

MEMORANDUM OF UNDERSTANDING

RE: Communication Protocol Involving the Schools, the Police, the District Attorney, and the Juvenile Court.

1. General Principles

The Silver Lake Regional School District, the Kingston Police, the Halifax Police, the Plympton Police, and the District Attorney for Plymouth County agree to coordinate their response to violent criminal acts, serious delinquent behavior and improper alcohol and drug use involving students who attend Silver Lake Regional Schools. Information shall be shared for incidents which occur in the community at large or which occur on school premises or at school-sponsored or school-related events. This initiative is designed to ensure a safe and secure school environment for all students. Incidents including, but not limited to; violence, weapons, drug/alcohol possession and/or distribution within the towns that comprise the Silver Lake Regional School District will not be tolerated and will be referred for evaluation and/or prosecution in an expedited fashion. In addition, this policy will provide teachers and parents with confidence that there is a consistent, cooperative effort by appropriate officials to prevent crime in the Silver Lake Regional School District.

It continues to remain the sole prerogative of school officials to impose discipline for infractions of school rules and policies.

The school agrees that reference to this Memorandum shall be made in the school handbook providing a written code of conduct pursuant to M.G.L. Chapter 71, Section 37H.

Schools, police prosecutors, probation officers and social service professionals must share information so that the Criminal Justice System can prioritize prosecution of those cases involving individuals most likely to pose a threat to the community and identify other children in the court system who are in need of support services.

2. Objectives

A. To provide a system of prompt reporting to law enforcement of any violent criminal acts or serious delinquent behavior. A serious act of violence shall include any actual or threatened assault involving at least one student against another student, teacher, administrator, employee or member of the school community occurring in a school facility or in connection with a school function, which results in bodily injury and/or involves the possession or use of a weapon.

B. To implement a court team approach for sharing information regarding the behavior and background of students appearing before the court system and to coordinate responses to criminal/delinquent behavior.

C. To provide available appropriate programs for at-risk youths.

D. To refer appropriate first-time or minor offenders to the Plymouth County District Attorney's Juvenile Court System.

E. To establish and work with a Health Advisory Committee which may include representatives of the school age population, local police, clergy, parents, teachers, school administrators, community agency representatives and the District Attorney's Office. They shall make recommendations to appropriate school officials and parents' groups regarding more effective ways to promote an awareness of the dangers of drug abuse and sound preventative measures.

3. Procedures

While acknowledging that school officials are not agents of the police or the Commonwealth and that the Commonwealth and the police are not agents of the school, the school and police agree to coordinate their efforts for reporting criminal/delinquent behavior.

A. The Superintendent of Schools and the school principals are responsible for reporting acts. The Kingston Police Chief shall designate an officer (or officers) to coordinate all reported acts occurring at the Silver Lake Regional Schools.

A mandated reportable act shall include:

1. Any serious incident of assault/abuse, sexual harassment, destruction of property, theft, or hate crime;
2. Violation of restraining order;
3. Possession of a firearm or other illegal weapon;
4. Illegal possession, actual or constructive, or the sale or distribution of what is reasonably believed to be a controlled substance as defined by state law.
5. The sale or distribution of a drug which is believed to be a controlled substance under state law.

A discretionary reportable act shall include, but not limited to:

1. Any student's violation of a state criminal statute which warrants reporting, but is not as serious as a mandatory reportable act (ex. unlawful trespassing, possession of alcohol, tagging or any other illegal activity); and
2. Finding any student, regardless of age, who is reasonably believed to be under the influence of alcohol or drugs.

B. Any teacher or other school employee who has reasonable grounds to believe that a student has committed a mandatory or discretionary reportable act, as defined above, shall report the student to the Principal or Superintendent.

C. The Principal/Superintendent shall inform the student and his/her parent or guardian of the nature of the offense and those certain offenses must be reported to the police. The Principal/Superintendent may offer the student the opportunity to respond to the report.

D. The Principal/Superintendent shall in the case of a mandatory reportable act notify the police of the incident and the existence of any physical evidence. In addition, the Principal/Superintendent will comply with M.G.L. Chapter 71, Section 37L, requiring that an incident involving a student's possession or use of a dangerous weapon on school premises at any time be reported in writing to the Chief of Police.

E. Any incident which involves the possibility of serious physical injury should be reported immediately to the Police Department by reporting directly to an officer assigned to that school or calling 911 and notifying the department that it is an emergency school incident.

F. In a non-emergency situation, where there is no threat of serious physical harm, the crime/delinquent behavior should be reported to the School Resource Officer (SRO). The SRO will then investigate the incident. After this investigation, where appropriate, an application for a delinquency complaint will be made to the Plymouth Juvenile Court (or in some cases to the Plymouth Third District Court, adult session).

G. It is often that school personnel cooperate further with police and the District Attorney's Office after a complaint is made. This may require giving a statement to the police and, on occasion, testifying in court.

H. All cases involving criminal conduct or serious delinquent behavior within the Silver Lake Regional School District will be treated on a priority basis by the District Attorney's Office.

I. School personnel are permitted to search a student's clothing, personal possessions or locker at the direction of the Principal/Superintendent if there is a reasonable basis for believing that the student is concealing material the possession of which is prohibited by federal, state, or local law, or the provisions of the School Discipline Code.

J. The Principal/Superintendent shall inform students in writing at the beginning of each school year of this practice. The Principal/Superintendent should keep a record of such searches, detailing time, place, reasons, and witnesses.

K. Upon notification from the Principal/Superintendent, police shall respond in cases of mandatory reportable acts and may respond in other cases.

L. Juvenile offenders who meet the eligibility criteria for the Plymouth County District Attorney's Juvenile Diversion Program may be admitted to that program in lieu

of prosecution. Cases that are not appropriate for Juvenile Diversion will be prosecuted through the Juvenile Justice System.

M. Those student offenders who have reached their seventeenth birthday will be prosecuted through the regular court system. Non-students involved in such behavior occurring on school premises or at school events are also to be reported pursuant to this agreement.

4. Roundtable Meetings.

- a. The Silver Lake Regional School District, Kingston Police Department, Halifax Police Department, Plympton Police Department, District Attorney's Office and/or Probation Office will establish regularly scheduled meetings to discuss, monitor and track events that occur within the Silver Lake School's facilities, or at any school functions. Targeted offenders will also be discussed.
- b. Roundtable Meetings shall occur monthly unless it is necessary to meet more frequently. Officials from other support agencies may also be invited to participate when necessary and appropriate.
- c. The involved personnel shall share information regarding specific students or targeted offenders to the extent permitted by law. The parties agree that all information acquired during roundtable meetings shall be confidential and subject to privacy restrictions.
- d. The Memorandum of Understanding will be reviewed by the members of the Roundtable on an annual basis.

5. Administration of the Agreement.

This Agreement shall be in effect as of the date the Agreement is signed by the Parties and shall renew automatically unless otherwise modified. Modification of this Agreement shall be made only by a written document setting forth the modifications, signed by all consenting parties.