

Pursuant to the Massachusetts Public Records Law, I hereby request the following records:

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**

**1. Badge number of the arresting officer or the officer that referred the youth to law enforcement, as applicable.**

The District does not maintain data responsive to this request. A separate public records request to the Barnstable Police Department will be necessary to obtain such data.

**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).**

The District does not maintain data responsive to this request. A separate public records request to the Barnstable Police Department will be necessary to obtain such data.

**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,**

The current SRO agreement has expired. The parties are currently negotiating a new agreement. See SRO agreement attached.

**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).**

The SRO agreement which is currently being negotiated will address all procedures for SRO staff. Any information regarding police policies and procedure is maintained by the Barnstable Police Department.

**5. The cost to the school district of assigning a school resource officer to each school; and,**

The Barnstable Police Department maintains all salary information on its officers.

**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,**

FY '19: 3 SRO, 7.5 guidance counselors and 13.8 school adjustment counselors;

FY'20 3 SRO, 8 guidance counselors and 13.8 school adjustment counselors; and,

FY'21 3 SRO, 8 guidance counselors and 13.8 school adjustment counselors.

**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,**

The District does not maintain data responsive to this request. A separate public records request to the Barnstable Police Department will be necessary to obtain such data.

**8. A description of the proposed budget for mental, social, or emotional health support personnel for the school district.**

Please see attached link to the budget book.

- FY24 Budget Book -  
[www.barnstable.k12.ma.us/site/handlers/filedownload.ashx?moduleinstanceid=13546&d  
ataid=47561&FileName=FY24%20Budget%20Book%20FINAL.PDF](http://www.barnstable.k12.ma.us/site/handlers/filedownload.ashx?moduleinstanceid=13546&d<br/>ataid=47561&FileName=FY24%20Budget%20Book%20FINAL.PDF)
- FY23 Line Item Budget (with three year's historical data) -  
[www.barnstable.k12.ma.us/site/handlers/filedownload.ashx?moduleinstanceid=13200&d  
ataid=40414&FileName=FY23%20LINE%20ITEM%2003-16.pdf](http://www.barnstable.k12.ma.us/site/handlers/filedownload.ashx?moduleinstanceid=13200&d<br/>ataid=40414&FileName=FY23%20LINE%20ITEM%2003-16.pdf)

Also attached is the FY'24 Guidance budget.

# FY24 School Operating Budget

Account Description	Org Description	FY20 Actual	FY21 Actual	FY22 Actual	FY23 APPROVED	FY24 Budget (\$)	FY24 Change (\$)	FY24 Change (%)
2100- BUSES	GUIDANCE	127,636	120,450	97,934	134,900	103,646	(31,254)	-23.17%
2110- BUSES TOTAL		127,636	120,450	97,934	134,900	103,646	(31,254)	-23.17%
2120- BUSES/VEHICLE	GUIDANCE	69,180	74,908	84,025	89,524	177,666	88,142	98.46%
2120- BUSES/VEHICLE TOTAL		69,180	74,908	84,025	89,524	177,666	88,142	98.46%
2130- BUSES/VEHICLE WEST	GUIDANCE	14,625	117,850	204,809	181,536	235,059	53,523	29.48%
2130- BUSES/VEHICLE WEST TOTAL		14,625	117,850	204,809	181,536	235,059	53,523	29.48%
2170- WEST VILLAGES	GUIDANCE	88,942	144,733	157,686	190,160	195,864	5,704	3.00%
2170- WEST VILLAGES TOTAL		88,942	144,733	157,686	190,160	195,864	5,704	3.00%
2200- BGS	GUIDANCE	151,575	128,531	144,357	175,530	199,718	24,188	13.79%
2200- BGS TOTAL		151,575	128,531	144,357	175,530	199,718	24,188	13.79%
2220- BGS	GUIDANCE	312,974	390,494	411,387	443,715	470,443	26,728	6.02%
2220- BGS	GUIDANCE SUPPLIES	1,000	1,000	634	1,000	1,000		0.00%
2220- BGS Total		313,974	391,494	412,021	444,715	471,443	26,728	6.01%
2300- BGS	GUIDANCE	388,122	425,367	415,787	438,859	463,241	4,382	0.95%
2300- BGS	GUIDANCE SUPPLIES	1,040	916	845	1,000	1,000		0.00%
2300- BGS TOTAL		389,162	426,283	416,632	439,859	464,241	4,382	0.95%
2400- BGS	GUIDANCE	1,002,591	921,178	905,698	1,031,520	1,155,606	124,086	12.03%
2400- BGS	GUIDANCE SUPPLIES	14,031	12,560	9,058	13,000	13,000		0.00%
2400- BGS	SPED GUIDANCE	117,475	188,784	148,843	163,748	170,811	7,063	4.31%
2400- BGS	GUIDANCE SUMMER WORK STIPENDS	560	4,857	3,430	7,152	7,295	143	2.00%
2400- BGS TOTAL		1,134,657	1,127,380	1,027,029	1,215,420	1,346,711	131,291	10.80%
<b>Grand Total</b>		<b>2,389,752</b>	<b>2,531,629</b>	<b>2,588,494</b>	<b>2,891,644</b>	<b>3,194,349</b>	<b>302,705</b>	<b>10.47%</b>

Memorandum of Understanding  
Between  
Barnstable Public Schools  
and  
Barnstable Police Department

This agreement (the "Agreement") is made by and between Barnstable Public Schools (the "District") and the Town Manager, through the Barnstable Police Department (the "Police Department") (collectively, the "Parties"). The Town Manager, the Chief of Police Department (the "Chief") and the Superintendent of the District ("the Superintendent") are each a signatory to this Agreement.

**I. Purpose Statement, Goals and Objectives**

The purpose of this Agreement is to formalize and clarify the partnership between the District and the Police Department to implement a School Resource Officer ("SRO") program (the "Program") within the District in order to promote school safety; help maintain a positive school climate for all students, families, and staff; facilitate appropriate information-sharing; and inform the Parties' collaborative relationship to best serve the community.

This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable by any person in any administrative, civil or criminal matter.

The purpose of the Program is to support and foster the safe and healthy development of all students in the District through strategic and appropriate use of law enforcement resources.

The Parties are guided by the following goals and objectives (the "Goals and Objectives"):

- 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, and socioeconomic status;
- To promote a strong partnership and lines of communication between school and police personnel and clearly delineate their roles and responsibilities;
- To ensure, by training or other means, that school personnel and SROs have clearly defined roles in responding to student misbehavior and that school administrators are responsible for code of conduct and routine disciplinary violations;
- To evaluate the number of students arrested at school or court-involved to be used in periodic programmatic review;
- To encourage relationship-building by the SRO such that students and community members see the SRO as a facilitator of needed supports as well as a source of protection;
- To outline processes for initiatives that involve the SRO and school personnel, such as violence prevention and intervention and emergency management planning; and
- To offer presentations and programming to the school focusing on criminal justice issues, community and relationship building, and prevention, safety and other relevant topics.

**II. Structure and Governance**

The Parties acknowledge the importance of clear structures and governance for the Program. The Parties agree that communicating these structures to the school community, including teachers and other school staff, students, and families, is important to the success of the Program.

#### **A. Process for Selecting SRO**

The Parties acknowledge that the selection of the SRO is a critical aspect of the Program and that it is important for the Parties and the school community to have a positive perception of and relationship with the SRO.

In accordance with state law, the Chief shall maintain the final authority to select and assign an officer whom the Chief believes would foster an optimal learning environment and educational community. The Chief 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 in child and adolescent cognitive development, de-escalation techniques, and alternatives to arrest and diversion strategies. In accordance with state law, the Chief shall not assign an SRO based solely on seniority. The Chief and the Superintendent shall work collaboratively in identifying officers who meet these criteria.

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

- Proven experience working effectively with youth;
- 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 who have physical and mental disabilities;
- Demonstrated commitment to making students and school community members of all backgrounds feel welcomed and respected;
- 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;
- Knowledge of school-based legal issues (e.g., confidentiality, consent), and demonstrated commitment to protecting students' legal and civil rights;
- Knowledge of school safety planning and technology;
- Demonstrated commitment and ability to engage in outreach to the community;
- Knowledge of school and community resources;
- A record of good judgment and applied discretion, including an absence of validated complaints and lawsuits; and
- Public speaking and teaching skills.

The Chief shall take into account 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 Chief of Police, in writing, at the earliest opportunity. The Police Department 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.

#### **B. Supervision of SRO and Chain of Command**

The SRO shall be a member of the Police Department and report directly to the Chief of Police or his/her designee. To ensure clear and consistent lines of communication, the principal shall facilitate meetings with the SRO at least monthly with the principal and with any other school officials identified in Section IV.A. The SRO shall ensure that the principal remains aware of material interactions and information involving the SRO's work, including, but not limited to, arrests and searches of students' persons and property, consistent with Section IV.D.

#### **C. Level and Type of Commitment from Police Department and School District**

Subject to annual appropriations the salary and benefits of the SROs shall be covered by the Town of Barnstable.

#### **D. Integrating the SRO**

The Parties acknowledge that proper integration of the SRO can help build trust, relationships, and strong communication among the SRO, students, and school personnel.

The SRO shall regularly be invited to and attend staff meetings, assemblies, and other school convenings. The SRO shall also be invited to participate in educational and instructional activities, such as instruction on topics relevant to criminal justice and public safety issues.

The SRO shall not be utilized for support staffing, such as hall monitor, substitute teacher, or cafeteria duty.

The SRO shall participate in any District and school-based emergency management planning. The SRO's direct supervisor or his/her designee shall serve as a liaison between the District and the Police Department for the purposes of developing and implementing the District's Active Shooter Response Training. The SRO may also be invited to participate in the work of any school threat assessment team to the extent any information sharing is consistent with obligations imposed by the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g) (see further information in Section IV). Where the SRO is not a participant and consistent with the obligations imposed by FERPA, the SRO shall be notified of the outcome of any meeting held by any school threat assessment team

#### **E. Complaint Resolution Process**

Complaints pertaining to the conduct and/or practices shall be handled in accordance with Barnstable Police Department Policy and Procedure 210, Professional Standards, attached hereto as Attachment A.

Complaints regarding the conduct and/or practices of District staff will be handled in accordance with Barnstable School Committee Policies JII (Student Complaints and Grievances), and GBK (Staff Complaints and Grievances), attached hereto as Attachment B.

#### **F. Annual Review of the SRO and the SRO Program**

In accordance with state law, the Chief or his/her designee and the Superintendent or his/her designee shall annually review the performance of the SRO and the success and effectiveness of the Program in meeting the Goals and Objectives. The review shall be conducted at the end of each school year in a meeting among the SRO, the Chief, and the Superintendent. A copy of the review shall be supplied to each attendee.

The Chief and Superintendent shall jointly develop and agree in advance on the metrics for measuring the SRO's performance and the success and effectiveness of the Program. The review shall include measures that reward the SRO's performance, subject to the terms of any applicable collective bargaining agreements, for compliance with the terms of this Agreement and the SRO's contributions to achieving the purpose, goals, and objectives as set forth in Section I. The review shall also assess the extent of the SRO's positive interactions with students, families, and staff and the SRO's participation in collaborative approaches to problem-solving, prevention, and de-escalation.

The Chief and Superintendent shall provide a mechanism for receiving feedback from the school community. The Chief shall seriously consider any such feedback and shall make a good faith effort to address any concerns raised; however, the final determination relating to the continued assignment of the SRO shall be within the sole discretion of the Chief. If the Superintendent recommends that the SRO not be assigned to a specific school, the Chief should provide an explanation of any decision to maintain the SRO's assignment.

### **III. Roles and Responsibilities of the SRO and School Administrators and Staff in Student Misbehavior**

The Parties agree that school officials and the SRO play important and distinct roles in responding to student misbehavior to ensure school safety and promote a positive and supportive learning environment for all students.

Under state law, the SRO shall not serve as a school disciplinarian, as an enforcer of school regulations, or in place of school-based mental health providers, and the SRO shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior.

The principal or his or her designee shall be responsible for student code of conduct violations and routine disciplinary violations. The SRO shall be responsible for investigating and responding to criminal misconduct. The Parties acknowledge that many acts of student misbehavior that may



\* contain all the necessary elements of a criminal offense are best handled through the school's disciplinary process. The SRO shall read and understand the student code of conduct for both the District and the school.

The principal (or his or her designee) and the SRO shall use their reasoned professional judgment and discretion to determine whether SRO involvement is appropriate for addressing student misbehavior. In such instances, the guiding principle is whether misbehavior rises to the level of criminal conduct that poses (1) real and substantial harm or threat of harm to the physical or psychological well-being of other students, school personnel, or members of the community or (2) real and substantial harm or threat of harm to the property of the school.

In instances of student misbehavior that do not require a law enforcement response, the principal or his or her designee shall determine the appropriate disciplinary response. The principal or his or her designee should prioritize school- or community-based accountability programs and services, such as peer mediation, restorative justice, and mental health resources, whenever possible.

For student misbehavior that requires immediate intervention to maintain safety (whether or not the misbehavior involves criminal conduct), the SRO may act to deescalate the immediate situation and to protect the physical safety of members of the school community.

When the SRO or other Police Department employees have opened a criminal investigation, school personnel shall not interfere with such investigation or act as agents of law enforcement. To protect their roles as educators, school personnel shall only assist in a criminal investigation as witnesses or to otherwise share information consistent with Section IV, except in cases of emergency. Nothing in this paragraph shall preclude the principal or his or her designee from undertaking parallel disciplinary or administrative measures that do not interfere with a criminal investigation.

A student shall only be arrested on school property or at a school-related event as a last resort or when a warrant, public safety concerns or exigent circumstances require such an arrest. The principal or his or her designee shall be consulted prior to an arrest whenever practicable, and the student's parent or guardian shall be notified as soon as practicable after an arrest. In the event of an investigation by the SRO that leads to custodial questioning of a juvenile student, the SRO shall notify the student's parent or guardian in advance and offer them the opportunity to be present during the interview.

\* It shall be the responsibility of the District to make teachers and other school staff aware of the distinct roles of school administration and SROs in addressing student misbehavior, consistent with this Section and this Agreement, as well as the Standard Operating Procedures accompanying this Agreement and described in Section VII.

#### **IV. Information Sharing Between SROs, School Administrators and Staff, and Other Stakeholders**

The Parties acknowledge the benefit of appropriate information sharing for improving the health and safety of students but also the importance of limits on the sharing of certain types of student information by school personnel. The Parties also acknowledge that there is a distinction between

student information shared for law enforcement purposes and student information shared to support students and connect them with necessary mental health, community-based, and related services.

#### **A. Points of Contact for Sharing Student Information**

In order to facilitate prompt and clear communications, the Parties acknowledge that the principal (or his or her designee) and the SRO are the primary points of contact for sharing student information in accordance with this Agreement. The Parties also acknowledge that, in some instances, other school officials or Police Department employees may serve as key points of contact for sharing information. Such school officials and Police Department employees are identified below:

- The Superintendent
- The School Attorney
- SRO Supervisor
- Chief of Police or his/her designee

Such Police Department employees are considered as part of the District's "Law Enforcement Unit" as defined in the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g).

#### **B. Compliance with FERPA and Other Confidentiality Requirements**

At all times, school officials must comply with FERPA. This federal statute permits disclosures of personally identifiable information about students contained in educational records ("Student PII"), without consent, only under specific circumstances.

When the District "has outsourced institutional services or functions" to the SRO consistent with 34 C.F.R. § 99.31(a)(1)(i)(B) of FERPA, the SRO qualifies as a "school official" who can access, without consent, Student PII contained in education records about which the SRO has a "legitimate educational interest."

Consistent with 34 C.F.R. §§ 99.31(10) and 99.36 of FERPA, the SRO (or other Police Department employee identified in Section IV.A.) shall gain access, without consent, to Student PII contained in education records "in connection with an emergency if knowledge of the [Student PII] is necessary to protect the health or safety of the student or other individuals."

These are the *only* circumstances in which an SRO may gain access, without consent, to education records containing student PII (such as IEPs, disciplinary documentation created by a school, or work samples).

In addition to FERPA, the Parties agree to comply with all other state and federal laws and regulations regarding confidentiality, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and state student record regulations at 603 C.M.R. 23.00. The Parties agree to collect only that student information necessary and relevant to fulfilling their respective roles, to share such information with each other only where required or allowed under this Agreement, and not to share such information beyond the sharing contemplated in this Agreement unless required to

be shared by state or federal law. The Parties shall not collect or share information on a student's immigration status except as required by law.

### **C. Information Sharing by School Personnel**

#### **1. For Law Enforcement Purposes**

Where the principal or his or her designee learns of misconduct by a student for which the principal or his or her designee determines a law enforcement response may be appropriate (as described in Section III), he or she shall inform the SRO. If a teacher has information related to such misconduct, he or she should also communicate such information to the principal or his or her designee. The Parties agree that the sharing of such information shall not and should not necessarily require a law enforcement response on the part of the SRO but shall and should instead prompt a careful consideration of whether the misconduct is best addressed by law enforcement action, by a school disciplinary response, or by some combination of the two.

Notwithstanding the foregoing, if student information is obtained solely during a communication with school staff deemed privileged or confidential due to the staff member's professional licensure, such communication shall only be disclosed with proper consent or if the communication is subject to the limits and exceptions to confidentiality and is required to be disclosed (e.g., mandatory reporting, immediate threats of harm to self or others). Additionally, if such student information is gathered as part of a "Verbal Screening Tool for Substance Abuse Disorders," such information shall only be disclosed pursuant to the requirements of G.L. c. 71, § 97.

The Parties acknowledge that there may be circumstances in which parents consent to the disclosure of student information for law enforcement purposes (e.g., as part of a diversion program agreement) and that the sharing of information under such circumstances does not violate this Agreement.

The Parties also acknowledge that, from time to time, an emergency situation may arise that poses a real, substantial, and immediate threat to human safety or to property with the risk of substantial damage. School personnel having knowledge of any such emergency situation shall immediately notify, or cause to be notified, both the Police Department (or the SRO if appropriate to facilitate a response) and the principal or his or her designee. This requirement is in addition to any procedures outlined in the school's student handbook, administrative manual, and/or School Committee policy manual.

Nothing in this section or this Agreement shall prevent the principal or his or her designee from reporting possible criminal conduct by a person who is not a student.

The District will provide the SRO with access to student directory information, limited to student and guardian names, addresses and telephone numbers, to the extent permitted by law. The District shall provide such information in the most readily available format. If provided in hardcopy or print format, the District will provide updated information on or before September 30<sup>th</sup> and January 30<sup>th</sup> of each school year.

#### **2. For Non-Law Enforcement Purposes**

Based on their integration as part of the school community, SROs may periodically require access to student information for purposes that fall outside of the SRO's law enforcement role outlined in Section III.

Student PII received by the SRO (or other Police Department employee identified in Section IV.A.) that is not related to criminal conduct risking or causing substantial harm shall not be used to take law enforcement action against a student but may be used to connect a student or family with services or other supports. Prior to such a disclosure, the principal or his or her designee shall notify the parent, the student, or both, when such information will be shared with the SRO or other member of law enforcement.

The Parties acknowledge that the SRO may benefit from knowledge of accommodations or approaches that are required for students with mental health, behavioral, or emotional concerns who have an individualized education program ("IEP") under the Individuals with Disabilities Education Act or a plan under Section 504 of the Rehabilitation Act ("504 Plan"). School personnel shall notify parents or guardians of such students of the opportunity to offer the SRO access to the portions of the IEP document or 504 Plan that address these accommodations or approaches. It is within the sole discretion of the parents or guardians to decide whether to permit the SRO to review such documents. If a parent or guardian provides such permission, the SRO shall make reasonable efforts to review the documents. Whenever possible, the school shall make available a staff member who can assist the SRO in understanding such documents. If the parents or guardians decide not to permit SRO review, that decision should be noted in the student's file.

#### **D. Information Sharing by the SRO**

Subject to applicable statutes and regulations governing confidentiality and privacy, the SRO shall inform the principal or his or her designee of any arrest of a student, the issuance of a criminal or delinquency complaint application against a student, or a student's voluntary participation in any diversion or restorative justice program if:

- The activity involves criminal conduct that poses a (present or future) threat of harm to the physical or psychological well-being of the student, other students or school personnel, or to school property;
- The making of such a report would facilitate supportive intervention by school personnel on behalf of the student (e.g., because of the Police Department's involvement with a student's family, the student may need or benefit from supportive services in school); or
- The activity involves actual or possible truancy.

The above shall only apply to circumstances in which the SRO has actual knowledge of any arrest of a student, the issuance of a criminal or delinquency complaint application against a student, or a student's voluntary participation in any diversion or restorative justice program. The timing of the disclosure shall be at the discretion of the SRO.

Subject to the limitations discussed above, the SRO shall provide such information whether the activity takes place in or out of school, consistent with the requirements of G.L. c. 12, § 32

(Community Based Justice information-sharing programs) and G.L. c. 71, § 37H (setting forth potential disciplinary consequences for violations of criminal law).

Before any of the above information is shared with any individuals other than the principal or his/her designee or those individuals identified under IV.A above, the SRO shall be consulted and authorize the dissemination of the information to other specified individuals,

The Parties acknowledge that the SRO cannot share information relating to an ongoing criminal investigation or where prohibited by statute or Police Department Policy.

When the SRO observes or learns of student misconduct in school for which a law enforcement response is appropriate (as described in Section III), the SRO shall convey to the principal or his or her designee as soon as reasonably possible the fact of that misconduct and the nature of the intended law enforcement response, and when the SRO observes or learns of student misconduct that does not merit a law enforcement response, but that appears to violate school rules, the SRO shall report the misconduct whenever such reporting would be required for school personnel. The Role of the Office of the Cape and Island District Attorney with respect to information sharing is set forth in a separate agreement and is incorporated herein as Attachment C.

## **V. Data Collection and Reporting**

In accordance with state law, the SRO and school administrators shall work together to ensure the proper collection and reporting of data on school-based arrests, citations, and court referrals of students, consistent with regulations promulgated by the Department of Elementary and Secondary Education.

## **VI. SRO Training**

In accordance with state law, the SRO shall receive ongoing professional development in:

- (1) child and adolescent development,
- (2) conflict resolution, and
- (3) diversion strategies.

Additional areas for continuing professional development may include, but are not limited to:

- Restorative practices
- Implicit bias and disproportionality in school-based arrests based on race and disability
- Cultural competency in religious practices, clothing preferences, identity, and other areas
- Mental health protocols and trauma-informed care
- De-escalation skills and positive behavior interventions and supports
- Training in proper policies, procedures, and techniques for the use of restraint
- Teen dating violence and healthy teen relationships
- Understanding and protecting civil rights in schools
- Special education law
- Student privacy protections and laws governing the release of student information

- School-specific approaches to topics like bullying prevention, cyber safety, emergency management and crisis response, threat assessment, and social-emotional learning

The SRO shall also receive certified basic SRO training on how to mentor and counsel students, work collaboratively with administrators and staff, adhere to ethical standards around interactions with students and others, manage time in a school environment, and comply with juvenile justice and privacy laws, to the extent that such training is available.

The SRO shall attend a minimum of 12 hours of training per year.

Where practicable, the District shall also encourage school administrators working with SROs to undergo training alongside SROs to enhance their understanding of the SRO's role and the issues encountered by the SRO.

## **VII. Accompanying Standard Operating Procedures**

This Agreement shall be accompanied by Standing Operating Procedures that shall be consistent with this Agreement and shall include, at a minimum, provisions detailing:

- The SRO uniform and any other ways of identifying as a police officer;
- Duty hours and scheduling for the SRO;
- Assignment of SROs;
- Use of police force, arrest, citation, and court referral on school property;
- A statement and description of students' legal rights, including the process for searching and questioning students and when parents and administrators must be notified and present; -
- The chain of command, including delineating to whom the SRO reports, how often the SRO meets with the principal or his or her designee, and how school administrators and the SRO work together, as well as what procedure will be followed when there is a disagreement between the administrator and the SRO;
- Protocols for SROs when school administrators, teachers, or other school personnel call upon them to intervene in situations beyond the role prescribed for them in Section IV;
- Performance evaluation standards, which shall incorporate monitoring compliance with this Agreement and use of arrest, citation, and police force in school;
- Protocols for diverting and referring at-risk students to school- and community-based supports and providers; and
- Clear guidelines on confidentiality and information sharing between the SRO, school staff, and parents or guardians.

## **VIII. Effective Date, Duration, and Modification of Agreement**

This Agreement shall be effective as of the date of signing and shall remain in effect until June 30, 2020 with the understanding that Parties will renegotiate a new agreement prior to the expiration date. Either of the Parties may withdraw from this Agreement by delivering written notification to the other Party.

This Agreement shall be reviewed as issues arise, but no less than two times per year; prior to the start of the school year and in January prior to the budget process.

Upon execution of this Agreement by the Parties, a copy of the Agreement shall be placed on file in the offices of the Chief and the Superintendent. The Parties shall also share copies of this Agreement with the SRO, any principals in schools where the SRO will work, and any other individuals whom they deem relevant or who request it.

\_\_\_\_\_  
Meg Mayo-Brown  
Superintendent of Schools  
Date: \_\_\_\_\_, 2019

\_\_\_\_\_  
Matthew Sonnabend  
Chief of Police  
Date: \_\_\_\_\_, 2019

\_\_\_\_\_  
Mark Ells  
Town Manager  
Date: \_\_\_\_\_, 2019

**ATTACHMENT A**





# BARNSTABLE POLICE DEPARTMENT

## POLICY AND PROCEDURE 210

### PROFESSIONAL STANDARDS

Date of Issue: 01/31/2005

Effective Date: 12/25/2008

Revised: 11/25/2008

Accreditation Standards: 25.1.1 e; 26.1.4 c; 26.1.5; 26.1.8; 52.1.1-5; 52.2.1-8

#### 1.0 Background

Trust and confidence between the members of the Barnstable Police Department and the citizens of Barnstable is essential for the successful accomplishment of the Department's mission. The integrity of the Department depends in large part on the personal integrity and discipline of each employee. A high standard of conduct maintains the reputation of the Department and elicits the support of the community for police activities.

The Professional Standards function (also known as Internal Affairs) is important for the maintenance of professional conduct. Its primary responsibility is to respond to allegations of misconduct against the Department and its employees. Following professional standards ensures that the integrity of the Department is maintained, and that objectivity, fairness and justice are assured through proper, impartial investigations and reviews.

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#### 2.0 Policy 52.1.1

The Barnstable Police Department is committed to objectivity, fairness and justice through the intensive, impartial review and investigation of all complaints. All misconduct will be recognized, thoroughly investigated, and properly adjudicated.

The Department recognizes the right of all citizens to initiate a complaint and receive a fair, thorough investigation and unbiased adjudication. All reports or accusations made against the Department or its members, from all sources, will be completely investigated.

The Department also recognizes that if allegations made against a Department employee could result in disciplinary action, the accused employee is entitled to a fair, objective and timely investigation and resolution of the allegations made.

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#### 3.0 Public Information 52.1.4

The Department will maintain public information materials that outline procedures to follow if individuals wish to file a complaint against the Department or its employees.

**4.0  
Professional  
Standards  
Office  
52.1.3**

The Professional Standards Office (PSO) shall oversee matters concerning misconduct. The PSO will be under the supervision of a superior officer designated the Professional Standards Supervisor (PSS). The PSS will be assigned by and shall report directly to the Chief of Police. The Chief of Police will assign other personnel to the PSO as he/she deems appropriate.

The Professional Standards Office is responsible for:

- Recording and registering complaints against the Department and its employees
- Reviewing all Professional Standards complaints to ensure that they are thoroughly investigated
- Ensuring that Professional Standards complaints are forwarded to the appropriate personnel for investigation and recommendations
- Maintaining files of all complaints received in a secure area
- Maintaining the confidentiality of Professional Standards investigations and records
- Maintaining liaison with the appropriate prosecuting authority during investigations involving alleged employee criminal misconduct
- Providing the Chief of Police with status reports of complaints, and
- Preparing an annual summary of Professional Standards complaint statistics.

---

**5.0  
Complaint  
Receipt  
Procedures**

Standardized procedures and approved forms shall be used in processing all Professional Standards complaints.

---

**5.1  
Complaint  
Forms  
52.1.2**

A *Professional Standards Complaint Form* shall be used to record all complaints of misconduct, mistreatment or unethical practices against the Department or its members, whether registered by a citizen, initiated within the Department, or forwarded from another governmental agency.

The following information will be included on the form:

- Date and time of complaint report
- Name, address and telephone number of the complainant
- Name, address and telephone numbers of any witnesses to the reported incident
- Name, rank, badge number or a description of the employee against whom the complaint is made
- Date, time and location of the reported incident
- Complainant's description of the incident
- Signature of complainant (if obtainable)
- Signature of parent or guardian, if the complainant is under eighteen years of age, and
- Name, rank and signature of the superior officer receiving the complaint.

Complaint forms will include the language that it is signed under the pains

and penalties of perjury.

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**5.2  
Identifying  
Number**

Every *Professional Standards Complaint Form* will be forwarded to the PSO and assigned a unique identifying number.

---

**5.3  
In-Person  
Complaints**

The Shift/Watch Commander who is on duty at the time that a complaint is initiated shall be responsible for the efficient intake and recording of any complaint made against the Department or of employee misconduct.

All station personnel shall notify the on duty Shift/Watch Commander if advised by a citizen of their desire to file a complaint and will not attempt to resolve the complaint themselves.

Personnel outside the station shall refer persons wishing to make a complaint to the Shift/Watch Commander. Persons making an allegation of bias based profiling shall also be advised of the state's complaint line (1-866-672-2425).

The Shift/Watch Commander will interview the complainant in a private location, requesting that they describe their complaint. The complainant will then be asked to fill out a *Professional Standards Complaint Form*. If for any reason they are unable or unwilling to fill out the form, the Shift/Watch Commander will paraphrase the complaint in the narrative section of the form.

The complainant will be asked to sign the form. If he/she declines, this will be noted on the form.

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**5.4  
Phone  
Complaints**

If a complaint of misconduct is made by phone, the call will be forwarded to the on duty Shift/Watch Commander. He/she shall be responsible for the intake and recording of the complaint.

If the answering party is unable to forward the call, he/she should explain the complaint process to the caller and request a call back number for the Shift/Watch Commander to contact.

Citizens making complaints by telephone will be encouraged by the Shift/Watch Commander to come to the station and file an in-person complaint; however, no telephone complaint should be refused or rejected because the complainant does not wish to come to the station or to be identified. If the complainant declines to come to the station, the Shift/Watch Commander will paraphrase the complaint on a *Professional Standards Complaint Form*.

---

**5.5  
Mail  
Complaints**

If a complaint of misconduct is received by mail, it shall be forwarded to the Division/Shift Commander of the member about whom the complaint was made. The Division/Shift Commander will outline the allegations on a complaint form, with the original communication attached.

If the information received is incomplete, the complainant shall be contacted (if possible), informed of the Department's complaint procedure, and asked to supply the needed information.

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**5.6  
Department  
Initiated  
Complaints**

Department members have a duty to report incidents of misconduct, mistreatment or unethical practices committed by other employees.

If patrol officers or non-sworn personnel become aware of such incidents, they shall be reported to a superior officer or to the Professional Standards Office. The superior officer or PSO member to whom the complaint is made shall prepare a *Professional Standards Complaint Form*, which shall be processed according to normal procedures.

Superior officers who become aware on their own of such incidents shall complete a *Profession Standards Complaint Form* and process it according to normal procedures.

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**5.7  
Prisoner  
Complaints**

Any prisoner who alleges misconduct or mistreatment shall be advised of his/her right to submit a complaint report in the usual manner.

Such complaints will be investigated and processed in the same manner as other citizen complaints.

---

**5.8  
Anonymous  
Complaints  
52.1.1**

Complaints will be investigated even if the complainant refuses to sign a complaint form or identify himself. Anonymous complaints will be considered on their individual merits. The Shift/Watch Commander will reduce all anonymous complaints to writing on a complaint form.

---

**5.9  
General  
Considerations**

Proper courtesy and cooperation should be extended to citizens registering complaints or inquiring about complaint procedures.

No person should be denied an opportunity to register a complaint, nor should they be directed to return to the station or call back later, unless in conformance with the provisions of Section 5.3.

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**5.10**  
**Verification of**  
**Receipt**  
*52.2.4 a*

Persons making a complaint shall receive a copy of their complaint form, which will serve as a receipt verifying that the complaint has been received and is being processed.

When a complaint is received over the telephone or through the mail, the PSS shall be responsible for ensuring that the complainant is sent a copy of his/her complaint, if possible.

The supervisor providing the copy to the complainant will note that the copy was provided and the method of delivery on the form.

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**6.0**  
**Categories of**  
**Complaints**  
*26.1.5*  
*52.2.1*

Complaints are divided into two categories: Class 1 and Class 2.

**Class 1 Complaints**

Class 1 complaints consist of those types of complaints that will be investigated by the Professional Standards Office. These include but are not limited to:

- Corruption
- Brutality
- Use of excessive force
- Violation of civil rights
- Bias based profiling
- Major rules violations, or
- Criminal misconduct.

**Class 2 Complaints**

Class 2 complaints consist of those types of complaints that can be investigated and resolved by a Shift/Watch Commander as a part of routine discipline. These include:

- Alleged rudeness
  - Insubordination, or
  - Minor rules infractions.
- 

**6.1**  
**Allegations not**  
**Rising to**  
**Complaint**  
**Status**

Allegations that arise from a misunderstanding of police procedures or lack of knowledge of the law by the complainant shall not be considered as misconduct complaints or result in a *Professional Standards Complaint Form* being filed.

When possible, such complaints should be resolved quickly and effectively by the superior officer receiving them.

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**7.0  
Processing of  
Complaints  
52.2.1**

All complaints against the Department or its members, including anonymous complaints, will be investigated thoroughly.

On occasion, malicious and/or deliberately false accusations are made against the Department or its members. These accusations will be investigated to protect the integrity of the Department and its members. In some cases, the extent of the investigation may be limited to substantiating the falsity of the accusations.

After the initial intake, Class 1 complaints will be referred to the Professional Standards Office for processing. Class 2 complaints should be, whenever possible, appropriately resolved by the Shift/Watch Commander receiving them.

Any superior officer receiving a complaint that requires an expeditious investigation in order to determine the facts and circumstances should proceed immediately. Factors influencing this decision may include:

- The necessity to gather physical evidence while fresh and available
  - The need to interview witnesses or other principals while memories are fresh, or
  - The need to conduct interviews before statements are rehearsed or influenced.
- 

**8.0  
Notification of  
Chief  
52.2.2**

Upon the receipt of any Class 1 complaint against the Department or an employee, the receiving supervisor shall immediately verbally notify the Chief of Police or his/her designee of the complaint. The Chief will then determine if the receiving supervisor should continue with the investigation, or if the PSS will be notified to assume control of the investigation.

In other instances where a complaint is of a less serious nature, the Professional Standards Office will be advised of the complaint through the normal procedures, and the PSS will then verbally notify the Chief of such complaints against the Department or an employee at his/her earliest convenience.

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**8.1  
Other  
Notifications**

After receiving notice of a complaint, the PSS will ensure that the employee has been notified of the complaint.

The PSS will send written notification to the Bureau Commander of the employee who is the subject of the complaint. Said notification will include a gist of the circumstances of the complaint. The Bureau Commander may, at his/her discretion, notify the employee's Division or Unit Commander.

In cases where such notifications may jeopardize the course or success of the investigation, the PSS, after consultation with the Chief of Police, may withhold or delay the notifications.

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**9.0  
Investigation of  
Complaints  
52.2.8**

Appropriate investigative techniques will be employed in examining Professional Standards complaints, consistent with legal requirements and with due concern for the rights of the accused employee.

All allegations of misconduct will be investigated and require a conclusion of fact. If an accused employee resigns or the complaint is withdrawn, the investigating officer will note that fact in his/her report, but is required to conclude the investigation based on the information available.

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**9.1  
Complaint  
Review and  
Assignment**

All *Professional Standards Complaint Forms* will be forwarded to the PSO for review. Unresolved complaints will be assigned by the PSS to either a member of the PSO or an appropriate Division/Shift Commander for investigation, as indicated by the nature of the complaint.

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**9.2  
Investigation  
Timelines  
52.2.3  
52.2.4 b**

Professional Standards investigations must be commenced as soon as reasonably possible upon receipt of a complaint and should be completed within thirty days. If extenuating circumstances preclude the completion of an investigation within thirty days, the PSS shall notify the Chief of Police in writing of those circumstances.

If a citizen filed the complaint, the PSS shall ensure that he/she is updated on the status of the case. In no case shall the complainant go longer than 30 days without being re-contacted.

The PSS shall be responsible for providing the Chief of Police with regular status reports on the progress of all investigations.

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**9.3  
Criminal  
Investigations**

Any Professional Standards complaint, that upon investigation appears likely to or does result in criminal charges being brought against an employee, shall require the District Attorney's office, Attorney General's office, or other appropriate prosecutorial body to be apprised of the case.

The Chief of Police, or his/her designee, shall make such contact.

If it is determined that allegations against a Department employee could result in criminal prosecution, the accused employee must be granted all applicable federal and state constitutional and statutory rights.

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**9.4  
Employee  
Responsibilities**

Employees, when requested by the Chief or a superior officer, must respond fully and truthfully to all questions regarding their performance of official duties or to off-duty conduct that affects their fitness or ability to remain in police service.

Department employees involved as either participants or witnesses to an alleged incident being investigated will submit, upon request, a written report concerning his/her actions and observations to the investigating officer.

If it is known that the employee being instructed to submit a report is a witness only, he/she should be so informed at the initial contact.

Any failure to answer completely and truthfully to such inquiries may be punished by appropriate disciplinary action, up to and including dismissal from the Department.

An official conducting an interrogation must at the time of the interrogation specify, if the employee (or his/her counsel/representative) asks, the repercussions (i.e., suspension, discharge or other form of discipline) that will result if the employee fails to respond.

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**9.5  
Employee  
Rights in  
Administrative  
Investigations  
52.2.5  
25.1.1 e**

When employees are notified that they are the subject of a Professional Standards investigation, or are required to answer questions or submit a written report as part of such an investigation, they will be issued a written statement that includes the allegations against them, and their rights and responsibilities. Sufficient information will be provided to reasonably apprise the employees of the allegations as known at that time.

If a member requests the presence of a union representative during questioning, the Department will afford an opportunity for the member to consult with a union representative and/or counsel before being questioned, provided that the interview is not unduly delayed.

The union representative shall be permitted to be present during the entire period of questioning. The status of the union representative shall be limited to that of an observer and advisor to the member. The investigating officer shall be entitled to require that the questioned member provide all accounts of the matter under investigation.

An employee's personal property is protected from unreasonable search and seizure under the Massachusetts Constitution, and any evidence illegally obtained may not be used as evidence in an administrative proceeding. This does not, however, restrict the Department's right to search Department property, which is subject to administrative access or inspection at any time, or any personal property contained inside Department property, including but not limited to, desks, filing cabinets, lockers or police vehicles.

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**9.6  
Employee  
Rights in  
Criminal  
Investigations**

Prior to being questioned on a Professional Standards matter that may include criminal conduct, the interviewee under investigation should be afforded all rights guaranteed under the United States Constitution, the Massachusetts Declaration of Rights, and any other applicable constitutional or statutory rights.

Prior to being questioned regarding alleged personal involvement in criminal activity, an employee shall be given the *Miranda* warnings. After *Miranda* warnings have been given, any voluntary statement made thereafter may be admissible in a criminal proceeding and may be used for Departmental disciplinary purposes.

An employee being questioned about alleged personal involvement in criminal activity, shall, prior to being questioned, be issued a written statement that includes the allegations against them, and their rights and responsibilities. Sufficient information will be provided to reasonably apprise the employees of the allegations as known at that time.

If the questions are specifically, directly and narrowly related to the employee's performance of official duties or off-duty conduct that affects their ability or fitness to remain in police service, they must be answered. Employees have a right to remain silent about conduct or behavior that would tend to incriminate them in a criminal matter. This must be done on a question-by-question basis.

An employee being questioned about alleged personal involvement in criminal activity that could result in a criminal prosecution cannot be discharged or otherwise penalized solely for invoking his/her rights against self-incrimination as guaranteed by the Fifth Amendment to the US Constitution or Article 12 of the Massachusetts Declaration of Rights or for refusing to sign a waiver of immunity.

If the employee, after declining to do so voluntarily, is ordered to submit a report or to answer questions under a threat of the penalty of discipline, he/she shall receive transactional immunity from criminal prosecution for any offenses to which the compelled testimony relates (see Section 9.7). After receiving transactional immunity, he/she may be compelled to answer questions related to his/her on or off duty conduct, and may be disciplined (including discharge) for failure to answer truthfully.

Employees are reminded that notwithstanding any invocation of their rights, disciplinary and/or criminal actions may be taken against the employee based on information received by the Department from other sources.

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**9.7  
Transactional  
Immunity**

No Department member can be forced to answer questions on a criminal matter after declaring his/her constitutional privileges against self-incrimination until granted transactional immunity. When the member, after declining to do so voluntarily, is ordered to submit a report or to answer questions under a threat of the penalty of discipline, that employee shall receive transactional immunity from criminal prosecution for any offenses to which the compelled testimony relates.

The Massachusetts Supreme Judicial Court has determined that no employee of the Town, including but not limited to the Chief of Police and the Town Attorney, has the requisite authority to grant such immunity. In such cases, guidance should be sought from the District Attorney and/or the Attorney General.

The Supreme Judicial Court has held that Article 12 of the Massachusetts Declaration of Rights requires "transactional" immunity to supplant the privilege against self-incrimination when a public employee is being compelled to answer questions concerning possible criminal activities connected with his employment.

An employee may waive his/her Article 12 privilege. In such cases, the employee's subsequent answers and reports cannot be used against him/her in a criminal proceeding.

Transactional immunity grants immunity from prosecution for offenses to which compelled testimony relates. If such employee is informed that he/she will receive transactional immunity from criminal prosecution, he/she must answer or face disciplinary action, including dismissal from the Department, for refusing to answer such questions.

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**9.8  
Interviews**

Any interview or questioning for minor offenses should, if possible, take place during the employee's regular duty hours.

Questioning will not be overly long, and will include such breaks as are reasonably necessary allowed for personal necessities, meals, telephone calls and rest periods.

No Department employee shall be harassed or threatened during questioning.

---

**9.9  
Examinations  
52.2.6**

An employee being investigated as part of a criminal investigation may be compelled to submit to certain activities at the Department's expense upon the order of the Chief of Police or his/her designee. These activities must be specifically directed and narrowly related to a particular Professional Standards investigation being conducted by the Department.

These activities include:

- Medical or laboratory examinations
- Being compelled to be photographed, or to participate in a lineup to be viewed by witnesses or complainants for the purpose of identifying an employee. Such a lineup should be fairly constructed and not unfairly suggestive.
- Facing an examination of offices, desks, file cabinets, computers, lockers, vehicles or other property furnished or supplied by the Department, or personal property contained within such items, as there is no expectation of privacy regarding Department property and these may be subject to administrative access or inspection at any time.
- Being compelled to submit a financial disclosure statement, provided such a statement is material to the criminal investigation.
- Being required to submit to a polygraph or lie detector test, subject to the provisions of MGL c.149 s.19B. If instruments for the detection of deception are used in any Professional Standards investigation, only trained and certified personnel will use these instruments.

In all cases, submissions and/or examinations will only be conducted in a manner that is consistent with applicable federal, state, case law and administrative decisions.

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**9.10  
Failure to  
Cooperate**

Failure of a member to fully cooperate in a Professional Standards investigation, upon the specific order of the Chief of Police or his/her designee, may subject the member to disciplinary sanctions to be specified at the time of questioning, up to and including dismissal from the Department.

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**10.0  
Double  
Jeopardy**

Double jeopardy does not exist when a Department employee is found not guilty in a court of criminal charges and is then found guilty of Departmental infractions after an administrative disciplinary hearing.

As Department charges are administrative in nature, they can be sustained by a "preponderance of the evidence" rather than the criminal court standard of "beyond a reasonable doubt."

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**11.0  
Withdrawn  
Complaints**

If, during a Professional Standards investigation, the complainant indicates a desire to withdraw the complaint, every effort should be made to ensure that this decision is made voluntarily, and a signed statement to this effect should be obtained from the complainant, if possible.

When a complaint is withdrawn, the person assigned to investigate shall provide the Chief with a written report of the investigation to date. Withdrawal of the complaint may not automatically result in the termination of the investigation.

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**12.0  
Contact with  
Complainant**

An employee against whom a complaint has been made shall not contact the complainant, directly or indirectly.

Any attempt on the part of a Department employee to obstruct a Professional Standards investigation, to influence or intimidate any witness, or to threaten or persuade any complainant to withdraw or abandon his/her complaint, is prohibited.

Any violation of this section shall result in additional charges being brought against the employee.

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**13.0  
Report of  
Investigation**

At the conclusion of an investigation, a report shall be prepared for submission to the Chief, which shall include the following:

- The original complaint report
- Any additional statements taken from the complainant or statements obtained from witnesses
- Any statements made, or reports submitted by the Department employee under investigation
- A summary of all evidence gathered
- Any mitigating circumstances, and
- An evaluation of the complaint and a statement as to whether the charges were:
  - **SUSTAINED:** The complaint was valid and supported by sufficient evidence
  - **NOT SUSTAINED:** There was inadequate or insufficient evidence to either prove or disprove the complaint
  - **UNFOUNDED:** The allegations were baseless and without foundation, or
  - **EXONERATED:** The complaint was unjustified or unwarranted as the actions of the accused Department employee were in compliance with law or in accordance with Department policy and procedure.

If, after investigation, a determination is made that a complaint is unjust, frivolous or capricious in nature, this shall be noted in the record, in addition to a finding as specified above.

---

**14.0**  
**Referral of**  
**Actions**  
*26.1.4 c*

If a Professional Standards investigation determines that the complaint was sustained, the matter will be referred to the member's División/Shift Commander for a written recommendation concerning discipline.

The recommendation shall be attached to the Professional Standards report and will be submitted to the Chief of Police for final review and determination of action.

Disciplinary actions will follow the provisions of *Policy and Procedure 211 "Disciplinary Procedures."*

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**15.0**  
**Notifications of**  
**Conclusion**  
*52.2.4 c*

The subject of an investigation shall be promptly notified of the final results of the investigation. If a Department member is cleared of the charges made, he/she shall be officially exonerated in writing.

Every person who has filed a complaint against an employee shall be notified promptly by the PSO as to the final results of the investigation.

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**16.0**  
**Security of**  
**Documentation**  
*26.1.8*  
*52.1.2*

In order to ensure that the individual rights of employees who are the subject of an Professional Standards investigation are protected, all materials relevant to that investigation shall be kept strictly confidential and in a secured area.

The PSO shall be responsible for maintaining permanent records of all professional standards complaints and investigations against the Department and its employees. These records shall be stored in a secure location.

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**17.0**  
**Media**  
**Statements**

No statement regarding a Professional Standards investigation will be made or issued to the public or media without the approval of the Chief of Police.

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**18.0**  
**Annual**  
**Statistical**  
**Summary**  
*52.1.5*

The PSO will compile annual statistical summaries, bases upon records of Professional Standards investigations, which are made available to the public and Department members upon request.

The report shall also list the state's toll-free bias based profiling compliant line phone number (1-866-672-2425).

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**ATTACHMENT B**

**File: JII - STUDENT COMPLAINTS AND GRIEVANCES**

The Barnstable School Committee recognizes that there may be conditions in the school system that are in need of improvement and that students and their parents/guardians should have some means by which their concerns may be effectively expressed, considered, and dealt with fairly. Such means, if well conceived and understood in advance, can do much to maintain harmonious relationships among the schools and the students and community.

The Barnstable "open door" policy in the public school system will be continued. Students and their parents and/or guardians who believe that the students have received unfair treatment in the form of disciplinary action will have the right to first discuss the matter with the school Principal, and then have the right to an appeal. Any applicable provisions of the Massachusetts General Laws or federal law will be followed by school officials in conducting hearings and reviews of student grievances. In general, appeals procedures will begin with the authority imposing the penalty (for example, Principal or teacher) and may ultimately be referred to the Superintendent and on to the Barnstable School Committee, which possesses the ultimate authority for discipline in the school system.

Every attempt will be made to seek a satisfactory solution to any legitimate grievance in a friendly and informal manner. In order to keep such discussions within a practical size, no more than six student representatives will be permitted to participate with the Principal, staff members, or Barnstable School Committee members who may be involved.

LEGAL REF.: M.G.L. 76:17

## **GBK - STAFF COMPLAINTS AND GRIEVANCES**

The School Committee will encourage the administration to develop effective means of resolving differences that may arise among employees and between employees and administrators; reduce potential areas of grievances; and establish and maintain recognized channels of communication between the staff, administration, and School Committee.

It is the Committee's desire that grievance procedures provide for prompt and equitable adjustment of differences at the lowest possible administrative level, and that each employee be assured opportunity for an orderly presentation and review of complaints and concerns.

Channels established will provide for the following:

1. That teachers and other school employees may appeal a ruling of a Principal or other administrator to the Superintendent.
2. That all school employees may appeal a ruling of the Superintendent to the Committee, **except in those areas where the law has specifically assigned authority to the Principal and/or the Superintendent and Committee action would be in conflict with that law.**
3. That all hearings of complaints before the Superintendent or Committee be conducted in the presence of the administrator who made the ruling that is the subject of the grievance.

The process established for the resolution of grievances in contracts negotiated with recognized employee bargaining units will apply only to "grievances" as defined in the particular contract.

LEGAL REFS.: M.G.L. 150E:5 and 8

CONTRACT REFS.: All Contract Agreements



**ATTACHMENT C**

## **ROLE OF THE OFFICE OF THE CAPE AND ISLAND DISTRICT ATTORNEY**

In the spirit of the legislative mandate regarding communication between the district attorney, law enforcement and school officials, as included in General Laws, Chapter 12, Section 32, and to assist the Barnstable Public Schools in providing a safe environment for learning, in accordance with the legislative mandate set forth in G.L. c. 71, §§ 37H and among others, the Cape and Islands District Attorney's Office, through his designees, agrees to:

- (1) report to the school any felony (criminal or delinquency) that is issued against a defendant or juvenile who is known to be a student of the Barnstable Public Schools;
- (2) Provide to the school the facts underlying any incident which the Cape and Islands District Attorney is considering diverting a student in lieu of prosecution where the student is known to attend the Barnstable Public Schools and the incident occurred on school grounds or at any school related activities;
- (3) report to the school any adjudication of delinquency or conviction, or other significant occurrence that arises from any above criminal or delinquency proceeding;
- (4) consider information received from Barnstable Public Schools and the Barnstable Police Department when fashioning proposed terms and conditions to be imposed upon a known student of the Barnstable Public Schools at both the pre-adjudication and post-adjudication stages of the prosecution; and
- (5) consider information received from Barnstable Public Schools and the Barnstable Police Department when deciding whether to divert a known student in lieu of prosecution or to prosecute a student as a Youthful Offender.
- (6) The information that falls within the definition of criminal offender record information (CORI) set forth in M.G.L. c.6,s.167 shall be provided to the the Superintendent of Schools after the Superintendent has applied for and been granted certification by the Department of Criminal Justice Information System (DCJIS) to access CORI in accordance with the provisions of M.G.L. c. 6,s.172 in order to comply with the provisions of M.G.L. c. 71, s. 37H, 37H1/2, and 37H3/4. The Superintendent shall coordinate the distribution of information to principals who have completed an Agreement of Nondisclosure (AOND) and have been approved by the DCJIS to have access to such information. The information may include summary police reports and statements of the studenty when requested by the Superintendent; however, prior to any such information being provided to the Superintendent, the police departments that are parties to this agreement shall redact the names of victims as required by M.G.L. c. 258B and witnesses that are not necessary for the safety of the schools.

The Cape and Islands District Attorney agrees to provide training to the DA's staff to inform them of their roles and responsibilities under this agreement. On an ongoing basis, the same training will be provided to new staff members.

The Cape and Islands District Attorney will not disclose a student's personally identifiable information learned during and/or in relation to a G.L. c. 12, § 32 community based justice meeting to a third party other than another juvenile justice system agency and/or as provided by state and federal law.

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Michael O'Keefe  
Cape and Islands District Attorney

---

Date

# OVERVIEW OF THE SRO PROGRAM AND MEMORANDUM OF UNDERSTANDING

## FACTORS TO CONSIDER WHEN NAMING AN SRO

- o Experience working with youth
- o Demonstrated ability to work with a diverse student population
- o Commitment to making all members of the school community feel welcomed and respected
- o Commitment to de-escalation, diversion and/or restorative justice and an understanding of crime prevention, problem-solving and community policing in a school setting

## FACTORS TO CONSIDER WHEN NAMING AN SRO

- o Knowledge of school-based legal issues (e.g. confidentiality, consent) and demonstrated commitment to protecting students' legal and civil rights
- o Knowledge of school safety, planning and technology
- o Commitment to community outreach
- o Record of good judgment and applied discretion, including an absence of validated complaints and lawsuits
- o Public speaking and teaching skills

## FACTORS TO CONSIDER WHEN NAMING AN SRO

- o The Chief will take actual and apparent conflicts of interest into account including whether the official is related to a staff member at or student attending the school

## CHAIN OF COMMAND

- o The SRO reports directly to the Chief or his/her designee
- o The SRO must ensure clear and consistent lines of communication with the Chief through a monthly meeting (can be more often) with the Chief and other appropriate school officials
- o The SRO must keep the Chief informed of the SRO's work, including arrests and searches

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MOUs made between school districts and police departments must provide key details about the role, staff, responsibilities of SROs in state agencies. These MOUs must ensure that SROs do not take the place of school-based mental health providers. The new law requires that SROs do not use police powers to address teaching school discipline issues, including non-liberal off-campus behavior, and restrict law enforcement action in response to certain school-based offenses.

Office of Attorney General  
Emily F. Parrillo, Office of Public Safety and Security  
Division of Emergency Services

## ■ INTEGRATING THE SRO

- The principal is charged with ensuring the appropriate integration of the SRO, which should include:
  - Invitations to staff meetings, assemblies and conventions;
  - participation in classroom instruction on topics relevant to criminal justice and public safety issues;
  - participation in school-based emergency management, planning and active shooter response training;
  - providing advice and support (within the boundaries of FERPA) on student threat assessments

## ■ INTEGRATING THE SRO

- SROs should not be used as support staff, hall monitors, substitutes or for general supervisory roles
- The principal shall identify a staff member (and a back-up) to whom the SRO may regularly go to obtain student directory data, including the student and guardian names, addresses and telephone numbers
- The District will also provide this information to the SRO in hard copy or digital format (as available)

## ■ ADDRESSING MISBEHAVIOR

- The SRO shall NOT use discipline in the place of school-based mental health providers
- The SRO shall be the primary point of contact with the report student conduct issues/concerns directly to the

## ■ ADDRESSING MISBEHAVIOR

- The SRO shall NOT use police powers to address traditional school discipline issues
- The SRO and/or his/her designee is responsible for all student acts of conduct violations and routine disciplinary violation

## ■ ADDRESSING MISBEHAVIOR

- The SRO shall acknowledge that many acts of student misbehavior that containal of the necessary elements of a criminal offense, are best handled through the school-based disciplinary process. Therefore...

## ■ ADDRESSING MISBEHAVIOR

- The SRO shall use professional judgement and discretion to determine whether involvement is appropriate
- whether misbehavior rises to the level of criminal behavior that poses:
  - A real and substantial harm or threat of harm to the physical or psychological well-being of other students, staff or members of the community
  - A real and substantial harm or threat of harm to school property

## POLICE INVESTIGATIONS ON CAMPUS

- Once a criminal investigation has commenced, school staff should play a very limited role
- Do not interfere in the investigation
- Do not take on a law enforcement or investigator role
  - May be interviewed as a witness
  - May provide such information in accordance with the law and the MOU

## POLICE INVESTIGATIONS ON CAMPUS

- School staff may undertake a parallel investigation related to school-based discipline in accordance with school disciplinary policies
- Principal or his/her designee will be present with the student during a police interrogation, and will make a concerted effort to contact the student's parent prior to the interrogation
- Every effort will be made to avoid executing an arrest of a student on school property or at a school related event

## INFORMATION SHARING

- must always comply with FERPA and state student records laws
- Generally, school staff may not provide personally identifiable student information (PII) to the public
- When a law enforcement officer requests PII, the school staff must:

  - The principal or his/her designee may provide PII to the law enforcement officer if:
    - The principal has provided written consent
    - There is an emergency situation and doing so is necessary to protect the health and safety of the student or others
    - The principal has engaged in conduct by which the law enforcement response is necessary and appropriate to assist in determining whether such response is appropriate

## INFORMATION SHARING

- The principal or his/her designee may, on occasion, receive personally identifiable information that is not directly related to the law enforcement role. The principal or his/her designee may not disclose this information to outside third parties, including other law enforcement officers, without parental consent
- If the principal or his/her designee believes that the principal or his/her designee may benefit from having access to information regarding a student's special education accommodations or other services, the principal or his/her designee may request that the parent provide the information with the principal or his/her designee's consent
- The principal or his/her designee may not provide the information to other law enforcement officers unless the parent provides written consent

## INFORMATION SHARING

- The principal or his/her designee must inform the principal or his/her designee of:
  - any arrest of a student on school property
  - the issuance of a criminal or delinquency complaint against a student
  - any disciplinary action taken against a student
  - any other information that is relevant to the student's safety or well-being
- The principal or his/her designee must inform the principal or his/her designee of:
  - any actual knowledge AND any other information that the principal or his/her designee has received from a student, staff member, or other school personnel on school property, or
  - any other information that the principal or his/her designee has received from a student, staff member, or other school personnel on school property, or
  - any other information that the principal or his/her designee has received from a student, staff member, or other school personnel on school property, or
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## INFORMATION SHARING

- The principal or his/her designee must consult with the principal or his/her designee prior to releasing information to the principal or his/her designee
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## ■ INFORMATION SHARING

When the [redacted] observes or learns of [redacted] misconduct in school for which a law enforcement response is appropriate, the [redacted] or his/her designee, as soon as reasonably possible the fact of that misconduct and the nature of the intended law enforcement response.

When the [redacted] observes or learns of [redacted] misconduct that does not merit a law enforcement response, but that appears to violate school rules, the [redacted] shall report the misconduct whenever such reporting would be required for [redacted]