

SAFE SCHOOL ZONE MEMORANDUM OF UNDERSTANDING BETWEEN
CONCORD POLICE DEPARTMENT and CONCORD SCHOOL DISTRICT

I. Parties

- A. *City of Concord Police Department*, 35 Green Street, Concord, New Hampshire 03301.
- B. *Concord School District*, 38 Liberty Street, Concord, New Hampshire 03301.

II. Purpose

The Purpose of this Memorandum of Understanding is for the Concord Police Department and Concord 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.

III. General School Definitions

- A. *Safe school zone*: an area inclusive of any school property or school buses.
- B. *School employee*: any school administrator, teacher, or other employee of Concord School District, or any person providing or performing continuing contract services for Concord School District.
- C. *School property*: all real property, physical plant, and equipment used for school purposes including but not limited to school playgrounds and buses, whether public or private.
- D. *School purposes*: school-sponsored programs, including, but not limited to, educational or extracurricular activities.

IV. Written Report Required

In accordance with RSA 193-D:4, it is agreed that any Concord School District 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 principal/supervisor.

The school principal/supervisor shall immediately inform Concord Police Department, by telephone or otherwise, and shall be followed within 48 hours by a report in writing.

If the alleged victim is a student, the school 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 Concord Police Department.

V. Written Report Contents

- A. The report required above shall include:
 - 1. 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.
 - 2. The name and home address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.
 - 3. Identification of the act of theft, destruction, or violence as defined in RSA 193-D:1 that was allegedly committed.
- B. Submission of written reports
 - 1. Telephonic reporting call (603) 225-8600.
 - 2. Written reports shall be submitted to: Sergeant, Youth Services Unit, Concord Police Department, Concord, NH 03301.
 - 3. Written reports can be submitted by electronic mail if arranged between the Concord Police Department and Concord School District.

VI. Report Acts of Theft, Destruction, or Violence

- A. In accordance with RSA 193-D:4 and as agreed to by the Parties, acts of theft, destruction, or violence shall be reported as follows:
 - 1. Any of the offenses enumerated in RSA 189:13-a, V., which includes:
 - a. *Capital Murder, First Degree Murder, Second Degree Murder and Manslaughter* under RSA 630:1, 630:1-a; 630:1-b, or 630:2 shall be reported to law enforcement, as well as any unattended death on school property or any incident that may lead to a death.
 - b. *Aggravated Felonious Sexual Assault, Felonious Sexual Assault, and Sexual Assault* under RSA 632-A:2, 632-A:3 or 632-A:4. In addition, any suspected sexual assault must be reported. Due to the complex nature of the law and specialized interview techniques, law enforcement should be brought in at the first report.

Coordination between the school and law enforcement is needed. It is the intention of this provision to exceed the current requirements of New Hampshire's reporting statutes.
 - c. *Kidnapping* under RSA 633:1. All incidents of kidnapping shall be reported to law enforcement.
 - d. *Incest* under RSA 639:2. All incidents of incest shall be reported to law enforcement.

- e. *Endangering the Welfare of Child or Incompetent* under RSA 639:3. All incidents of endangering the welfare of child or incompetent shall be reported to law enforcement.
 - f. *Indecent Exposure and Lewdness* under RSA 645:1, II or III. All incidents of indecent exposure and lewdness for the purpose of sexual gratification or arousal shall be reported to law enforcement.
 - g. *Prostitution and Related Offenses* under RSA 645:2. All incidents of prostitution and related offenses shall be reported to law enforcement.
 - h. *Possession, Distribution or Manufacture of Child Sexual Abuse Images* under RSA 649-A:3, 649-A:3-a or 649-A:3-b. All incidents of the possession, distribution or manufacture of child sexual abuse images shall be reported to law enforcement.
 - i. *Computer Pornography* under 649-B:3. All incidents of computer pornography shall be reported to law enforcement.
 - j. *Prohibited Uses of Computer Services* under RSA 649-B:4. All incidents of prohibited uses of computer services shall be reported to law enforcement.
 - k. *Obscene Matter Offenses* under RSA 650:2 where the act involves a child in material deemed obscene. All incidents of obscene matter offenses where the act involves a child in material deemed obscene shall be reported to law enforcement.
2. *First- or second-degree assault* under RSA 631. Any assault with serious bodily injury shall be reported to local law enforcement. An assault with bodily injury to a child under thirteen is second degree assault.
 3. *Simple assault* under RSA 631:2-a. Simple Assault includes unprivileged physical contact and does not require bodily injury. Simple Assault is an area where there may be reporting to law enforcement or school disciplinary action at the school's discretion as set forth in RSA 193-D:4 I.(b). This should be handled on a case-by-case basis. In all cases of assault, the parents of the students must be notified.
 4. *Criminal mischief* under RSA 634:2 in excess of \$50.00 in damages shall be reported to Concord Police Department. Repeated occurrences of criminal mischief (under the \$50.00 threshold) by one student shall be reported.
 5. *Unlawful possession or sale of a firearm or other dangerous weapon* under RSA 159 shall be reported to law enforcement.
 6. *Arson* under RSA 634:1. All incidents of arson or false alarms shall be reported to law enforcement.

7. *Burglary* under RSA 635. All incidents of burglary shall be reported to law enforcement.
8. *Robbery* under RSA 636. All incidents of robbery shall be reported to law enforcement.
9. *Theft* under RSA 637 where the value of the stolen item is in excess of \$50.00. Repeated occurrences of theft (under the \$50.00 threshold) by one student shall be reported.
10. *Illegal sale or possession of a controlled drug* under RSA 318-B. Any incidents of possession or sale of a controlled drug shall be reported to law enforcement. If any student is under the influence of illegal drugs, medical attention should be sought immediately.
11. *Illegal sale or possession of an alcoholic beverage* under RSA 179 shall be reported to law enforcement. If any student is under the influence of alcohol, medical attention should be sought immediately.
12. *Criminal Threatening* under RSA 631:4. Criminal Threatening shall be reported to law enforcement. In all cases of criminal threatening the parents of the victim students shall be notified.
13. *Student Hazing* under RSA 631:7. All acts of student hazing shall be reported to law enforcement.

VII. Evidence

- A. Concord School District shall secure any evidence or contraband associated with a reported act of theft, destruction or violence in a locked container, room or location until it can be safely turned over to Concord Police Department, unless safety or health considerations dictate otherwise.
- B. Concord School District shall immediately inform Concord Police Department of any evidence it possesses and shall make such evidence immediately available.

VIII. No Limit to Reporting

Nothing contained in this memorandum is intended to limit the events that may be reported to Concord Police Department or to limit Concord School District employees from requesting police assistance on matters not referred to in this memorandum.

IX. Failure to Report

In accordance with RSA 193-D:6, 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.

X. Waiver of Report

In accordance with RSA 193-D:5, the written report required by the principal/supervisor under IV above shall be waived by Concord Police Department when there is a law enforcement response at the time of the incident which results in a written police report.

XI. Good Faith Reporting

In accordance with RSA 193-D:9, any Concord School District employee or employee of a company under contract to Concord School District who in good faith has made a report under RSA 193-D shall not be subject to liability for making the report.

XII. Reporting Outside the Safe School Zone

Although RSA Chapter 193-D does not require the reporting of crimes occurring outside of a safe school zone as defined under RSA 193-D:1, II., Concord School District will consult with Concord Police Department in the event that a current student or current staff member discloses any sexual assault related to a current student or current staff member that occurred outside of a safe school zone to include outside of Concord, New Hampshire. It will be the duty and expectation of Concord Police Department to refer the information to the appropriate jurisdiction and assist that jurisdiction in any manner necessary, as is common law enforcement practice. This approach will also serve to memorialize and streamline information, evidence, and assist with the provision of victim assistance services.

XIII. Confidentiality

In accordance with RSA 193-D:7, exchange of juvenile information relating to acts of theft, destruction, or violence in a safe school zone is authorized as follows:

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 169-D or a child in need of protection under RSA 169-C.

XIV. Additional Commitments

- A. Nothing contained in this memorandum is intended to limit the events that may be reported to Concord Police Department to include, but not limited to, staff to

student conduct that does not conform with State or District policies or codes of conduct.

- B. Concord School District shall make appropriate accommodations for any victim of alleged misconduct appropriate to the circumstances. The victim's safety while on school property should be paramount.
- C. This memorandum is a cooperative working agreement between Concord Police and Concord School District. Accordingly, nothing in this Memorandum of Understanding is intended to establish any legal rights or obligations, or give rise to any liabilities, on the part of Concord School District, City of Concord, or Concord Police Department, or any third parties.

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XV. Execution of Agreement

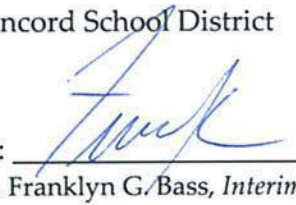
Concord Police Department

By: 

Bradley C. Osgood, *Chief of Police*

Date: 12/6/19

Concord School District

By: 

Dr. Franklyn G. Bass, *Interim Superintendent*

Date: 12/6/19