

May 2022

Memorandum of Understanding between the Pelham School District and the Pelham Police Department

PELHAM SCHOOL DISTRICT POLICY JICD-R MEMORANDUM OF UNDERSTANDING

It is the intention of the Pelham Police Department and the Pelham School District to work in a joint cooperative effort to provide a safe and healthy school environment for the students, staff, and visitors. Communication and sharing of information is essential to any cooperative effort.

Section 1: Safe School Zones RSA 193-D

Per RSA 193-D:1, the following definitions apply to this Memorandum of Understanding:

- A Safe School Zone is defined as an area inclusive of any school property or school buses.
- School employee means any school administrator, teacher, or other employee of the Pelham School District, or any person providing or performing continuing contract services for the Pelham School District.
- School property means all real property, physical plan, and equipment used for school purposes, including but not limited to, school playgrounds and buses, whether public or private.
- School purpose means school-sponsored programs, including, but not limited to, educational or extracurricular activities.
- An act of theft, destruction, or violence includes but is not limited to any of the acts listed below, regardless of the age of the perpetrator.
 - Any of the offenses enumerated in RSA 189:13-a, V., so called "Section V Offenses" which include:
 - Capital Murder, First Degree Murder, Second Degree Murder and Manslaughter under RSA 630:1, 630:1-a; 630:1-b, or 630:2. Any death on school property or a school bus shall be reported immediately to the local police regardless of the suspected cause.
 - Aggravated Felonious Sexual Assault, Felonious Sexual Assault, and Sexual Assault under RSA 632-A:2, 632-A:3 or 632-A:4.
 - Kidnapping under RSA 633:1.
 - Incest under RSA 639:2.
 - Endangering the Welfare of Child or Incompetence under RSA 639:3. All incidents of endangering the welfare of child or incompetent shall be reported to law enforcement. Endangering a child or incompetent occurs when a person knowingly endangers the welfare of a child under the age of 18 years of age or an incompetent by purposely violating a duty of care, protection or support he/she owes to such child or incompetent, or by inducing such child or incompetent to engage in conduct that endangers his/her health or safety. The tattooing or branding of a child under the age of 18 constitutes endangering the welfare of a child. This also includes soliciting by any person of a child under the age of 16 to engage in sexual activity (as defined under RSA 649-A:2, III) for the purpose of creating a visual representation (as defined under RSA 649-A:2) or to engage in sexual penetration (as defined under RSA 632-A:1, V).
 - Indecent Exposure and Lewdness under RSA 645:1, II or III. All incidents of indecent exposure and lewdness for the purpose of sexual gratification or arousal shall be reported to law enforcement. This includes acts such

- as fornicating, exposing genitals, or performing other acts of gross lewdness under circumstances known to likely cause affront or alarm.
- Prostitution and Related Offenses under RSA 645:2.
- Possession, Distribution or Manufacture of Child Sexual Abuse Images under RSA 649-A:3, 649-A:3-a or 649-A:3-b. All incidents of the possession, distribution or manufacture of child sexual abuse images shall be reported to law enforcement.
- Computer Pornography under 649-B:3.
- Prohibited Uses of Computer Services under RSA 649-B:4. All incidents of prohibited uses of computer services shall be reported to law enforcement. This includes acts such as utilizing computer online services, the internet or local bulletin board to entice or lure a child or person believed to be a child to commit sexual assault, indecent exposure or lewdness or endangering a child.
- Obscene Matter Offenses under RSA 650:2 where the act involves a child in material deemed obscene. All incidents of obscene matter offenses where the act involves a child in such material deemed obscene shall be reported to law enforcement.
- Additional criminal acts including:
 - First or second degree assault under RSA 631. Any assault with serious bodily injury or bodily injury by means of a deadly weapon shall be reported to local law enforcement. An assault with any bodily injury to a child under thirteen is second degree assault and shall be reported to local law enforcement.
 - Simple assault under RSA 631:2-a. Simple assault includes unprivileged physical contact and does not require bodily injury. Simple assault may be reported to law enforcement or handled via the school disciplinary process at the school's discretion. This should be handled on a case by case basis. In all cases of assault the parents of the students involved (victim and alleged assailant) must be notified.
 - Criminal mischief under RSA 634:2: This includes a person who, having no right to do so, nor any reasonable basis for belief of having such a right, purposely or recklessly damages the property of another. This includes school property. For practical purposes, criminal mischief involving a value of property of less than \$50.00 will be handled by the District as an internal school matter and not reported to the police unless, at the discretion of the administrator, the criminal mischief was part of a pattern of criminal mischief or the principal has reason to believe that there have been multiple occurrences of criminal mischief by the same party or parties.
 - Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.
 - Arson under RSA 634:1. All incidents of arson or false alarms shall be reported to law enforcement. Arson includes knowingly starting a fire or causing an explosion which unlawfully damages the property of another.
 - Burglary under RSA 635. All incidents of burglary shall be reported to law enforcement. Burglary includes entering or remaining unlawfully in a building or occupied structure (that has not been abandoned) with the purpose to commit a crime unless the premises are at the time open to the public or the actor is licensed or privileged to enter.

- Robbery under RSA 636. All incidents of robbery shall be reported to law enforcement. A robbery involves a situation where a person, in the course of committing a theft, uses physical force on the person of another and such person is aware of such force, or threatens another with or purposely puts that person in fear of immediate use of physical force.
- Theft under RSA 637 where the value of the stolen item is in excess of \$50.00. A person commits theft if he obtains or exercises unauthorized control over the property of another with a purpose to deprive him thereof. Theft under RSA 637 also includes acts such as willful concealment, theft by deception, theft by extortion, receiving stolen property, theft of services, and other acts. At the discretion of the principal, repeated occurrences of theft (under the \$50.00 threshold) by one student or a group of students may be reported.
- Illegal sale or possession of a controlled drug including alcohol under RSA 318-B. Any incidents of possession or sale of a controlled drug shall be reported to law enforcement. Possession of alcohol by minors shall also be reported.
- Possession and Use of Tobacco Products, E-cigarettes, or Liquid Nicotine under RSA 126-K:6. These violations may be reported to law enforcement or handled via the school disciplinary process at the school's discretion. This should be handled on a case by case basis.
- Criminal Threatening under RSA 631:4. Criminal threatening occurs when: (a) by physical conduct, a person purposely places or attempts to place another in fear of imminent bodily injury or physical contact; or (b) a person places any object or graffiti on the property of another with a purpose to coerce or terrorize any person; or (c) a person threatens to commit any crime against the property of another with a purpose to coerce or terrorize any person; or (d) a person threatens to commit any crime against the person of another with a purpose to terrorize any person; or (e) a person threatens to commit any crime of violence, or threatens the delivery or use of a biological or chemical substance, with a purpose to cause evacuation of a building, place of assembly, facility of public transportation or otherwise to cause serious public inconvenience, or in reckless disregard of causing such fear, terror or inconvenience; or (f) a person delivers, threatens to deliver, or causes the delivery of any substance the actor knows could be perceived as a biological or chemical substance, to another person with the purpose of causing fear or terror, or in reckless disregard of causing such fear or terror.
- Any act not listed here specifically but that a school administrator reasonably considers theft, destruction, or violence.

Reporting Procedure

- Any school employee who witnesses or who has information from the victim of an "act of theft, destruction, or violence" in a Safe School Zone must report that act in writing immediately to a supervisor.
- The supervisor must immediately forward the report to the school principal.
- The school principal must immediately forward it to the Pelham Police Department and must follow up within 48 hours in writing.
- If the alleged victim is a student, the Principal or designee must also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the Pelham Police Department. RSA 169-C:3, XXII states that "A

person responsible for a child's welfare" includes the child's parent, guardian or custodian, as well as the person providing out-of-home care of the child, if that person is not the parent, guardian or custodian. For purposes of this definition, "out-of-home care" includes child day care, and any other settings in which children are given care outside of their homes.

- In rare instances, the person responsible for the victim's welfare is also the person alleged to have violated the safe schools act. If the school administrator and police believe the notice would create a safety concern for the victim, the school administrator has the authority to notify an appropriate alternative party.
- The police and school administrator can coordinate the notice. If it is determined to be better to notify the person once, police and school administration can determine who will make the contact.
- The Report required above shall include:
 - 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 name and home address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.
 - Date of birth
 - Parent/Guardian contact numbers.
 - Identification of the act of theft, destruction, or violence as defined in RSA 193-D:1 that was allegedly committed.
- The Pelham Police Department may waive the written report requirement only when they respond at the time of the incident and write a police report under RSA 193-D:5.
- Nothing in the memorandum precludes anyone from reporting any crime to the Pelham Police Department.
- Any person who knowingly fails to file a report is guilty of a violation.
- The school principal will be immediately notified of all law enforcement action taken by the SRO related to school. Notification will occur prior to the law enforcement action whenever possible. Where circumstances require immediate law enforcement attention, and time does not allow for timely notification, the principal will be notified as soon as possible. The purpose is not to have all interactions with students and SROs communicated to the principal.

Section 2: School Resource Officer(s) RSA 186:11. XXXVII.

School Resource Officers are assigned to the Pelham School District on a full time basis unless the Chief of Police determines that circumstances require reassignment.

The School Resource Officers will be involved in but are not limited to the following areas:

1. conducting criminal investigations involving the schools, students, and property,
2. acting as liaison between the Pelham Police Department, Pelham School District, parents, and students,
3. assisting the schools with handling truancy and attendance issues,
4. advising and consulting with the Pelham School District with issues regarding school security,
5. assisting school administration in promoting a safe and orderly environment for the students and staff,
6. acting as liaison between the legal system and the Pelham School District,
7. serving as a member on the School Crisis Team,
8. serving as a member on the school and District Emergency Operations Plans,
9. being available to faculty, staff, parents and students for advice,
10. assisting with traffic issues relating to the schools when necessary,

11. teaching safety, drug prevention, violence prevention or educational programs, and
12. being available to be a guest speaker in classes at a teacher's request.

The School Resource Officers will not be called to deal with situations relating solely to the violation of school policy unless specifically requested by the principal to provide security or protection or for the handling of contraband.

Searches

The School District follows Policy JIH with regard to student searches.

- School Searches
 - School searches are at the direction and control of the principal.
 - It is not the intention of the police department to limit school staff in conducting searches which they deem necessary in the fulfillment of their school administrative duties.
 - When legitimate administrative searches produce evidence of a crime, the SRO may use that evidence to support criminal/juvenile charges as appropriate.
 - In conducting searches which administrators deem necessary in the fulfillment of their school administrative duties, it is up to the discretion of the School Administrator whether they want the SRO present during an administrative search.
- Police Searches
 - All searches conducted by the SRO must be related to a criminal investigation and must conform with established statutory and constitutional safeguards which apply to any police search. The school principal will be notified immediately of any searches conducted by the SRO.
 - At no time will the School Resource Officers request that school employees conduct a search for law enforcement purposes or have school employees act as the School Resource Officers' agent.

Funding and Supplies

Since the School Resource Officer(s) are members of the Police Department, their salary and all liability will be covered by the Town of Pelham Police Department in accordance with the Collective Bargaining Agreement. Police equipment used by the School Resource Officer(s) will be provided by the Pelham Police Department. The School District recognizes that the School Resource Officer(s) may need to use facilities and non-police issued equipment owned by the Pelham School District in the performance of his/her daily duties.

Records

The School Resource Officer shall only have access to educational records to the extent permitted by federal and state law, including FERPA and in accordance with Pelham School District Policy JRA. Policy JRA also addresses police access to video surveillance recording.

As described in JRA, the public, including the police, have access to directory information. Every effort will be made by the school district to provide electronic access to directory information to improve our joint emergency management capabilities.

The School Resource Officer will maintain all records generated by the position at the Pelham Police Departments and copies of the records may be requested by the Records division.

Safe Schools Meetings

A Safe School Meeting will happen monthly during the school year for the purpose of sharing information related to students at risk that could affect the health and safety of students and staff and to work on joint initiatives. It will be facilitated by a School Resource Officer. Attendees will include the SRO's, the regional JPPO, an administrator designated by the principal from each school. Generally it will follow this agenda:

1. Court Involved Students: report and updates
2. Students at Risk: truancy and behavior concerns
3. Joint Initiatives
 - a. Safety Issues and Drills: updates and plan for future drills
 - b. Topics for Group Discussion: Examples: Tik Tok challenges, cyberbullying, social media issues, vaping
4. Old Business

The following information will be shared either at this meeting or prior depending on the urgency.

- Any arrest made by the Police Department of a student seventeen (17) years or older, when that information is relevant to the safety of that student, or of other students in the school.
- Any non-criminal activity involving a student (e.g., threatened to attempt suicide, victimization of the student by a parent, caretaker or other individuals) if the Police Officer believes the activity poses a serious and imminent threat to the student's safety, or the safety of other students. Such a report would facilitate supportive intervention by school personnel on behalf of the student.

According to RSA 193-D: 7, school employees are relieved of concerns regarding confidentiality with regard to reporting acts of theft, destruction, or violence in a Safe School Zone. The specific language reads, "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.

Effective Date

This Memorandum of Understanding shall remain in effect until the time that modifications and or changes are deemed necessary by the Chief of Police and or Superintendent of the Schools and shall be reviewed on an annual basis.

Eric S. McGee

Eric "Chip" McGee (date)
Superintendent of Schools

04 / 22 / 2022

Joseph Roark

Joseph Roark (date)
Chief of Police

04 / 26 / 2022

Signature Certificate

Reference number: U8CQB-QWVDZ-UE83F-7NRGL

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Viewed:	25 Apr 2022 17:33:23 UTC	
Signed:	26 Apr 2022 13:04:06 UTC	
		IP address: 64.223.67.226 Location: Pelham, United States

Document completed by all parties on:
26 Apr 2022 13:04:06 UTC

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