CONNECTICUT VOICES FOR CHILDREN

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SUMMARY: Recommendations for Updating the Memorandum of Agreement By and Between Waterbury Board of Education and Waterbury Police Department that Guides the School Resource Officer Program

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The Waterbury Public School District and Waterbury Police Department released an updated memorandum of understanding (MOU) for the school resource officer (SRO) program in August 2024. While this new MOU is a large improvement over their past MOU, it has not fully integrated all of the Public Act No. 23-167 mandates. This provides an opportunity to build upon the existing MOU to better center children and the community and increase clarity and transparency.

Waterbury's existing MOU is easy to find on the Waterbury Public Schools website. It articulates a clear purpose to foster a safe and positive school climate and reduce the involvement of young people in the criminal legal system. It includes a clear graduated response model for responding to student misconduct to support this purpose. Most notably, it attaches the Waterbury Police Department Use of Force policy, which allows parents to understand how it is that their child may come into contact with firearms, pepper spray, Tasers, and physical restraint, as well as safety guidelines to reduce the potential for physical and psychological harm.

Children develop and behave within the context of families and communities; many MOUs across the State of Connecticut do not include details on how SRO programs will engage families and communities. Waterbury's existing MOU begins to outline ways in which the SRO program considers and engages families and the larger community, and revisions of the MOU should strengthen these sections. Additionally, to advance the purpose of reducing the involvement of students in the criminal legal system, Waterbury's MOU outlines some practices to increase diversion. We encourage the Waterbury Board of Education and Waterbury Police Department to expand MOU language around diversion and restorative justice.

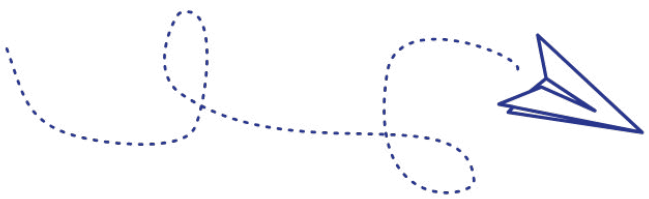
Finally, Waterbury's MOU needs further clarification and detail regarding expectations regarding considerations for hiring and reviewing SROs and SRO training. It additionally lacks language clarifying the role of SROs in navigating and protecting student privacy.

SRO TRAINING RECOMMENDATIONS

In addition to school safety, MOU details, social-emotional learning, and restorative justice, it is ideal for SROs to receive training in conflict de-escalation, adolescent development, DEI and disproportionality in the criminal legal system (including race and ethnicity, gender and sexual orientation, and special education, and mental health topics including trauma and neurodivergence. We encourage Waterbury policymakers to consider how to access training on these topics and a feasible initial training and follow-up support schedule, and we encourage stating these expectations explicitly within the body of the MOU.

We advocate that the Waterbury MOU should specify that officers must receive training regarding the MOU, school safety, and adolescent development *before* interacting with students.

Finally, given that SROs serve in educator roles as well as law enforcement roles in Waterbury, we encourage Waterbury policymakers to include provisions to send SROs to the NASRO training and for one or more SROs to join a Connecticut Institute for Youth and Police Relations cohort.



SRO DUTIES RECOMMENDATIONS

Parents and guardians should be able to read an MOU and understand various interactions their child may have with an SRO in a school building. Given that parents and guardians have legal obligations to provide for their children's needs and protect them, we advocate for high transparency in MOUs. Parents and guardians should be able to read a MOU and understand how and why their child may come to be restrained by a SRO, questioned or investigated by a SRO, be arrested by a SRO, interact with a SRO's weapon or be harmed by a SRO's weapon. They should also know all parties that have access to information about their child and for how long. Parents and guardians should be able to make informed decisions about these sensitive issues when deciding the appropriate educational placement for their children.

Waterbury's MOU requires SROS to utilize procedures for school-based arrest to minimize trauma to students and the school community. Waterbury could further strengthen this language by integrating some language utilized in the Wallingford Public School District MOU and/or the Plymouth Public School District MOU, included in the full Waterbury report.

Waterbury's updated MOU stands out in that it includes the Waterbury Police Department's "Use of Force" policy, which addresses de-escalation, authorized use of force options, use of physical force, use of less lethal force, use of deadly force, firearms, Tasers, and reporting. Notably, only one other MOU in the state includes a departmental policy regarding the use of force, and it also begs the question of whether a departmental policy on the use of force is appropriate in settings filled with children and youth.

We advocate that the MOU should specify that SROs should *not* carry weapons such as chemical/pepper spray or Tasers in schools, as these tools can cause lasting damage on young people's developing brains and smaller bodies. At minimum, any updates to procedures should include provisions related to the student's age, disability status, degree of cooperation, and potential harm. We additionally recommend addressing nuances in the usage of physical and forensic restraints, physical escorts, and chemical restraints. We advocate that officers should not lay hands or use restraints for students who are cooperating or whose behaviors are verbal but who have not initiated any actions of physical threat toward themselves or another person, and they should not use any weapons or forensic restraints with students under the age of 14 except in life-threatening circumstances.

Should the Waterbury Police Department and Waterbury Public Schools need resources to support the reduction of the use of physical and forensic restraint in schools, the Alliance Against Seclusion & Restraint has a clearinghouse listing evidence-based programs and behavioral interventions that have been found to reduce the need for using restraint and to help effectively de-escalate situations and regulate students in crisis.

SRO OVERSIGHT, HIRING, AND COSTS RECOMMENDATIONS

Waterbury policymakers could significantly improve their MOU by specifying selection criteria for SROs, performance evaluation criteria for SROs, and mechanisms for school and community input into selecting and evaluating SROs. We encourage following the example set in the Plymouth Public School District MOU regarding selection and evaluation criteria. We further recommend creating a selection and evaluation advisory committee that can make recommendations and provide feedback to the Waterbury Police Chief; this committee should be inclusive of key district administrators, teachers, parents and guardians, students, and community service providers who serve students most impacted by the criminal legal system. We recommend creating an annual performance review process for SROs and a 6-month check-in to provide ongoing feedback and offer support.

SRO PROGRAM DATA COLLECTION AND REPORTING RECOMMENDATIONS

Waterbury's existing MOU has good language upon which to build regarding data collection and reporting. In addition to adding types of data required under PA 23-167 (date, time, and location of each investigation or behavioral intervention; name and badge number of the SRO; race, ethnicity, gender, age, and disability status for each student involved; reason for and nature of the investigation or behavioral intervention; disposition; and whether any students were searched, apprised of constitutional rights, issued a citation or summons, arrested, or detained and for how long), we recommend including information on the use of physical touch/escort, physical restraint, forensic restraint, and any weapons such as firearms, pepper spray, or Tasers. Waterbury Police Department's "Use of Force" reporting form provides a solid foundation for reporting but would need to include further information specific to students (i.e.: disability status, utilization of diversionary or restorative behavioral interventions, etc.) to be fully compliant with PA 23-167. We also recommend including other factors pertaining specifically to Waterbury's communities within SRO reports, such as students' language spoken at home.

We advocate adding language to require that the annual data and recommendations report be shared with the community (provided that it protects student identities) and that the community has a period to review the report and provide feedback and recommendations. When making these recommendations, it is especially important to underscore that any data sharing must be FERPA-compliant, and we advocate that Waterbury integrate language regarding how school administrators and the police department should navigate data-sharing so that it protects students' privacy under FERPA.

Finally, Waterbury policymakers should include language within the MOU requiring that schools notify parents or guardians of any student misbehavior that results in an assessment and service provision intervention, a law enforcement intervention, and/or the SRO writing an incident report.

PROTECTING STUDENT RIGHTS AND DIVERSION RECOMMENDATIONS

To clarify standards for search and seizure in schools, Waterbury policymakers should include information on when an SRO or other law enforcement official will conduct a search of a student, the student's locker, and/or the student's personal belongings rather than a school administrator. They should additionally include the standard of certainty an SRO must meet to conduct a search and guidelines around when an SRO must obtain a warrant prior to search a student's person and/or property. We advocate for utilizing the language and legal standard that the Guilford Public School District MOU utilizes, included in the full Waterbury report.

To clarify standards for questioning students, Waterbury policymakers should include clear language that SROs may not question a young person under the age of 16 without parent or guardian permission. We further advocate for implementing policies that protect more vulnerable students by specifying that SROs may not question any minor with an IEP or 504 plan without parent or guardian permission, and that if students with IEPs are over the age of 18 and continue to have a legal guardian, SROs must obtain guardian permission prior to questioning students. In all of these cases, it is preferable for parents and guardians to be present, and SROs must provide for parents and guardians to do so. We additionally recommend that Waterbury policymakers create a procedure for ending a conversation and contacting a student's parent or guardian when an SRO is engaged in casual conversation with a student and that student divulges information that may incriminate themselves or another student.

Per CGS § 10-233m, we advocate that the Waterbury MOU should specify that SROs receive training in restorative justice, and schools should implement restorative justice programs that administrators and SROs may use as part of their intervention toolbox. We additionally recommend that the MOU provide an appendix of appropriate community diversion and service programs and that the MOU provide guidance for when SROs should contact Mobile Crisis Intervention Services instead of utilizing a law enforcement intervention.

Finally, we recommend including an age guideline at which, except where required by law, SROs must utilize available and appropriate diversionary programs and practices prior to arresting a student or referring a student to court. We recommend that this age should be at least 12 and preferably 14.

MOU ACCESSIBILITY RECOMMENDATIONS

Waterbury's MOU is accessible through the Waterbury Public School District website, and it is quick and easy to find. To further increase accessibility, the MOU should be translated into languages other than English and provided as an audio version.