

MEMORANDUM OF AGREEMENT
BETWEEN THE _____ SCHOOL DISTRICT
BOARD OF EDUCATION
AND
THE _____ POLICE
(Revised 08-02-10)

1. The Board of Education of the _____ School District and the _____ Police hereby agree that the following practices and procedures shall govern their relationship.

2. All law enforcement agency officers performing law enforcement functions under this Agreement will be governed by the provisions contained herein.

3. **ARRESTS**

a. When possible and appropriate, arrest by police should be made during non-school hours and away from school premises. This excludes on site arrests made by a School Resource Officer pursuant to normally assigned duties.

b. Arrest on school premises during school hours should be undertaken in such a manner as to avoid embarrassment to the student being arrested and to avoid jeopardizing the safety and welfare of other students.

c. In the event a physical arrest must be made during school hours, the principal or designee should summon the student to his/her office before surrendering the student. Unless the safety of the students and school staff will be compromised if an arrest is delayed, the officer should not appear in the classroom to make the physical arrest.

d. If the student is to be surrendered to the custody of the police officer, the principal or designee should record the name and organization of the officer, the time the officer leaves the school, the destination (police station, detention facility, or Family Court) and the offense for which the arrest was made. A substantial effort should be made by the principal or designee to immediately contact the parent(s) or guardian(s) of the student of any contact by the police. If the student is arrested and removed from the premises before such contact is made, the police and the principal or designee each have the responsibility for that notification.

4. **QUESTIONING OR INTERROGATION BY POLICE ON SCHOOL PROPERTY**

a. Police investigations involving the questioning or interrogation of pupils should not be permitted on school premises unless in connection with a school-related crime or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the student or other persons. Questioning becomes interrogation when it becomes accusatory in nature and is designed to elicit an admission of guilt from the suspected offender. Law enforcement officers must provide Miranda warnings when questioning becomes interrogation.

b. The principal or designee shall be present throughout questioning or interrogation that occurs on school property, except in cases in which the investigation concerns a student who is the victim of physical or sexual abuse where a member of the student's immediate family or household is suspected of being the perpetrator of or a conspirator in such abuse, and where the police investigator is a representative of a special unit trained to do such interviews.

- c. In any case in which a student is in custody and being questioned regarding involvement in a criminal matter and in which the student's Fifth Amendment protection against self-incrimination may apply, the law enforcement officer should consider the environment in which questioning takes place and the ability of the student to discontinue the questioning. Unless unreasonable to do so, the law enforcement officer should notify the principal or his designee when such questioning becomes custodial in nature. Questioning becomes "custodial in nature" when a law enforcement officer is conducting an interview and the party being interviewed is not free to leave the presence of the officer.
- d. Before the police commence the questioning or interrogation of a minor on school premises, the principal shall make a substantial effort to contact the student's parent(s) or guardian(s) to provide them an opportunity to be present or consult an attorney. Such contact is particularly important in the case of students below the high school level. Questioning or interrogation without such parental contact should only proceed when one or more of the following conditions exist:
 - (1) The contact may endanger the safety of students or other persons.
 - (2) The contact would compromise the success of the investigation because a member of the student's immediate family or household is suspected of being a perpetrator or conspirator or potential conspirator to a crime, or the delay caused by lack of contact would compromise the success of the investigation and a substantial effort has been made to contact the student's parent(s) or guardian(s) without success.

The police should ensure that the student is afforded all constitutional rights due in such a situation.

- e. School officials may request the arresting officer remove the student from the premises as soon as possible, after the arrest is made.

5. SEARCH AND SEIZURE

- a. Law enforcement officers, in reliance upon probable cause that a crime is, has, or is about to be committed, may search for evidence of that crime. Whenever reasonable, a search warrant issued by a court of competent jurisdiction will be sought before a search is conducted. As a general policy, and when agreed upon to do so, a school official will accompany the law enforcement officer on searches that are conducted on school property. School officials will not participate in the actual search unless specifically requested to do so by the police.
- b. Efforts should be made by police and school administrators to conduct searches in a manner that will minimize disruption of the normal school routine and will minimize embarrassment to pupils affected.
- c. A frisk (pat-down) may be conducted by the police when the officer has reason to believe that the person being encountered is armed or presents a risk of injury to the officer or an innocent third party.
- d. The principal or designee may, at any time, conduct such searches as are essential to the safety, security, discipline, and sound administration of the particular school. The appropriate police agency will respond to a request from a school official conducting an administrative search when the official feels that the search might reveal a violation of the law.

6. REPORTING CRIMES

School officials are charged with the responsibility to provide for the safety of students and for the security of school property. The Delaware Code mandates reporting of the offenses listed in 14 Del.C., § 4112; a substantial fine can be assessed against any superintendent, principal, or school employee who fails to make such a mandatory report.

7. SCHOOL DISTURBANCES

- a. The request for police assistance in a crisis situation requires special care because of the possibility of an escalating situation.
 - (1) It is preferable that the principal or designee call the police. If a law enforcement officer is on the scene, it is desirable that the decision to call for additional police support be reached in collaboration with that officer.
 - (2) No person other than the principal or designee, the superintendent of the district or his designee, or the ranking police officer present may request the tactical deployment of police to a school.
 - (3) The determination of the level of force required is best made by the ranking police officer on the scene, working jointly with the principal or designee.
- b. The Board of Education must recognize that any policy governing the use of these different categories of Police Officers must be flexible and that final authority rests with the police.
- c. Tactical coordination between the Principal or designee and police officers on the scene is a necessity. During any crisis situation, it will be the responsibility of the ranking police officer on the scene to ensure that direct, secure, continuing communication with the principal or designee is maintained.

8. SCHOOL RESOURCE OFFICER ROLE AND RESPONSIBILITIES

a. General Description

The School Resource Officer (SRO) assignment is in a middle or high school setting with the goal of creating and maintaining a safe, secure, and orderly environment for students, teachers, and staff. An SRO represents a proactive strategy designed to bring crime prevention and intervention into the school.

b. Examples of Duties

Investigate and enforce offenses listed in 14 Del.C., §4112. Follow all legal and policy requirements regarding juvenile investigation, detention, and arrest. Assist in developing and updating school Emergency Preparedness Plans. Maintain a safe and secure school environment by keeping abreast of elements and incidents that may threaten the safety of the students, teachers, and staff. Develop crime prevention programs with school staff and provide education on crime prevention to the school community, including current topics such as bullying. Be a positive role model and mentor to the school community and present a positive image to better enhance communication with students, staff, and parents. Receive information from Principal/Designee and conduct an investigation to determine if incident requires mandated reporting. Maintain logs of participation in school activities and of criminal investigations conducted.

c. Knowledge/Skills

Must maintain a high degree of maturity and dedication to the tasks assigned. Must possess excellent interpersonal and communication skills. Must possess excellent time management and organizational skills and be self-motivated with little direct guidance and supervision. Possess knowledge of criminal investigative techniques. Ability to provide constructive counseling and offer conflict resolution.

d. Awareness and Education

At the beginning of each school year, the School Resource Officer in collaboration with the Principal, shall provide an introduction and awareness program/presentation on the School Resource Officer (SRO) Program. The program attendees shall include students, staff, parents, and school community members. The role and responsibilities of the SRO and the topics of force, equipment, and expectations for application and use are required.

9. SIGNATURES

School District

Law Enforcement Agency

Date

Date