

2.10 SCHOOL RESOURCE OFFICER



SCHOOL RESOURCE OFFICER

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ISSUING AUTHORITY: 			
Chief Nathan C. Hagglund			

I. GENERAL CONSIDERATIONS AND GUIDELINES

The purpose of this directive is to provide guidelines regarding the School Resource Officers (SRO) role and responsibilities.

The SRO program is designed to provide school administrators and staff with law enforcement resources and expertise to maintain safety and order in the school environment. The program is also intended to reduce juvenile delinquency and promote positive behavior from students, as well as provide delinquency prevention, mentoring and a positive role model to students **[44.1.1] [44.2.4]**

II. POLICY

Close cooperation and communication between the schools and police and a mutual understanding of and respect for the important role that each plays in connection with our children and youth are essential to the success of the mission of both institutions. Whenever it is necessary for the police to be present on school property, they will conduct themselves according to accepted legal practices, recognizing the responsibility and authority of school officials to manage the school environment, and work with school officials to minimize any impact their actions might have on that environment.

2.10 SCHOOL RESOURCE OFFICER

Pursuant to G.L. c. 71, § 37P, the Chief of Police of the West Brookfield Police Department in consultation with the Superintendent of the West Brookfield Public Schools has established the following Standard Operating Procedures (“SOP”) regarding the community’s School Resource Officer (“SRO”) Program.

School Resource Officers (SROs) will require special POST Certification. MGL 6, section 116 H directs the MPTC to provide in-service training to SROs in handling the behaviors and problems specific to youths, including police interactions and de-escalation efforts. **[44.2.4(2-B)]**

III. DEFINITIONS

IV. PROCEDURES

JOB DESCRIPTION [44.2.4(3-F)]

The mission is to facilitate relationship-building by the SRO such that students, faculty, staff, and community members see the SRO as contributing to a positive school climate. This will be realized by supporting and fostering the safe and healthy development of all students in the District [or at the School] through strategic and appropriate use of law enforcement resources and with the mutual understanding that school participation and completion are indispensable to achieving positive outcomes for youth and public safety. The Parties are guided by the following goals and objectives (the “Goals and Objectives”):

1. To foster a safe and supportive school environment that allows all students to learn and flourish regardless of race, religion, national origin, immigration status, gender, disability, sexual orientation, gender identity, gender expression, or socioeconomic status;
2. To promote a strong partnership and communication between school and police personnel and clearly delineate their roles and responsibilities;
3. To establish a framework for principled conversation and decision-making by school and police personnel regarding student conduct and students in need of services;
4. To ensure that school personnel and SROs have clearly defined roles in responding to student conduct and that school administrators are responsible for code of conduct and routine disciplinary violations;

2.10 SCHOOL RESOURCE OFFICER

5. To minimize the number of students unnecessarily out of the classroom, arrested at school, or court-involved;
6. To provide requirements and guidance for training, including SRO training required by law and consistent with best practices and training for school personnel as to when it is appropriate to request SRO intervention;
7. To outline processes for initiatives that involve the SRO and school personnel, such as violence prevention and intervention and emergency management planning, that can be provided upon request; and
8. To offer presentations and programming to the school focusing on criminal and juvenile justice issues; community and relationship building; and prevention, health, and safety topics.

Nothing in this description shall limit an officer's ability to exercise lawful authority consistent with all laws of the Commonwealth.

SRO UNIFORM [44.2.4(3-A)]

The SRO will wear a regular duty uniform.

CHAIN OF COMMAND FOR SRO AND COLLABORATION WITH SCHOOL

The SRO will be supervised and collaborate with school personnel as outlined in the Memorandum of Understanding Between West Brookfield Public Schools and West Brookfield Police Department Regarding the School Resource Officer Program.

INFORMATION SHARING

Information shared between the SRO, police department, schools, and parent(s)/guardian(s) will be done in accordance with the SRO MOU § V as well as state and federal law.

SROs (along with other school personnel) are forbidden to share (Formally or Informally) with law enforcement agencies or officers, or with intelligence or gang databases, the following student (or family member) information:

1. Immigration status
2. Citizenship
3. Neighborhood of residence
4. National Origin

2.10 SCHOOL RESOURCE OFFICER

5. Ethnicity
6. Suspected, alleged, or confirmed gang affiliation

The information above may be shared to prevent or investigate a specific unlawful incident. It is also permissible to provide this information in reports to DCF under 51A; in reports to police chiefs regarding weapons on school grounds; in response to a court order or subpoena, or with the written consent of the student, parent, or guardian.

STUDENTS' LEGAL RIGHTS

Searching Students:

1. All searches and seizure by the SRO and School Administrators must comply with the 4th Amendment of the United States Constitution and Article 14 of the Massachusetts Declaration of Rights.
2. The SRO shall inform the School Administrators before conducting a warrantless search of a student or their belongings where practicable.
3. The SRO shall not ask School Administrators to search students or their belongings for law enforcement purposes nor shall School Administrators act as an agent of the SRO.
4. Absent a real and immediate threat to a student, teacher, or public safety, the SRO shall not be present or participate in a search conducted by School Administrators. Unless requested by a School Administrator for an articulable safety reason.

Interviewing Students:

1. The SRO Program strives to provide students with positive role models, to develop collaborative relationships between the school community (including students) and law enforcement, and to identify and provide preventive help and services to at-risk students and families. In carrying out these responsibilities, SROs necessarily will – and should – interact and communicate with students for non-law enforcement purposes.
2. When a SRO and/or police officer wishes to detain or interrogate a student on school property for law enforcement purposes, the

2.10 SCHOOL RESOURCE OFFICER

following shall occur unless exigent circumstances exist or such notification would potentially jeopardize student, school staff, or officer safety:

- a) The officer shall contact the School Administrator or his/her designee first and, to the degree possible, explain the nature of the police business and the need to meet with the student in question.
 - b) The School Administrator or his/her designee shall notify the student's parent/guardian prior to the questioning.
 - c) The student shall not be publicly contacted by the officer in the school setting.
 - d) The School Administrator or his/her designee may be present during the student interview or questioning at the discretion of the police upon consideration of voluntariness and privacy issues.
 - e) After due consideration of the nature of the questioning, the individual circumstances of the student, and state and federal law, the officer shall:
3. Determine whether a juvenile under the age of fourteen is required to have a parent or interested adult present to participate in the juvenile's decision to waive rights and, if so required, arrange for such.
 4. Determine whether a juvenile who has attained the age of fourteen is required to be provided with a "genuine opportunity" to meaningfully consult with an interested adult regarding a decision to waive rights and, if so required, arrange for such.

USE OF POLICE FORCE

The West Brookfield Police Department places the highest value on the sanctity of life, safety of its officers, protection of the public, and respecting individual dignity. Because of their law enforcement and peacekeeping role, a SRO will be required at times to use reasonable physical force to enable them to fully carry out their responsibilities. The degree of force used is dependent upon the facts surrounding the situation the officer encounters.

It is the policy of the West Brookfield Police Department that the SRO use only the force that is reasonably necessary to accomplish lawful objectives such as to make a lawful arrest, to place a person into protective custody, to effectively bring an incident under control, or to protect the lives or safety of the officer and/or others. See **USE OF FORCE** policy.

2.10 SCHOOL RESOURCE OFFICER

ARREST, CITATION, COURT REFERRAL ON SCHOOL PROPERTY [44.2.4(3-C)]

In accordance with the SRO MOU, SROs shall not serve as school disciplinarians, as enforcers of school regulations, or in place of licensed school mental health professionals. SROs also shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior except, as asked or needed, to support school staff in maintaining a safe school environment.

The manner in which each incident is handled by the SRO, the Principal or his/her designee, and/or the criminal justice system is dependent upon the many factors unique to each student, including, but not limited to, present circumstances, behavioral history, disciplinary record, academic record, general demeanor and disposition toward others, disability or special education status, and mental health history.

(a) “Delinquent child”/Juvenile Court Jurisdiction (G.L. c. 119, § 52 as amended):

- i. A child under the age of 12 years old cannot be charged with a crime.
- ii. Delinquency proceeding can be initiated against a child between the ages of 12 and 18 years old who commits an offense against the laws of the Commonwealth except as provided below in § 7(a)(iii).
- iii. Delinquency proceedings cannot be initiated for the following offenses:
 - a) Civil infractions
 - b) A violation of a municipal ordinance or town by-law
 - c) A *first offense* of a misdemeanor for which the punishment is a fine and/or imprisonment for not more than six months (e.g., shoplifting, threats)
 - d) Disturbing an assembly (G.L. c. 272, § 40 *as amended*) if committed by an elementary or secondary student within school buildings, on school grounds, or in the course of school-related events
 - e) Disorderly person or disturbing the peace (G.L. c. 272, § 53 *as amended*) if committed by an elementary or

2.10 SCHOOL RESOURCE OFFICER

secondary student within school buildings, on school grounds, or in the course of school-related events

(b) Summons/Court Referral:

If the SRO determines that a delinquency or criminal complaint needs to be filed with the Juvenile or District Court, a summons, rather than an arrest is the preferred method of bringing the student to court. Prior to filing the complaint, the complaint must be reviewed by the SRO's supervisor to ensure that a Diversion Program would not be appropriate.

(c) Arrest:

Offenses that constitute serious or violent felonies if committed by an adult generally, but not always, result in an arrest in accordance with state law and the existence of probable cause. The following are example of serious/violent offenses where an arrest should be contemplated:

1. Felony assault with intent to cause serious bodily injury or death
2. Robbery involving force
3. Sale of controlled substance
4. Burglary
5. Sexual assault

As a general rule, the police (generally a SRO) should avoid making arrests on school grounds when the arrest may be made effectively elsewhere. Whenever possible, the police shall work with the School Administrator to make the appropriate arrangements for taking a student into custody off of the school grounds.

On occasion, an arrest of a student must be made during school hours on school grounds or at school sanctioned activities. For example, when a student poses a real and immediate threat to public safety, poses a risk of flight, or could not practicably be served with a warrant or complaint at another location. When this is necessary, best efforts will be made to notify the SRO to respond if not already at the scene. In the event an SRO is unavailable, another police officer will go to the scene to consult with the School Administrator and take appropriate action.

Students shall not be removed from school property or school sanctioned events without the police making notification to the School Administrator or his/her designee, unless exigent circumstances exist.

2.10 SCHOOL RESOURCE OFFICER

The police shall notify the School Administrator or his/her designee *before* arresting a student(s) on school grounds during school hours or school sanctioned activities on or off school grounds unless exigent circumstances exist or such notification would potentially jeopardize the ability of officers to safely and effectively make the arrest. Whenever possible, parents will be notified by the School Administrator if a student is arrested on school grounds.

Working with the School Administrator, the police will arrange for the least disruptive way to take the student into custody.

DIVERSION PROTOCOLS

Diversion Programs offer an alternative to formal prosecution. These programs seek to treat at-risk students, not as criminals, but as children and youth in need of aid, encouragement, and guidance. The goal of such programming is to address the root causes of the student's offense and to work with the student to make better choices while minimizing any life-altering negative consequences (i.e., keeping them out of the criminal justice system and preventing the creation of a criminal record).

Evaluation for referral to a Diversion Program and, if accepted, the development of a remedial plan involves a consideration of multiple factors, including:

1. Factual review and determination of whether the offense is program eligible:
 - a. Eligible offenses could include, but are not limited to, any misdemeanor, any felony if committed by an adult could be prosecuted in the District Court, and any case involving a victim only if the victim consents.
 - b. Ineligible offenses could include, but are not limited to, minimum mandatory offenses, terroristic school threats, and cases involving serious assaultive or threatening behavior, serious bodily injury, sexual offenses or conduct, or gang-related activity.
 - c. Any past criminal conduct with a conviction in a court of law
 - d. Willingness to participate and engage in a remedial program
- Input from the police and, where appropriate, from the victim and/or parties involved with the student such as schools, parent(s)/guardian(s), or other youth-involved agencies.

2.10 SCHOOL RESOURCE OFFICER

Remedial plans may include referral to community-based supports and providers, assignment to an educational program, community service, letter of apology, restitution, essay writing, curfew, and/or other case-specific conditions.

PERFORMANCE EVALUATION STANDARDS [44.2.4(3-E)]

The success and effectiveness of the SRO Program will be reviewed, modified, and amended as outlined in the SRO MOU.

Additionally, a review of the Data Collection and Reporting information outlined in the SRO MOU will be conducted quarterly by the SRO's Supervisor and the School Administrator. Other sources of data for review include: SRO activity log from the Detectives log; student arrest and citation logs; use of police force in school; referrals made by the SRO to assist students and families; number of students advised and the nature of the counseling; informal counseling meetings with students and families; and training and presentations conducted by the SRO.

SRO SELECTION [44.2.4(3-D)]

In accordance with state law, the Chief of Police shall assign an officer whom the Chief believes would foster an optimal learning environment and educational community and shall give preference to officers who demonstrate the requisite personality and character to work in a school environment with children and educators and who have received specialized training including, but not limited to: continuing professional development in child and adolescent development, conflict resolution and diversion strategies, de-escalation tactics, trauma informed practices, diversity, equity, and inclusion, behavioral health and any other training required by the Municipal Police Training Committee established in Section 116 of Chapter 6. The Chief of Police shall work collaboratively with the Superintendent in identifying officers who meet these criteria and in selecting the officer who is ultimately assigned as the SRO.

The Chief shall consider the following additional factors in the selection of the SRO:

1. Proven experience working effectively with youth;
2. Demonstrated ability to work successfully with a population that has a similar racial and ethnic makeup and language background as those prevalent in the student body, as well as with persons with physical and mental disabilities, including persons with

2.10 SCHOOL RESOURCE OFFICER

- special educational needs, persons on the autism spectrum, and persons with behavioral health challenges;
3. Demonstrated commitment to making students and school community members of all backgrounds feel welcomed and respected;
 4. Demonstrated commitment to de-escalation, diversion, and/or restorative justice, and an understanding of crime prevention, problem-solving, and community policing in a school setting;
 5. Knowledge of school-based legal issues (e.g., confidentiality, consent), and demonstrated commitment to protecting students' legal and civil rights;
 6. Knowledge of school safety planning and technology;
 7. Demonstrated commitment and ability to engage in outreach to the community;
 8. Knowledge of school and community resources;
 9. A record of good judgment and applied discretion, including an absence of validated complaints and lawsuits, documented in annual reviews conducted pursuant to Section VII.

In endeavoring to assign an SRO who is compatible with the school community the Chief shall receive and consider input gathered by the Superintendent from the school principal(s) and representative groups of teachers, parents, and students, in addition to the Superintendent. In accordance with state law, the Chief shall not assign an SRO based solely on seniority.

The Chief shall consider actual or apparent conflicts of interest, including whether an officer is related to a current student at the school to which the officer may be assigned as an SRO. As part of the application process, officers who are candidates for an SRO position shall be required to notify the Chief about any relationships with current students or staff members or students or staff members who are expected to join the school community (e.g., children who are expected to attend the school in the coming years). Any SRO who has a familial or other relationship with a student or staff member that might constitute an actual or apparent conflict of interest shall be required to notify the SRO's appointing authority at the earliest opportunity. The appointing authority shall determine the appropriate course of action, including whether to assign another officer to respond to a particular situation, and will advise the SRO and the District accordingly. Nothing in this paragraph is intended to limit the ability of the SRO to respond to emergency situations in District schools.