

**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 _14th day of January in the year of 2014, 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 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 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. PROGRAM AND PROGRAM COORDINATION

SFPD will coordinate the Community Oriented Policing In Schools 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 (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, 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 Associate Superintendent of the Student, Family and Community Support Department (SFCSD) of SFUSD on a quarterly basis, or more frequently if assignments of SROs are changed.

The SFUSD Associate Superintendent – SFCSD will work with the SRO Coordinator to coordinate the SRO Program, including but not limited to distributing this MOU to school sites

and educating school sites regarding the provisions of this MOU and their responsibilities under the MOU.

4. REPORTS

SFPD will provide SFUSD staff with a monthly written report to 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.
- (B) Number of times that SRO/SFPD was called to schools disaggregated by school site.
- (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.

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 for SFUSD or their designees shall provide a report to the SFUSD Board of Education regarding 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 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.

5. 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.

6. SRO SELECTION

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.

7. COORDINATION BETWEEN SRO COORDINATOR, SROs AND SCHOOLS

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 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. 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.

8. 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, 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 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 will 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.

9. 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 the following types of assistance to elementary and middle schools:

- (1) Attending school staff meetings;
- (2) Providing drug education/awareness training,
- (3) Providing sexual assault awareness training,
- (4) Providing gang awareness training, and
- (5) Providing internet safety and violence prevention education to site staff, parents, guardians and students.

10. CAMPUS SECURITY

SROs will augment 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.

11. REQUESTING POLICE ASSISTANCE

Staff members and site administrators shall only request police assistance when (1) necessary to protect the physical safety of students and staff; (2) required by law; or (3) appropriate to address criminal behavior of persons other than students. 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.

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

- (1) Call 911, 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 supra for Requesting Police Assistance;
- (3) 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 (Synergy) and data regarding such incidents and calls for police assistance shall be provided in aggregate form. The 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 at the three times a year BOE meetings discussed in Section 4 of this MOU.

Disproportionate use of police intervention in inappropriate situations shall be cause for corrective action by the District.

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)

13. REPORTING CRIMINAL ACTIVITY

Criminal activity that must be reported pursuant to Education Code Section 48902 (this section is attached hereto as Attachment B) will be reported to the SRO, or to SFPD if the SRO is not available.

14. 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 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")

15. OFFICER ENTRY ON SCHOOL CAMPUSES

Absent exigent circumstances, SFPD officers should notify school officials (e.g., the principal, dean or head 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.

16. 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;
- The seriousness of the offense;
- Whether there is an imminent threat to public safety;
- Federal, state and local requirements;
- Whether the officer is able to accomplish the arrest by other means.

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.

17. NOTIFICATION OF PARENT, 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.

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.

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, defined as an offense involving battery, battery on school property, battery against a school employee, attempt to resist arrest, disturbing the peace, or possession of marijuana for personal use , 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.

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(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.

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

SFPD shall ensure that this MOU is 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 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.

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 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 to develop the training and provided with an opportunity to help lead the training.

SFPD 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 SFPD 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.

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 to provide training for SROs.

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

21. LANGUAGE OF MUTUAL RESPECT

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 SFPD's Rules of Conduct (SFPD General Order 2.01, Section 14 and attached hereto) 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 campuses 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.

22. UNIFORM

SROs shall wear the regulation SFPD uniform and operate a marked SFPD vehicle while on duty unless otherwise authorized by a SFPD supervisor.

23. FEEDBACK/DISPUTES RELATED TO SRO PROGRAM

The SFUSD Restorative Practices Task Force, which shall include at least two youth members, shall hear 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 Task Force shall provide written findings to the person who filed the feedback/dispute within 21 calendar days after they are filed. The Task Force will provide findings and recommendations to the SFPD and SFUSD, related to the feedback/disputes within 21 calendar days after they are filed.

Additionally, parents/guardians, students and staff may file complaints with the Office of Citizens Complaints. In the event that the feedback/dispute involves SFUSD staff, the Taskforce may forward the information to SFUSD's Human Resource Department for appropriate action.

24. 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 Coordinator and/or the Associate Superintendent and with the SRO as discussed in section 7.

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. 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 his/her 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.

25. 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.

Date

Greg Suhr, San Francisco Chief of Police
San Francisco Police Department

Date

Richard Carranza, Superintendent of Schools
San Francisco Unified School District

Approved as to form:

SFUSD Legal Office

SFPD/SF City Attorney

redline