

JGD-R1

**MEMORANDUM OF UNDERSTANDING
REGARDING REPORTING OF ACTS OF THEFT, DESTRUCTION OR VIOLENCE**

It is the intention of the Rochester Police Department and the Rochester School Department to work in a joint cooperative effort to provide a safe and healthy school environment for students, staffs, and visitors. We intend to do this in compliance with New Hampshire R.S.A. 193-D, Safe School Zones, as amended.

Communication and sharing of information is the initiation of any cooperative effort. As required by law, it is agreed that every school employee who has witnessed, or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the Principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing.

As a result of New Hampshire R.S.A. 193-D:7, school employees are relieved of concerns regarding confidentiality. It states:

Notwithstanding any other provision of law, it shall be permissible for any law enforcement officer and any school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C.

The report required above shall be on a standard form and shall include:

- a. Identification of the act of theft, destruction, or violence as defined in RSA 193-D:I that was allegedly committed.
- b. The name and address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.
- c. The name and home address, if known, of any person suspected of committing an act of theft, destruction, or violence in a safe school zone.

The written report required above shall be waived by law enforcement officials when there is a law enforcement response at the time of the incident which results in a written police report.

Acts of theft, destruction, or violence mean acts set forth in the following, regardless of the age of perpetrator and shall be reported as required above:

- a. Homicide under RSA 630.

Any death shall be immediately reported to law enforcement officials, regardless of suspected cause.

- b. Any first or second degree assault under RSA 631.

This will include any injury to a person caused by another person. Investigation may reveal that not all of these incidents constitute an actual crime. Reporting will allow an investigation to be conducted.

- c. Any felonious or aggravated felonious sexual assault under RSA 632-A.

Although going beyond the legal requirement, all acts of sexual penetration occurring within safe school zones will be reported.

Any sexual contact with a person who is under 13 years of age will be reported.

- d. Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.

Due to the tremendous potential for serious injury or death when firearms are present, any person in possession of a firearm within Safe School Zones will be reported. The exception will be recognized Law Enforcement personnel. Some of those reported may not be in violation of the law, but should be reported.

- e. Arson under RSA 634:1.

Any person who knowingly starts any fire or causes any explosion which results in injury, damage to the property of another, or is done with intentional disregard for the safety of others, is included in this section.

- f. Burglary under RSA 635.

Any person who enters a building or separately secured section of a building, with a purpose to commit a crime inside.

- g. Robbery under RSA 636.

This includes any theft that is accomplished by the use of physical force or the threat of imminent use of force.

- h. Illegal sale or possession of a controlled drug under RSA 318-B.

Although going beyond the legal requirement, reports will be made on any substance, other than a food that affects the way your mind and body work, excepting legally prescribed medications, which should be recorded with the appropriate administrative school personnel.

Additionally, an act of theft, destruction or violence may mean the items set forth below when, in the opinion of the reporting individual, it is of serious proportion:

- a. Simple assault under RSA 631:2-a

Simple assaults may result in some injuries. Simple assault also includes knowingly having unprivileged physical contact with another person. Recognize that this can be very minor contact and that Principals will consider the District Disciplinary Policy when making a determination about whether or not to file a Safe School Zone Offense Report. We agree to err in the direction of filing a report when there is any question. Law enforcement and school officials can then jointly determine the best action to be taken.

- b. Criminal mischief under RSA 634:2.

This includes purposely or recklessly damaging the property of another. This includes school property.

- c. Theft under RSA 637.

This is the obtaining or exercising of unauthorized control over the property of another.

Memorandum of Understanding

The following terms, as defined in RSA 193-D:1 apply to this memorandum:

Safe School Zone means an area inclusive of any school property or school buses.

School means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire. It shall not include home schools under RSA 193-A.

School Employee means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing or performing continuing contract services for any public or private school, school district, school department, or school administrative unit.

School property means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

School purposes means school-sponsored programs, including but not limited to educational or extra-curricular activities.

Nothing contained in this memorandum is intended to limit the events that may be reported to the police department or to limit school employees from requesting police assistance on matters not referred to in this memorandum.

The local Police Department and the local School District, agree to provide their employees with training relative to this memorandum of understanding, its purpose and anticipated results. The parties further agree to maintain regular and open communication to evaluate the effect of this memorandum and suggest improvements and adjustments that may be necessary.

/s/

Chief of Police

/s/

Superintendent of Schools

Adopted: January 14, 1997
Board Review/Approved: October 14, 2010
Board Review/Approved: January 9, 2014