



Lunenburg Police Department

Policy Number: 1.40	Subject: School Resource Officer Program
Issue Date: 9/9/2021 Revision Date(s): 2/3/2022 Effective Date: 9/16/2021	Massachusetts Police Accreditation Standards Referenced: 44.2.4
Issuing Authority: <i>Chief Thomas L. Gammel</i>	

I. PURPOSE

The purpose of this directive is to provide guidelines regarding the School Resource Officer's (SRO) role and responsibilities. The SRO program at the Lunenburg Public Schools is designed to promote school safety; help maintain a positive school climate for all students, families, and staff; enhance cultural understanding between students and law enforcement; promote school participation and completion by students; facilitate appropriate information-sharing; and create collaborative relationships to best serve the school community.

II. POLICY

It is the policy of the Lunenburg Police Department to maintain an SRO program in the Lunenburg Public Schools. The Department in conjunction with the Lunenburg Public School District will also maintain a Memorandum of Understanding in accordance with G.L. c. 71 § 37P. [44.2.4]

III. SRO SELECTION PROCESS

The Department recognizes that the selection of the SRO is a critical aspect of the Program and that it is important for the Department, the District, and the school community to have a positive perception of and relationship with the SRO.

In accordance with state law, the Chief shall assign an officer whom the Chief believes would foster an optimal learning environment to the educational community. The Chief shall give preference to officers who demonstrate the requisite personality, and character to work in a school environment with children and educators. The SRO will receive specialized training in

child and adolescent cognitive development, de-escalation techniques, and alternatives to arrest and diversion strategies. The Chief shall work collaboratively with the Superintendent in identifying officers who meet these criteria and in selecting the officer who is ultimately assigned as the SRO.

The Chief shall consider the following additional factors in the selection of the SRO:

- A. Proven experience working effectively with youth;
- B. Demonstrated ability to work successfully with a population that has a similar racial and ethnic makeup and language background as those prevalent in the student body, as well as with persons who have physical and mental disabilities;
- C. Demonstrated commitment to making students and school community members of all backgrounds feel welcomed and respected;
- D. Demonstrated commitment to de-escalation, diversion, and/or restorative justice, and an understanding of crime prevention, problem-solving, and community policing in a school setting;
- E. Knowledge of school-based legal issues (e.g., confidentiality, consent), and demonstrated commitment to protecting students' legal and civil rights;
- F. Knowledge of school safety planning and technology;
- G. Demonstrated commitment and ability to engage in outreach to the community;
- H. Knowledge of school and community resources;
- I. A record of good judgment and applied discretion, including an absence of validated complaints and lawsuits; and
- J. Public speaking and teaching skills.

In endeavoring to assign an SRO who is compatible with the school community, the Chief shall receive and consider input gathered by the Superintendent from the school principal(s) and representative groups of teachers, parents, and students, in addition to the Superintendent. In accordance with state law, the Chief shall not assign an SRO based solely on seniority.

The Chief shall take into account actual or apparent conflicts of interest, including whether an officer is related to a current student at the school to which the officer may be assigned as an SRO. As part of the application process, officers who are candidates for an SRO position shall be required to notify the Chief about any relationships with current students or staff members or students or staff members who are expected to join the school community (e.g., children who are expected to attend the school in the coming years). Any SRO who has a familial or other relationship with a student or staff member that might constitute an actual or apparent conflict of interest shall be required to notify his or her appointing authority at the earliest opportunity. The Police Department shall determine the appropriate course of action, including whether to assign another officer to respond to a particular situation, and will advise the SRO and the District accordingly. **Nothing in this paragraph is intended to limit the ability of the SRO to respond to emergency situations in District schools.**

IV. SRO UNIFORM

The SRO will wear a regulation patrol uniform, carry all the same equipment they would have on any other law enforcement assignment, including but not limited to full duty belt, and drive a fully equipped patrol vehicle while on school premises. More casual attire (e.g., soft uniform or plain clothes) may be worn, with the permission of the SRO's supervisor when the SRO is participating in school activities that make wearing a uniform impractical.

V. BODY WORN CAMERA (BWC)

The SRO will be issued a BWC in accordance with Department Policy, #1.35 Body Worn Cameras. The SRO will activate the BWC in accordance with Section II, subsection A-J, of the policy, and as described or modified below. The BWC shall be conspicuously placed on the SRO's uniform. All BWC recordings are exclusively owned and maintained by the Lunenburg Police Department. All BWC recordings are subject to Public Records Law, and the obligations and restriction regarding access, use and retention outlined in Department Policy #1.35.

A. Activation:

While in a District Building or on District grounds, the SRO shall only activate their BWC in case of suspected criminal activity or when assisting school personnel with matters that may result in disorderly or otherwise disruptive behavior in the school environment. This includes but not limited to the following situations:

1. Any violent interaction(s) with or between student(s) or staff.
2. When an intruder enters into a District Building or District grounds.
3. When in engaged in a criminal investigation in accordance with Department policy.
4. A call for help or any disturbance that requires immediate police intervention.
5. Any Use of Force that the SRO applies.

B. Exceptions:

SROs are not required to record normal casual conversations/encounters with citizens or members of the school community that do not correspond with the above-noted circumstances. SROs will not activate their BWC when present during meetings between students and school personnel that are of an administrative nature and do not involve suspected criminal activity or the potential for disruptive behavior.

C. Recording In Sensitive Areas:

When recording in areas where there may be a reasonable expectation of privacy, the SRO should be mindful of their location as BWC recording may be considered insensitive, inappropriate, or prohibited by privacy considerations. Such locations may include guidance office(s), locker rooms, and bathrooms i.e. Based on the circumstances encountered at such locations, the BWC may be turned off.

D. Notice Of Recording:

Officers are not required to notify citizens in areas where a citizen does not maintain a reasonable expectation of privacy but may do so at the beginning or during the officer's interaction with the members of the school community. Officers may take into account tactical considerations as to, if, or when, to notify a citizen of the recording. When notification is practical, officers may notify civilians that they are being recorded.

E. Deactivation:

The SRO has the ability to de-activate the BWC in accordance with Department Policy. The SRO may also de-activate the BWC while investigating allegations that involves sexual abuse, or may be sensitive in nature.

VI. SUPERVISION

The SRO shall be a member of the Department and report directly to the Chief of Police, or his/her designee. To ensure clear and consistent lines of communication, the SRO shall meet at least monthly with the principal, or any other school officials as needed. The SRO shall ensure that the principal remains aware of material interactions and information involving the SRO's work, including, but not limited to, arrests of students while on school property. Searches involving students' persons or property, while on school district grounds.

VII. ROLES AND RESPONSIBILITIES OF THE SRO INVOLVING STUDENT MISBEHAVIOIR

The SRO plays important and distinct role in responding to student misbehavior to ensure school safety and promote a positive and supportive learning environment for all students.

Under state law, the SRO shall not serve as a school disciplinarian, as an enforcer of school regulations, or in place of school-based mental health providers, and the SRO shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior.

The principal or his or her designee shall be responsible for student code of conduct violations and routine disciplinary violations. The SRO shall be responsible for investigating and responding to criminal misconduct. Many acts of student misbehavior, that may contain all the necessary elements of a criminal offense, are best handled through the school's disciplinary process which will be decided in collaboration between the SRO and the Principal. The SRO shall read and understand the student code of conduct for both the District and each school.

The principal (or his or her designee) and the SRO shall use their reasoned professional judgment and discretion to determine whether SRO involvement is appropriate for addressing student misbehavior. In such instances, the guiding principle is whether misbehavior rises to the level of criminal conduct that poses (1) real and substantial harm or threat of harm to the

physical or psychological well-being of other students, school personnel, or members of the community or (2) real and substantial harm or threat of harm to the property of the school.

In instances of student misbehavior that do not require a law enforcement response, the principal or his or her designee shall determine the appropriate disciplinary response. The principal or his or her designee should prioritize school- or community-based accountability programs and services, such as peer mediation, restorative justice, and mental health resources, whenever possible.

For student misbehavior that requires immediate intervention to maintain safety (whether or not the misbehavior involves criminal conduct), the SRO may act to deescalate the immediate situation and to protect the physical safety of members of the school community. To this end, school personnel may request the presence of the SRO when they have a reasonable fear for their safety or the safety of students or other personnel.

VIII. ARRESTS AND INVESTIGATIONS

A student shall only be arrested on school property or at a school-related event as a last resort or when a warrant requires such an arrest. The principal or his or her designee shall be consulted prior to an arrest whenever practicable, and the student's parent or guardian shall be notified as soon as practicable after an arrest.

Any SRO taking a student into custody on school grounds shall:

- A. Follow all applicable department policies for arrest, detainee custody, use of force, citation, and court procedure and transportation;
- B. Afford students' their legal rights, including the process for searching and questioning students and circumstances requiring notification to and presence of parents and administrators where the student is under the age of 18 years;

In the event of an investigation by the SRO that leads to custodial questioning of a juvenile student, the SRO shall notify the student's parent or guardian in advance and offer them the opportunity to be present during the interview.

In accordance with state law, the SRO shall not take enforcement action against students for Disturbing a School Assembly (G.L. c. 272, § 40) or for Disorderly Conduct or Disturbing the Peace (G.L. c. 272, § 53) within school buildings, on school grounds, or in the course of school-related events.

IX. INFORMATION SHARING

There is a benefit of appropriate information sharing for improving the health and safety of students but there is also the importance of limits on the sharing of certain types of student information by school personnel. There is a distinction between student information shared for

law enforcement purposes and student information shared to support students and connect them with necessary mental health, community-based, and related services.

A. Points of Contact for Sharing Student Information

In order to facilitate prompt and clear communications, the principal (or his or her designee) and the SRO are the primary points of contact for sharing student information in accordance with this policy. In some instances, other school officials or Police Department employees may serve as key points of contact for sharing information. Such Police Department employees are considered a part of the District's "Law Enforcement Unit" as defined in the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g).

B. Compliance with FERPA and Other Confidentiality Requirements

At all times, school officials must comply with FERPA. This federal statute permits disclosures of personally identifiable information about students contained in educational records ("Student PII"), without consent, only under specific circumstances.

When the District "has outsourced institutional services or functions" to the SRO consistent with 34 C.F.R. § 99.31(a)(1)(i)(B) of FERPA, the SRO qualifies as a "school official" who can access, without consent, Student PII contained in education records about which the SRO has a "legitimate educational interest."

Consistent with 34 C.F.R. §§ 99.31(10) and 99.36 of FERPA, the SRO (or other Police Department employee) may gain access, without consent, to Student PII contained in education records "in connection with an emergency if knowledge of the [Student PII] is necessary to protect the health or safety of the student or other individuals."

These are the only circumstances in which an SRO may gain access, without consent, to education records containing student PII (such as IEPs, disciplinary documentation created by a school, or work samples).

FERPA does not apply to communications or conversations about what school staff have observed or to information derived from sources other than education records.

In addition to FERPA, the SRO will comply with all other state and federal laws and regulations regarding confidentiality, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and state student record regulations at 603 C.M.R. 23.00.

C. Information Disclosure Restriction

The SRO and school department officials shall not disclose to a Law Enforcement Officer or Agency, including local, municipal, regional, county, state and federal law enforcement,

through an official report or unofficial channels, including, but not limited to, test, phone, email, database, and in-person communication, or submit to the Department of State Police's Commonwealth Fusion Center, the Boston Regional Intelligence Center or any other database or system designed to track gang affiliation or involvement, an information relating to student or student's family member from its databases and other record keeping systems including:

1. Immigration Status;
2. Citizenship;
3. Neighborhood of residence;
4. Religion;
5. National Origin;
6. Ethnicity;
7. Suspected, alleged or confirmed gang affiliation, unless germane to a specific unlawful incident or to a specific prospect of unlawful activity the school is otherwise required to report.

Nothing in this paragraph shall prohibit the sharing of information: (i) for the purposes of completing a report pursuant to section 51A of chapter 119; (ii) upon the specific, informed written consent of the eligible student, parent or guardian; (iii) to comply with a court order or lawfully issued subpoena; (iv) in connection with a health or safety emergency pursuant to the provisions of 603 C.M.R. 23.07(4)(e); or (v) for the purposes of filing a weapon report with the local chief of police pursuant to this section

D. Information Sharing by the SRO

Subject to applicable statutes and regulations governing confidentiality, the SRO shall inform the principal or his or her designee of any arrest of a student, the issuance of a criminal or delinquency complaint application against a student, or a student's voluntary participation in any diversion or restorative justice program if:

1. The activity involves criminal conduct that poses a (present or future) threat of harm to the physical or psychological well-being of the student, other students or school personnel, or to school property;
2. The making of such a report would facilitate supportive intervention by school personnel on behalf of the student (e.g., because of the Police Department's involvement with a student's family, the student may need or benefit from supportive services in school); or
3. The activity involves actual or possible truancy.

The SRO shall provide such information whether the activity takes place in or out of school, consistent with the requirements of G.L. c. 12, § 32 (Community Based Justice information-sharing programs) and G.L. c. 71, § 37H (setting forth potential disciplinary consequences for violations of criminal law).

When the SRO observes or learns of student misconduct in school for which a law enforcement response is appropriate, the SRO shall convey to the principal or his or her designee as soon as reasonably possible the fact of that misconduct and the nature of the intended law enforcement response, and when the SRO observes or learns of student misconduct that does not merit a law enforcement response, but that appears to violate school rules, the SRO shall report the misconduct whenever such reporting would be required for school personnel.

X. DATA COLLECTION AND REPORTING

In accordance with state law, the SRO and school administrators shall work together to ensure the proper collection and reporting of data on school-based arrests, citations, and court referrals of students, consistent with regulations promulgated by the Department of Elementary and Secondary Education.

XI. SRO TRAINING

The SRO shall initially attend a Massachusetts Municipal Police Training Committee (MPTC) basic School Resource Officer certification course or equivalent and accepted training course.

In accordance with state law, the SRO shall receive ongoing professional development in:

- A. Child and adolescent development;
- B. Conflict resolution; and
- C. Diversion strategies.
- D. Additional areas for continuing professional development may include, but are not limited to:
 - 1. Restorative practices.
 - 2. Implicit bias and disproportionality in school-based arrests based on race and disability.
 - 3. Cultural competency in religious practices, clothing preferences, identity, and other areas.
 - 4. Mental health protocols and trauma-informed care.
 - 5. De-escalation skills and positive behavior interventions and supports.
 - 6. Training in proper policies, procedures, and techniques for the use of restraint.
 - 7. Teen dating violence and healthy teen relationships.
 - 8. Understanding and protecting civil rights in schools.
 - 9. Special education law.
 - 10. Student privacy protections and laws governing the release of student information.
 - 11. School-specific approaches to topics like bullying prevention, cyber safety, emergency management and crisis response, threat assessment, and social-emotional learning.

The SRO shall also receive certified basic SRO training on how to mentor and counsel students, work collaboratively with administrators and staff, adhere to ethical standards around interactions with students and others, manage time in a school environment, and comply with juvenile justice and privacy laws, to the extent that such training is available.

The SRO shall attend a minimum of 16 hours of training per year.

The SRO shall participate in any District and school-based emergency management planning. The SRO shall also participate in the work of any school threat assessment team to the extent any information sharing is consistent with obligations imposed by the Family Educational Rights and Privacy Act (“FERPA”) (20 U.S.C. § 1232g) (see further information in Section V).