Sumner to restrain the children. There was no violation of the District's restraint and seclusion policy by any of the School District staff because they did not restrain the children; nor did they direct Deputy Sumner to do so.

Deputy Sumner responded to each incident, and made the decisions to handcuff the students, through his own discretionary decision-making. In the incident involving S.R., Deputy Sumner was called by the administrators to assist them after all methods of de-escalation had failed; and in the other incident (L.G.) Deputy Sumner was present and acted in response to L.G.'s behavior as it occurred towards him. In each instance Deputy Sumner tried working with the children to de-escalate the situations, but his efforts failed as well. In each instance, the children assaulted Deputy Sumner immediately prior to his decision to handcuff them. S.R. without provocation or warning swung at Deputy Sumner; L.G. hit, spit, scratched him, and expelled and smeared mucous on him. The students were controlled by Deputy Sumner when he placed handcuffs above their elbows and secured their arms behind their backs. In each instance, Deputy Sumner perceived that the students posed a safety threat to themselves, others, and to him. Once the children calmed and were no longer a safety risk the restraints were removed. The handcuffs were not used as a form of punishment by Deputy Sumner; instead they were used for law

Ms. Mary Ann Stewart
March 2, 2015
Page Two


enforcement purposes to bring two violent individuals (albeit, elementary aged students) under control; to end assaultive actions against a peace officer; to protect the officer's and others' safety from assaults and escalating violent behavior; and to maintain order in a public setting. In each instance, Deputy Sumner acted in a law enforcement manner, and in accordance with the policies, procedures, and training through the Kenton County Sheriff's Department.

The actions taken by Deputy Sumner are a permitted method of restraint under the policies and procedures of the Kenton County Sheriff's Department. Also, there is case law acknowledging the use of handcuffs on a student as an allowable means of restraint. Deputy Sumner does not work under the supervision, direction or the policies and procedures of the Board of Education when he is engaged in law enforcement activities, and as a police officer, he is entitled to use discretion in responding to any law enforcement issue, so long as he acts in accordance with the policies and procedures of the Kenton County Sheriff's Office, and the training which he is provided through that agency. The actions taken by Deputy Sumner were discretionary in nature, and he made the decisions to act in situations that were quickly evolving and volatile, all in accordance with his training through the Kenton County Sheriff's Office, and without the influence, direction, or encouragement of anyone employed with the Covington Independent School District.

If you have any questions concerning this matter, please feel free to contact me at your convenience.

Very truly yours,

GENE WEAVER & ASSOCIATES



GENE WEAVER