

SUBJECT: School Resource Officer	TYPE OF ORDER General Order		
	ISSUE DATE 6/1/2019	EFFECTIVE DATE 6/1/2023	NEXT REVIEW DATE 6/1/2024
NUMBER: G06.31	NEW: XXX	AMENDS:	RECINDS:
DISTRIBUTION: All sworn members and civilian employees of the Swansea Police Department			
REFERENCES: 1.2.3, 1.2.4, 1.2.4e, 1.3.1, 16.2.1, 44.1.1, 44.2.1, 44.2.1a, 44.2.1b, 44.2.2c, 44.2.3	PAGES: 9	ISSUING AUTHORITY SIGNATURE: _____ Marc Haslam Chief of Police	

I. PURPOSE

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.

The school resource officer will be a liaison between the police department and the school department. He will assist in all matters criminal in nature and act as a resource to facilitate services to students and facility in need.

[16.2.1, 44.1.1]

Pursuant to Massachusetts General Law Chapter 71 Section 37Pⁱ, the Chief of Police, in consultation with the Superintendent of Schools, will assign at least 1 (one) school resource officer to serve the town of Swansea.

II. Policy

A. SRO Uniform

The SRO is authorized to wear modified uniforms approved by the Chief of Police. This will consist of an embroidered polo type shirt and 5.11 pants. The SRO will carry all the same equipment they would have on any other law enforcement assignment, and drive a fully equipped patrol vehicle while on school premises. The Elementary School SRO may wear a traditional patrol uniform in an effort to get younger children to feel comfortable being around a uniformed police officer. More casual attire (e.g., soft uniform or plain clothes) may be worn, with the permission of the SRO's supervisor when the SRO is participating in school activities that make wearing a uniform impractical. See departmental policy on [Patrol Uniforms and Equipment G01.09](#)

B. Duty Hours and Schedule:

1. Per the Collective Bargaining Agreement, the School Resource Officer shall work either a "5 and 2" schedule or a "4 and 2" schedule at the discretion of the Chief of Police. If assigned to "5 and 2," s/he shall receive additional days off of other officers assigned to "5 and 2."
2. The SRO may adjust the work schedule, with appropriate approval of his/her supervisor in order to accommodate school activities and requests. The supervisor may approve overtime pay in advance when schedule adjustments are not practical.
3. The SRO shall report to his/her supervisor as required at the beginning of his/her shift unless other arrangements are made in advance with the supervisor. The SRO is expected to provide contact information for school officials and his/her supervisor regarding his/her whereabouts when off campus.
4. When school is not in session (i.e., holidays, summer vacation), the SRO will report to his/her supervisor for routine patrol or special assignments.

C. 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 Swansea Public Schools and the Swansea Police Department Regarding the School Resource Officer Program ("SRO MOU") §§ IV.B. & VI.ⁱⁱ

D. 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.

E. Students' Legal Rights:

1. Searching Students:

- i. 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. **[1.2.4]**
- ii. In order for the police to conduct a warrantless search of a student's person, possessions, or locker, both probable cause and exigent circumstances must exist to justify the search. At the time of the search, the SRO must establish that there is probable cause to believe that evidence of a crime is or will be in a particular location and the circumstances must be so exigent, urgent, and unforeseeable that obtaining a warrant is impracticable. **[1.2.4e]**
- iii. The SRO shall inform the School Administrators before conducting a warrantless search of a student or their belongings where practicable.
- iv. In order for a School Administrator to conduct a warrantless search of a student's person, possessions, or locker on school grounds, the School Administrator must have reasonable grounds to suspect the search will turn up evidence that the student has violated or is violating the law or school rules.
- v. 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.
- vi. 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.

2. Interviewing Students: **[1.2.3, 44.2.3]**

- i. 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.

- ii. When a SRO and/or police officer wishes to detain or question a student on school property *for law enforcement purposes*, the following shall occur unless exigent circumstances exist or such notification would potentially jeopardize student, school staff, or officer safety:
 - a. The officer should contact the Designated School Liaison 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 Designated School Liaison or his/her designee shall notify the student's parent/guardian prior to the questioning.
 - c. The student should not be publicly contacted by the officer in the school setting.
 - d. The Designated School Liaison 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:
 - 1) 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.
 - 2) 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.
- iii. Officers will ensure that the constitutional rights of juveniles are protected. **[44.2.2(c)]** For a general review

of the standards and procedures to be followed when conducting custodial interrogation see the departmental policy and procedure on [Interrogating Suspects and Detainees \(G06.17\)](#). It should be remembered that the Miranda Rules apply to juveniles.

F. Use of Police Force

The Swansea 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 Swansea 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 [General Order G06.01 Use of Force \[1.3.1\]](#)

G. Arrest, Citation, Court Referral on School Property

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.

1. "Delinquent child"/Juvenile Court Jurisdiction (G.L. c. 119, § 52 *as amended*):ⁱⁱⁱ **[44.2.1]**
 - i. A child under the age of 12 years old cannot be charged with a crime. **[44.2.1a]**

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

2. Summons/Court Referral: **[44.2.1]**

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. **[44.2.1 (b)]**

3. 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:

- Felony assault with intent to cause serious bodily injury or death

- Robbery involving force
- Sale of controlled substance
- Burglary
- Sexual assault (after consultation with the District Attorney's Office)

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 Designated School Liaison 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 Designated School Liaison and take appropriate action.

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

The police should notify the Designated School Liaison 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 Designated School Liaison if a student is arrested on school grounds.

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

H. Diversion Protocol

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 that 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, cases involving the possession or use of weapons, and cases involving serious assaultive or threatening behavior, serious bodily injury, sexual offenses or conduct, or gang-related activity.
2. Any past criminal conduct
3. Willingness to participate and engage in a remedial program
4. 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.
5. Consultation with the District Attorney's Office.

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.

I. Performance Evaluation Standards:

The success and effectiveness of the SRO Program will be reviewed, modified, and amended as outlined in the SRO MOU § IV.D. & VIII. Additionally, a review of the Data Collection and Reporting information outlined in the SRO MOU § VII will be conducted annually by the SRO's Supervisor and the Designated School Liaison. The SRO shall submit monthly reports to the Chief of police summarizing monthly activity to include; student arrest and citations; use of police force in school; student, school staff, 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.

ⁱ Massachusetts General Law Chapter 71 Section 37P

ⁱⁱ Memorandum of Understanding between Swansea Public Schools and School Resource Officer Program

ⁱⁱⁱ Criminal Justice Reform Act of 2018