Memorandum Of Understanding

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This presentation will discuss...

- The Opportunities for Community Members to Participate
- An Overall Representation at Community Meetings
- The Resources Provided by SFUSD
- Summary of feedback offered by our community partners
- Three year arrest data summary
- Examples of the draft language changes/revisions to the proposed MOU based on community input/feedback.
- Next Steps
SFUSD held various community engagement forums where all members of the public were invited to participate and provide the district and the police department with feedback / suggestions to consider as we drafted the new MOU.

Public forums held by SFUSD:
- Central Office - 12/19/18 at 6 - 7:30pm (approx. 19 participants)
- Central Office - 1/14/19 at 6 - 7:30pm (approx. 38 participants)
- Wallenberg HS - 2/28/19 from 3 - 5pm (approx. 41 participants)
- Mission HS - 3/11/19 from 5:30 - 7pm (approx. 23 participants)

* Additional meetings were held by the Alliance for Girls, SFUSD’s Student Advisory Council (SAC), Youth Commission, Coleman Advocates, and others.
RESOURCES PROVIDED BY SFUSD

The San Francisco Unified School District has provided and/or made available all of the needed resources to Community Based Organizations wishing to host their own community forums. Organizations and groups then submitted summaries of their feedback sessions to SFUSD leadership.

Resources included:
- Facilitators Guide
- Complete copies of the current/existing MOU
- Posters for Discussion of Top MOU Sections
- Feedback Forms
- Sign In Sheets
All community engagement meetings and forums had diverse representation from various organizations, groups, etc., such as:

- SFUSD’s Student Advisory Council (facilitated Wallenberg Comm Mtg.)
- Mission High School AAALI (facilitated Mission High Comm Mtg.)
- SF Human Rights Commission
- Coleman Advocates
- SF Youth Commission
- Alliance for Girls
- Department of Police Accountability
- Larkin St. Youth Services
- Legal Services for Children
- SF Families Union
- Huckleberry Youth Programs
- SF Achievers
- 100% College Prep
- HOPE SF
- NAACP
FEEDBACK OBTAINED

SFUSD received numerous suggestions and feedback from the participants who attended the public forum meetings, including organizational feedback. In the spirit of transparency, those feedback documents were scanned and shared with all participants who provided their email address at any of the public forum meetings.

The most common suggestions heard were (to name a few):

- Clearly define terminology for all to understand (i.e. “exigent circumstances”)
- Ensure all SFUSD and SFPD Personnel are adequately trained to handle police related incidents at school setting with juveniles.
- Make every effort to protect the identity of juveniles with any incidents of police involvement.
- Schools should not contact SFPD or SROs for disciplinary issues.
SFPD Interactions, 2016-17 to 2018-19 (Arrested, Cited or Detained)

* 2018-19 data are PRELIMINARY and should revisited when final data are available.

Source, Date, and Definition: SFUSD School Crisis Response & Emergency Preparedness and the San Francisco Police Department. 2016-17 to 2018-2019.
Examples of revised language in the MOU:  
Formerly Section 11, now Section 9: Requesting Police Assistance

**Original MOU language is in black,**  
**Added and/or revised language is highlighted**

Police involvement should not be requested in a situation that can be safely and appropriately handled by the District’s internal disciplinary procedures.

Site administrators shall only request police assistance when:

1. **It is necessary to protect the physical safety of students or staff**  
   *Examples: active attacker situation, gun on campus; sexual assault; terroristic threats; distribution of child pornography; violence causing serious bodily injury*

2. **It is required by law**  
   *Examples: gun possession at school or on school grounds; drug sales; possession of dirk, dagger, knife with a blade longer than 2.5 inches, taser/stun gun, bb gun; attack, assault or physical threat of a school employee; possession of an explosive.*

3. **It is appropriate to address criminal behavior of persons other than students**  
   *Examples: unknown person attempting to abduct a child or taking photos or videos of students; person enters school grounds without authorization and refuses to leave (trespassing); adult engaging in threatening or harassing conduct toward students or staff on campus or at a school sponsored event.*

The examples listed above are not exclusive or limited to what is mentioned herein. Site administrators shall rely on their experience and reasonable discretion to determine when police assistance is necessary to protect the safety of students and staff. If the site administrator is in doubt, s/he shall collaborate with their Assistant Superintendent, Director and/or the Superintendent or designee for clarification and assistance.
In an effort to ensure all calls are properly recorded, monitored and prioritized, all school site administrators are directed to call the Police Dispatch (415) 553-0123 to request a response from a School Resource Officer (SRO) or police officers. The SROs are not to be called prior to calling Dispatch for police assistance.

Examples of revised language in the MOU:
Formerly Section 12, now 10: Procedure for School Staff to Request Police Assistance when the Criteria in Section 9 are Met

Original MOU language is in black,
Added and/or revised language is highlighted
Absent exigent circumstances, SFPD officers should notify school officials (e.g., site administrators, Dean or Head Counselors) of their presence and/or purpose on SFUSD property. During the meeting between the SRO Coordinator and the site principals before school starts or at the beginning of the year, the SRO Coordinator shall receive a list of school contacts to be used for this purpose.

Exigent circumstances are defined as “circumstances that would cause a reasonable person to believe that action was necessary to prevent physical harm to the public or officers, prevent the escape of a violent suspect, or the destruction of critical evidence.”

Examples of revised language in the MOU:
Formerly Section 15, now Section 13: Officer Entry on School Campus

Original MOU language is in black,
Added and/or revised language is highlighted
In an effort to minimize disruption to the learning environment, SFPD officers should consider the reasonableness of making an arrest on campus or summoning a student from a classroom. When considering whether it is reasonable to arrest or summon a student on campus, the officer shall consider the following:

- Whether the arrest or summoning is in response to the commission of a school-related offense (i.e., if the arrest is for conduct that occurred outside of school, this factor would weigh in favor of making the arrest away from school grounds);
- The seriousness of the offense (i.e., if the offense is a misdemeanor or does not present immediate danger to the school community, this factor would weigh in favor of making the arrest away from school grounds);
- Whether there is an imminent threat to public safety (i.e., if there is no immediate threat to public safety, this factor would weigh in favor of making the arrest away from school grounds);
- Federal, state and local requirements (i.e., if the law does not require immediate arrest, this factor would weigh in favor of making the arrest away from school grounds);
- Whether the officer is able to accomplish the arrest by other means (i.e., if the officer can make the arrest at another location, this factor would weigh in favor of making the arrest away from school grounds).

If the arrest is not reasonable given the considerations listed above, the arrest or summons of the student should be made at another time / place.
Examples of revised language in the MOU:
Formerly Section 18, now Section 16: Police Interviews on school campus

Proposed Revised MOU language:
(Summarized due to volume of new language)

When investigating a possible criminal violation occurring off school premises or not part of a school program, law enforcement agencies are encouraged to interview students away from school premises.

Properly identified law enforcement officers will be permitted to interview students on school premises as suspects or witnesses if the law enforcement officer has legal authority to conduct the interview, which includes: a warrant, court order, parent/guardian consent, or exigent circumstances. The officer shall be required to provide their identification and verify the legal authority under which the interview is to be conducted. The principal or designee shall maintain a record of all documentation related to law enforcement interviews of students. [SFUSD Board Policy 5145.11]

If the law enforcement officer has a warrant, court order, parent/guardian consent, or exigent circumstances exist, the principal or designee shall accommodate the interview in a way that causes the least possible disruption to the school process, gives the student appropriate privacy, models cooperation with local law enforcement agencies, and respects the interests of students, parents, and the school community. [SFUSD Board Policy 5145.11]

Except in situations where the student is a suspected victim of child abuse, the school must immediately call the student’s parents. Efforts to contact parents must include calling all numbers listed on an emergency card, including work numbers, pager numbers, and any number supplied by the student. [SFUSD Board Policy 5145.11] Assuming the cell phone is not confiscated as evidence by law enforcement, or absent any potential destruction of evidence, or other official police direction, under direct supervision, site administrators and/or law enforcement may also allow students to use their personal cellular devices to contact their parents/guardians.

Parents must be given reasonable opportunity to come to the school and be present for any police interview. If a parent cannot be found, the school site should offer the student the option of having an adult of his or her choice from the school available during an interview. In cases where the principal or designee is unable to contact the student’s parent/guardian before the interview begins, the principal or designee shall notify the parent/guardian as soon as practicable after the law enforcement officer has interviewed the student on school premises. [SFUSD Board Policy 5145.11]

SF Administrative Code require that prior to a custodial interrogation, and before the waiver of any Miranda rights, police will allow a student 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived.

Students and parents shall be provided with interpretation in their native language during interviews, questioning and call encounters with SFPD officers. All students should be made aware of their rights and provided with a copy of the “Know Your Rights” brochure (available in English, Spanish, Chinese, Tagalog, and Vietnamese.) Interpretation and providing copies of the “Know Your Rights” brochures are the responsibility of SFPD officers.

This section outlines the process to inform parents prior to a police interview.

- We have added newly adopted Board Policy that requires a warrant, court order, parent/guardian consent or exigent circumstances to allow an interview by police.
- We have also added the new law that requires students 17 and younger to have consultation with a public defender PRIOR to the interview.
- In response to community input, we have added that students may contact their parent using their own phone to be present for the interview (unless their phone has been confiscated.)
- Students and families will be provided interpretation in their native language and provided copies of the “Know Your Rights” brochures.
Absent exigent circumstances, officers should coordinate with the principal or designee if after taking into account the reasonableness of such an arrest as outlined in section 16, they determine it is necessary to make an arrest on campus. To the extent practicable, a private location out of sight and sound of other students shall be arranged for the arrest that will help avoid invasion of the student’s privacy, jeopardizing the safety and welfare of other students, and further disruption on the school campus. During the meeting between the SRO Coordinator and site principals before school starts or at the beginning of the year, the SRO Coordinator shall receive a list of school contacts to be used for this purpose.

SFPD officers (including SROs) shall take into consideration the student’s right to privacy when being escorted off campus. Officers who arrest a student on campus should make reasonable attempts to conceal the students’ identity and keep the student out of the public view when escorting the student off campus.

Examples of revised language in the MOU:
Formerly Section 18, now Section 17: Location of Arrest

**Current & Proposed Revised MOU language:**

Absent exigent circumstances, officers should coordinate with the principal or designee if after taking into account the reasonableness of such an arrest as outlined in section 16, they determine it is necessary to make an arrest on campus. To the extent practicable, a private location out of sight and sound of other students shall be arranged for the arrest that will help avoid invasion of the student’s privacy, jeopardizing the safety and welfare of other students, and further disruption on the school campus. During the meeting between the SRO Coordinator and site principals before school starts or at the beginning of the year, the SRO Coordinator shall receive a list of school contacts to be used for this purpose.

SFPD officers (including SROs) shall take into consideration the student’s right to privacy when being escorted off campus. Officers who arrest a student on campus should make reasonable attempts to conceal the students’ identity and keep the student out of the public view when escorting the student off campus.
NEXT STEPS...

● Receive feedback from the SFUSD Commissioners
● Submit final draft of MOU for approval signature by Superintendent Matthews and Chief Scott.
● Return the MOU to the board for approval under the MOU agenda along with other MOUs.
● Promote and publicize the MOU to all SROs, SFPD Officers, school administrators, staff, students, and families via multiple modes.
  ○ Family Newsletter (26,000 recipients)
  ○ Employee newsletter (11,000 recipients)
  ○ District homepage
  ○ Post on OASIS
Thank you!

Questions?