

MEMORANDUM OF UNDERSTANDING BETWEEN NEEDHAM PUBLIC SCHOOLS AND THE NEEDHAM POLICE DEPARTMENT

Needham, Massachusetts

I. GENERAL PRINCIPLES

The Needham Public Schools and the Needham Police Department agree to coordinate their efforts to promote a safe, healthy, and nurturing environment within the school community through the prevention of illegal and criminal behavior, including but not limited to incidents of verbal and physical assault, intimidation, bullying, threats, harassment, hate crimes, sex crimes, possession of weapons and the use, abuse, possession and/or distribution of drugs and alcohol.

Additionally, the departments, through the offices of the Superintendent of Schools and the Chief of Police, agree to respond effectively and cooperatively to incidents of school delinquency, truancy, and bullying. The joint effort of cooperative response will focus on incidents that take place on school grounds, within 1000-foot radius of school property, within school property, and at school sponsored events, and other locations in which students of the Needham Public Schools are involved in school-sponsored activities.

This agreement is entered into pursuant to the Laws of the Commonwealth of Massachusetts and deals with issues of violence, attempted or threatened violence, illegal substance use or distribution or other incidents that would require:

- A law enforcement response in a school setting
- A law enforcement response during any school sponsored activity, even if the event is off school grounds; or
- A law enforcement response in the community involving students of the Needham Public Schools.

It is understood that it will be the sole prerogative of school officials to impose discipline for infractions of school rules and policies.

II. DESIGNATED LIAISONS AND COMMUNICATION

In order to facilitate prompt and clear communications between the school and police personnel, the parties agree to identify individuals on their respective staffs who will function as Designated Liaisons;

- The Needham Public Schools designated liaisons are: Superintendent, Director of Student Support Services, Director of Human Resources, Director of Guidance, School Principals, Assistant Principals.

- The Needham Police Departments designated liaisons are: Needham Police Chief, Police Lieutenants, School Resource Officer, Community Service Officer, School Attendance Officer, Detective Sergeant, and Shift Supervisor.
- The Needham Police Department is considered the Needham Public School's "Law Enforcement Unit" as defined in the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. -1232g and 34 CFR § 99) for purposes of sharing information regarding students. The Needham Police Department's School Liaison Officer, who is a professional employed by the Needham School Committee as the Supervisor of Attendance will perform numerous other duties within the Needham Public Schools, and shall be considered "authorized school personnel" as defined in 603 CMR 23.00 and eligible for access to the records of students to who he/she provides services.

In addition, the Superintendent of Schools and the Chief of Police agree to maintain regular and consistent communication between their offices, designated liaisons, and departments. The Superintendent and Police Chief will meet regularly to share appropriate information pertinent to the health, safety, and wellbeing of students and members of the community. From time to time and as necessary, the Superintendent and Police Chief will issue joint reports, press releases, or statements to the community and public regarding the security, safety, and wellbeing of students and staff, and to share other information that will benefit the schools and community.

III. REPORTING PROCEDURE

The Designated School Liaisons from the School and Police Departments will share information about any incident classified as a *Mandatory Reportable Incident*:

- 1) Possession, use, or distribution of alcohol by a student;
- 2) Possession, use, or distribution of an inhalant or any controlled substance, as defined in M.G.L. ch. 94C;
- 3) Any incident in which any individual is reasonably believed to be selling or distributing drugs or alcohol;
- 4) Any incident involving the threat of assaultive behavior or intentional assaultive behavior and/or reckless behavior that results in personal injury;
- 5) Possession of a weapon, as defined in M.G.L. ch. 269 sec 10, or the school handbook;
- 6) Any incident involving stalking or harassment in violation G.L. 265 s 43 and 43A, annoying phone calls, domestic abuse, dating violence, or a violation of abuse prevention or harassment order;
- 7) Any incident involving the serious physical or sexual abuse of a child (in addition to a report filed with the Department of Social Services);
- 8) Any creation or possession of a document, whether computer or manually generated, handwritten or electronic (e.g. text) that identifies any individual targeted for violence or death;

- 9) Any incident involving an actual or suspected hate crime or violation of civil rights;
- 10) Any incident of hazing as defined by G.L. 269 s 17;
- 11) Any incident involving an actual or suspected hate crime or violation of civil rights under M.G.L. 265 § 37 and § 39 or 18 U.S.C. § 249;
- 12) Any incident of bullying or cyber-bullying as defined by G.L. c 71 § 370, where the school believes that the incident may have involved criminal conduct or involves any other reportable acts outlined in this memorandum;
- 13) Any sexual assault, including but not limited to rape, assault with intent to rape, indecent assault and battery, as well as any lewd and lascivious behavior, open and gross lewdness, indecent exposure, or incident of gender-based harassment, "sexting", "sextortion" or possession or dissemination of sexually explicit photographs of a student or a child under the age of eighteen;
- 14) Additionally, the Designated Liaisons will review and share any incident or information that may affect the safety or well being of students, faculty, or administrative personnel.

Once a Designated School Liaison has been made aware of a mandatory reportable incident, it is their responsibility to:

- 1) Notify the Police Department Designated Liaison and, when appropriate, parents;
- 2) Notify the Police Liaison of the existence of pertinent physical evidence (e.g., weapon, illicit drugs), take reasonable steps to maintain it in a secure place, and turn over the evidence to police custody; and
- 3) Follow up by forwarding any related reports to the Needham Police Department.

Once a Designated Police Liaison has been made aware of the arrest of any student, or that a complaint application has been filed against any student, they are to share information concerning the matter with the Designated School Liaison subject to applicable statutes and regulations governing confidentiality. The Needham Police will also share any information that the court imposes as a condition of release, probation, etc.

A Police Liaison may also share information about any non-criminal activity involving a student if the officer believes that the activity:

- 1) Poses a serious and imminent threat to the student's safety
- 2) Poses a threat to the safety of other students, or
- 3) By making such a report the officer would facilitate supportive intervention by school personnel on behalf of the student.

Needham Public School employees and Needham Police Department employees who are not "Designated Liaisons" within this agreement, shall be made familiar with the types of incidents that are referred to in this agreement and they shall act to make the facts of any reportable incident known to the Designated Liaison of their respective department.

IV. RECORDED VIDEO FOOTAGE

Recorded surveillance video shall be available to the Needham Police Department for any criminal investigation involving the safety and security of Needham Public Schools' facilities, grounds, students, faculty, or staff.

V. PREVENTION STRATEGIES

In addition to the above responsibilities, the Designated Liaisons from the School, the Police Department and the Norfolk District Attorneys Office will meet regularly for the following purposes:

- 1) To discuss the incidents of violence and bullying in school, any illegal distribution or possession of drugs or alcohol or any other criminal activity affecting students;
- 2) To identify strategies to reduce such activities and to promote a safe and nurturing school environment;
- 3) To discuss community resources available for students at risk of harm from violence, abuse or neglect; and
- 4) To outline the necessary action plan for implementation of such strategies

VI. IMPLEMENTATION AND DURATION

The Superintendent and Police Chief agree to implement this agreement and provide training to Designated School Liaisons and other appropriate staff as necessary.

A. Training: The Needham Public Schools and the Needham Police Department agree to provide agency-wide training to their respective staffs to inform them of their roles and responsibilities under this agreement. On an on-going basis, the same training will be provided to new staff members.

B. Effective date and duration of this agreement: The provisions of this Memorandum of Understanding shall be effective as of the date indicated below and will remain in full force and effect until amended or rescinded by the parties.

For the Needham Public Schools:



Daniel E. Gutekanst
Superintendent of Schools

Date 2/7/17

For the Needham Police Department:



John Schlittler
Chief of Police

Date 2-7-17