



Hernando County Sheriff's Office

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Media Release

From: Denise M. Moloney
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Re: Sheriff Provides Clarification on Recent Event at Fox Chapel Middle School

Date: April 12, 2023

On 03-24-23, an event occurred at Fox Chapel Middle School which involved an educator. The event itself, and/or one or more versions of what actually transpired, has brought about much confusion and emotion.

Sheriff Al Nienhuis will clarify the involvement of the Hernando County Sheriff's Office in said event at Fox Chapel Middle School.

To begin, it is important to note that law enforcement agencies enforce criminal violations of the law; however, there are a few circumstances where steps can be taken civilly:

- Law enforcement can legally Baker Act an individual who is showing signs of a mental illness and/or is an **immediate** threat to themselves or others. When this occurs, the individual can be held for up to 72 hours in a mental health facility; however, many individuals are released from the facility much sooner than that. Please note, the key word in the scenario is immediate.
 - o If the individual **previously** made a threat to hurt themselves or others, but tell the law enforcement officer they made no such statement or that they no longer have those feelings – and are not demonstrating any behaviors to the contrary – law enforcement cannot involuntarily commit the individual under the Baker Act.
- The Risk Protection Order (RPO). Law enforcement petitions the court (a judge) to order an individual to turn over all of their firearms. If granted, the judge orders the individual to turn over all firearms and that the individual may not possess any

firearm(s) for up to one year. Upon expiration of the order, it can be reissued if requested by law enforcement and ordered by the judge.

On 03-24-23, the HCSO was notified of, and did investigate, an event at Fox Chapel Middle School.

The investigation revealed that no criminal offense(s) occurred; therefore, no arrest(s) could be made. Further, deputies found that the individual did not, at that moment, meet the required criteria for involuntary commitment under the Baker Act.

In an abundance of caution, the HCSO petitioned the court for a temporary Risk Protection Order (RPO). The order was granted immediately. The individual cooperated with law enforcement and immediately turned over all firearms.

Subsequently, a permanent RPO was granted by the judge. The order will expire in one year.

There has been much discussion with regard to the educator's employment status and/or disciplinary measures.

Just like school discipline of a student, once law enforcement has completed the investigation regarding possible criminal activity, evaluated the individual for Baker Act criteria, and determined whether an RPO is appropriate, our involvement is complete. Employment and/or disciplinary decisions rest solely with the Hernando County School District.

The Office of Sheriff:

The Office of the Sheriff is established by the Florida Constitution. As a constitutional officer, the Sheriff has the exclusive authority to administer his or her agency and is responsible for preserving the peace throughout the entire county, carrying out the laws of the state, the orders of Florida courts, and the ordinances of the Board of County Commissioners. The Sheriff is the chief law enforcement and correctional officer of the county.

Sheriff Al Nienhuis was initially appointed as the Sheriff of Hernando County by the Governor in January of 2011. He was then elected by the people of Hernando County in 2012, ran unopposed in 2016, and was re-elected in 2020. Sheriff Nienhuis remains accountable to the people of Hernando County.