

# POLICY 10

## Law Enforcement Interactions with Students

### PURPOSE

Ensure that any law enforcement contact with elementary and secondary school (i.e., K-12) students is carried out in a developmentally appropriate, trauma-informed, and equitable manner. The goal of this policy is to limit any law enforcement interaction with elementary and secondary school students to situations involving criminal activity, violence, and public safety concerns that require a law enforcement response.<sup>1</sup>

The policy prohibits law enforcement officer involvement in school discipline matters. This policy should be implemented in coordination with school district policies that similarly limit school personnel in seeking law enforcement intervention in school discipline.

The principles underlying this policy apply to any interaction between law enforce-

ment officers and students. The applicability of certain aspects of the policy may vary depending on whether the officer involved is: 1) employed by a local law enforcement agency and assigned to one or more schools as a “School Resource Officer” or “SRO” (such arrangements are described in this policy as an “SRO Policing Program”); 2) employed by a school or district as a member of a school or school district law enforcement agency (described in this policy as a “School-Based Law Enforcement Agency”); or 3) employed by a local law enforcement agency and not assigned to one or more schools, but responding to a call for service at a school.

This policy does not require or encourage the creation of an SRO Policing Program or a School-Based Law Enforcement Agency.

1. School policing programs, specifically School Resource Officer Policing Programs, are the subject of significant debate, including debate about whether these programs are effective in increasing school safety. See Joseph McKenna and Anthony Petrosino, *School Policing Programs: Where We Have Been and Where We Need to Go Next*, report to Congress (Washington, DC: National Institute of Justice, 2022), <https://www.ojp.gov/library/publications/school-policing-programs-where-we-have-been-and-where-we-need-go-next>, at 43 (“Although the evidence base is improving, there is still comparatively little rigorous evaluative research on the effects of police presence in schools.”); see also *id.*, at 15 (noting ongoing research funded by the National Institute of Justice Comprehensive School Safety Initiative). Some students, parents and their advocates – particularly in communities of color—have asserted both that police in schools too often result in punitive and discriminatory outcomes, and do not improve school safety. See, e.g. Kristin Henning, *The Rage of Innocence: How America Criminalizes Black Youth*, at 139-44, and the Strategies for Youth report “How Do School Resource Officers Impact Racial Equity?” at <https://strategiesforyouth.org/sitefiles/wp-content/uploads/2020/12/How-Do-SROs-Impact-Racial-Equity-in-Schools.pdf>.

---

# POLICY

This policy guides law enforcement officers in their interactions with students. The policy begins by setting out key law enforcement policies to govern the conduct of all officers, regardless of who their employers are or how they come into contact with youth in the school setting. The policy then addresses in turn SROs, School-Based Law Enforcement Officers, and officers who respond to calls for service at schools. The policy states that, where law enforcement officers are School Resource Officers, these interactions must be grounded in a Memorandum of Understanding (MOU) (also sometimes referred to as a Memorandum of Agreement or MOA) between the school district and the law enforcement agency that employs the officer. Where the law enforcement officer works directly for

a School-Based Law Enforcement Agency, the substance of a MOU will be contained in the School-Based Law Enforcement Agency's operating procedures.<sup>2</sup> Law enforcement agencies that respond to schools' calls for service but are not School-Based Law Enforcement Agencies must have an MOU with school districts to set expectations for officer conduct when responding to service calls.

This policy requires data collection and reporting about law enforcement interactions with students, and creates mechanisms for community input and transparency. It also requires that officers receive adequate and ongoing training, and provides for training of school personnel regarding the appropriate role of law enforcement officers in school, consistent with state law and regulations.

---

## REASONS FOR YOUTH SPECIFIC POLICIES

### Why Officers Need to Use Special Approaches When Interacting with Students

- Most law enforcement officers are not trained to interact with students. Even when some school-related training is required, most officers do not receive training in adolescent development, how to recognize and address possible youth mental health problems, or other aspects of a developmentally appropriate, trauma-informed, and equitable curriculum.
- The school setting is a different environment than what officers generally encounter on the street or in the community at large, imposing demands and requiring skills of officers that are different than in a non-school environment.
- Public school students continue to be referred to law enforcement, and subjected to school-based arrests, with a dispro-

---

2. Law enforcement policy-makers view an MOU as a cornerstone of any adequately-functioning SRO Policing Program See, e.g., U.S. Department of Justice Community Oriented Policing Services, Guiding Principles for School Resource Officer Programs, at 5-6 (2022) [Guiding Principles for School Resource Officer Programs \(usdoj.gov\)](#) (DOJ Guiding Principles); International Association of Chiefs of Police (IACP), School-Police Partnerships: Considerations, at IV.A.5 (June 2020) Similarly, the IACP recommends that the substantive provisions of an MOU for an SRO Policing Program should be part of a School-Based Law Enforcement Agency's policies and procedures See *id.*, at IV.A., n.8.

portionate impact on students of color and students with disabilities.

- LGBTQ+ young adults have reported past “hostility” from school or school safety officers during their high school years, including verbal harassment, physical assaults, sexual assaults, and being accused by school security of an offense they did not commit.
- Negative consequences often follow when officers operate without clear delineation of the scope of their responsibilities; lack an understanding of adolescent development, trauma, mental health crises and disability; are uninformed about racial and ethnic bias, including implicit bias; have inadequate training or fail to follow their training; or do not

understand how students are protected by civil rights statutes and other laws.

- Taking a traditional law enforcement approach to interactions with students often leads to harms such as: unnecessary reliance on law enforcement to intervene in school discipline matters; wrongful characterization of adolescent misbehavior as criminal conduct; increased exclusionary school discipline; and increased and unnecessary arrests, use of force and restraint, particularly with students of color, students with disabilities, and students experiencing trauma.

Additional source and background information for this policy can be found in the [Appendix to Policy 10](#).

# DEFINITIONS

## **BIAS-BASED POLICING OF YOUTH**

Use of a youth's actual or perceived race, color, ethnicity or national origin, religion, disability,<sup>3</sup> gender, gender identity or sexual orientation<sup>4</sup> as a motivating factor in initiating or justifying law enforcement action against the youth, rather than the youth's behavior or other information or circumstances that link the youth to suspected unlawful activity.

## **DEVELOPMENTALLY APPROPRIATE LANGUAGE**

Developmentally appropriate language uses vocabulary, syntax, and speed and complexity of communication that matches an individual's developmental level and capacity for understanding. Developmentally appropriate language is necessary to ensure meaningful communication and increases the likelihood that youth are able to understand and assert their constitutional rights.

## **LGBTQ+**

Individuals who identify as lesbian, gay, bisexual, transgender, questioning, nonbinary and queer.

## **PROCEDURAL JUSTICE FOR YOUTH**

Procedural justice is predicated on four core principles. Officers: 1) treat people with dignity and respect regardless of social status, 2) give people voice during interactions, 3) use neutral and transparent decision-making as well as explanations for the officer's actions, and 4) treat people in a lawful and trustworthy manner.<sup>5</sup> SFY believes that an additional two core principles are merited for interactions with youth: 1) express concern and care for the youth's well-being and safety, and 2) do not take advantage of the youth's lack of status and power to their disadvantage.

## **RESTORATIVE JUSTICE**

An approach that promotes meaningful accountability, through non-punitive, relationship-centered approaches for avoiding and addressing harm, responding to violations of legal and human rights, and collaboratively solving problems. In the school setting, Restorative Justice is an approach to achieve school safety and stability

3. Disability-based discrimination in policing is addressed in [Policy 8: Policing of Youth With Disabilities, Experiencing Mental Health Crises, or Impaired By Drugs and Alcohol](#).

4. See [Policy 7: Fair and Impartial Policing: LGBTQ+ Youth](#)

5. Tom Tyler is the author of the term procedural justice. His definition was first published in *Why People Obey the Law*. (New Haven, CT: Yale University Press, 1990). He further explained this theory in "Procedural Justice, Legitimacy and the Effective Rule of Law," *Crime & Justice*, vol. 30, 2003, pp.283-357. JSTOR, <http://www.jstor.org/stable/1147701>. The operation and impacts of law enforcement's use of Procedural Justice are available on the U.S. Department of Justice website at: <https://cops.usdoj.gov/proceduraljustice>.

without relying on exclusionary discipline and traditional law enforcement involvement, and with the potential to keep young people in school, address the root causes of the behavioral issues, and repair and improve relationships among students and between students and staff.

### **SCHOOL DISCIPLINE/SCHOOL CLIMATE ISSUE**

Student behavior that does not require a law enforcement response and should be addressed through the school code of conduct, such as alleged disorderly conduct, disruption of schools or public assembly, graffiti or vandalism, loss of school property, truancy, tardiness, insubordination or disrespect, trespass, loitering, profanity, aggressive speech that does not involve physical contact, dress code violations, violations of cell phone or electronic device rules, pranks that do not involve serious injury or a weapon, and fighting that does not involve serious physical injury or a weapon.

### **SCHOOL-BASED LAW ENFORCEMENT OFFICER/SCHOOL-BASED LAW ENFORCEMENT AGENCY**

A law enforcement officer with sworn authority who is employed by a school district to serve as part of the school district's law enforcement agency or police force.

### **SCHOOL RESOURCE OFFICER (SRO)/SCHOOL RESOURCE OFFICER POLICING PROGRAM**

A law enforcement officer with sworn authority who is employed by a law enforcement agency and assigned to one or more schools on either a full-time or part-time basis.

### **TRAUMA**

As defined by the U.S. Department of Health and Human Services, individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being.

### **TRAUMA-INFORMED**

A trauma-informed **officer**: 1) anticipates that exposure to and experience of trauma is widespread, 2) realizes that the impacts of trauma often lead to reactive, survival behaviors; 3) recognizes hallmarks of traumatic responses, which are often shaped by a perspective of powerlessness, and 4) responds by considering the role trauma may play in a person's response while taking steps to avoid re-traumatization.

A trauma-informed law enforcement **agency** supports its officers' trauma-informed responses by promoting awareness of and training about trauma, policies that require training for trauma-informed skills with the public and among officers.

---

# PROCEDURE

## I. Key Law Enforcement Policies for All Officers

Any law enforcement officer—whether an SRO, a school-based law enforcement officer, or an officer employed by a local law enforcement agency who responds to a call for service at a school—must adhere to the following policies when interacting with students:

- Officers will not be involved in school discipline, the enforcement of school rules, or responding to minor student misbehavior.
  - Officers will not participate in responding to student behavior that should be addressed through the school code of conduct as a school discipline or school climate issue. For example, officers will not respond to alleged disorderly conduct, disruption of schools or public assembly, graffiti or vandalism, loss of school property, truancy, tardiness, insubordination or disrespect, trespass, loitering, profanity, aggressive speech that does not involve physical contact, dress code violations, violations of cell phone or electronic device rules, pranks that do not involve serious injury or a weapon, and fighting that does not involve serious physical injury or a weapon,
  - Officers will report to their supervisors any effort by school officials to direct officers to address students' school code of conduct violations, and these attempts will be jointly addressed by law enforcement and school leadership.<sup>6</sup>
- Officers will de-escalate interactions between youth and interactions between youth and school personnel, and detain and arrest students only as a last resort.<sup>7</sup>
- Officers will not use force and/or restraints unless necessary to address an immediate threat to the physical safety of the officer or another person.<sup>8</sup> When officers use force, they will comply with the procedures set out in [Policy 5: Use of Force with Youth](#). Among other things, officers will consider the age and size of the student when determining the appropriate amount and type of force.<sup>9</sup>
  - There is a presumption against restraining youth who are under 13 years old.
- To de-escalate interactions, officers shall use tactics such as:
  - Speaking calmly,
  - Repeating questions in a clear voice,

---

6. See DOJ Guiding Principles at 6.

7. See DOJ Guiding Principles at 7; Consent Decree Between the U.S. Department of Justice and Ferguson, Missouri, *U.S. v. City of Ferguson*, No. 4:16-cv-000180-CDP, Section XI.C, ¶¶213, 215, 223 (E.D.MO. 4/19/2016) (Ferguson Consent Decree).

8. See Ferguson Consent Decree, Section XI.C, ¶¶ 218, 222.

9. See DOJ Guiding Principles at 7.

## Policy 10 – Procedure (cont'd)

- Making efforts to slow down and not rush questions, absent an emergency situation,
  - Repeating back what the youth says to demonstrate understanding and give opportunities for clarification,
  - Answering questions a youth may ask in order to understand the officer's directions and questions,
  - Refraining from cursing at, mocking, or engaging in speech or tactics that demean, threaten, or humiliate the youth,
  - Refraining from touching a youth uninvited, except when making an arrest,
  - Being truthful with the youth,
  - Separating youth who are involved in a physical confrontation,
  - Separating a youth and an adult who are involved in a confrontation.
- To de-escalate interactions involving youth with disabilities, youth experiencing mental health crises, and youth impaired by alcohol or drugs, officers will comply with the procedures set out in Section IV of [Policy 8: Policing of Youth With Disabilities, Experiencing Mental Health Crises, or Impaired By Drugs or Alcohol](#).
  - Officers will follow school policies and use school-based resources to refer youth to alternatives, rather than arresting them, whenever possible.<sup>10</sup>
  - When arresting youth, officers will comply with the procedures set out in [Policy 3: Arrest, Transport, Booking, and Temporary Custody](#).

In addition,

- Officers will avoid arresting a student in front of the student's peers or in a public area of the school, unless necessary for public safety.
- Officers will avoid executing an arrest warrant at a school unless there is an imminent risk to public safety or a risk of flight, or it is not practical to conduct the arrest at an alternative location.<sup>11</sup> The officer will include the justification for making the arrest at school in the youth's arrest record.

---

10. See Ferguson Consent Decree, Section XI.C, ¶¶ 221, 223.

11. See Settlement Agreement Between the U.S. Department of Justice and Meridian, Mississippi, *U.S. v. City of Meridian, et. al*, No 3:13-cv-00978, Section III.A.1.a(ii) (S.D.MS. 9/18/2015) (Meridian Settlement Agreement).

## Policy 10 – Procedure (cont'd)

- Whenever an officer arrests or uses restraints or force on a student at school, the officer will document in detail:
  - the basis for the arrest or use of restraint or force,
  - the factors that justify arresting or restraining or using force with the youth,
  - for arrests, the factors that support a determination of probable cause,<sup>12</sup> and
  - demographic data about the youth, including race, national origin or ethnicity, perceived or known disability, and gender.
- Officers will respect the civil rights of youth of color, immigrant youth, LGBTQ+ youth, and youth with disabilities:
  - Officers will comply with [Policy 6: Fair and Impartial Policing of Youth: Race, National Origin, and Immigration Status](#),
  - Officers will comply with [Policy 7: Fair and Impartial Policing: LGBTQ+ Youth](#),
  - Officers will comply with [Policy 8: Policing of Youth With Disabilities, Experiencing Mental Health Crises, or Impaired By Drugs or Alcohol](#).
- Where appropriate, consistent with an MOU between the law enforcement agency and the school district,<sup>13</sup> and as allowed by federal and state law, officers will incorporate knowledge about a student’s disability, limited English proficiency, or other important information into their interactions with students.
- Officers will use developmentally appropriate, trauma-informed, equitable practices when interviewing and interrogating youth:
  - Officers will comply with [Policy 4: Miranda Warnings, Waiver of Rights, and Youth Interrogations](#),
  - Whenever feasible, officers will question students when the questioning will have the least impact on the youth’s schooling,

---

12. See DOJ Guiding Principles at 7.

13. MOUs may include provisions for parents to give their consent for officers to review documents in student records See, e.g. Commonwealth of Massachusetts School Resource Officer Model Memorandum of Understanding (2022) at 5-6 <https://www.mass.gov/doc/2022-school-resource-officer-memorandum-of-understanding/download> (Parents have the discretion to voluntarily offer SROs access to student records regarding accommodations or approaches for students with mental health, behavioral, or emotional concerns who are protected by the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.) See also Police Executive Research Forum, An Inclusive Approach to School Safety: Collaborative Efforts to Combat the School-to-Prison Pipeline in Denver, at 29-30(2018) (describing benefits of sharing student behavioral information with Denver Public Schools SROs and Campus Safety Officers, including the ability to understand whether previously used de-escalation techniques were likely to be successful in subsequent interactions); U.S. Department of Education, [School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act \(FERPA\) \(2019\) School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act \(FERPA\) \(ED FERPA Guidance\)](#) (schools may, under certain circumstances, share information about students with law enforcement), although FERPA does not require schools or districts to disclose personally identifiable information from student records.)



## Policy 10 – Procedure (cont'd)

- Officers will consider the age of the youth when deciding whether the youth would reasonably feel free to leave the interviews, and provide *Miranda* warnings whenever the youth would not reasonably feel free to leave,<sup>14</sup>
- Whenever an officer is present for or involved in an interrogation of a student at school, including an interrogation conducted by school officials, the officer will provide the student with *Miranda* warnings.<sup>15</sup>
- Officers and law enforcement agencies will implement a system of data gathering and reporting on their interactions with students, including publicly reporting annually on:
  - The number and type of interactions between officers and students,
  - For ticketing, citations, interrogations, searches, seizures, incidents of use of force, restraints, arrests, and school referrals of students to law enforcement:
    - The number of interactions,
    - The race, national origin or ethnicity, gender,<sup>16</sup> and perceived or known disability status of the students involved,
    - The nature of the interaction,
    - The resolution of the interaction.<sup>17</sup>

---

14. See *J.D.B. v. North Carolina*, 564 U.S. 261 (2011)

15. See Appendix to [Policy 4: Miranda Warnings, Waiver of Rights, and Youth Interrogations](#) (court decisions described under “More Information About When a Reasonable Youth May Not Feel Free to Terminate and Leave an Interrogation: When Law Enforcement Officers and School Officials Work in Tandem to Question a Youth at School.”)

16. Identification, collection, and reporting of data relating to students’ sexual orientation, gender identity, and intersex traits should only be done if students voluntarily provide this information, and agencies should not attempt to gather this information independently or without students’ cooperation.

17. Law enforcement agencies should expect that schools may seek their assistance with data gathering and reporting on school-based arrests and school referrals to law enforcement. State educational agencies and school districts must include this information in the publicly-available “report cards” required by the federal Every Student Succeeds Act 20 U.S.C. 6311(h)(1)(C)(viii)(I). Schools and school districts must also report this data to the U.S. Department of Education as part of the Department’s Civil Rights Data Collection (CRDC), [Civil Rights Data Collection \(ed.gov\)](#). See DOJ Guiding Principles at 5 (“SROs should also actively work to accurately collect and report data on SRO-student interactions including arrests and referrals to law enforcement for the U.S. Department of Education’s CRDC.”)

## II. SRO Policing Programs: Require Memorandum of Understanding Between Law Enforcement Agency and School District

Before implementing an SRO school policing program, the law enforcement agency and the school district shall sign a Memorandum of Understanding (MOU) to formalize and clarify how the SRO Policing Program will operate, and when school personnel may seek SRO involvement to address student behavior.<sup>18</sup>

### Necessary MOU Components

All SROs and all school personnel will be required to **comply** with the MOU. The MOU will:

- Describe the mission of the SRO Policing Program,
- Describe the criteria and procedure for selecting SROs, including at least:
  - The SRO Policing Program will not hire as an SRO any officer who has pending or confirmed allegations of unreasonable and excessive use of force, sexual misconduct, and/or discrimination on the basis of race, national origin, religion, disability, gender, gender identity, or sexual orientation,
  - Where allegations of unreasonable and excessive use of force, sexual misconduct, and/or discrimination are substantiated against an SRO, the SRO Policing Program will not permit the officer to continue as an SRO.
- Describe the lines of supervision, parameters, and legal authority for SROs, including, at a minimum:
  - Requiring that SROs report to their law enforcement supervisors, rather than to school officials,

18. The [Appendix to Policy 10](#) includes information about certain school district-SRO MOUs, as well as suggested model MOUs.

- SRO performance standards and performance evaluations that include analysis of:
  - Qualitative data on officer use of traditional law enforcement powers (i.e., ticketing, referrals, and arrests), use of alternative approaches (i.e., de-escalation, diversion, and other alternatives to citations and arrests), use of restraints and other force, and
  - Qualitative data based on feedback and complaints from members of the school community as described in Section V, below.<sup>19</sup>
- Provide for routine, rigorous, and regular training of SROs, as described in Section VI.A, below,
- Articulate a strategy for routinely and regularly training school personnel about the SRO Program and the content and implementation of the MOU,
- Formalize the distinct roles of SROs and school personnel in responding to student conduct, including **prohibiting**:
  - SROs from serving as a school disciplinarian, enforcer of school regulations, or the student code of conduct,
  - SROs from using arrest or other police powers to address student behavior that should be addressed through the school code of conduct as a school discipline/school climate issue,
  - School personnel from asking SROs to serve as a school disciplinarian, or enforcer of school regulations or the student code of conduct, or to use arrest or other police powers to address student behavior that should be addressed through the school code of conduct as a school discipline/school climate issue,
- Outline how the SRO and school personnel will address student conduct that may both violate the school code of conduct and contain the elements of specific criminal or delinquent offenses,
- Specify procedures the school personnel must follow before involving a law enforcement officer to address student behavior,

19. See also DOJ Guiding Principles at 8.

- Outline how SROs will inform school officials of their activities, investigations, and arrests,
- Address SRO interviews and interrogations of students, and any school personnel's involvement in interviews and interrogations, consistent with [Policy 4: \*Miranda\* Warnings, Waiver of Rights, and Youth Interrogations](#), and other procedures set out in Section I, above,
- Address searches and seizures by SROs, and any school personnel's involvement in searches and seizures, consistent with [Policy 2: Investigatory Stops, Non-Custodial Interviews and Search and Seizure of Youth](#), and other procedures set out in Section I, above,
- Address SRO procedures in arresting youth, consistent with [Policy 3: Arrest, Transport, Booking, and Temporary Custody](#), and other procedures set out in Section I, above,
- Address the use of force by SROs, consistent with [Policy 5: Use of Force](#), and other procedures set out in Section I, above,
- Include a protocol for handling school disturbances, such as large fights between students, situations where students bring weapons to school, and situations where SROs may need assistance from other law enforcement agencies,
- Require that SROs utilize tactics and practices of de-escalation in their interactions with students, as described in Section I, above,
- Require that SROs incorporate principles of procedural justice for youth and restorative justice into their interactions with students,
- Require that SROs follow applicable federal civil rights laws, including those prohibiting discrimination on the basis of race, color, national origin, sex, and disability, as well as any applicable state or local laws,
- Outline how the school district and SROs will comply with the Federal Educational Rights and Privacy Act (FERPA), and any applicable state

law governing the confidentiality of personally identifiable information contained in student records, including at least:

- Specifying whether SROs are considered “school officials” for purposes of FERPA, and explaining the rationale for that determination,
- Specifying whether SROs have a “legitimate educational interest” in student records information for purposes of FERPA, and explaining the rationale for that decision,
- Identifying circumstances in which school officials may disclose student records information to SROs in order to address a specific and articulable threat of a health or safety emergency.<sup>20</sup>
- Outline any other provisions, in addition to FERPA or state law, that the district and the law enforcement agency agree will govern SRO access to information in student records.<sup>21</sup>
- Provide that school officials and SROs will notify parents:
  - prior to interviewing students
  - after searching a student’s property including backpacks, and cars,
  - after searching a student’s locker,
  - after SROs use force or restraints with students,
  - when a student has been arrested.
- Describe a system of data gathering and reporting about interactions with students that will be made public at specific intervals, as described above in Section I.

20. See ED FERPA Guidance (explaining the specific circumstances under which schools may—but are not required to—share with law enforcement personally identifiable information (PII) from student records, the limits on law enforcement re-disclosure of that information, the scope of FERPA’s health or safety emergency provision, and other FERPA issues). As the U.S. Department of Education noted, although many state laws provide greater privacy protections than FERPA does, FERPA “establishes a minimum federal standard governing the privacy of education records and the PII contained therein.” See *id.*, at 6 & n.3

21. See, e.g., Commonwealth of Massachusetts School Resource Officer Model Memorandum of Understanding (2022) at 5-6 <https://www.mass.gov/doc/2022-school-resource-officer-memorandum-of-understanding/download>.

### III. School-Based Law Enforcement Agency: Operating Procedures

Before implementing a School-Based Law Enforcement Agency, the Agency will adopt operating procedures that:

- Describe the mission of the program,
- Describe the criteria and procedure for selecting school-based law enforcement officers, including at least:
  - The School-Based Law Enforcement Agency will not hire any officer who has pending or confirmed allegations of unreasonable and excessive use of force, sexual misconduct, and/or discrimination on the basis of race, national origin, religion, disability, gender, gender identity, or sexual orientation,
  - Where allegations of unreasonable and excessive use of force, sexual misconduct, and/or discrimination are substantiated against an officer, the School-Based Law Enforcement Agency will not permit the officer to continue as a School-Based Law Enforcement Officer.
- Address, in procedures consistent with those set out for SRO Policing Programs in Section II, above:
  - Lines of supervision, parameters, and legal authority for School-Based Law Enforcement Officers,
  - Routine, rigorous, and regular training of school-based law enforcement officers, as well as a strategy for routinely and regularly training school personnel about the school-based law enforcement officer program,
  - FERPA and state law obligations describing the scope and boundaries of permissible information-sharing between school personnel and school-based law enforcement officers, and officers' use of that information, as well as any other provisions, in addition to FERPA or state law, that the district and the School-Based Law Enforcement Agency agree will govern officer access to information in student records.
  - Formalizing the roles of school-based law enforcement officers and school personnel in responding to student conduct, including **prohibiting**:
    - school-based law enforcement officers from serving as a school disciplinarian, enforcer of school regulations, or the student code of conduct,
    - school-based law enforcement officers from using arrest or other police powers to address student behavior that should be addressed through the school code of conduct as a school discipline/school climate issue,

## Policy 10 – Procedure (cont'd)

- school personnel from asking school-based law enforcement officers to serve as a school disciplinarian, or enforcer of school regulations or the student code of conduct, or to use arrest or other police powers to address student behavior that should be addressed through the school code of conduct as a school discipline/school climate issue.
- How to address student conduct that may both violate the school code of conduct and contain the elements of a criminal or delinquent offense, and procedures school personnel must follow before involving a law enforcement officer to address student behavior.
- School-based law enforcement officers' conduct of youth interviews and interrogations, searches and seizures of youth, arrests of youth, and use of force, and any impact of school personnel's involvement in these activities,
- Protocols for handling school disturbances, situations where students bring weapons to school, and when officers may need assistance from other law enforcement agencies,
- How officers will inform school officials of their activities, investigations, and arrests,
- Officer and school officials notification to parents:
  - prior to interviewing students
  - after searching a student's property including backpacks and cars,
  - after searching a student's locker,
  - after use of force or restraints with students,
  - when a student has been arrested.
- Using tactics and practices of de-escalation, as described in Section I, above,
- Using principles of procedural justice for youth and restorative justice,
- Compliance with applicable federal civil rights laws, including those prohibiting discrimination on the basis of race, color, national origin, religion, sex, and disability, as well as any applicable state and local laws,
- Data gathering and reporting to the public about interactions with students, as described in Section I, above,
- Efforts that the School-Based Law Enforcement Agency will take to train school personnel about the policing program, the MOU, and about officers' appropriate role in the school environment,

- Annual assessment of both the officers and the agency that includes:
  - Quantitative data on the use of traditional law enforcement powers (i.e., ticketing, referrals, and arrests), alternative approaches (i.e., de-escalation, diversion, and other alternatives to citations) and restraints and use of force,
  - Qualitative data based on feedback and complaints from members of the school community as described in Section V, below.

#### **IV. Non-School-Based Law Enforcement Agencies: Responses to Service Requests from Schools**

MOU: Non-school-based law enforcement agencies and school districts will enter into an MOU that will clarify the school district/law enforcement agency relationship and set expectations for officer conduct when responding to calls for service from schools.<sup>22</sup>

- The MOU will include:
  - School district, school, and law enforcement agency points of contact,
  - A protocol for school personnel to report, and the law enforcement agency to receive and act upon, information about alleged criminal or delinquent acts by students,
  - A protocol for law enforcement participation in handling:
    - school disturbances, such as large fights between students,
    - situations where students bring weapons to school, and
    - situations where officers may need assistance from other law enforcement agencies,
  - A description of incidents and circumstances that law enforcement officers will not respond to, including any request to: (1) serve as a school disciplinarian, enforcer of school regulations, or the student code of conduct, or (2) use arrest or other police powers to address student behavior that should be addressed through the school code of conduct as a school discipline/school climate issue,

---

22. See, e.g., Judge Steven C. Teske and Judge J. Brian Huff, *The Court's Role in Dismantling the School to Prison Pipeline*, *Juvenile Justice and Family Today* (2011) (describing interagency protocols in Clayton County, Georgia and Jefferson County, Alabama, where certain school-based youth misdemeanor offenses were addressed through a system of graduated responses, including a warning and referral to a school conflict workshop or mediation before a possible referral to juvenile court. Through implementation of these protocols, these jurisdictions experienced a significant decrease in juvenile court referrals and an improvement in school safety.)



## Policy 10 – Procedure (cont'd)

- A protocol for law enforcement officers conduct of youth interviews and interrogations, searches and seizures of youth, arrests of youth, and use of force or restraints, and any school personnel's involvement in these actions,
- A protocol for student arrests unless there is an imminent risk to public safety or a risk of flight, or it is not practical to conduct the arrest at an alternative location, requiring officers to attempt any arrest of student away from school grounds.
- A requirement that school officials and officers will notify parents:
  - prior to interviewing students
  - after searching a student's property including backpacks and cars,
  - after searching a student's locker,
  - when any use of force is made, including the use of restraints,
  - when a student has been arrested.
- A requirement that officers document in detail the basis for any arrest on school grounds, including any factors that justify arresting the youth at school and factors that support a determination of probable cause,<sup>23</sup>
- A commitment that officers responding to calls for service will comply with the provisions of Key Law Enforcement Policies for All Officers in Section I, above.
- The MOU will be posted on the public websites of the law enforcement agency and the school district.

## V. SRO Policing Programs and School-Based Law Enforcement Agencies: Community Input and Transparency

In an SRO Policing Program, the law enforcement agency and the school district will welcome and incorporate the views of students, families, school personnel, and community members regarding the Program. School districts and School-Based Law Enforcement Programs will do the same regarding these programs. Actions to achieve this goal will include at least:

- For an SRO Policing Program
  - Posting the law enforcement agency/school district MOU about the SRO Policing

---

23. See Ferguson Consent Decree, Section XI.C, ¶216; Meridian Settlement Agreement, Section III.A.1.b.

## Policy 10 – Procedure (cont'd)

- ing Program on the public websites of the school district, the law enforcement agency, and (if one exists) the SRO Policing Program,
- Publicly posting SRO policies on use of restraint and use of force on students, arrests of students, and referrals of students for prosecution in the juvenile or criminal legal systems,
  - Other mechanisms to inform the school community about the SRO Policing Program and the SRO's roles, responsibilities, and authority, to ensure that:
    - the SRO Policing Program is described and explained to students, parents, and school staff,
    - the SRO Policing Program adopts policies for the SRO's participation, if any, in school events and functions, and informs students, parents, and school staff about these policies,
    - the SRO Policing Program clarifies its role in school emergency planning or emergency response, and informs students, parents, and school staff about that role.
  - Formalizing a mechanism to receive feedback regarding individual SROs and the SRO Policing Program.<sup>24</sup>
  - For a School-Based Law Enforcement Agency
    - Posting information about the scope and purpose of the program on the public website of the school district and (if one exists) the School-Based Law Enforcement Agency,
    - Publicly posting program policies on use of restraint and use of force on students, arrests of students, and referrals of students for prosecution in the juvenile or criminal legal systems,
    - Other mechanisms to inform the school community about the School-Based Law Enforcement Agency and its officers' roles, responsibilities, and authority, to ensure that the School-Based Law Enforcement Agency:
      - is described and explained to students, parents, and school staff,
      - adopts policies for officers' participation, if any, in school events and functions, and informs students, parents, and school staff about these policies,

---

24. See Ferguson Consent Decree, Section XI.D, ¶1225.

## Policy 10 – Procedure (cont'd)

- clarifies its role in school emergency planning or emergency response, and informs students, parents, and school staff about that role.
- Formalizing a mechanism to receive feedback regarding the School-Based Law Enforcement Agency and its officers.
- Establishing a procedure to receive, consider, and resolve complaints about the law enforcement officer conduct, or the operation of an SRO Policing Program or School-Based Law Enforcement Agency, including at least:
  - Providing information about how to file complaints about the SRO Policing Program or School-Based Law Enforcement Agency, and ensuring that verbal or written information about filing complaints is made available in the native languages of parents in the school district,<sup>25</sup>
  - Posting annually on the law enforcement and school websites data about the number, nature, and resolution of any complaint, disaggregated by the age, race, ethnicity, sex, and disability status of the youth involved, and describing the substance of the complaint and the resolution in plain language,
  - Posting annually on the law enforcement and school website any changes in policy or procedure based on its review of complaints about the SRO Policing Program, the school-based Law Enforcement Agency, or officers, accompanied by a statement in plain language of the reason for the policy or procedure change.

## VI. Training<sup>26</sup>

### A. Training for SROs and School-Based Law Enforcement Officers.

Any SRO school policing program or School-Based Law Enforcement Agency will provide and track participation in regular, effective officer training. The training will cover the following topics:

- Parameters and limitations of the role of the SRO or School-Based Law Enforcement Agency officer, including training on identifying the difference between school disciplinary issues (which should be handled by teachers or school administrators and other school personnel), and threats to school safety or serious

---

25. See U.S. Department of Justice, [Federal Register: Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#), Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41455 (June 12, 2002)

school-based criminal conduct that cannot be safely and appropriately handled by a school's internal disciplinary procedures,

- Youth and adolescent development, including understanding the impacts of structural brain changes in adolescents that affect perception, processing, and responses,
- Recognizing and responding effectively to youth who are exposed to trauma, understanding the impacts of trauma exposure on student learning and behavior and interactions with authority figures in the school context,
- Recognizing and responding to youth exhibiting signs of disability, mental health crisis, or the effects of alcohol or drugs, including how officers can involve professionals in the fields of mental health, developmental or intellectual disability, or substance use professionals.<sup>27</sup>
- Identifying and addressing bullying and other harmful social interactions between students, including online activity,
- De-escalation strategies for officer interactions with students and school personnel,
- Alternatives to arrest, including diversion programs and referrals to mental health services and supports,
- Procedural justice for youth,
- Restorative justice and mediation practices,
- Sensitivity to and awareness of cultural diversity, including working with youth with disabilities; English language learners; youth with various immigration statuses; youth with various religions; and youth who identify as lesbian, gay, bisexual, transgender, queer, questioning, and/or intersex,
- The potential for biased-based policing, including implicit bias of the officer,
- The need to recognize and respond to the potential for implicit bias in complaints and calls for service to law enforcement made by school personnel,
- Student rights during interviews and custodial interrogations,<sup>28</sup>

---

26. See, e.g., [Mass. Gen. Laws c. 6 s. 116H](#) (requiring school resource officer training, including on: (i) the ways in which legal standards regarding police interaction and arrest procedures differ for juveniles compared to adults; (ii) child and adolescent cognitive development, including the impact of trauma, mental illness, behavioral addictions, and developmental disabilities; (iii) effective engagement and de-escalation tactics; and (iv) conflict resolution and diversion strategies.); See also DOJ Guiding Principles at 10 (“Law enforcement agencies should ensure that SROs receive specialized training that is unique to their role in promoting school safety and distinguishes SRO duties from the duties of general law enforcement officers”); at 10-11 (recommendations for SRO training); at 12 (recommendations for training for school staff).

27. See also [Policy 7: Interactions with Youth with Disabilities, Youth Experiencing Mental Health Crises, or Youth Impaired by Alcohol or Drugs](#).

## Policy 10 – Procedure (cont'd)

- Constitutional and civil rights—including nondiscrimination based on race, color, national origin, sex, and disability under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990,
- The rights afforded students with disabilities under the Individuals with Disabilities Education Act (IDEA),
- Legally-permitted information sharing between law enforcement and school personnel, consistent with state law and Federal law,<sup>29</sup>
- Connecting youth and parents to community programs and resources,
- Incident reporting and data collection regarding interactions with students,
- Training on best practices in interacting with school administrators and leadership teams.

**B. Training for School Personnel.** SRO Policing Programs and School-Based Law Enforcement Agencies will work with school districts and school administrators to train school personnel about these policing programs, and about officers' appropriate role in the school environment.

- The training will include at least the following:
  - For personnel in schools with an SRO Policing Program, the content of the MOU between the school district and the local law enforcement agency,
  - For personnel in schools with a School-Based Law Enforcement Agency, the Agency's operating procedures,
  - When school personnel may and may not request the involvement of an SRO or school-based law enforcement officer, and which school personnel are authorized to make that decision,
  - Parameters and limitations of the SRO or school-based law enforcement officer's role, including that these officers will not respond to any request to: (1) serve as a school disciplinarian, enforcer of school regulations, or the student code of conduct, or (2) use arrest or other police powers to address student behavior that should be addressed through the school code of conduct as a school discipline/school climate issue,

---

28. See also Policy 4: [Miranda Warnings, Waiver of Rights, and Youth Interrogations](#), and the discussion of using developmentally appropriate, trauma-informed, equitable practices when interviewing and interrogating youth in Section I, above.

29. See also ED FERPA Guidance.

## Policy 10 – Procedure (cont'd)

- Students’ constitutional and civil rights—including nondiscrimination based on race, color, national origin, sex, and disability under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990,
  - Students’ rights under the Individuals with Disabilities Education Act (IDEA),
  - The potential consequences of student involvement in the juvenile or criminal legal systems,
  - Available vehicles for school personnel to provide feedback on the operation of an SRO or school-based law enforcement agency program, and feedback on the performance of individual SROs or school-based law enforcement officers,
  - SRO or School-Based Law Enforcement Agency data collection and reporting responsibilities,
  - Legally-permitted information sharing between law enforcement and school personnel, consistent with state law and the Federal Educational Rights and Privacy Act.<sup>30</sup>
- C. Cross-Training for Officers and School Personnel.** Where practicable, the District and the relevant school-based or outside law enforcement agency shall also encourage and facilitate cross-training between SROs or school-based law enforcement officers and school personnel.

---

<sup>30</sup>. See also ED FERPA Guidance.