

KLG – COOPERATION WITH POLICE AUTHORITIES

It is the policy of the school district to cooperate with law enforcement agencies to the extent necessary to protect the health, safety and welfare of students, staff and visitors to the school.

The district may utilize a school resource officer and may collaborate with local law enforcement agencies to engage the use of school resource officer. In such situations, the superintendent is authorized to develop and implement a memorandum of understanding with local law enforcement relative to the use of school resource officer.

NHSBA Note, September 2016: Amendments to this Sample Policy are necessary due to the passage of HB 527, which amends RSA 186:11. These legislative amendments require school boards adopt a policy and enter into a memorandum of understanding with local law enforcement agencies if the school district will be using a school resource officer who also serves as a law enforcement officer with a local law enforcement agency. The policy and memorandum of understanding are required by law if your district proceeds in this manner.

Please note that NHSBA has not issued a sample Memorandum of Understanding associated with this policy. However, NHSBA has sample MOU's on file and can be distributed upon request. Please contact NHSBA for more information.

Legal References:

RSA 186:11, XXXVII, School Resource Officers

RSA 193-D:4, Written Report Required, Memorandum of Understanding

Revised: November 30, 2020 (Souhegan)

Adopted: October 22, 2018 (Souhegan)

MEMORANDUM OF UNDERSTANDING

Between

School Administrative Unit #39 & Amherst Police Department

In a collaborative effort, the Amherst Police Department and the Amherst Middle School endeavor to work together to provide services to the school community, which will afford a safe learning environment and enhance the school experience. In pursuit of those goals, as leaders, we commit ourselves to:

- Share and provide information between each other
- Provide criminal justice related information to students
- Create an open line of communication between the school community and law enforcement, offering assistance to students and staff wherever possible
- Provide for greater educational opportunities with the use of guest teaching and presentations made by a police officer
- Reduce crime within the schools
- Develop policies and procedures intended to prevent violence and provide for appropriate response when the threat of such violence does occur
- Promote positive relationships between the police and the school community

We agree to collaboratively work together in providing a police officer assigned to work within the Amherst Middle School. This position will be known as the School Resource Officer (SRO). The position will be staffed by an Amherst police officer, selected by a committee which may be comprised of a combination of school administration, parents, students and the police, choosing from a list of qualified candidates provided by the Chief of Police. Duties of the SRO will include the following.

- Classroom instruction and guest appearances, as invited, to provide education and information regarding criminal justice and other topics related to law enforcement.
- Providing assistance and support to school members who are victims of crime and any other persons who may benefit from the assistance of a law enforcement officer.
- Crime prevention, achieved through a presence on school grounds, establishing positive relationships with students and law enforcement.
- Providing leadership in the area of conflict resolution
- Intervention in matters of violence, potentially violent situations and unwelcome guests/intruders

We agree to the following points regarding supervision, responsibilities, policies and procedures for the SRO program.

Responsibilities

- The SRO is first and foremost a law enforcement officer.

Supervision Responsibility and Chain of Command

- The SRO shall abide by all Amherst Police Department policies and shall consult and coordinate activities through the school administration, but will remain responsible to the Amherst Police Department relating to employment. Activities conducted by the SRO, which are part of the regular educational and instructional program of the school, shall be coordinated through the administration of SAU39.
- The supervision of the SRO should fall directly and only under the Chief of Police or his designee, the support Lieutenant of the Amherst Police Department.

- The school resource officer will follow a chain of command for communication, which starts with the respective school vice-principal and moves upward to the police lieutenant in charge of support; the respective school principal; and finally the Chief of Police. This chain of command is intended to serve the need for day-to-day communication between the SRO and the school with the ultimate authority lying with the chief law enforcement officer, while also incorporating steps that alternate between the schools and the police.
- The SRO carries the same law enforcement authority as any other Amherst police officer, and his assignment to the schools does not affect that authority. The SRO will enforce applicable laws while at the schools. However, it is understood that there is also a need for the enforcement procedures and tactics used within the school community to be tempered by the other goals of the SRO position. Any issues that arise regarding law enforcement practices within the schools will follow the established chain of command.
- The Chief of Police and the School Principal retain the right to make personnel changes, in a collaborative effort, as needed. In the event of a deterioration of the relationship this memorandum seeks to achieve, each party retains the right to suspend operation of the program, subject to review by the respective political subdivisions.
- The Chief of Police shall oversee all disciplinary issues inclusive of all Use of Force reviews related to the School Resource Officer as it correlates with existing Amherst Police Department Policies and Procedures, the Attorney General's Handbook, and applicable NH RSA's including NH RSA 627:5, Use of Force. The SRO will be reviewed under NH RSA 126-U.
- Nothing in this process shall limit communication between the Department heads, (Chief of Police and Superintendent.)

Information Sharing

- The parties understand that the schools must, by state statute (RSA 193-D), provide information regarding certain crimes, which occur on school grounds. See attached MOU, which addresses those reports. Such information will be provided to the SRO as soon as possible.
- Information regarding the possibility of future incidents of criminal behavior that could place any persons in danger shall be reported to the School Resource Officer without delay.
- The school also agrees to provide information that may serve to prevent any of those listed crimes, including the identity of individuals involved.
- The school will not share student records with the SRO, unless such information is necessary, in the case of an emergency, to assist with appropriate law enforcement response.
- Any incidents of criminal behavior regarding students coming directly to the attention of the SRO will be reported to the applicable school principal or his designee without delay, as allowed by RSA 193-D:7.
- The SRO will share with the school administration all information he receives regarding students, which will assist the school in providing for the students' educational and welfare needs.
- All parties recognize that some information is privileged or otherwise obtained in confidence. That information will not be shared, except in instances where the use of the information is necessary in order to protect others from the probability of harm.
- School personnel will notify the SRO immediately in all cases in which there is reason to believe that any person under the age of 18 years has been: (a) sexually molested; (b) sexually exploited; (c) intentionally physically injured so as to cause serious bodily injury; (d) physically injured by other than accidental means so as to cause serious bodily injury; or (e) a victim of a crime. See RSA 169-C:38.

Investigations

- The respective school administrations will be responsible for investigations of school policy violations and disciplinary issues. The SRO may assist the school in such an investigation only where invited to do so.
- Where the school officials discover evidence of criminal conduct during such an investigation, the information will be shared with the SRO without delay. However, when such information is shared with the SRO, any further investigation should be considered a criminal investigation. The investigation must then be conducted with strict adherence to the Constitutional protections afforded all persons that are subject to a police investigation, regardless of who is conducting the investigation.
- The SRO, without exception, will conduct criminal investigations.
- The respective school principal or his designee will be advised of all criminal investigations being conducted within the school, unless such notification would adversely hinder the investigation. Approval of any exception to this requirement must be granted by the Chief of Police.
- The SRO may seek assistance from school officials during the course of a criminal investigation. However, anyone acting on behalf of that request must be considered an agent of the police department and those actions must comply with the same restrictions placed upon police personnel.

Searches

- All searches conducted by the SRO must be related to a criminal investigation and must conform with established statutory and constitutional safeguards which apply to any police search.
- The SRO will not attempt to bypass any of those safeguards by having a school staff member conduct a search on his behalf.
- The school principal will be notified immediately of any searches conducted by the SRO.
- It is not the intention of the police department to limit school staff in conducting searches which they deem necessary in the fulfillment of their school administrative duties. When legitimate administrative searches produce evidence of a crime, the SRO may use that evidence to support criminal/juvenile charges as appropriate.

Student Interviews

- The SRO must adhere to all statutory and constitutional safeguards in conducting any criminal interviews.
- A parent will be notified of any intent to interview a child regarding a criminal matter before such interview takes place, and the parent will be provided with opportunity to speak with the child.
- Where there is reasonable belief that there is imminent threat to the personal safety of person(s), and an immediate police response is required to protect person(s) an exception to this requirement may be made.
- The SRO may assist school staff in any school investigation, including interviews of students, where requested. In such cases, the SRO is guided and controlled by applicable school policy and procedure.

Classroom Instruction

- A certified teacher will oversee all classroom instruction provided by the SRO.

Notification to School Principal

- The school principal will be immediately notified of all law enforcement action taken by the SRO.
- Notification will occur prior to the law enforcement action whenever possible.
- Where circumstances require immediate law enforcement attention, and time does not allow for timely notification, the principal will be notified as soon as possible.

Fraternization

- The SRO is expected to develop positive professional relationships with students as a police officer. Student relationships must remain professional and shall not be allowed to develop on a personal level. It is not the intention to forbid the SRO from participation in school sanctioned activities. However, any activities beyond those sanctioned by the school will require prior approval from the police chief. Violations of this policy will result

in immediate removal from the assignment, and may result in disciplinary action, in accordance with Department policies.

Training

- The officer will attend training specific to the position, provided by the National Association of School Resource Officers, or an equivalent program.
- Appropriate school staff will provide additional training. Topics of that training will be specific to each school, including areas such as the particular facility, internal procedures, introductions to staff, and communication within the school.

Schedule

- It is anticipated that the SRO daily schedule will be 7:00 a.m. to 3:00 p.m.
- The schedule will allow flexibility for training, attendance at extra-curricular activities, and other legitimate school or police needs as they arise.
- By mandate of the federal COPS grant, the SRO will work within the school setting at least 1560 hours a year (75% of 2080 hours).
- The SRO may also perform similar duties at the other Amherst elementary schools, on a part-time basis, allowing sufficient time to make safety presentations and other related duties.

Uniform

- The uniform will typically consist of a pair of casual dress pants, such as khakis and a sport shirt bearing police department insignia. As appropriate or as needed for duties, a full police uniform or civilian dress attire may be worn.

Communication

- The school will provide the SRO with two-way radio communication, consistent with that issued to school administrators.
- The SRO will also maintain use of a police two-way radio.

Evaluation of the Program/Grant Project

- Evaluation of this program will occur at least quarterly for at least the first year of implementation, and thereafter as any of the parties deem necessary. An evaluation committee will include members from the police department and school officials. The evaluation will address issues relating to performance of the assigned officer, indicated changes of the job description, indicated changes of the policies and procedures, and effectiveness of the program.

Chief Mark O. Reams
Amherst Police Department

Date

Superintendent Peter Warburton
School Administrative Unit #39

Date