

Town of Nantucket Police Department

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TO: Katherine Stathulis, Esq.
Center for Public Interest, Advocacy, and Collaboration
Northeastern University School of Law

FROM: Deputy Chief Gibson 

SUBJ: MUCKROCK News request #1658735

DATE: February 6, 2024

COPY: File

Please find attached the response(s) to your records request. The Departments response is highlighted in yellow. Thank-you

MUCKROCK NEWS
DEPT MR 157042
263 HUNTINGTON AVE
BOSTON, MA 02115

*****AUTO**ALL FOR AADC 028 PL2 T38 P1 S12997
NANTUCKET POLICE DEPARTMENT
PRL OFFICE
4 FAIRGROUNDS RD
NANTUCKET MA 02554-2804



January 26, 2024

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Massachusetts Public Records Law request, copied below, and originally submitted on Jan. 16, 2024. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

View request history, upload responsive documents, and report problems here:
<https://www.muckrock.com/respond/1658735/>

If prompted for a passcode, please enter:
MHAMAHW

Filed via MuckRock.com
E-mail (Preferred): 157042-35750709@requests.muckrock.com

PLEASE NOTE OUR NEW ADDRESS
For mailed responses, please address (see note):
MuckRock News
DEPT MR 157042
263 Huntington Ave
Boston, MA 02115

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



LGL3544A05A0AAA.012997.01.02.000000

This letter constitutes a request pursuant to the Public Records Act, G.L. c.66, §10, for public records in the custody of your school district. Under the Criminal Justice Reform Act, school districts and law enforcement agencies must “specify the manner and division of responsibility for collecting and reporting the school-based arrests, citations and court referrals of students to the Department of Elementary and Secondary Education” (DESE). DESE began collecting data on school-related arrests in the 2018-19 school year. In the 2019-20 school year, DESE has expanded that collection to include data on all referrals to law enforcement. DESE has defined these terms as follows, borrowing the same definitions used by the U.S. Department of Education since its 2009 Civil Rights Data Collection.

A school-related arrest “[r]efers to an arrest of a student for any activity conducted on school grounds, during off campus school activities (including while taking school transportation), or due to a referral by any school official. All school-related arrests are considered referrals to law enforcement.”

A referral to law enforcement “[i]s an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation, regardless of whether official action is taken. Citations, tickets, court referrals, and school-related arrests are considered referrals to law enforcement.”

I request the following public records, as defined in G. L. c. 4, § 7 (twenty-sixth):

1. An extract of your records management system or database that includes each school-related arrest and each referral to law enforcement conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year (up until the day the records are produced).

One (1) record exists which meet your criteria

Specifically, we request an extract of the database to include the following columns:

- a. Date of arrest or referral to law enforcement- **1/5/23**
- b. Time of arrest or referral to law enforcement- **3:00 pm**
- c. Charge (or charges) **265/13M A&B Family or household member**
- d. Whether the individual(s) was arrested or referred to law enforcement **arrested**
- e. Sex of individual(s) arrested or referred to law enforcement **M**
- f. Age of individual(s) arrested or referred to law enforcement **17**
- g. Race of individual(s) arrested or referred to law enforcement **White**
- h. Ethnicity of individual(s) arrested or referred to law enforcement **Hispanic**
- i. Disability status of the individual(s) arrested or referred to law enforcement **none**
- j. Whether the individual arrested or referred to law enforcement is a student at the school. **student**
- k. Name of arresting officer, if applicable, and

- l. Badge number of the arresting officer or the officer that referred the youth to law enforcement, as applicable. **Thompson #698**
2. If such an extract of the database in question 1 is not possible, please provide school incident reports on each school-related arrest and referral to law enforcement conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year (up until the day the records are produced). **See Above #1 response**
3. A copy of any active standard operating procedures developed with the police department and/or other law enforcement agencies regarding police placement or activity in your corresponding school; **See attached SRO Policy and Job Description** and,
4. Any records instructing or informing police personnel of, or otherwise describing data reporting requirements and procedures for complying with G.L. c. 71 § 37P(b). **See attached MOU**
5. The cost to the school district of assigning a school resource officer to each school **No responsive documents**; and,
6. The total number of school resource officers **1** and total number of guidance counselors **No responsive documents** for each school in your district for school years 2018-2019, 2019-2020, 2020-2021, and,
7. The total number and a brief description of 911 calls from schools in your district to local police departments conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022, and, **No responsive documents**
8. A description of the proposed budget for mental, social, or emotional health support personnel for the school district. **No responsive documents**

As this request involves a matter of public interest and will not be used for any commercial purpose, we ask that all fees associated with this request be waived pursuant to 950 C.M.R. 32.07(2)(k). The purpose of this request is to determine whether your school district and police department are complying with their reporting obligations under the Criminal Justice Reform Act. “The public has an interest in knowing whether public servants are carrying out their duties in an efficient and law-abiding manner.”

It would be ill-advised to impose a fee for data that your school district may have failed to report in violation of statutory and regulatory duty. Moreover, as you know, municipalities with a population of over 20,000 may not assess a fee for the first 2 hours of time spent searching for, compiling, segregating, redacting and reproducing a requested record. Finally, pursuant to 950 C.M.R. 32.07(2)(i), a records access officer shall assess no fee greater than the lowest hourly rate of a person capable of compiling, segregating, redacting and reproducing a

requested record. In the event that a charge is incurred for this request which you will not waive, please so indicate and include an itemization of estimated good faith costs.

Please provide public records to a requestor in an electronic format unless the record is not available in an electronic format. G.L.c. 66, § 6A(d).

The Public Records Act requires that you comply with this request within ten (10) business days following receipt. If you believe that documents or data responsive to any request herein is not public record and thus not subject to disclosure, please set forth in writing the specific reasons for such assertion, including the specific exemption or exemptions that you believe apply. To the extent that you determine that records need to be redacted in order to be produced under any law protecting the privacy of named individuals, please do so rather than withholding them in their entirety.

If you have any questions about this request, or need additional time to respond, please contact me by phone at (617)-373-5862 or by email at k.stathulis@northeastern.edu. Thank you in advance for your prompt response to this request.

Sincerely,

Katherine Stathulis, Esq.
Center for Public Interest, Advocacy, and Collaboration
Northeastern University School of Law

NANTUCKET POLICE DEPARTMENT

WRITTEN DIRECTIVE

SUBJECT: SCHOOL RESOURCE OFFICER PROGRAM		AUTHORITY: William J. Pittman Chief of Police	DIRECTIVE NUMBER: 245
DIRECTIVE TYPE: GENERAL ORDER		DISTRIBUTION: E	CONTROL NUMBER: 23-011
RESCINDS:	TOTAL PAGES: 5	REVISION DATE: November 15, 2023	ORIGINAL ISSUE DATE:
ACCREDITATION STANDARD(S): 44.2.4		DIRECTIVES REFERENCED:	

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I. GENERAL CONSIDERATIONS AND GUIDELINES

The School Resource Officer Program is designed to provide school administrators and staff with a liaison for law enforcement resources and expertise to maintain safety and order in a school environment. The program is also intended to reduce juvenile delinquency, promote positive behavior and provide a positive role model to students.

Massachusetts General Law (M.G.L.) Chapter 71 Section 37P mandates, “Every Chief of Police, in consultation with the superintendent and subject to appropriation, shall assign at least one School Resource Officer (SRO) to serve the city, town, commonwealth charter school, regional school district or county agricultural school.”

II. POLICY

It shall be the policy of the Nantucket Police Department to:

- A. Abide by the requirements of M.G.L. Chapter 71 Section 37P to support and foster the safe and healthy development of all students in the Town of Nantucket School District.

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- B. Strategically utilize law enforcement resources with the mutual understanding that school participation and completion is indispensable to achieving positive outcomes for youth and public safety.
- C. Provide an SRO in support of the Memorandum of Understanding (MOU) between the Nantucket Police and the Nantucket School District.

III. PROGRAM OBJECTIVES

- A. The School Resource Officer Program's primary goals are to :
 - 1. Provide a designated Law Enforcement liaison for school administration, faculty, parents and students to work with them on matters related to school safety, law enforcement and emergency management.
 - 2. Ensure School Resource Officers operate in cooperation with school staff but not interfere in school matters, act as a disciplinarian, or act as a replacement for licensed care providers.
 - 3. Reduce juvenile delinquency and promote positive behavior from students, as well as provide mentoring and a positive role model to students.
 - 4. When responding to or investigating potential criminal activity including youthful offenders, SROs shall be guided by the procedures outlined in applicable Department policies. The School Resource Officer must also adhere to the Department's SRO MOU and related Massachusetts General Laws (M.G.L.).
- B. Any force used by SROs in conjunction with law enforcement activities within the school setting shall be consistent with their training and in compliance with Department policies and reporting requirements.

IV. SELECTION

- A. In assigning an SRO, the Chief of Police shall consider candidates that:
 - 1. Have the personality and character to work in a school environment effectively with children and educators.
 - 2. Are familiar with, and will serve the broad cultural population of the community. Dynamics of the community may consist of a spectrum of race, age, gender, gender identity, ethnicity, religion, culture, sexual orientation, physical or mental disabilities, immigration status, primary languages, socioeconomic status, educational level, occupation and have various world views.
 - 3. Have a commitment to making all students and the school community feel welcomed, valued, respected, and acknowledged.
 - 4. Are committed to de-escalation, diversion, and/or restorative justice, while remaining dedicated to crime prevention, problem-solving, and community policing in a school setting
 - 5. Have and maintain a knowledge of school-based legal issues and student's civil and legal rights
 - 6. Have a knowledge of school and community resources and possess the ability to engage in outreach to the school community;
 - 7. Maintain knowledge of school safety planning, facilities and related technology;
 - 8. Have a record of good judgment and applied discretion, including an absence of validated complaints and lawsuits.

V. TRAINING

- A. All appointed SROs must maintain Massachusetts POST Certification pursuant to M.G.L. c. 6E, § 3.
- B. SRO's must also complete specialized training to maintain SRO Certification pursuant to 555CMR 10.00 and section 23 of chapter 253 of the Acts of 2020 through the Massachusetts Municipal Police Training Committee. Specialized training includes but is not limited to:
 - 1. juvenile legal standards regarding police interaction and arrest procedures
 - 2. child and adolescent cognitive development, behavior and trauma impacts
 - 3. youth de-escalation and conflict resolution
 - 4. legal system diversion options
 - 5. hate crimes; bullying and cyberbullying
 - 6. anti-bias, anti-racism and anti-harassment strategies;
 - 7. identification of youth at risk for exploitation
 - 8. effective interaction with school staff and victims communities
 - 9. building public confidence in law enforcement
- C. SRO professional development training may also include:
 - 1. restorative justice
 - 2. cultural competency
 - 3. safe and proper physical restraint
 - 4. behavioral intervention
 - 5. teen dating and relationships
 - 6. youth development
 - 7. civil right protection
 - 8. special education law
 - 9. student privacy and laws governing the release of information
 - 10. school system cyber safety and emergency management
 - 11. crisis response, threat assessment
 - 12. social-emotional learning
- D. SROs may also receive additional specialized training as required by the Chief of Police, Superintendent of Schools, MPTC and M.G.L.

VI. UNIFORMS AND EQUIPMENT

- A. SROs shall wear the patrol uniform and carry patrol duty equipment as prescribed in Department Directives.
- B. SROs shall, while on duty and in uniform, wear the prescribed body armor pursuant to Department Directives.
- C. The Chief of Police or a designee may allow temporary changes to the uniforms and equipment requirements as school activities may dictate.

VII. CHAIN OF COMMAND

- A. School Resource Officers are employees of the Nantucket Police Department and report to the Operations Lieutenant or a designee.
- B. The SRO shall meet with a member of school administration or a designee at least once daily, to share any information that may be relevant to the safety and well-being of the school system, its students, and staff.
- C. Any complaints against an SRO by school administration, staff, students, or parents shall be directed to the Operations Lieutenant for resolution.

VIII. ANNUAL REVIEW

- A. The Chief of Police and Superintendent of Schools shall meet with each SRO annually near the end of the school year to review and document their performance and SRO Program effectiveness.
- B. The review will be based on the compliance with the established MOU and Department SRO job description. It shall include a review of any arrests, citations, and uses of force.
- C. As part of the review, the Chief and Superintendent may rely upon feedback from principals, teachers, staff, students, and families of the SRO's assigned school(s).
- D. Annual reviews shall be kept on file by the Department.

IX. CONFIDENTIALITY

- A. Pursuant to the Family Educational Rights and Privacy Act (FERPA) SROs are considered "school officials" and as such have access student records.
- B. Student records are considered confidential and use or dissemination is bound by FERPA and associated state and federal confidentiality laws including the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- C. Pursuant to M.G.L. school department personnel and school resource officers, as defined in section 37P of M.G.L. chapter 71, shall not disclose to a law enforcement officer or agency, including local, municipal, regional, county, state and federal law enforcement, through an official report or unofficial channels, including, but not limited to, text, phone, email, database and in-person communication, or submit to the department of state police's Commonwealth Fusion Center, the Boston Regional Intelligence Center or any other database or system designed to track gang affiliation or involvement, any information relating to a student or a student's family member from its databases and other recordkeeping systems including:
 - 1. Immigration status;
 - 2. Citizenship;

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3. Neighborhood of residence;
4. Religion;
5. National origin and / or Ethnicity;
6. Suspected, alleged, or confirmed gang affiliation, unless germane to a specific unlawful incident or to a specific prospect of unlawful activity the school is otherwise required to report.

D. Nothing in paragraph 3 of Section G shall prohibit the sharing of information:

1. For the purposes of completing a report pursuant to section 51A of M.G.L. chapter 119;
2. Upon the specific, informed written consent of the eligible student, parent or guardian;
3. To comply with a court order or lawfully issued subpoena;
4. In connection with a health or safety emergency pursuant to the provisions of 603 C.M.R. 23.07(4)(e); or
5. For the purposes of filing a weapon report with the Chief of Police pursuant to M.G.L.

X. SUMMARY

The above stated policy and procedure is meant to provide general guidelines to Nantucket Police employees concerning the School Resource Officer Program. Particular facts or circumstances may require an officer to take actions not necessarily outlined in this directive. This policy and procedure is for Nantucket Police use only and is not meant to enlarge an employee's criminal or civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in an administrative proceeding.

**NANTUCKET POLICE DEPARTMENT
WRITTEN DIRECTIVE**

SUBJECT: SCHOOL RESOURCE OFFICER		DIVISION: Patrol Operations	DIRECTIVE NUMBER: 814	
DIRECTIVE TYPE: JOB DESCRIPTION		REPORTS TO: Operations Lieutenant	CONTROL NUMBER: 23-012	
RESCINDS: New	PAGES: 5	REVISION DATE:	ORIGINAL ISSUE DATE: November 15, 2023	
BARGAINING UNIT: MCOP Local 330	CLASSIFICATION: Patrolman	COMP LEVEL: Per CBA	FLSA STATUS: Non-Exempt	

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I. POSITION SUMMARY

The School Resource Officer position is an additional duty performed by a regular full time POST certified police officer. Selected by the Chief of Police in collaboration with the School System Superintendent, the School Resource Officer (SRO) position exists to provide school administrators, staff and students, with a liaison for law enforcement resources in compliance with the requirements of M.G.L. Ch 71 s. 37P. The SRO’s specialized training and expertise are utilized to maintain safety and order in the school environment. Generally, their presence is intended to reduce juvenile delinquency, promote positive behavior and provide a positive role model to students. Officers assigned to this position are expected to remain highly visible and available as much as practical in the performance of their duties.

II. ESSENTIAL DUTIES AND RESPONSIBILITIES

A. The SRO’s responsibilities are to:

1. Liaise regularly with school administration, faculty, parents and students and work with them on matters related to school safety, law enforcement and emergency management.

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2. Operate in cooperation with school staff without interfering in school matters. School authorities should handle infractions of school rules and policies. The SRO may be available for assistance and consultation regarding these matters, but school officials maintain responsibility for the enforcement of school rules, regulations and discipline.
3. Be available to consult with the school's crisis intervention teams on an as needed basis.
4. Gather information regarding potential safety problems in the schools and confer with the school's administration to develop strategies to prevent or minimize dangerous situations on or near school grounds.
5. While on duty, investigate crimes that occur on school grounds as well as matters that concern the safety of students and school employees.
6. Counsel students in situations, such as students engaging in criminal misconduct, when requested by the school's administration or by parents of the student.
7. Refer students and their families to the appropriate agencies for assistance when a need is determined.
8. Assist in the investigation of crimes committed by any person(s) within the school and by juveniles within the town.
9. Assist other law enforcement officers and agencies with investigations concerning students attending the school.
10. Maintain a daily activity log in CAD/RMS and file any necessary reports and documentation as required.

III. SELECTION

- A. In accordance with the SRO MOU and the requirements found in M.G.L. Ch 71 s. 37P, the Chief of Police shall consider candidates that:
 1. Have an ability to work effectively with students within the age range at the assigned schools
 2. Are familiar with, and will serve the broad cultural population of the community consisting of a spectrum of race, age, gender, gender identity, ethnicity, religion, culture, sexual orientation, physical or mental disabilities, immigration status, primary languages, socioeconomic status, educational level, occupation and have various worldviews.
 3. Have an ongoing commitment to making all students and the school community feel welcomed, valued, respected, and acknowledged.
 4. Are committed to de-escalation, diversion, and/or restorative justice, while remaining committed to crime prevention, problem-solving, and community policing in a school setting;
 5. Have knowledge of school-based legal issues and student's civil and legal rights

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6. Have a knowledge of school and community resources with the ability to engage in outreach to the school community
 7. Have adequate public speaking and teaching skills
 8. Maintain knowledge of school safety planning, facilities and related technology
 9. Have a record of good judgment and applied discretion, including an absence of validated complaints and lawsuits.
 10. Pursuant to M.G.L. Chapter 71 Section 37P, the Chief of Police shall not assign an SRO based solely on seniority.
- B. The Chief of Police will collaborate with the Superintendent of Schools to identify Officers meeting the above criteria.
- C. The Superintendent of Schools has the right to decline or request the reassignment of the appointed SRO.

IV. UNIFORMS AND EQUIPMENT

- A. SROs shall wear the patrol uniform and carry department issued equipment as specified in NPD written directives.
- B. In addition, SROs shall carry the weapons prescribed in **106 - Authorized Weapons** and **201-Use of Force**.
- C. SROs shall, while on duty and in uniform, wear the prescribed body armor pursuant to **111 – Body Armor**.
- D. The Chief of Police or a designee may allow temporary changes to the uniforms and equipment requirements as school activities may dictate.

V. SCHEDULING AND HOURS OF WORK

- A. During the school year, SROs will be scheduled to a 5-day workweek that coincides with the school calendar. If school day is abbreviated or not in session such as a holiday the SRO will report for patrol duty for an assignment.
- B. The SRO's hours of duty during the school year will coincide with the operating hours of their assigned school. SRO duty assignments, location and status shall be maintained daily in CAD/RMS.
- C. During scheduled school vacations, SROs will be scheduled to a 5-day workweek and their schools operating hours. SRO assignments will be based upon the needs of the department.
- D. During the school systems summer break, SROs will be scheduled and assigned based on the needs of the department.

VI. CHAIN OF COMMAND

- A. The SROs are employees of the Nantucket Police Department and report to the Operations Lieutenant or a designee.
- B. SRO's are expected to stay up to date on department activity by reviewing RMS and periodically attending patrol roll-call briefings.
- C. The SRO shall meet with the principal or designee at least once daily, to share information that may be relevant to the safety and well-being of the school, its students, and staff.
- D. Any complaints or conflicts of interest that may arise involving an SRO shall be initially directed to the Operations Lieutenant for resolution.

VII. CONFIDENTIALITY:

- A. Pursuant to the Family Educational Rights and Privacy Act (FERPA) SROs are considered "school officials" and as such have access student records.
- B. Student records are considered confidential and use or dissemination is bound by FERPA and associated state and federal confidentiality laws including the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- C. School resource officers and school department personnel, as defined in section 37P of M.G.L. chapter 71, shall not disclose to a law enforcement officer or agency, including local, municipal, regional, county, state and federal law enforcement, through an official report or unofficial channels, including, but not limited to, text, phone, email, database and in-person communication, or submit to the department of state police's Commonwealth Fusion Center, the Boston Regional Intelligence Center or any other database or system designed to track gang affiliation or involvement, any information relating to a student or a student's family member from its databases and other recordkeeping systems including:
 - 1. Immigration status
 - 2. Citizenship
 - 3. Neighborhood of residence
 - 4. Religion
 - 5. National origin
 - 6. Ethnicity; or
 - 7. Suspected, alleged, or confirmed gang affiliation, unless it is germane to a specific unlawful incident or to a specific prospect of unlawful activity, the school is otherwise required to report.
- D. Nothing in paragraph 3 of Section IX above shall prohibit the sharing of information:

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1. For the purposes of completing a report pursuant to section 51A of M.G.L. chapter 119;
2. Upon the specific, informed written consent of the eligible student, parent or guardian;
3. To comply with a court order or lawfully issued subpoena;
4. In connection with a health or safety emergency pursuant to the provisions of 603 C.M.R. 23.07(4)(e); or
5. For the purposes of filing a weapon report with the Chief of Police pursuant to Massachusetts General Laws.

VIII. ACKNOWLEDGEMENT

This job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and the requirements of the job change.

NOTE:

I have read and understand the job description above. My questions have been addressed, and by signing this document, I acknowledge receipt of a copy of this job description.

Signature of Employee: _____

Printed Name of Employee: _____

Date: ____ / ____ / ____

**MEMORANDUM OF UNDERSTANDING
BETWEEN NANTUCKET PUBLIC SCHOOLS
AND THE NANTUCKET POLICE DEPARTMENT**

WHEREAS, the purpose of this document is to establish a School Resource Officer (SRO) Program and to set forth the guidelines to ensure that law enforcement, school officials, and the community that they serve have a shared understanding of the goals of the SRO program and that the SROs receive the necessary support and training to ensure a safe school environment while respecting the rights of students and improving the overall school climate.

WHEREAS, the signatories agree as follows:

I. GENERAL PRINCIPLES

The Nantucket Public Schools and the Nantucket Police Department agree to coordinate their efforts and share information in order to prevent violence involving the students of the Nantucket Public Schools, to prevent the use, abuse and distribution of alcohol and other controlled substances involving the students of Nantucket Public Schools and to promote a safe and nurturing environment in the school community.

We agree that it is the mission of the School Resource Officer (SRO) program is to provide a full-time law enforcement officer in the schools with the goal of creating and maintaining a safe educational environment for students, teachers and staff. With this program a career law enforcement officer with sworn authority and assigned by the Nantucket Police Department in general conformance to M.G.L. c. 71 § 37P shall work in collaboration with the Nantucket Public Schools to:

- Develop or expand crime prevention and safety programs for students;
- Facilitate and teach the Introduction to Criminal Justice Course as part of the School Districts Vocational Education Curriculum.
- Address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;
- Assist in the identification of physical changes in the environment that may reduce crime in or around the school; and
- Assist in developing school policy that addresses crime and recommend procedural changes.

We agree to respond effectively and cooperatively for everyone's protection to incidents of student delinquency, truancy, and criminal behavior. The joint effort of cooperative response will focus on incidents that take place on school property, at school sponsored

events, and at other locations in which students of the Nantucket Public Schools are involved or affected.

We also agree to keep all information disclosed pursuant to M.G.L. c. 12 § 32; M.G.L. c. 71 § 37H ½; M.G.L. c. 71 § 37L; 603 CMR 23; and 20 U.S.C. § 1232g, from public dissemination in accordance with state and federal law.

This agreement is entered into pursuant to the Laws of the Commonwealth of Massachusetts and pertain to issues of violence, attempted violence or threatened violence, the use, abuse and/or distribution of alcohol or other drugs, or other incidents that would require a law enforcement response to a school, during any school sponsored activity (on or off school grounds), or involving students of the Nantucket Public Schools. It is to be read in conjunction with any and all policies, procedures, and reporting requirements set forth in the Nantucket Public Schools student handbooks and specific School District Policy statements.

It is agreed and understood that it is the sole prerogative of school officials to impose discipline for infractions of school rules and policies not amounting to criminal or delinquent conduct. See the respective school handbook for specific policies and procedures in this regard.

II. SCHOOL AND POLICE DEPARTMENT DESIGNATED LIAISONS

In order to facilitate prompt and clear communications between the school and police personnel, the Nantucket Public Schools and the Nantucket Police Department agree to identify individuals on their respective staffs who will function as Designated Liaisons.

A. The Nantucket Public Schools Designated liaison, by school, are:

1. Nantucket High School Principal
2. Nantucket High School Assistant Principal
3. Cyrus Peirce Middle School Principal
4. Cyrus Peirce Middle School Assistant Principal
5. Nantucket Elementary School Principal
6. Nantucket Elementary School Assistant Principal

B. The Nantucket Police Department Designated Liaison are:

1. Nantucket High School Resource Officer

The aforementioned police department designated liaisons are considered a part of the Nantucket Public School Districts "Law Enforcement Unit" as defined in the Family

Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232G) for purposes of sharing information regarding students.

III. ISSUES OF CONCERN TO THE DESIGNATED LIAISONS

A. REPORTABLE INCIDENTS:

1. The Designated Liaisons from the School and Police Department will review all incidents classified as Mandatory Reportable Incidents, as defined in Section IV of this agreement.
2. Additionally, the Designated School Liaisons will review any incident or information that may affect the safety or well-being of students, faculty, or administrative personnel.

B. PREVENTION STRATEGIES: In addition to the above responsibilities, the Designated Liaisons from the School, the Police Department and the Cape and Islands District Attorney's Office will meet regularly for the following purposes:

1. To discuss incidents of violence or bullying (as defined under M.G.L. c. 71 § 370) in school or outside of school that affects students of the school;
2. To discuss any use, abuse or distribution of alcohol and/or other controlled substances or any other criminal activity affecting students;
3. To identify strategies to reduce such activities and to promote a safe and nurturing school environment;
4. To discuss community resources available for students at risk of harm from violence, abuse or neglect;
5. To develop violence prevention and intervention programs, identification, protocol and curricula as required by M.G.L. c. 12 § 32; and
6. To outline the necessary action plan for the implementation of such strategies.

IV. REPORTING GUIDELINES

A. SCHOOL REPORTS TO POLICE DEPARTMENT

1. The following shall be considered Mandatory Reportable Incidents:

- a. Possession, use, or distribution of alcohol by a student;
- b. Possession, use, or distribution of an inhalant or any controlled substance, as defined by M.G. L. c. 94C (excepting any possession of prescription medication possessed and administered in accordance with state law and school policy);
- c. Any incident in which any individual is reasonably believed to be distributing controlled substances or alcohol;
- d. Any incident involving the threat of assaultive behavior or intentional assaultive behavior and/or reckless behavior that results in personal injury;
- e. Possession of a weapon, as defined in the school handbook or under M.G.L. c. 71 § 37H (a), which includes, but is not limited to, a gun or knife, and ammunition or components thereof;
- f. Any incident involving stalking or harassment in violation of M.G.L. c. 265 § 43 and 43A, annoying phone calls, domestic abuse, dating violence, or a violation of M.G.L. c. 209A or 258E restraining order, and any students either protected by a restraining order;
- g. Any incident involving a child suffering physical or emotional injury resulting from abuse inflicted upon him or her which causes harm or the substantial risk of harm to the child's health or welfare, including sexual abuse or from neglect (in addition to a report filed with the Department of Children and Families);
- h. Any incident involving an actual or suspected hate crime or violation of civil rights, including but not limited to an assault or battery upon a person or damage to the real or personal property of a person with the intent to intimidate such person because of such person's race, color, national origin, sexual orientation, or disability in violation of M.G.L. c. 265 §§ 37 and 39, as well as any act of bodily injury or attempt to cause bodily injury against a person due to actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability in violation of 18 U.S.C. § 249;
- i. Any incident resulting in significant damage to municipal or private property;

- j. Any bomb threat, fire, threatened or attempted fire-setting, threatened or attempted use of an explosive device or hoax device, or possession of a “novelty lighter” as defined in M.G.L. c. 148 § 60. NOTE: The school shall also report “unauthorized ignition of any fires” to the Nantucket Fire Department under M.G.L. c. 148 § 2A;
 - k. Any creation or possession of a document, whether computer or manually generated, handwritten or electronic (e.g., text or e-mail), that identifies any individual targeted for violence or death;
 - l. Any threat, direct or indirect, past or future, against a student, school personnel or other school employee;
 - m. Any incident of “hazing” as defined by M.G.L. c. 269 § 17, involving any conduct or ritual or method of initiation into any school organization that endangers the physical or mental health of any student;
 - n. Any sexual assault, including but not limited to rape, assault with intent to rape, indecent assault and battery, as well as any lewd and lascivious behavior, open and gross lewdness, indecent exposure, or incident of gender-based harassment, “sexting”, “sextortion” or possession or dissemination of sexually explicit photographs of a student;
 - o. Any incident of “bullying” or “cyber-bullying” as defined by M.G.L. c. 71 § 370 where the school believes that the incident may have involved criminal conduct or involves any other reportable acts outlined in (a) through (n).
2. Mandatory Reportable Incidents will be immediately reported to the Nantucket Police Department if such incident:
- a. Occurred on school property or within a 1,000 ft. radius of school property;
 - b. Occurred at a school-sponsored function;
 - c. Occurred in a school owned or contracted bus or other vehicle or at school bus stop; or
 - d. Involved a student of the Nantucket Public Schools.

B. POLICE DEPARTMENT REPORTS TO THE SCHOOL: The School Resource Officer will inform the appropriate School Designated Liaison, subject to applicable statutes and regulations governing confidentiality of:

1. Any arrest of a student or the filing of a criminal or delinquent complaint application against any student of Nantucket Public Schools; and
2. Any occurrences involving a student of the Nantucket Public Schools, if the
 - a. Activity poses a serious (present or future) threat to the safety of the student, other students, faculty, or administrative personnel;
 - b. Making of such report would facilitate supportive intervention by school personnel on behalf of the student, or
 - c. Activity involves actual or possible truancy.

V. GENERAL GUIDELINES

A. INTRODUCTION: A goal of educators is to provide a safe and nurturing climate in which learning can take place. It is also a goal of local law enforcement to promote a safe environment in the public school community.

1. As past events have shown, any school is at risk for incidents of violence, threatened violence or attempted violence, as well as the use, abuse and distribution of alcohol and other controlled substances, all of which diminish the ability of the school community to focus upon the business of learning. In order to promote a safe and nurturing environment in our schools and in our community, it is in our common interest to share information. It is through the collaborative efforts of the Nantucket Public Schools and the Nantucket Police Department that this can occur.
2. In order to maintain a safe and nurturing environment in its schools, the Nantucket Public School District reserves the right to conduct a reasonable search of all school property for weapons, alcohol, other contraband or controlled substances in accordance with state and federal law and the student handbook.

B. REPORTING PROCEDURES FOR EMERGENCY SITUATIONS

1. Definition: An emergency situation is any incident that poses a threat to human health or safety or which may result in serious property damage.

2. A teacher or other employee having knowledge of any emergency situation shall immediately notify or cause to be notified both the Nantucket Police Department (911) and the School Principal or Assistant Principal. This requirement is in addition to any procedures outlined in the student handbook.
 3. Where an emergency exists and there is an immediate need to avert or defuse certain unusual conditions or disruptions in the school setting, the school will provide all necessary information to law enforcement personnel regarding the student at issue (See § 99.31(a)(10) of the FERPA regulations.)
- C. REPORTING PROCEDURES FOR NON-EMERGENCY SITUATIONS: A teacher or other school employee, having reasonable grounds to believe that a student has committed an act categorized as a Mandatory Reportable Incident, shall promptly:
1. report the incident and names of any involved person to the appropriate Designated School Liaison; and
 2. Take reasonable steps to maintain any pertinent physical evidence in a secure place.
- D. RESPONSIBILITY OF THE DESIGNATED SCHOOL LIAISON: Once a Designated School Liaison has been made aware of a Mandatory Reportable Incident, it is her/his responsibility to immediately:
1. Notify the Police Department Designated Liaison and, when appropriate, the parents or guardians of the involved students;
 2. Notify the Police Liaison of the existence of pertinent physical evidence and take reasonable steps to maintain it in a secure place; and
 3. Notify the Police Liaison of any related written reports about the incident.
- E. FUNDING: The Nantucket Police Department agrees to request funding for one (1) full-time Police Officer in the annual budget for the Police Department.
- F. TERMS AND CONDITIONS OF EMPLOYMENT: The collective bargaining agreement between the Town of Nantucket and the Massachusetts Coalition of Police, Local 330, shall be the controlling document regarding terms and conditions of employment of the SRO.
- G. TRAINING: The Nantucket Public Schools and the Nantucket Police Department agree to provide training determined to be essential for the SRO to perform the

functions of the position. Both parties also agree to provide agency-wide training to their respective staff to inform them of their roles and responsibilities under this agreement and to consult with the Cape and Islands District Attorney's Office as appropriate regarding this agency-wide training. On an on-going basis, the same training will be provided to new staff members.

1. The Nantucket Police Department agrees to fund and provide the following training for the SRO:
 - a. 40-hour pre-service School Resource Officer Certification Course;
 - b. 40 hours of annual in-service training; and
 - c. Active-Shooter training.
2. The Nantucket Public Schools agree to fund and provide any training determined by the Superintendent of Public Schools as being important for the SRO to attend.

H. EQUIPMENT: The Nantucket Police Department and the Nantucket Public Schools agree that the SRO should be provided the equipment to accomplish the tasks of the position. Both parties agree to the following:

1. The Nantucket Police Department shall provide all uniforms, duty gear, weapons, communications equipment, vehicle or other equipment determined by the Chief of Police to be essential for a Police Officer to accomplish the tasks of the position;
2. The Nantucket Public Schools agree to provide the SRO in support of his/her assignment with the school system the following:
 - a. Access to telephones for general business purposes;
 - b. Access to a computer and/or secretarial assistance;
 - c. A mailbox in which to receive school correspondence; and
 - d. Suitable office space in which to conduct confidential business with students and faculty, store records and provide adequate security for required Police Department equipment. The office space must have a computer with network connectivity;
3. Communications Equipment: Consistent with M.G.L. c. 71 § 37R the Nantucket Police Department agrees to allow the Nantucket Public Schools to access the Public Safety Radio Network to facilitate emergency

communications directly between school officials and the Public Safety Emergency Communications Center.

- I. CHAIN OF COMMAND: The Nantucket Public Schools agree that the SRO shall remain subject to the chain of command, rules, regulations, policies and directives of the Nantucket Police Department.
- J. HOURS OF WORK: Both the Nantucket Police Department and the Nantucket Public Schools agree that the SRO shall be assigned to the day shift of the Police Department on a Monday thru Friday work cycle consistent with the Collective Bargaining Agreement and shall be on the school campus for their tour of duty. The SRO may be off campus performing such tasks as may be specifically related to his/her duties. Both parties agree that the SRO may be temporarily reassigned by the Chief of Police during school holidays, vacations, and/or during periods of police emergency or necessity.
- K. COMPLAINTS: The SRO program shall set forth a simple and straightforward mechanism for any student, parent, teacher, principal, or other school administrator to submit a complaint, orally or in writing, of abuses or misconduct by SRO's.
 - 1. Parents shall be permitted to submit a complaint in their native language.
 - 2. The complaint system must be confidential and protect the identity of the complainant from the SRO to the extent consistent with the SRO's due process rights.
 - 3. The system shall provide for an independent investigation into the allegations in the complaint.
 - 4. Complaints shall be investigated and resolved, and complainants shall be furnished with a written explanation of the investigation and resolution, within 30 days.
 - 5. Where serious allegations of abuse or misconduct are raised, the SRO shall be temporarily removed from having contact with students as appropriate.
 - 6. Where allegations of abuse or misconduct are substantiated, the SRO shall be suspended or permanently removed from school assignments or receive additional training as appropriate.
 - 7. Every student, parent, and guardian in the school system shall be informed of the complaint process.

VI. RESPECT FOR THE RIGHTS OF STUDENTS


- A. Absent a real and immediate threat to student, teacher, or public safety, a School Resource Officer (SRO) may conduct or participate in a search of a student's person, possessions, or locker only where there is probable cause to believe that the search will turn up evidence that the child has committed or is committing a criminal offense.
 - 1. The SRO shall inform school administrators prior to conducting a probable cause search where practicable.
 - 2. The SRO shall not ask school officials to search a student's person, possessions, or locker in an effort to circumvent these protections.
- B. A school official may conduct a search of a student's person, possessions, or locker only where there is reasonable suspicion to believe that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school, and the search is justified in scope given such suspicion.
 - 1. Absent a real an immediate threat to student, teacher, or public safety, a school official shall not ask a SRO to be present or participate in such a search.
- C. Absent a real and immediate threat to student, teacher, or public safety, a SRO may question or participate in the questioning of a student about conduct that could expose the child to court-involvement or arrest only after informing the child of his or her Miranda rights and only in the presence of the child's parent or guardian.
 - 1. The SRO shall inform school administrators prior to questioning the student where practicable.
 - 2. The SRO shall not ask a school official to question a student in an effort to circumvent these protections.
- D. Absent a real and immediate threat to student, teacher, or public safety, a school official shall not ask a SRO to be present or participate in the questioning of a student that could expose the student to court-involvement or arrest.
- E. Strip searchers of children by either school officials or SRO's shall be prohibited.
- F. Absent a real and immediate threat to student, teacher, or public safety, a SRO shall not use physical force or restraints, including handcuffs, Tasers, OC, or other physical or chemical restraints, on a child.

VII. EFFECTIVE DATE AND DURATION OF THIS AGREEMENT:

- A. The provisions of this Memorandum of Understanding shall be effective as of the 18th day of May, 2016 and will remain in full force and effect until amended or rescinded by the parties.

- B. A signatory may terminate this Memorandum of Understanding by serving written notice to all other signatories at least thirty (30) days in advance of such termination. A termination by a signatory shall eliminate the presence of a School Resource Officer at all Nantucket Public Schools.

FOR THE NANTUCKET PUBLIC SCHOOLS:




Michael Cozort
Superintendent

5-18-16

Date

FOR THE NANTUCKET POLICE DEPARTMENT:



William J. Pittman
Chief of Police

5/18/16

Date

MUCKROCK NEWS
DEPT MR 157042
263 HUNTINGTON AVE
BOSTON, MA 02115

*****AUTO**ALL FOR AADC 028 PL2 T38 P1 S12997
NANTUCKET POLICE DEPARTMENT
PRL OFFICE
4 FAIRGROUNDS RD
NANTUCKET MA 02554-2804



January 26, 2024

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Massachusetts Public Records Law request, copied below, and originally submitted on Jan. 16, 2024. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

View request history, upload responsive documents, and report problems here:
<https://www.muckrock.com/respond/1658735/>

If prompted for a passcode, please enter:
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Filed via MuckRock.com
E-mail (Preferred): 157042-35750709@requests.muckrock.com

PLEASE NOTE OUR NEW ADDRESS
For mailed responses, please address (see note):
MuckRock News
DEPT MR 157042
263 Huntington Ave
Boston, MA 02115

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



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MuckRock News
DEPT MR 157042
263 Huntington Ave
Boston, MA 02115
157042-35750709@requests.muckrock.com

On Jan. 11, 2024:

Subject: Massachusetts Public Records Law Request: Public Records Request for Data on School Policing (Nantucket Police Department)

To whoever it may concern:

This letter constitutes a request pursuant to the Public Records Act, G.L. c.66, §10, for public records in the custody of your school district. Under the Criminal Justice Reform Act, school districts and law enforcement agencies must “specify the manner and division of responsibility for collecting and reporting the school-based arrests, citations and court referrals of students to the Department of Elementary and Secondary Education” (DESE). DESE began collecting data on school-related arrests in the 2018-19 school year. In the 2019-20 school year, DESE has expanded that collection to include data on all referrals to law enforcement. DESE has defined these terms as follows, borrowing the same definitions used by the U.S. Department of Education since its 2009 Civil Rights Data Collection.

A school-related arrest “[r]efers to an arrest of a student for any activity conducted on school grounds, during off campus school activities (including while taking school transportation), or due to a referral by any school official. All school-related arrests are considered referrals to law enforcement.”

A referral to law enforcement “[i]s an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation, regardless of whether official action is taken. Citations, tickets, court referrals, and school-related arrests are considered referrals to law enforcement.”

I request the following public records, as defined in G. L. c. 4, § 7 (twenty-sixth):

1. An extract of your records management system or database that includes each school-related arrest and each referral to law enforcement conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year (up until the day the records are produced). Specifically, we request an extract of the database to include the following columns:
 - a. Date of arrest or referral to law enforcement
 - b. Time of arrest or referral to law enforcement
 - c. Charge (or charges)
 - d. Whether the individual(s) was arrested or referred to law enforcement
 - e. Sex of individual(s) arrested or referred to law enforcement
 - f. Age of individual(s) arrested or referred to law enforcement
 - g. Race of individual(s) arrested or referred to law enforcement
 - h. Ethnicity of individual(s) arrested or referred to law enforcement
 - i. Disability status of the individual(s) arrested or referred to law enforcement
 - j. Whether the individual arrested or referred to law enforcement is a student at the school.
 - k. Name of arresting officer, if applicable, and
 - l. Badge number of the arresting officer or the officer that referred the youth to law enforcement, as applicable.

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2. If such an extract of the database in question 1 is not possible, please provide school incident reports on each school-related arrest and referral to law enforcement conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year (up until the day the records are produced).
3. A copy of any active standard operating procedures developed with the police department and/or other law enforcement agencies regarding police placement or activity in your corresponding school; and,
4. Any records instructing or informing police personnel of, or otherwise describing data reporting requirements and procedures for complying with G.L. c. 71 § 37P(b).
5. The cost to the school district of assigning a school resource officer to each school; and,
6. The total number of school resource officers and total number of guidance counselors for each school in your district for school years 2018-2019, 2019-2020, 2020-2021, and,
7. The total number and a brief description of 911 calls from schools in your district to local police departments conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022, and,
8. A description of the proposed budget for mental, social, or emotional health support personnel for the school district.

As this request involves a matter of public interest and will not be used for any commercial purpose, we ask that all fees associated with this request be waived pursuant to 950 C.M.R. 32.07(2)(k). The purpose of this request is to determine whether your school district and police department are complying with their reporting obligations under the Criminal Justice Reform Act. "The public has an interest in knowing whether public servants are carrying out their duties in an efficient and law-abiding manner."

It would be ill-advised to impose a fee for data that your school district may have failed to report in violation of statutory and regulatory duty. Moreover, as you know, municipalities with a population of over 20,000 may not assess a fee for the first 2 hours of time spent searching for, compiling, segregating, redacting and reproducing a requested record. Finally, pursuant to 950 C.M.R. 32.07(2)(i), a records access officer shall assess no fee greater than the lowest hourly rate of a person capable of compiling, segregating, redacting and reproducing a requested record. In the event that a charge is incurred for this request which you will not waive, please so indicate and include an itemization of estimated good faith costs.

Please provide public records to a requestor in an electronic format unless the record is not available in an electronic format. G.L.c. 66, § 6A(d).

The Public Records Act requires that you comply with this request within ten (10) business days following receipt. If you believe that documents or data responsive to any request herein is not public record and thus not subject to disclosure, please set forth in writing the specific reasons for such assertion, including the specific exemption or exemptions that you believe apply. To the extent that you determine that records need to be redacted in order to be produced under any law protecting the privacy of named individuals, please do so rather than withholding them in their entirety.



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If you have any questions about this request, or need additional time to respond, please contact me by phone at (617)-373-5862 or by email at k.stathulis@northeastern.edu. Thank you in advance for your prompt response to this request.

□

Sincerely,

Katherine Stathulis, Esq.
Center for Public Interest, Advocacy, and Collaboration
Northeastern University School of Law

View request history, upload responsive documents, and report problems here:
<https://www.muckrock.com/respond/1658735/>

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PLEASE NOTE OUR NEW ADDRESS

For mailed responses, please address (see note):

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