Memorandum of Understanding
Between
The San Francisco Police Department and
The San Francisco Unified School District

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The San Francisco Police Department (“SFPD”) and the San Francisco Unified School District (“SFUSD”) enter into this Memorandum of Understanding, made this XX day of XXXX, 14th day of January in the year of 2014 2019, in the City and County of San Francisco, State of California, in order to ensure safety and foster positive police/youth engagement within primary and secondary public schools in the City and County of San Francisco while also avoiding unnecessary the potential criminalization of SFUSD students for whom arrest and juvenile court involvement creates serious potential long-term consequences. This memorandum will replace the previous Community Oriented Policing In Schools Memorandum of Understanding between SFPD and SFUSD, dated December 15, 2005______, as well as any amendments thereto.

1. TERM OF THE AGREEMENT

This MOU shall remain in effect for 5 years from the date of full execution. The terms of this MOU memorandum may be modified or amended at any time by written agreement of both parties. Either party may terminate this agreement upon 90 days advance written notice.

2. EFFECTIVE DATE OF THE AGREEMENT

This MOU shall become effective on the date that it is signed by both the San Francisco Chief of Police and the Superintendent of SFUSD, and is approved by the San Francisco Board of Education (“BOE”), whichever comes last.

3. STUDENT RESOURCE OFFICER (SRO) PROGRAM AND PROGRAM COORDINATION

SFPD will coordinate the Community Oriented Policing In Schools SRO program with the SFUSD (hereinafter “SRO Program”). This program currently consists of SFPD School Resource Officers (“SRO”) who are assigned to and maintain a presence at police stations throughout the city and are also assigned to serve as the primary officers working with one or more schools in the SFUSD when the need for police support arises, as defined in this MOU.

SFPD will maintain a position for a School Resource Officer (SRO) Coordinator (Lieutenant, lieutenant/Captain or equivalent) who will coordinate the planning, budgeting, management and agency leadership for the SRO program; provide program monitoring and assistance with problem solving; and will handle coordination between the SFPD Chief of Staff Office, Commanding Officer of Operations, District Station Captains, SFUSD, School Site Administrators and SROs. The SRO Coordinator will act as the liaison with the SFUSD to ensure coordination of other programs conducted by other divisions of the
SFPD, avoid redundant services, ensure equitable distribution of such program services, and help maintain a line of communication between the schools and the SFPD. The SRO Coordinator will maintain a list of the SROs and their assignments by station and school and provide that list, as well as any updates, to the Superintendent or Designee of the Student, Family and Community Support Department (SFUSD) on a quarterly basis, or more frequently if assignments of SROs are changed. This list shall include a contact work phone number and/or work email address for each SRO.

The Superintendent or Designee of SFUSD will work with the SRO Coordinator to coordinate the SRO Program, staffing, goals, and objectives. The Superintendent or Designee will ensure and be responsible for the distribution of the MOU and education to school site staff regarding the provisions of the MOU and their responsibilities under the MOU. The SRO Coordinator shall also ensure distribution and education is provided to the SROs and other officers who have frequent contact with youth so that they understand their duties and responsibilities in accordance with the MOU and their departmental policies and procedures.

5. REPORTS

SFPD will provide SFUSD staff with a monthly written report to the Superintendent and Designee that includes the following: be filed with the BOE regarding the

(A) School site crime incidents reported to, or observed by, SRO/SFPD disaggregated by school site, offense, and student subgroup, including but not limited to age, race, ethnicity, and gender.

Number of times that SRO/SFPD was called to schools disaggregated by school site.

(B) Number of parent notifications, students subjected to custodial interrogation, and students who spoke with an attorney before custodial interrogation. This data is necessary to ensure compliance with local and state law and SFPD’s procedures concerning interrogations of individuals 17 years old and younger.

(C) Number of arrests of students made:

(1) By SFPD on SFUSD school sites for school related offenses.

(2) By SFPD on SFUSD school sites for non-school related offenses.

(3) By SFPD off SFUSD school sites for school related offenses.

Such data shall be disaggregated by school site, offense, and student subgroup, including but not limited to age, race, ethnicity, and gender, with information about
the disposition of the matter.

Note: When making arrests of students on SFUSD school sites, SFPD shall consider the “Arrests on School Campuses” section of this MOU.

(D) [Truancy: (1) the number of home visits conducted by SROs, (2) a general description of the police action taken regarding the home visits, and (3) other relevant information concerning SRO action in “truancy abatement” efforts, including the number of students cited or referred to the Truancy Court, or other Juvenile Court that adjudicates truancy cases, if the Truancy Court is abolished, rather than being returned to school or referred to another diversion or support program.]

(E) Referrals: Number of referrals of students from school sites to wellness centers, medical facilities, tutors, mentors or other resources in lieu of arrest or citation.

(F) Family and Children Services (Child Welfare): Number of referrals of students on school sites made to Child Protective Services.

(G) Any other information the SFPD believes is relevant, including but not limited to information regarding the nature of any collaborative efforts between the parties.

(H) For purposes of this section, school site is defined as the property upon which the school is located, including any sidewalks and entrances abutting or surrounding the school. It also includes any location where a school sponsored event is being held for the duration of such event.

Three times a year the SRO Coordinator and the Associate Superintendent or designee, Superintendent’s Designee and the SRO Coordinator for SFUSD or their designees shall provide a report to the SFUSD Board of Education containing the information contained in the aforementioned monthly reports and be available to answer any questions posed by the community related to safety, disproportionate minority contact, if any, student arrest or citation rates, or any other issue. This report to the BOE shall specifically address any efforts to reduce disproportionate juvenile minority contact with police and the juvenile justice system and reduce the rate of school based arrests and citations while maintaining a safe school climate.

A copy of this report shall be provided to the Student Advisory Council for review and comment.

6.4 HIRING AND ASSIGNMENT

SFPD is responsible for the recruitment and assignment of officers to SRO positions and with the provision of necessary training and equipment. SFPD will prioritize the assignment of officers to SRO positions who have experience and training in community policing, youth development, and restorative practices, and are willing and qualified to
work in this position.

During the interview selection process, the SRO Coordinator and Station Captain shall consult with the site Principals to identify any special needs or concerns to be taken into consideration during the selection process of the SRO.

The site Principal shall take into consideration any concerns expressed by students and/or parents at that site, including those expressed in the school climate survey or other school questionnaires or surveys, regarding SRO or police officer interactions with students on the school campus and provide such information to the SRO Coordinator and Station Captain. No confidential information of students or families shall be disclosed.

7. SRO SELECTION

6. COORDINATION BETWEEN SRO COORDINATOR, SROs AND SCHOOLS

The SRO Coordinator and Station Captain shall consult with the site principal prior to the assignment of a new SRO to identify any special needs or concerns to be taken into consideration during the selection process of the SRO.

The site principal shall take into consideration any concerns expressed by students or parents at that site, including those opinions expressed in the school site climate survey or other school questionnaires or surveys, regarding SRO or police officer interactions with students on the school site and provide such information to the SRO Coordinator and Station Captain. No confidential information shall be disclosed.

(A) SRO Coordinator

The SRO Coordinator will meet at least once per school year with the SROs and site principals and shall be invited by the Associate Superintendent or Designee of SFUSD to one or more meetings for school site principals. If possible, a meeting shall occur before the school year or at the beginning of the school year for the SRO Coordinator to review school and SFPD expectations, requirements and operational procedures with SROs, principals and security staff.

During the second semester, another meeting should be held to address any issues or concerns that may have arisen since the last meeting.

(B) SCHOOL RESOURCE OFFICE (SRO)

With a goal of improving school climate, SROs shall meet at least one time per semester with their assigned school principal; and any members of the safety team to exchange information about current crime trends, problem areas, emerging youth gangs or other
issues of concern which have potential for disruption in the school or within the community, and to strategize on how to improve school safety. At such time, if SROs have engaged in proactive and preventative strategies with youth, such as connecting them with community based resources, mentors, or tutors, this should also be discussed.

7. MUTUAL COOPERATION between SFPD AND SFUSD STAFF

The SRO, like all other SFPD police officers, is a sworn member of the San Francisco Police Department assigned to provide law enforcement expertise and resources to assist school site staff in maintaining safety within their assigned school(s). Although the SRO and other police officers are supervised by SFPD, and not the SFUSD, all SFPD officers and personnel shall work in an interdepartmental relationship with the SFUSD, consistent with his/her responsibilities and perform the duties outlined in this MOU in accordance with the policies, rules and regulations of the SFUSD. In performing these duties, the SRO and any other police officers, working with or interacting with a school in SFUSD shall take reasonable steps to work cooperatively with school administrators, consistent with his/her responsibilities and perform the duties outlined in this MOU in accordance with the policies, rules and regulations of the SFUSD. In performing these duties, the SRO and any other police officers, working with or interacting with a school in SFUSD shall be required to comply with all SFPD General Orders and policies and all applicable local, state and federal laws. The SRO and any other police officers, working with or interacting with a school in SFUSD shall maintain familiarity with the SFUSD Student/Parent Handbook of rules and regulations.

Likewise, SFUSD staff, although not supervised by SFPD, will, at all times respect the authority of SFPD Officers and their responsibility to maintain safety for the citizens of San Francisco. It is expected of all SFUSD staff (administrators, teachers and support staff) that every effort will be made to establish and maintain a relationship of mutual respect and cooperation with all members of SFPD.

The goal of this MOU with regard to language is to create an environment of mutual respect between SFPD members and the SFUSD’s students, parents/guardians, teachers and administrators. All members of the school community shall treat each other with respect.

The parties shall cooperate with each other to achieve the purpose of this agreement and shall execute their duties as listed and take further actions as are legally required to effect the transactions described herein.

The SFPD’s Rules of Conduct (SFPD General Order 2.01, Section 14) demands that members of the SFPD treat all people with respect and SFPD will promptly take action to address the use of inappropriate language toward students or school staff. Such Rules of Conduct apply at all times, including during an arrest or investigation.

It is expected under this MOU that SFUSD students and personnel adopt the same respectful tone and conduct with each other and with SFPD officers on and about SFUSD.
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Campsites and that SFUSD staff and students will not use incendiary language or profanity toward SFPD officers. SFUSD staff will promptly take action to address the use of inappropriate language toward SFPD officers.

8. COMMUNITY OUTREACH

To the extent feasible, SROs will participate in positive student activities in the school community in order to build trusting and respectful relationships with students, families and staff. The SRO will collaborate with school based community organizations, parent teacher organizations, School Advisory Councils, student government and SFUSD staff to develop opportunities for positive activities, such as panel discussions, mentoring programs, community coalitions or task forces.

Based on the availability of additional resources, members of the SRO program may offer additional the following types of assistance at the request of a school site.

Examples are as follows: to elementary and middle schools:

1. Attending school staff meetings;
2. Providing drug education/awareness training and SFPD “Know Your Rights” Training;
3. Stranger Danger Training Providing sexual assault awareness training;
4. Bullying Awareness & Prevention Providing gang awareness training, and
5. Drug Education & Prevention
6. Reading Assistance
7. Providing internet safety and violence prevention education to site staff, parents, guardians and students.

When providing trainings, SFPD will ensure the content is that are accessible for students with special needs.

9. CAMPUS SECURITY

The SRO is neither a member of the security staff nor a supervisor of security officers. SROs have primary responsibility for (1) handling calls for police service and (2) coordinating the response of other police resources at the school. However, the SRO will work with school security to identify security issues and take reasonable steps to create a safer environment for students.

Upon request, SROs will assist school site administrators, faculty, and security...
staff to keep schools safe from intruders. As practicable, the SRO will work with school security to identify security issues and to take reasonable steps to create a safer environment for students. However, the SRO is neither a member of the security staff nor a supervisor of security officers. SROs have primary responsibility for (1) handling all calls for police service at the assigned school site, and (2) coordinating the response of other police resources at the school.

10. REQUESTING POLICE ASSISTANCE

Police involvement should not be requested in a situation that can be safely and appropriately handled by the District’s internal disciplinary procedures. (SFUSD Board Resolution, BOE Res. No. 92-23A6, “Collaborating with the Community to Ensure Safe Schools” Adopted June 22, 1999.) (“Safe Schools Resolution”)

The examples listed below are not exclusive or limited to what is mention 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, the administrator shall contact their Assistant Superintendent (who serves as the supervisor of the school’s cohort), or the Superintendent’s designee for clarification and/or direction. Site administrators shall use common sense when life safety situations occur to summon the appropriate help when needed.

SFUSD Site administrators are mandated by law to request police assistance under specific circumstances.

Staff members and site SFUSD Site administrators shall request police assistance when:

only request police assistance when:

(1) It is necessary to protect the physical safety of students or staff:

Examples: active attacker/shooter situation; gun on campus; sexual assault; terrorist 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 blade longer that 2.5 inches, taser/stun gun, bb gun; attack; assault or physical threat of a school employee; possession of an explosive. (CA Education Code 48902, 44014; CA Penal Code 626.9, 626.10)

(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 school sponsored event. Police involvement should not be requested in a situation that can be safely and appropriately handled by the District’s internal disciplinary procedures. (BOE Res. No. 92-23A6, Adopted June 22, 1999). If it is unclear whether a
particular situation meets the criteria above, contact the principal or Assistant Superintendent as soon as possible to make a determination.

-11. PROCEDURE FOR SCHOOL STAFF TO REQUEST POLICE ASSISTANCE WHEN THE CRITERIA IN SECTION 104 ARE MET

In an effort to ensure all calls are properly recorded, monitored, and properly prioritized, all school site administrators are directed to call the Police Dispatch (415) 553-0123 to request a response from your School Resource Officer (SRO) or police officers. SFPD Dispatch will monitor the response times for all requests for police assistance at schools. The SROs are not to be called prior to calling Dispatch for police assistance.

(1) Call 911 in an emergency or crisis situation and notify the site administrator as soon as possible, SRO or any police officer in an emergency or crisis situation, and notify the site administrator as soon as possible.

(2) If there is no immediate danger to students or others, a staff member should always contact a site administrator to make the decision about whether to request police assistance for an incident involving potentially criminal behavior by a student, based on criteria in the Section 104 supra for Requesting Police Assistance.

(3) The site administrator shall notify the Assistant Superintendent and enter a written Incident Report the same day to detail police response to an incident involving a student and as required by District policy. Such written reports shall be logged into the SFUSD centralized data system known as Synergy and data regarding such incidents and calls for police assistance shall be provided in aggregate form. The SFUSD data may be further disaggregated by criteria such as school-site, race, ethnicity, gender, and age of the student or students involved in the incident for which the police contact was initiated, as long as the disaggregation does not reveal individualized information to the general public or relevant school community. This data will be provided in a written report, by the Superintendent’s designee, at the two three times a year BOE meetings discussed in Section 4 of this MOU.

SFUSD school site administrator’s disproportionate use of police intervention in inappropriate situations that should have been identified as student disciplinary issues shall be cause for corrective action by the School District.

School Administrators should not request police officers should not be requested to interview students or collect evidence for expulsion hearings UNLESS the employee believes that such an investigation would pose a danger to themselves or others.

(BOE) Resolution No. 92-23A6, Adopted June 22, 1999 and attached hereto as Attachment A

For example, School Administrators may ask officers officers may be asked to assist with search and removal of firearms or of child pornography that cannot be viewed or collected by school staff.

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Commented [A24]: Based on community feedback, examples added
12. REPORTING CRIMINAL ACTIVITY

The Principal of schools or the Principal’s designee shall report criminal activity pursuant to Education Code Section 48902 to the SRO as appropriate. Criminal activity that must be reported pursuant to Education Code Section 4895902 (this section is attached hereto as Attachment B) will be reported to the SRO, or to SFPD if the SRO is not available.

13. STUDENT DISCIPLINE

SFUSD administrators have primary responsibility to ensure consistent enforcement of school rules and policies. Neither the SRO nor any other SFPD police officer shall act as a school disciplinarian. Disciplining students is a school responsibility.

Pursuant to BOE San Francisco Board of Education policy, SFUSD administrators shall prioritize alternatives to school removals and police involvement, such as the use of Restorative Practices (see BOE Resolution No. 96-23A1, “In Support of a Comprehensive School Climate, Restorative Justice and Alternatives to Suspensions and Expulsions”)

14. OFFICER ENTRY ON SCHOOL CAMPUSE

Absent exigent circumstances, SFPD officers should notify school officials (e.g., site administrators, Dean or principal, Dean or School Counselor) of their presence and/or purpose on SFUSD property. 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.

Exigent circumstances is 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”.

15. ARRESTS ON SCHOOL CAMPUSES

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 outside of school);
- The seriousness of the offense (i.e., if the offense if 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 outside of school);
• 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 an immediate threat to public safety, this factor would weigh in favor of making the arrest on school grounds outside of school);
• 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 outside of school);
• 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 outside of school).

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.

16. NOTIFICATION OF PARENT UPON ARREST, OPPORTUNITY FOR PARENT TO BE PRESENT, AND OPTION FOR STUDENT TO HAVE AN ADULT OF HIS OR HER CHOICE PRESENT PRIOR TO ANY QUESTIONING OR INTERROGATION

SFPD and SFUSD shall abide by Education Code Section 48906, which requires that a school official must make immediate parental/guardian notification upon police arrest of a student, excepting when the child is taken into protective custody as a suspected victim of child abuse or pursuant to Section 305 of the Welfare & Institutions Code. SFUSD Board policy requires that a school official must call a parent/guardian and give such parent/guardian a reasonable opportunity to be present for any police interrogation, unless the child is a suspected victim of child abuse.

Efforts to contact parents by SFUSD school officials must include calling all numbers listed on an emergency card, including work numbers, pager numbers, and any numbers supplied by the student. (SFUSD BOE Resolution No. 92-23A6, Adopted June 22, 1999).

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 the interrogation. (SFUSD BOE Resolution No. 92-23A6, Adopted June 22, 1999).

Consistent with SFPD General Order 7.01, Section III, D.3.a., (“[i]mmediately prior to questioning a juvenile, [the SFPD officer] shall again advise the [student] of the Miranda admonishment. Such admonition shall be given in language appropriate to the age and the sophistication of the [student] and in accordance with General Order 5.20. In addition to the Miranda admonishment, the officer shall tell the juvenile that he or she may have a parent/guardian present before and during an interrogation.”)

If, during an investigation, the student is currently being questioned as a victim or a
witness, the same procedures shall apply to avoid any harm to a victim or witness who may later be considered a suspect.

178. POLICE INTERVIEWS ON SCHOOL CAMPUS

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 office has legal authority to conduct the interview, which includes: a warrant, court order, parent/guardian consent, or in exigent circumstances. The office 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 relative to law enforcement interviews of students which includes ensuring that law enforcement completes the “Form for Law Enforcement Officers Interview of Student at School.” (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)

California law and 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

Commented [A30]: SFUSD added this language based on new Board Policy covering interactions with police (BP 5145.11)

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younger to consult with legal counsel in person, by telephone, or by video conference. The consultation can [shall] may not be waived. Welfare & Institutions Code Section 625.6; SF Admin Code Chapter 96C.

Consistent with SFPD General Order 7.01, Section III, D.3.a., ("Immediately prior to questioning a juvenile, [the SFPD officer] shall again advise the [student] of the Miranda admonishment. Such admonition shall be given in language appropriate to the age and the sophistication of the [student] and in accordance with General Order 5.20. In addition to the Miranda admonishment, the officer shall tell the juvenile that he or she may have a parent/guardian present before and during an interrogation.")

If, during an investigation, the student is currently being questioned as a victim or a witness, the same procedures shall apply to avoid any harm to a victim or witness who may later be considered a suspect.

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.

18. LOCATION OF ARREST, PRIVACY OF STUDENT, AND CONSIDERATIONS OF CAMPUS CLIMATE

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 student’s identity and keep the student out of the public view when escorting the student off campus. Students who are arrested on campus and escorted off should be free from the public’s view and/or reasonable attempts shall be taken to conceal the student's (juvenile’s) identity.

19. GRADUATED RESPONSES TO LOW-LEVEL SCHOOL BASED OFFENSES
Subject to the exception described below, when SFPD officers make a school based arrest they should use the graduated response system outlined below and they shall make every effort to not refer a student to San Francisco County Juvenile Probation's Community Assessment and Referral Center ("CARC") for the commission of a low-level school-based offense, unless the student has committed his or her third or subsequent similar offense during the school year. Low-level school-based offense(s) is defined as an offense involving battery without serious bodily injury, damage of school property, battery on school property, battery against a school employee, attempt to resist arrest, disturbing the peace, or possession of marijuana for personal use, to name a few, unless the student has committed his or her third or subsequent similar offense during the school year.

(A) First Offense: If a student commits a low-level school-based offense, an SFPD officer shall have the discretion to admonish and counsel or take no action.

(B) Second Offense: Upon the commission of a subsequent, similar low-level school-based offense in the same school year, law enforcement shall have the discretion to admonish and counsel, or require the student to attend a SFUSD or other diversion program.

(C) Third or subsequent offense. For a student who commits a third or subsequent offense, SFPD may refer the case to CARC/Juvenile Probation for filing with the Court or further diversion. If the student has attended a diversion program in that year or any previous school year and the student has committed a similar low-level school-based offense, the next similar minor school-based offense may result in a complaint being filed with the Court.

Notwithstanding this graduated response system, an SFPD officer has the discretion to refer the case to CARC.

19. Reports

The SFPD SRO Coordinator will provide SFUSD a monthly written report to the Superintendent and Designee that includes the following:

(A) Number of times that SRO/SFPD was called to schools disaggregated by school site;

(B) Number of arrests of students made:

(1) By SFPD on SFUSD school sites for school related offenses disaggregated by school site

(2) By SFPD on SFUSD school sites for non-school related offenses disaggregated by school site

Commented [A37]: SFUSD removed battery against a school employee as a low level offense.

Commented [A38]: SFPD edit 11.8.19, see Section 4 for language edits
Note: When making arrests of students on SFUSD school sites, SFPD shall consider the “Arrests on School Campuses” section of this MOU.

(C) Any other information the SFPD believed is relevant, including but not limited to information regarding the nature of any collaborative efforts between the parties.

For purposes of this section, school site is defined as the property upon which the school is located, including any sidewalks and entrances abutting or surrounding the school. It also includes any location where a school sponsored event is being held for the duration of such event.

Twice a year the Superintendent’s Designee shall present a written summary of the previous six-monthly reports to the BOE during a regularly scheduled meeting. The SRO Coordinator will be available to answer any questions posed by the BOE and the community related to safety. At this hearing, the Superintendent’s Designee and the SRO Coordinator will address any efforts to reduce the rate of school-based arrests and citations while maintaining a safe school climate.

20. TRAINING ON AND DISTRIBUTION OF MOU AND CROSS-AGENCY PROFESSIONAL DEVELOPMENT FOR PERSONNEL AND SCHOOL COMMUNITY

SFPD shall ensure that this MOU is made available distributed to all of its police officers and SROs and that appropriate training regarding the provisions of this MOU and their responsibilities under the MOU is provided.

The SFUSD Associate Superintendent or designee shall ensure that this MOU is distributed to all of its school sites and that appropriate training regarding the provisions of this MOU and staff responsibilities under the MOU is provided. Students shall be made aware of the contents of this MOU according to a procedure and protocol identified by the site, such as: grade level assemblies, counseling meetings, advisory classes or homeroom. Students shall also be provided with information as to how to access a copy of the full MOU. “Know Your Rights” brochures shall also be made available in multiple languages in all SFUSD school counseling offices.

SROs and any police officers who may interact with SFUSD schools or school students will be encouraged to participate in at least one training per academic school year provided by SFUSD regarding Restorative Practices, youth development and choices, relevant confidentiality laws, special education laws, and strategies for working and communicating effectively with students in the Special Education program. These trainings shall also include a significant youth-led component that focuses on building relationships with youth and understanding the perspective of youth. Youth-centered groups and
commissions shall be consulted by SFUSD schools to develop the training and will be provided with an opportunity to help lead the training sessions that will be available for SROs.

SEFPD and its SROs can provide professional development to SFUSD staff in the following areas: gang awareness and prevention, crisis response and personal safety, including sexual harassment. SFUSD security staff may avail themselves of SEFPD trainings for their officers.

In an effort to establish and maintain a safe school environment, SROs can also provide expertise and training for the school community (students, staff, parents) with information regarding crime trends and current laws, including juvenile statutes and procedures relevant to schools.

Professional development for SFUSD staff relating to public safety can be coordinated through the SRO coordinator.

SFUSD can invite and encourage SRO participation in professional development and training opportunities in the areas of Restorative Justice/Practices, Youth Development, teaching methodology and practice, and other educational reform initiatives to facilitate their understanding of the school culture. SFUSD can involve community based organizations as resources for SRO training opportunities to provide training for SROs.

The Associate Superintendent or designee of Student, Family and Community Support for SFUSD shall inform the SRO Coordinator about relevant trainings that are appropriate for SROs.

8. **LANGUAGE OF MUTUAL RESPECT**

The goal of this MOU with regard to language is to create an environment of mutual respect between SEFPD members and the SFUSD’s students, parents/guardians, teachers and administrators. All members of the school community shall treat each other with respect.

The SEFPD’s Rules of Conduct (SEFPD General Order 2.01, Section 14 and attached hereto) demands that members of the SEFPD treat all people with respect and SEFPD will promptly take action to address the use of inappropriate language toward students or school staff. Such Rules of Conduct apply at all times, including during an arrest or investigation.

It is expected under this MOU that SFUSD students and personnel adopt the same respectful tone and conduct with each other and with SEFPD officers on and about SFUSD campuses and that SEFPD staff and students will not use incendiary language or profanity toward SEFPD officers. SFUSD staff will promptly take action to address the use of inappropriate language toward SEFPD officers.

21. **UNIFORM**
SROs shall wear their regulation SFPD uniform as described in SFPD General Orders and operate a marked SFPD vehicle while on duty unless otherwise authorized by an SFPD SRO Coordinator or supervisor.

22. FEEDBACK/DISPUTES RELATED TO SRO PROGRAM OR THIS MOU

The SFUSD will convene a committee, Restorative Practices Task Force, which shall include at least two youth members, members of SFUSD, SFPD and a community organization to hear any positive or negative feedback from staff, feedback/disputes from parents/guardians, students, SROs and staff related to SRO, SFPD, or SFUSD staff compliance with this MOU. To the extent permitted by law, the committee Task Force shall provide written findings to the person who filed the feedback/dispute within 21 calendar days after they are filed. The committee Task Force will also provide findings and recommendations to the SFPD and SFUSD, related to the feedback/disputes within 21 calendar days after they are filed, the request for feedback is filed.

Additionally for dispute resolutions, parents/guardians, students and staff may file complaints with the Department of Police Accountability (DPA) for issues related to SFPD and its officers, Office of Citizens Complaints. In the event that the feedback/dispute involves SFUSD staff, the Taskforce committee may forward the information to SFUSD’s Talent Management Team/Human Resource Department for appropriate action or file a complaint as permitted by SFUSD Board Policy 1312.1.

23. SCHOOL SITE PRINCIPAL DUTIES REGARDING SRO PROGRAM

It is the responsibility of the site principal to facilitate ongoing communication between the SRO and school staff. The site principal shall participate in meetings with the SRO Coordinator upon request of the SRO Coordinator and/or the Associate Superintendent or designee and with the SRO as discussed in section 6.

At least once each school year, the school site principal shall distribute a school climate survey to all students at the school to assess student safety and climate around student and police interactions and contact. The student climate survey shall be developed within 90 days of the effective date of this MOU in partnership with stakeholder groups and organizations that work with SFUSD students. Information from the school site survey shall be analyzed and aggregated at the school site and shared with the Associate Superintendent or designee. The surveys shall be anonymous.

In the event that the site principal of the school to which the SRO is assigned feels that the particular SRO is not effectively performing their duties/responsibilities, or has a dispute or question regarding their SRO or concern that the terms of this MOU are not being followed, the site principal shall contact their Assistant Superintendent, the SRO Coordinator, and Station Captain as soon as it is practical to do so. The results of the school climate surveys shall be assessed to determine whether such a meeting should be initiated.
9. **STUDENT ADVISORY COUNCIL**

Representatives from the Student Advisory Council (SAC), including but not limited to the SAC Board Representatives, shall have the opportunity to comment on the report given by the SFPD and SFUSD to the Board of Education related to the SRO program as detailed in Section 4. Individual members of the SAC who attend schools with an SRO may participate in school site discussions about the SRO program.

PARTY SIGNATURES TO AGREEMENT

IN WITNESS WHEREOF the parties hereto have executed this Memorandum of Understanding, effective upon signature of all parties below and approval by the San Francisco Unified School District Board of Education.

___________________________________
William Scott, San Francisco Chief of Police
Date

Commented [A40]: SFUSD move to section 4. SFPD omitted 11.8.19