

MEMORANDUM OF UNDERSTANDING

RE: COMMUNICATION PROTOCOL INVOLVING THE SCHOOLS AND THE POLICE

GENERAL PROCEDURES

The Benjamin Franklin Classical Charter Public School and the Franklin Police agree to coordinate their response to violent criminal acts, serious delinquent behavior and improper alcohol drug use, 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, to foster a "zero tolerance" attitude regarding the illegal use of drugs or alcohol, weapons, and violence and to provide teachers and parents with confidence that there is a consistent, cooperative effort by appropriate officials to prevent crime in the Benjamin Franklin Classical Charter Public School.

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.

OBJECTIVES

- A. To provide a system of prompt reporting to law enforcement of any violent criminal acts or serious delinquent behavior.
- 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 programs for at-risk youths.
- D. To establish and work with an advisory committee which can include representatives of the school age population, local police, clergy, parents, teachers, school administrators and community agency representatives which shall make recommendations to appropriate school officials and parent groups regarding more effective ways to promote an awareness of the dangers of drug abuse and sound preventative measures.

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 Head of School (HOS) is responsible for reporting acts. The Police Chief shall designate an officer (or officers) to coordinate all reported acts.

A mandated reportable act shall include:

- 1. Any serious incident of assault, destruction of property, of theft;
- 2. Violation of a 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; 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 HOS.
- C. The HOS shall inform the student and his/her parent of guardian of the nature of the offense and that certain offenses must be reported to the police. The Principal/Superintendent may offer the student the opportunity to respond to the report.
- D. The HOS 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 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 injury should be reported immediately to the Police Department by reporting directly to an officer assigned to the 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 police department. The department will then investigate the incident. After this investigation, where appropriate, an application for a delinquency complaint will be made to the Juvenile Court (or in some cases to the District Court, adult session.)
- G. It is often that school personnel cooperate further with police after a complaint is made. This may require giving a statement to the police and, on occasion, testify in court.
- H. 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.
- I. The HOS shall inform students in writing at the beginning of each school year of this practice. The HOS should keep record of such searches, detailing time, place, reasons, and witnesses.
- J. Upon notification from the HOS, police shall respond in cases of mandatory reportable acts and may respond in other cases.
- K. Those student offenders who have reached their seventh birthday will be prosecuted through the regular court system. Non-students involved in such behavior occurring in school premises or at school events are also to be reported pursuant to this agreement.

CONCLUSION

The Franklin Police Department and the Benjamin Franklin Classical Charter Public School are committed to safe schools. The immediate reporting, prompt investigation and speedy prosecution of serious criminal conduct will help to provide the secure environment which each student deserves and will send Franklin students and their families an appropriate message that criminal behavior will not be tolerated.