

**MEMORANDUM OF UNDERSTANDING****I. GENERAL PRINCIPLES**

The Needham Public Schools (NPS) and the Needham Police Department (NPD) agree to coordinate their efforts to prevent substance abuse and delinquency by the students of Needham and to prevent violence involving the students of Needham. This Memorandum of Understanding (“MOU”) is created by the parties to establish a protocol for the reporting and coordination of response to incidents of violence and other illegal activity within NPS facilities or at any school related activities.

The NPS and the NPD agree to respond effectively and cooperatively to incidents of school delinquency and criminal behavior, and to act in the interest of everyone’s protection to incidents of violence. The joint effort of cooperative response will focus on incidents which take place on school grounds, within school property, or at school sponsored events. Toward that end, there shall be a “zero tolerance” policy regarding serious acts of violence, weapons, and alcohol and/or drug possession/distribution on school grounds or at school sponsored events. A zero tolerance policy means that such incidents will not be tolerated in the public schools of Needham and will be referred for evaluation and/or prosecution in an expedited fashion. In addition, this MOU will set forth a procedure for the preferred reporting of activities and conduct of particular concern or interest to the NPS. Finally, this MOU will establish a protocol to foster and facilitate regular communication and cooperation between the parties in areas of mutual concern.

This agreement is entered into pursuant to the laws and regulations of the Commonwealth of Massachusetts and deals with substance abuse and issues of violence. It will be the sole prerogative of school officials to impose discipline for infractions of school rules and policies.

**II. SCHOOL AND POLICE LIAISONS**

In order to facilitate prompt and clear communications between school and local police personnel, the NPS and the NPD agree to identify individuals on their respective staffs who will function as PRIMARY CONTACT PEOPLE.

The primary contact persons designated by the Superintendent of Schools will be called the REPORTING OFFICIALS. The primary contact person(s) designated by the Chief of Police will be called the JUVENILE OFFICERS.

### III. REPORTING GUIDELINES

#### A. SCHOOL REPORTS TO POLICE DEPARTMENT

##### 1. MANDATORY REPORTABLE ACTS:

The following incidents must be reported to the Police Department.

Those taking place:

- 1) on school property
- 2) at school functions or
- 3) within 1,000 foot radius of school property

The following acts:

- a) Possession of alcohol by anyone,
- b) Possession of any controlled substance as defined in M.G.L. chapter 94C,
- c) Any incident in which any individual is reasonably suspected of or determined to be selling or distributing drugs or alcohol,
- d) Any incident involving serious violence or significant property destruction or where there is a threat of such an activity. Serious violence shall include, but not be limited to, any actual or threatened assault involving at least one student against another student, teacher, administrator, or employee or member of the school community which involves the infliction or threat of bodily harm, and/or involves a violation of civil rights.
- e) Possession of a dangerous weapon as defined in M.G.L. c. 269, s. 10, or any other object of concern to NPS.

##### 2. PREFERRED RESPONSE REPORTING

For the following incidents the preferred response is that the Reporting Official report such events to the Police Department when he/she has reasonable grounds to believe that the information is accurate.

The following acts:

- a) Any instance in which a student is suspected of, found to be, or admits being under the influence of a drug or alcohol on school property, at school functions or within 1,000 foot radius of school.
- b) Any instance in which school personnel have knowledge, without direct supporting evidence, that an incident involving the use or possession of drugs or alcohol which occurred or may occur, whether on school property, at a school function, or off-school location, involves any students or students at the school.

- c) Any act, which may amount to a breach of criminal statute, not specified above, that the Reporting Official deems further investigation of the Police Department is necessary.

**B. POLICE DEPARTMENT REPORTS TO SCHOOL:**

I. Any arrest or complaint application made by the NPD involving a student 17 years or older shall be reported by the JUVENILE OFFICER to the REPORTING OFFICIAL.

II. Police Department reports to school involving student under 17 years of age come under two subheadings:

a) ARRESTS

In the event that a student under the age of 17 is arrested or an application for delinquency complaint is filed against him/her, the information may be shared with school officials subject to applicable statutes and regulations governing confidentiality. NPD shall report any felony delinquency complaint or adjudication in Norfolk County to the Reporting Official.

b) SAFETY AWARENESS/NON-CRIMINAL ACTIVITY

The Juvenile Officer should report any non-criminal activity involving a student if the Juvenile Officer believes that the activity:

- 1) poses a serious and imminent threat to the student's safety
- 2) poses a threat to the safety of other students, or by making such a report the officer would facilitate supportive intervention by school personnel on behalf of the student.

“SERIOUS AND IMMINENT THREAT” is defined as known suicidal intention, threatened suicide, attempted suicide, or victimization of a student by a parent, caretaker, other student or other individual.

**IV. PROCEDURE GUIDELINES**

The primary concern of educators is to provide a nurturing climate in which learning can take place. Unfortunately, incidents of substance possession, use and abuse, and incidents of violence occur in our schools. When dealing with such occurrences, it is crucial for everyone's well-being that both the educational process and the nurturing environment are maintained to the greatest degree possible. It is through the collaborative efforts of the Police Department and the School Department that this can occur and this agreement is subject to periodic review and amendment by agreement of the parties.

In order to maintain a safe environment in its schools, the School Department reserves the right to search all school property for contraband or controlled substances in accordance with state laws.

A. NON-REPORTING SCHOOL PERSONNEL:

A teacher or other school employee with knowledge of facts pertinent to the reportable act shall make a report on the incident and shall deliver such a report and any physical evidence to the Reporting Official.

B. THE RESPONSIBILITY OF REPORTING OFFICIAL:

Once the Reporting Official has been made aware of the incident, it is his/her responsibility to:

- a) categorize the act as requiring a mandated or preferred report.
- b) Notify the Police Department whenever mandated.
- c) Deliver to the Police Department pertinent physical evidence
- d) After consulting with police, notify parents of mandatory act.
- e) When appropriate, notify parents of any act in which a preferred response does not result in the notification of the police.

C. THE RESPONSIBILITY OF THE JUVENILE OFFICER:

The Juvenile Officer shall receive reports from the Reporting Official. The Juvenile Officer shall investigate such cases and, where appropriate, refer such cases to the District Attorney's office for prosecution.

V. ROUNDTABLE MEETINGS

The NPS and NPD shall establish and conduct regularly scheduled meetings to discuss, monitor and track events occurring within NPS facilities or in connection with school officials, as well as with serious or habitual offenders. Such meetings shall occur regularly. The parties may also invite other officials (e.g., District Attorney's Office, DYS, Probation) to participate as appropriate.

To the extent permitted by law, the parties shall share information regarding student offenders. The parties agree that any information acquired during roundtable meetings shall be confidential and subject to privacy restrictions established by law.

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Daniel E. Gutekanst  
Superintendent of Schools

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Thomas J. Leary  
Chief of Police

## APPENDIX A

“Dangerous weapon” as defined by Massachusetts General Law chapter 269, section 10:

- Firearm, loaded or unloaded, as defined by c.140, s.121
  - a. Including air rifle or BB gun
- Rifle or shotgun
- Stiletto (slender dagger with a blade thick in proportion to its breadth)
- Dagger (sharp pointed knife for stabbing)
- Devise or case which enables a knife with a locking blade to be drawn at a locked position
- Any ballistic knife, or any with a detachable blade capable of being propelled by any mechanism
- Dirk knife (long straight bladed dagger)
- Any knife having a double-edged blade
- Switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches
- Slung shot (striking weapon consisting of a small mass of metal or stone fixed on a flexible handle or strap)
- Blowgun (tube through which a projectile (as a dart) may be propelled by the force of the breath)
- Blackjack (a hand weapon typically consisting of a piece of leather-enclosed metal with a strap or springy shaft for a handle)
- Metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles
- Nunchaku, zoobow, also known as klackers or kung fu sticks, or any similar weapon consisting of two sticks of wood, plastic or metal connected at one end by a length of rope, chain wire or leather
- Shuriken or any similar starlike object intended to injure a person when thrown
- Any armband, made with leather which has metallic spikes, points or studs or any similar device made from any other substance or a cestus or similar material weighted with metal or other substance and worn on the hand
- Manrikigusari or similar length of chain having weighted ends
- A billy (heavy usually wooden club)
- or other dangerous weapon

Civil Rights Violation as defined by Massachusetts General Law chapter 265, section 37:

No person shall by use of force or threat of force willfully injure, intimidate or interfere with or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the Commonwealth of Massachusetts or by the laws or the Constitution of the United States.