

**Memorandum of Understanding**  
**Between the**  
**Sanborn Regional School District and the Fremont, Kingston and Newton,**  
**NH Police Departments**

**Overview**

**Introduction**

This agreement is made and entered into this 20<sup>th</sup> day of May, 2010 by and between the KINGSTON, NEWTON and FREMONT POLICE DEPARTMENTS and the SANBORN REGIONAL SCHOOL DISTRICT.

The Sanborn Regional School District, School Administrative Unit 17, is formally comprised of the Towns of Kingston and Newton, NH. The Town of Fremont, NH is a "tuition" community, and, as is the district communities, Fremont is an active and viable member of the high school community and maintains a legitimate and vested interest in the operational culture, educational environment and public safety atmosphere of Sanborn Region High School.

Whereas the Sanborn Regional High School (SRHS) is located within the Town of Kingston, the Kingston Police Department maintains primary statutory police authority. All other communities shall maintain statutory police authority within their respective communities for all school properties located within those communities.

All parties involved clearly understand and concur that the main objective of this agreement is to promote a collaborative and quality working relationship between the three (3) involved police departments and the administration and governing body of the school facilities located within the Sanborn Regional School District. All involved parties will work towards improving the public safety, social, cultural and academic welfare of the staff, faculty and students and towards establishing a policy and procedure for the operational guidance of the member departments.

The role of the police officers, school officials, parents and students toward our goal of a collaborative school district must be clearly understood by all parties.

This endeavor will be accomplished in compliance with New Hampshire RSA 193-D, Safe School Zones, as amended, and as further broadened and defined within this Memorandum of Understanding.

## **Procedure**

### **Required Reporting**

As required by law, it is agreed that every school employee who has witnessed or who has information of an act of theft, destruction, violence or conduct as otherwise defined by this memorandum, in a safe school zone shall report such act immediately to an Administrator. The Administrator receiving such report shall immediately forward such information to the school principal or his/her designee who shall file a report with the local law enforcement authority. Such report shall be made by the principal or his/her designee 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 RSA 193-D:7 school employees are relieved of concerns regarding confidentiality. The RSA 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 shall include:

- (a) Identification of the act of theft, destruction, or violence as defined in RSA 193-D:1 that was allegedly committed.
- (b) The name and home 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 categories regardless of the age of the perpetrator and shall be reported as required above:

- (a) Homicide as defined by RSA 630.

- (b) Any "Untimely" Death as defined by RSA 611-B:11.

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

- (c) Any first or second degree assault under RSA 631.

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

- (d) Any felonious or aggravated felonious sexual assault under RSA 632-A.

Although going beyond the requirement as defined by RSA 193-D, all sexual penetration occurring within safe school zones will be reported.

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

- (e) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.

Due to the obvious potential for serious injury or death when firearms are on campus, any person in possession of a firearm within the Safe School Zones will be reported. The exception will be recognized Law Enforcement personnel.

- (f) Suspicious Activity and/or Persons

Due to the increase in campus violence world-wide, suspicious activity as well as suspicious and/or unknown persons on campus shall also be immediately reported to local law enforcement. Some of the instances may not be in direct violation of the law, but for reasons stated shall be reported.

- (g) 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.

- (h) Burglary under RSA 635.

Any person who enters a building or a separately secured section of a building with a purpose to commit a crime inside shall also be reported.

- (i) 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.

- (j) Illegal sale or possession of a controlled drug under RSA 318-B

This shall include any substance, other than food that affects the way your mind or body works, including, but not limited to tobacco, steroids (growth enhancements), and alcohol.

Additionally, an act of theft, destruction, violent act, threat of violence or significant and/or repeated behavioral issues may mean the items set forth below when, in the opinion of a reasonable person, is of serious proportion:

- (a) Criminal mischief under RSA 634:2.

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

- (b) Theft under RSA 637.

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

- (c) Criminal threatening under RSA 631:4.

The person threatens to commit any crime of violence and purposely places or attempts to place another in fear of imminent bodily injury or physical contact.

- (d) Simple assault under RSA 631:2a.

Simple assaults may or may not result in injury. Simple assaults also include knowingly having unprivileged physical contact with another person. This can be very minor contact and that Principals must consider the District Disciplinary Policy when making a determination about whether or not to file a Safe School Zone Offense Report.

- (e) Dating Violence / Stalking under RSA's 173-B/633:3-a

- (f) Miscellaneous Issues: (Intimidation, bullying, cyber-bullying, harassment and "hate" crimes)

The parties agree that the identified areas are extremely sensitive and potentially volatile emotional issues. Accordingly, recognized behavior of this nature shall be reported to an Administrator. The school agrees to review reported instances and will notify local law enforcement when deemed appropriate. Many factors may be taken into consideration when determining whether it is appropriate to notify law enforcement, including: Motivation; Victim; Potential for escalation; Parental request for law enforcement involvement. (A parental request that law enforcement not be involved shall not be binding on the school entity).

- (g) Disruptive Behavior (RSA 169-D, CHINS)

Repeated disruptive behavior in violation of school policy should also be reported to local law enforcement. Disruptive behavior is indicative that a child may be experiencing difficulties, either within school or at home, and may be in need of services to provide him/her with the treatment, care, guidance, counseling, discipline, supervision, and rehabilitation necessary to assist them in becoming a better student/citizen. The school agrees that this is a community based issue which should be resolved with total community awareness, input and resources.

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 course of action to be taken.

The following terms, as defined in RSA 193-D:1 apply to the 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.

## **Information Sharing and Communication Procedures**

As stated previously, the Sanborn Regional School District encompasses and is comprised of three (3) separate and distinct towns/communities. Having residents of three (3) different communities share a common environment for a significant part of a day, week, and year essentially creates a separate and unique fourth community. To complicate these dynamics, each Town is policed by its own police department which is responsible for the primary law enforcement function of their particular community, two (2) of which have splintered authority throughout the school district.

The results are three (3) autonomous police departments and a multiple building school district that do not functionally communicate. Useful, valuable and sometimes critical “collective & connecting” information that might ordinarily be shared, provided or obtained during the normal course of action in a single community school system, with a single public safety (1) agency, becomes lost as trivial, meaningless or viewed as someone else’s problem. These are lessons that should have already been learned through Columbine CO, Casonovia WI, Red Lake MN and the tragedies of over four hundred (400) violent school deaths that have occurred in the U.S. since 1992.

In an effort to minimize communication and networking obstacles and to improve the overall public safety of the Sanborn Regional School District, we further agree to the following.

- (a) The police department where a district school building is located agrees to notify the police department of the town where a student, staff or faculty member resides if that person has been subject to a police investigation pertaining to any personal involvement in an incident as outlined in Section I., “Required Reporting” of this agreement. Such reporting will include a copy of any police report generated as a result of that investigation. Said report will be made in a timely manner consistent with the review policy of the investigating police agency.
- (b) The Sanborn Regional School District agrees to appoint a primary and secondary liaison or contact person for police related issues, concerns, questions, problems and general information. This person may or may not necessarily be the principal or assistant principal whom are generally accepted as the conventional points of contact. The school agrees however, that the person(s) selected as the primary and secondary points of contact will be responsible for facilitating all pertinent information through the proper school channels.
- (c) The Police departments agree that the primary point of contact for the individual police departments will be the initial “call taker” of an incident reported by the school or other police department. Individual department policy will dictate who responds, investigates and/or manages a particular incident.

- (d) The police departments signing this memorandum agree to forward information to the school's appointed contact person any information concerning potential public (school) safety risks involving a student, staff, and/or faculty member or other issues that might have an adverse affect on the overall social, cultural and academic welfare/integrity of the school district.

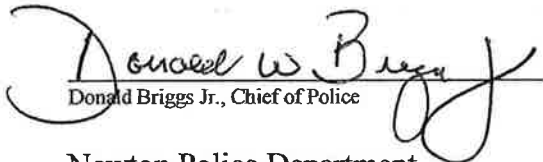
Nothing contained in this memorandum is intended to limit the events that may be reported to the police department or to limit school employees from requesting police assistance on matters not referred to in the memorandum. The police departments represented in this memorandum and the Sanborn Regional School District agree that the welfare of the child and the collective public safety of the school district are of primary concern and importance.

The Fremont, Kingston and Newton Police Departments and the Sanborn Regional School District agree to provide their employees with training relative to the memorandum of understanding, its purpose and anticipated results. The parties further agree to maintain regular and open dialog to evaluate the effect of this memorandum and suggest improvements and adjustments that may be necessary.

Fremont Police Department

  
Neal R. Janvrin, Chief of Police

Kingston Police Department

  
Donald Briggs Jr., Chief of Police


Newton Police Department

  
Lawrence E. Streeter, Chief of Police

Fremont School District

  
William P. Lander, Superintendent of Schools

Sanborn Regional School District

  
Dr. Brian J. Blake, Superintendent of Schools