



# ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Operations		
POLICY & PROCEDURE # 1.37	DATE OF ISSUE: 1/28/2024	EFFECTIVE DATE: 2/9/2024
SUBJECT: School Resource Officer	ISSUING AUTHORITY: Chief James Cogan	
REFERENCE(S): Massachusetts Police Accreditation Commission # 44.2.4	<input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS	

## I. PURPOSE

Close cooperation and communication between the schools and police and a mutual understanding of and respect for the important role that each plays in connection with our children and youth are essential to the success of the mission of both institutions. Whenever it is necessary for the police to be present on school property, they will conduct themselves according to accepted legal practices, recognizing the responsibility and authority of school officials to manage the school environment and work with school officials to minimize any impact their actions might have on that environment.

Pursuant to G.L. c. 71, § 37P, the Chief of Police of the Acton Police Department in consultation with the Superintendent of the Acton-Boxborough Regional School District has established the following Department policy regarding the community's School Resource Officer ("SRO") Program.

## II. POLICY

- A. It will be the policy of the Acton Police Department to maintain a School Liaison Program with law enforcement presence on all of the Acton-Boxborough school campuses. [\[44.2.4\(2\)\]](#)
- B. The SROs will be supervised and collaborate with school personnel as outlined in the Memorandum of Understanding between the Acton-Boxborough Regional School District and the Acton Police Department regarding the School Resource Officer Program.
- C. All SROs shall serve as liaisons between the faculty and students of their respective schools and the Department. An SRO's assigned school building, grounds, and surroundings shall serve as their assigned patrol area. An on-duty SRO shall have primary responsibilities for handling calls for service and

coordinating the response of other police and emergency resources to their assigned school(s).

- D. If an SRO is on duty and available, they should respond and if practicable, assume the role of primary investigator in incidents concerning a juvenile(s).
- E. Any patrol officer or detective needing to contact a student(s) at any of the above-noted schools should coordinate their activities with the on-duty SRO.
- F. If resources allow SROs are encouraged to attend all school social and sporting events, school council, and PTO meetings. SROs may accompany school groups on appropriate field trips. The SRO will notify their supervisor before taking part in any trip outside of the Town of Acton.
- G. The SRO uniform of the day shall be a Class A uniform in compliance with the Department's Uniform Policy (Policy 1.10). At the discretion of the Superintendent and Chief of Police, SROs may wear civilian clothing when appropriate. **[44.2.4(5A)]**

### **III. DUTIES**

The SRO will operate in cooperation with school staff, but shall not interfere in school matters. School authorities should handle the infractions of school rules and policies. The SRO shall be available for assistance and consultation regarding these matters; however, school officials maintain responsibility for the enforcement of school rules and regulations.

The SRO's primary duties and responsibilities are to: **[44.2.4(5C)]**

- A. Address crime and disorder problems, drug activity, gangs, violence, and other activities that adversely affect the proper learning environment of their assigned schools.
- B. Work closely with the school department and other agencies needing assistance with students.
- C. Educate students on alcohol, drug and tobacco awareness, crime prevention and safety, conflict resolution and mediation, and the law enforcement profession.
- D. Offer information to other department members about school crime and delinquency problems.
- E. Provide security at school events.
- F. Provide on-site emergency response to safety threats or disasters, and
- G. Searches of students or their effects will follow department guidelines.

Within their role of advisor to the school, SROs may:

- A. Counsel or mentor students, and make appropriate referrals to community programs, social service agencies, and/or in-school programs.
- B. Act as a liaison to parents and parent groups, school staff, and community leaders.
- C. Communicate openly with students regarding rights, responsibilities, concerns, and unacceptable behavior.
- D. In cases of an “Administrative Search” by school officials, the SRO should not be involved unless specifically requested to do so by school officials to provide security, protection, or proper handling of evidence or contraband. Such searches shall be at the direction and control of school officials.

#### **IV. RESPONSE TO CALLS**

SROs are expected to respond to criminal activity and calls for service at the schools when they are working unless already engaged in a call. All calls for service shall be properly documented in the Records Management System (RMS).

SROs will follow applicable department policies when investigating a crime or responding to a call for service on school grounds. SROs responding to calls for service or investigating criminal activity at a school will make every effort to inform the school’s principal of the incident(s) as soon as possible.

#### **V. PROHIBITED CONDUCT**

An SRO will not arrange or schedule a private off-campus meeting with a student unless the SRO’s supervisor approves such activity.

SROs shall not transport students in their personal vehicles.

#### **VI. USE OF POLICE FORCE:**

The Acton Police Department places the highest value on the sanctity of life, the safety of its officers, the protection of the public, and respecting individual dignity. Because of their law enforcement and peacekeeping role, an SRO will be required at times to use reasonable physical force to enable them to fully carry out their responsibilities. The degree of force used is dependent upon the facts surrounding the situation the officer encounters.

It is the policy of the Acton Police Department that the SRO use only the force that is reasonably necessary to accomplish lawful objectives such as to make a lawful arrest, to

place a person into protective custody, to effectively bring an incident under control, or to protect the lives or safety of the officer and/or others.

## **VII. ARREST, CITATION, COURT REFERRAL ON SCHOOL PROPERTY:**

In accordance with the SRO MOU, SROs shall not serve as school disciplinarians, as enforcers of school regulations, or in place of licensed school mental health professionals. SROs also shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior except, as asked, or needed, to support school staff in maintaining a safe school environment.

The manner in which each incident is handled by the SRO, the Principal or his/her designee, and/or the criminal justice system is dependent upon the many factors unique to each student, including, but not limited to, present circumstances, behavioral history, disciplinary record, academic record, general demeanor and disposition toward others, disability or special education status, and mental health history.

(a) “Delinquent child”/Juvenile Court Jurisdiction (G.L. c. 119, § 52 as amended):

- i. A child under the age of 12 years old cannot be charged with a crime.
- ii. A delinquency proceeding can be initiated against a child between the ages of 12 and 18 years old who commits an offense against the laws of the Commonwealth except as provided below in § 7(a)(iii).
- iii. Delinquency proceedings cannot be initiated for the following offenses:
  - a) Civil infractions
  - b) A violation of a municipal ordinance or town by-law
  - c) Disturbing an assembly (G.L. c. 272, § 40 as amended) if committed by an elementary or secondary student within school buildings, on school grounds, or in the course of school-related events
  - d) Disorderly person or disturbing the peace (G.L. c. 272, § 53 as amended) if committed by an elementary or secondary student within school buildings, on school grounds, or in the course of school-related events

(b) Summons/Court Referral:

If the SRO determines that a delinquency or criminal complaint needs to be filed with the Juvenile or District Court, a summons, rather than an arrest is the preferred method of bringing the student to court. Prior to filing the complaint,

the complaint must be reviewed by the SRO's supervisor to ensure that a Diversion Program would not be appropriate.

(c) Arrest:

Offenses that constitute serious or violent felonies if committed by an adult generally, but not always, result in an arrest in accordance with state law and the existence of probable cause. The following are examples of serious/violent offenses where an arrest should be contemplated:

- Felony assault with intent to cause serious bodily injury or death
- Robbery involving force
- Sale of a controlled substance
- Burglary
- Sexual assault (after consultation with the District Attorney's Office)

As a general rule, the police (generally an SRO) should avoid making arrests on school grounds when the arrest may be made effectively elsewhere. Whenever possible, the police shall work with the Designated School Liaison to make the appropriate arrangements for taking a student into custody off of the school grounds.

On occasion, an arrest of a student must be made during school hours on school grounds or at school-sanctioned activities. For example, when a student poses a real and immediate threat to public safety, poses a risk of flight, or could not practicably be served with a warrant or complaint at another location. When this is necessary, best efforts will be made to notify the SRO to respond if not already at the scene. In the event an SRO is unavailable, another police officer will go to the scene to consult with the Designated School Liaison and take appropriate action.

Students shall not be removed from school property or school-sanctioned events without the police making notification to the Designated School Liaison or his/her designee unless exigent circumstances exist.

The police shall notify the Designated School Liaison or his/her designee before arresting a student(s) on school grounds during school hours or school-sanctioned activities on or off school grounds unless exigent circumstances exist or such notification would potentially jeopardize the ability of officers to safely and effectively make the arrest. Whenever possible, parents will be notified by the Designated School Liaison if a student is arrested on school grounds.

Working with the Designated School Liaison, the police will arrange for the least disruptive way to take the student into custody.

## **VIII. STUDENTS' LEGAL RIGHTS:**

### **(a) Searching Students:**

- i. All searches and seizures by the SROs and School Administrators must comply with the 4<sup>th</sup> Amendment of the United States Constitution and Article 14 of the Massachusetts Declaration of Rights.
- ii. In order for the police to conduct a warrantless search of a student's person, possessions, or locker, both probable cause and exigent circumstances must exist to justify the search. At the time of the search, the SRO must establish that there is probable cause to believe that evidence of a crime is or will be in a particular location and the circumstances must be so exigent, urgent, and unforeseeable that obtaining a warrant is impracticable.
- iii. The SRO shall inform the School Administrators before conducting a warrantless search of a student or their belongings absent exigent circumstances. When practical, the SRO will have the student's Principal or other school administrator present when conducting the warrantless search.
- iv. In order for a School Administrator to conduct a warrantless search of a student's person, possessions, or locker on school grounds, the School Administrator must have reasonable grounds to suspect the search will turn up evidence that the student has violated or is violating the law or school rules.
- v. The SRO shall not ask School Administrators to search students or their belongings for law enforcement purposes nor shall School Administrators act as an agent of the SRO.
- vi. Absent a real and immediate threat to a student, teacher, or public safety, the SRO shall not be present or participate in a search conducted by School Administrators.

### **(b) Interviewing Students:**

- i. The SRO Program strives to provide students with positive role models, to develop collaborative relationships between the school community (including students) and law enforcement, and to identify and provide preventive help and services to at-risk students and families. In carrying out these responsibilities, SROs necessarily will – and should – interact and communicate with students for non-law enforcement purposes.
- ii. When an SRO and/or police officer wishes to detain or question a student on school property *for law enforcement purposes*, the following shall occur unless exigent

circumstances exist, or such notification would potentially jeopardize student, school staff, or officer safety:

- a) The officer shall contact the Designated School Liaison or his/her designee first and, to the degree possible, explain the nature of the police business and the need to meet with the student in question.
- b) The Designated School Liaison or his/her designee shall notify the student's parent/guardian prior to the questioning.
- c) The student shall not be publicly contacted by the officer in the school setting.
- d) The Designated School Liaison or his/her designee may be present during the student interview or questioning at the discretion of the police upon consideration of voluntariness and privacy issues.
- e) After due consideration of the nature of the questioning, the individual circumstances of the student, and state and federal law, the officer shall:
  - 1) Determine whether a juvenile under the age of fourteen is required to have a parent or interested adult present to participate in the juvenile's decision to waive rights and, if so required, arrange for such.
  - 2) Determine whether a juvenile who has attained the age of fourteen is required to be provided with a "genuine opportunity" to meaningfully consult with an interested adult regarding a decision to waive rights and, if so required, arrange for such.

## **IX. DIVERSION PROTOCOLS**

Diversion Programs offer an alternative to formal prosecution. These programs seek to treat at-risk students, not as criminals, but as children and youth in need of aid, encouragement, and guidance. The goal of such programming is to address the root causes of the student's offense and to work with the student to make better choices while minimizing any life-altering negative consequences (i.e., keeping them out of the criminal justice system and preventing the creation of a criminal record).

Evaluation for referral to a Diversion Program and, if accepted, the development of a remedial plan involves a consideration of multiple factors, including:

1. Factual review and determination of whether the offense is program-eligible:
  - a. Eligible offenses could include, but are not limited to, any misdemeanor, any felony that if committed by an adult could be prosecuted in the District Court, and any case involving a victim only if the victim consents.

- b. Ineligible offenses could include but are not limited to, minimum mandatory offenses, terroristic school threats, cases involving the possession or use of weapons, and cases involving serious assaultive or threatening behavior, serious bodily injury, sexual offenses or conduct, or gang-related activity.
2. Any past criminal conduct
3. Willingness to participate and engage in a remedial program
4. Input from the police and, where appropriate, from the victim and/or parties involved with the student such as schools, parent(s)/guardian(s), or other youth-involved agencies.

Remedial plans may include referral to community-based supports and providers, assignment to an educational program, community service, letter of apology, restitution, essay writing, curfew, and/or other case-specific conditions.

## **X. INFORMATION SHARING**

Information shared between the SROs, Acton Police Department, schools, and parent(s)/guardian(s) will be done in accordance with the SRO Memorandum of Understanding as well as state and federal law.

## **XI. PERFORMANCE EVALUATION STANDARDS:**

The success and effectiveness of the SRO Program will be reviewed, modified, and amended as outlined in the SRO Memorandum of Understanding (MOU). **[44.2.4(5E)]**

Additionally, a review of the Data Collection and Reporting information outlined in the SRO MOU will be conducted annually by the SRO's Supervisor and the Designated School Liaison.

## **XII. TRAINING: [44.2.4 (5B)]**

Recognizing the specialized nature of their duties, the Department will send officers assigned to any SRO position to an approved SRO training program whenever possible. SROs will attend all other required Department Training.

## **SCHOOL RESOURCE OFFICER INFORMATION**

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**History: Manual I, Section III.**