

STANDARD OPERATING PROCEDURES

School Resource Officer

Standard Operating Procedures Regarding the Tyngsborough Police

School Resource Officer Program

Close cooperation and communication between the schools and police and a mutual understanding of and respect for the important role that each play 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.

Pursuant to *Mass. Gen. Laws* ch. 71, § 37P, the Chief of Police of the Tyngsborough Police Department in consultation with the Superintendent of the Tyngsborough Public Schools have established the following Standard Operating Procedures (“SOP”) regarding the School Resource Officer (“SRO”) Program.

A. SRO Uniform and Equipment:

The primary uniform for the SRO will be the regulation Class B uniform of the day. The SRO shall carry all the same equipment they would have as a patrol officer, and drive a fully equipped patrol vehicle while on school premises.

The uniform of the SRO may be modified or adjusted by the SRO Supervisor based on the requirements for the daily assignment.

B. SRO’s Duty Hours and Schedule: (Customize to Department)

The SRO normally will work 7:00 AM to 3:00 PM Monday through Friday, with Saturday and Sunday off. 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.

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 for immediate/emergency notification.

When school is not in session (i.e., holidays, summer vacation), the SRO will report to the Special Services Division Commander for his/her assignment.

C. Chain of Command for SRO and Collaboration with School:

The SRO will be supervised by the SRO Supervisor and collaborate with school personnel as outlined in the Memorandum of Understanding Between Tyngsborough Public Schools and Tyngsborough Police Department Regarding the School Resource Officer Program (“SRO MOU”) §§ IV.B. & VI.

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:

- a) All searches and seizures 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.
- b) 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.
- c) The SRO shall inform the School Administrators before conducting a warrantless search of a student or their belongings where practicable. If possible, the SRO will have a school administrator present when conducting the warrantless search.
- d) In order for a School Administrator who is acting alone and not at the behest of the police 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.
- e) 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.
- f) 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:

- a) 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.
- b) When a SRO and/or police officer wishes to 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:
 - 1) The officer shall 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.
 - 2) The Designated School Liaison or his/her designee shall notify the student's parent/guardian prior to the questioning.
 - 3) The student shall not be publicly contacted by the officer in the school setting.

- 4) 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.
- 5) If, in consideration of how a reasonable person in the student's position would understand the situation, the focus and nature of the questioning is tantamount to a custodial interrogation, the officer shall:
 - where the student is under the age of fourteen, ensure that a parent/guardian or interested adult is present to participate in the student's decision to waive their rights;
 - where the student has attained the age of fourteen, ensure that a parent/guardian or interested adult has been contacted and the student provided with a genuine opportunity to meaningfully consult with such an adult regarding the decision to waive their rights.

F. Use of Police Force:

The Tyngsborough 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 Tyngsborough 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.

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 and the Principal or his/her designee, is dependent upon the many factors unique to each student, including, but not limited to, present circumstances, behavioral history, disciplinary record, general demeanor and disposition toward others, disability or special education status, and mental health history.

1. "Delinquent child"/Juvenile Court Jurisdiction (*Mass. Gen. Laws ch. 119, § 52 as amended*):
 - a) A child under the age of 12 years old may not be the subject of a delinquency proceeding.
 - b) Delinquency proceedings may 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).
 - c) Delinquency proceedings cannot be initiated for the following offenses:
 - 1) Civil infractions
 - 2) A violation of a municipal ordinance or town by-law

- 3) A first offense of a misdemeanor for which the punishment is a fine, imprisonment in a jail or house of correction for not more than 6 months or both such fine and imprisonment.

2. 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 warrant is the preferred method of bringing the student to court. Prior to filing the complaint application, the application must be reviewed by the SRO's supervisor to determine whether referral to a Diversion Program would be appropriate.

3. Arrest:

In the event of an offense that constitutes a serious or violent felony, a warrantless arrest, in accordance with state law and probable cause, may be appropriate. The following are example of serious/violent offenses:

- a) Felony assault with intent to cause serious bodily injury or death
- b) Robbery involving force
- c) Sale of certain controlled substance
- d) Burglary
- e) 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 practically 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 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 shall 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 Protocols:

As noted in 7 (b), above, prior to filing an application for a delinquency or criminal complaint, the application must be reviewed by the SRO's supervisor to determine whether referral to a Diversion Program would be appropriate.

Diversion Programs offer alternatives to formal prosecution designed to address the root causes of an incident and work with young people to make better choices while minimizing life-altering negative consequences (e.g., limiting court system involvement and preventing the creation or extension of a criminal record).

Evaluation for referral to any Diversion Program, including the Middlesex District Attorney's Office Juvenile and Young Adult Diversion Programs should include

- a) A factual review and determination of whether the offense is eligible for diversion
- b) Consideration of the young person's willingness to engage in diversion programming.

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 quarterly by the SRO's Supervisor and the Designated School Liaison. Other sources of data for review include: SRO activity log; student arrest and citation logs; use of police force in school; student, school staff, and parent surveys; 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.

J. Effective Date and Duration

This document shall be effective as of the date of signing. It should be reviewed at least annually (before the start of the school year) in consultation with the Superintendent of the Tyngsborough Public Schools and amended as necessary. This document will remain in full force and effect until amended or rescinded by the Chief of Police.