

DOVER SCHOOL DISTRICT	POLICY CODE: JICD-R
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MEMORANDUM OF UNDERSTANDING

It is the intention of the local police department and the school district to work in a joint cooperative effort to provide a safe and healthy school environment for the students, staff, and visitors. We intend to do this in compliance with New Hampshire RSA 193-D, Safe School Zones, as amended:

Communication and sharing of information are the initiation of any cooperative effort. As required by law, it is agreed that every school employee who has witnessed, or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within forty-eight (48) hours by a report in writing. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

As a result of New Hampshire RSA 193-D:7, school employees are relieved of concerns regarding confidentiality. It 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 196-D or a child in need of protection under RSA 169-C.

The report required above shall include (blank forms are supplied):

- (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 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" means acts set forth in the following, regardless of the age of the perpetrator, and shall be reported as required above:

- (a) **Homicide under RSA 630:** Any death shall be immediately reported to law enforcement officials, regardless of suspected case.

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- (b) ***Any first or second degree assault under RSA 631 or simple assault under RSA 631:2-a*** . This will include any injury to a person caused by another person. Investigation may reveal that not all of these incidents constitute an actual crime. Reporting will allow an investigation to be conducted. Simple assaults may result in some injuries. Simple assaults also include knowingly having unprivileged physical contact with another person. Recognize that this can be very minor contact.
- (c) ***Any felonious or aggravated felonious sexual assault under RSA 632-A***. Although going beyond the legal requirement, all acts of sexual penetration occurring within safe school zones will be reported.
- (d) ***Any criminal mischief under RSA 634:2***. This involves damage to property by a person who purposely or recklessly damages the property of another. This can include school property.
- (e) ***Unlawful possession or sale of a firearm or other dangerous weapon under RSAS 159***. Due to the tremendous potential for serious injury or death when firearms are present, any person in possession of a firearm within Safe School Zones will be reported. The exception will be recognized law enforcement personnel. Some of those reported may not be in violation of the law, but should be reported.
- (f) ***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 intention disregard for the safety of others, is included in this section.
- (g) ***Burglary under RSA 635***. Any person who enters a building, or separately secured section of a building, with a purpose to commit a crime inside.
- (h) ***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.
- (i) ***Theft under RSA 637***. A person commits theft if he or she obtains or exercises unauthorized control over the property of another.
- (j) ***Illegal sale or possession of a controlled drug under RSA 318-B***. Although going beyond the legal requirement, reports will be made on any substance, other than food, that affects the way your mind and body work, excepting legally prescribed medications, which should be recorded with the appropriate administrative school personnel.
- (k) ***Criminal Threatening under RSA 631:4***. Criminal threatening occurs when, by physical conduct, the person intends to place another person in fear of bodily injury or contact, or places any object or graffiti on the property of another with the purpose to coerce or terrorize the person, or threatens to commit a crime against another person or property of a person to terrorize the person, or the person threatens a crime of violence, including the use of a biological or chemical substance, to cause evacuation of any place to cause serious public inconvenience in reckless disregard of causing fear to others. Further, if the person delivers or threatens to deliver any substance that could be perceived as a biological or chemical substance to another person for the purpose of causing fear, or in reckless disregard of causing fear, that person has committed criminal threatening under the statute.

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The following terms, as defined in RSA 193-D:1 apply to this 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 plan, 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 extracurricular activities.

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 this memorandum.

Any person who knowingly fails to comply with the reporting requirements under RSA 193-D:4 for acts of theft, destruction or violence, unless such report is waived under RSA 193-D:5, shall be guilty of a violation and may be subject to discipline by the District.

The local police department and the school district agree to provide their employees with training relative to this memorandum of understanding, its purpose, and anticipated results. The parties further agree to maintain regular and open communication to evaluate the effect of this memorandum and suggest improvements and adjustments that may be necessary.