

Hanover Public Schools - Hanover Police Department

Memorandum of Understanding – DRAFT 4.0 (1/23/2014)

I. Statement of Purpose

The Hanover Public Schools and the Hanover Police Department agree that student violence and substance abuse are national and societal problems reaching into our community. To maximize the effectiveness of our efforts to achieve a violence-free and drug-free community, we recognize that the coordination and cooperation of the community as a whole are essential. Therefore, the Chief of Police, with the support of the Hanover Board of Selectmen, and the Superintendent of Schools with the support of the Hanover School Committee, pledge to follow the agreed-upon procedures for communicating incidents of verbal and physical assault, intimidation, bullying, threats, harassment, hate crimes, sex crimes, possession of weapons and arrests or charges filed related to the use, possession and/or distribution of drugs and alcohol.

II. Designated School and Police Liaisons

In order to facilitate effective communication between school administrators and police personnel, individuals holding the following positions are designated as liaisons:

Hanover Public Schools liaisons shall include each school's Principal and Assistant Principal (or other contact designated by the Principal). Hanover Police Department liaisons shall include the School Attendance Officer, the Executive Officer of the Police Department, and/or the Chief of Police. The Chief of Police and Superintendent of Schools are the Lead Liaisons and when there is any question as to how to interpret this MOU or whether a sharing of information is necessary, they must be consulted.

III. Mandatory Reportable Incidents

SCHOOL REPORTS TO POLICE DEPARTMENT

(1) The following shall be considered Mandatory Reportable Incidents:

- (a) possession, use, or distribution of alcohol by a student;
- (b) possession, use, or distribution of an inhalant or any controlled substance, as defined in G.L. c. 94C (excepting any possession of prescription medication possessed and administered in accordance with state law and school policy);
- (c) any incident in which any individual is reasonably believed to be distributing controlled substances or alcohol;

- (d) any incident involving the threat of assaultive behavior or intentional assaultive behavior and/or reckless behavior that results in personal injury;
- (e) possession of a weapon, as defined in the school handbook or under G.L. c. 71 § 37H (a), which includes, but is not limited to, a gun or a knife, and ammunition or components thereof.
- (f) any incident involving stalking or harassment in violation of G.L. c. 265 § 43 and 43A, annoying phone calls, domestic abuse, dating violence, or a violation of G.L. c. 209A or 258E restraining order, and any students either protected by a restraining order;
- (g) any incident involving a child suffering physical or emotional injury resulting from abuse inflicted upon him or her which causes harm or the substantial risk of harm to the child's health or welfare, including sexual abuse or from neglect (in addition to a report filed with the Department of Children and Families);
- (h) any incident involving an actual or suspected hate crime or violation of civil rights, including but not limited to an assault or battery upon a person or damage to the real or personal property of a person with the intent to intimidate such person because of such person's race, color, national origin, sexual orientation, or disability in violation of G.L. c. 265 §§ 37 and 39, as well as any act of bodily injury or attempt to cause bodily injury against a person due to actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability in violation of 18 U.S.C. ~ 249;
- (i) any incident resulting in significant damage to municipal or private property;
- (j) any incident of intentional theft of municipal or private property;**
- (k) any bomb threat, fire, threatened or attempted fire setting, threatened or attempted use of an explosive device or hoax device, as defined by G.L. c. 148 § 60. NOTE: The school shall also report "unauthorized ignition of any fires" to the local fire department under G.L. c. 148 § 2A;
- (l) any creation or possession of a document, whether computer or manually generated, handwritten or electronic (*e.g., text*) that identifies any individual targeted for violence or death;
- (m) any credible threat, direct or indirect, past or future, against a student, school personnel or other school employee;
- (n) any incident of "hazing" as defined by G.L. c. 269 § 17, involving any conduct or ritual or method of initiation into any school organization that

endangers the physical or mental health of any student;

(o) any sexual assault, including but not limited to rape, assault with intent to rape, indecent assault and battery, as well as any lewd and lascivious behavior, open and gross lewdness, indecent exposure, or incident of gender-based harassment, "sexting", "sextortion"(1) or possession or dissemination of sexually explicit photographs of a minor.

(p) any incident of "bullying" or "cyber-bullying" as defined by G.L. c. 71 § 370 where the school believes that the incident may have involved criminal conduct or involves any other reportable acts outlined in (a) through (n).

(2) Mandatory Reportable Incidents will be immediately reported to the Hanover Police Department if such incident:

(a) occurred on school property or within 1,000 foot radius of school property;

(b) occurred at a school-sponsored function;

(c) occurred in a school owned or contracted bus or other vehicle or at school bus stop; or

(d) involved a student of the Hanover Public Schools.

(3) The Designated Liaisons from the School may use their professional discretion to report any other incident or information that may affect the safety or well-being of students or staff members at the school.

POLICE DEPARTMENT REPORTS TO THE SCHOOL

The appropriate Police Department Designated Liaison will inform the appropriate School Designated Liaison, subject to applicable statutes and regulations governing confidentiality, of:

(1) any arrest of a student or the filing of a criminal or delinquency complaint application against any student of the Hanover Public Schools; and

(2) any occurrence involving a student of the Hanover Public Schools, if the

(a) activity poses a serious (present or future) threat to the safety of the student, other students, faculty, or administrative personnel;

(b) making of such report would facilitate supportive intervention by school personnel on behalf of the student; or

(c) activity involves actual or possible truancy.

IV. Procedure Guidelines

This Memorandum of Understanding is established between the Hanover Public Schools and the Hanover Police Department regarding the establishment of a protocol for the reporting and coordination of response to incidents of violence or other illegal activity within Hanover Public Schools. The Hanover Public Schools and the Hanover Police Department agree to coordinate their response to violence or other illegal activity by students and non-students which occur on school premises or at school-sponsored or school-related events. Through collaboration the two departments can ensure safe and secure schools and community environments designed to maximize effective teaching and learning. This agreement is subject to periodic review and amendment by agreement of the parties.

In order to maintain a safe environment in its schools, the School Department reserves the right to search all school property for contraband or controlled substances in accordance with state laws.

A. Non-Reporting School Personnel:

A teacher or other school employee with knowledge or facts pertinent to the reportable act shall make a report on the incident and shall deliver such a report and any physical evidence to the school's Reporting Official.

B. Responsibilities of Reporting Official:

Once the Reporting Official has been made aware of the incident, it is his/her responsibility to:

- Categorize the act as requiring a mandated or discretionary report
- Notify the Police Department whenever mandated
- Deliver to the Police Department pertinent physical evidence
- After consulting with the Police, notify parents of mandatory act.
- When appropriate, notify parents of any act in which a discretionary response does not result in the notification of police.

C. Responsibilities of the Police Department

The responding Officer shall receive reports from the Reporting Official. The Officer shall investigate such cases and, where appropriate, refer such cases to the District Attorney's office for prosecution.

D. Collaboration

The Hanover Public Schools and the Hanover Police Department shall establish and conduct regularly scheduled meetings to discuss, monitor and track events occurring within the Hanover Public Schools facilities or in connection with school officials, as well as serious or habitual offenders. The parties may invite other officials to participate as appropriate.

To the extent permitted by law, the parties shall share information regarding student offenders. The parties agree that any information shared during these meetings shall be confidential and subject to privacy restrictions established by law.

Matthew Ferron
Superintendent of Schools

Walter Sweeney
Chief of Police

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