

KLGA-R

SCHOOL RESOURCE OFFICER/LAW ENFORCEMENT ADMINISTRATIVE MEMORANDUM OF UNDERSTANDING

The Rochester Police Department and the Rochester School District have always had an attitude of working together closely to ensure the safest environment in the local schools. Due to the presence of the police officer at the school, crime and the threat of crime will be reduced. By working with the students, parents, faculty and staff, the School Resource Officer in the school provides a culture of safety and peace so that students may realize the full benefits of their education.

The purpose of this memorandum of understanding is to ensure that introduction of School Resource Officers in the schools will continue to further that attitude of cooperation. Further, this provides guidelines for the conduct of SROs and other law enforcement authorities in the schools. These are guidelines only and may be adjusted within reasonable and lawful limits on a case-by-case basis.

This memorandum as amended is effective from the date of signature through at minimum, June 30, 2021, at which time the MOU will be reviewed and further amended if necessary.

A. Expectations Concerning the Roles of School Personnel and SROs:

1. SROs shall always conduct himself/herself in a fair and impartial manner and shall comply with all applicable federal and state laws, School Board policies and procedures, school rules, and Rochester Police Department rules in carrying out their duties and responsibilities within the grounds of the school.
2. In general, school administrators and staff are responsible for enforcing Board policies and school rules and for maintaining order in the schools. The SRO will be available to respond to and will be alert to any activity which create an unsafe atmosphere in the school. SROs who observe violations of policies and/or rules may intervene with students to stop the behavior and shall report violations to appropriate administrators.
3. School administrators and staff may consult with and request assistance from SROs in addressing student violations of policies and rules as they deem appropriate.
4. School administrators and staff shall notify the SRO if they have reason to believe that a student has committed a crime or if they obtain evidence of illegal activity (such as weapons, drugs or alcohol).
5. The SRO will consult with school officials in matters relating to criminal activity so that school officials may determine what their best course of action will be administratively. All criminal activity will be recorded and statistical information maintained to determine levels and types of activities.
6. School administrators may request the assistance of SROs in enforcing Board policies, school rules and federal/state laws with visitors and intruders on school property.
7. Unless there is a health or safety emergency, SROs shall consult with an appropriate school administrator prior to requesting additional law enforcement assistance on school grounds.
8. SROs are expected to maintain the same standards of professional conduct in their dealings with staff, students, parents and community members as other school staff.

B. Investigations, Questioning and Searches of Students for School-Related Purposes: Some types of student conduct that are forbidden by school rules, such as assaults, bomb threats, weapons possessions, and drug offenses, are also punishable by criminal law. When a particular act is both a violation of school rules and a crime, the school disciplinary investigation by school administrators and the criminal investigation by the police and county attorney will often operate simultaneously.

1. Evidence of violation of state/federal laws will be turned over to the SRO, unless such disclosures are otherwise prohibited by Family Educational Rights and Privacy Act (FERPA) or any other applicable law.
2. Since police investigative reports and police-obtained witness statements may not always be available to school administrators, the school administrator shall prepare and maintain his/her own records and reports concerning school-related investigations.
3. School Department will make final decisions in all administrative matters.

C. Investigations, Questioning and Searches of Students for Non-School-Related Purposes:

1. In general, SROs and other law enforcement authorities are not allowed to use the schools as a venue for questioning and searching students for alleged violations of state or federal laws that are not related to the schools.
2. Exceptions will be made in the event of an emergency endangering student or staff safety or in exigent circumstances as authorized by law. Other exceptions may be made on a case-by-case basis after consultation between the Superintendent/designee and law enforcement authorities. Whenever practicable, the police should contact the school administrator before questioning or searching students.
3. If the SRO anticipates possible criminal charges, he/she should follow applicable laws and police department policies concerning questioning and searches of juvenile suspects (if the student is under 18) or adult suspects (if the student is 18 or older).
4. The Police Department will make the final decisions in all criminal matters.
5. Nothing in this Memorandum of Understanding will be construed as to preclude the Police Department from pursuing legitimate criminal investigations to their proper completion.

D. Arrests of Students at School:

1. In general, SROs and other law enforcement authorities are discouraged from arresting students at school for non-school-related activities.
2. Exceptions to the above will be made in the event of an emergency endangering student and/or staff safety or in exigent circumstances as authorized by law. Other exceptions may be made on a case-by-case basis after consultation between the Superintendent/designee and law enforcement authorities. Whenever practicable, the police should contact the school administrator before making an arrest in school.
3. The SRO (or other law enforcement official if applicable) is responsible for complying with applicable state and federal laws concerning parental notice and notification of rights prior to questioning.
4. A student may be removed from school by an SRO or other law enforcement official when there is a court order, an arrest warrant or when a warrantless arrest is authorized by law. The school

administrator shall attempt to notify the student's parent/guardian as soon as possible of the student's removal from school.

E. Confidentiality of Student Information and Records:

1. School administrators may release personally identifiable student information contained in education records to SROs and other law enforcement authorities in accordance with the requirements of the federal Family Educational Rights and Privacy Act and other applicable laws.
2. SROs are considered to be school officials with legitimate educational interests in reviewing educational records in order to perform their professional responsibilities.
3. SROs are expected to maintain confidentiality of personally identifiable student information in accordance with applicable laws, Board policies and school rules.

F. Supervision Responsibility

1. The School Resource Officer Program will be monitored by both Department and School officials. The School Resource Officer will maintain close contact with school administrators to ensure that both are working together harmoniously to ensure the safest school environment possible for all students, faculty and staff.
2. The primary responsibility to supervise the SRO will fall on the Police Department and the Chief of Police.
3. The SRO will be assigned to the Support Services Division and report to the Sergeant.
4. While at the school, however, the SRO will work closely with School Administration on matters involving students, faculty and staff. The atmosphere will be one of cooperation between the School Department and the Police Department to create the safest and most comfortable atmosphere in the school to enhance learning.

Dated this 30th day of January 2017.

Paul R. Toussaint, Chief of Police
Rochester Police Department

Michael L. Hopkins, Superintendent of Schools
Rochester School Department – SAU #54

Adopted: November 10, 2010
Amended: October 11, 2012
School Board Review/Approval: February 12, 2015
Amended: April 13, 2017