CONNECTICUT VOICES FOR CHILDREN

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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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A Collaboration between Connecticut Voices for Children (CT Voices), the Yale Law School Youth Justice Project (YJP), and Radical Advocates for Cross-Cultural Education (RACCE)

Many schools across Connecticut have school resource officers (SROs) who are sworn law enforcement officials specifically stationed within one or more schools within a school district. These officers are intended to protect student safety. However, there is also research showing that schools with SROs present in Connecticut have disproportionately more student arrests and referrals to law enforcement, and this disproportionately impacts students of color. To help reduce these negative impacts on Connecticut students, during the 2023 Connecticut legislative session, Connecticut Voices for Children (CT Voices) partnered with Radical Advocates for Cross-Cultural Education (RACCE), the Connecticut Black and Brown Student Union (CT BBSU), the Connecticut Justice Alliance (CTJA), and many others in support of S.B. 1095, a bill intended to increase transparency regarding guidelines for school resource officers (SROs) in Connecticut schools and to bring these guidelines better in line with recommendations made by the federal Department of Justice. The language in S.B. 1095 was combined with a few other bills and passed as P.A. 23-167.

First, this updated language requires that school districts maintain Memorandums of Understanding (MOUs) between districts and law enforcement departments in a central location in the school district and post the MOU on the school district's website and each school in which an SRO is assigned. Making MOUs public significantly increases the transparency of SRO programs across the state. Second, MOUs must include language specifying the SRO's duties concerning, and procedures for, the restraint of students, the use of firearms, school-based arrests, and reporting investigations and behavioral interventions. This language brings MOUs in better alignment with guidelines issued by the Department of Justice Office of Community-Oriented Policing. Third, it requires that SROs submit reports to the chief of police within five school days of conducting an investigation or behavioral intervention, and the chief of police will regularly submit these reports to the superintendent of schools, who will submit reports to the local or regional board of education. Reports must include information regarding the involved SRO, the students' demographics, the reason and results of the investigation or behavioral intervention, and if specific law-enforcement-related interventions were used. This language around reporting ensures that SRO programs are better able to detect disparities in interventions and investigations.

Following the passage of this update, researchers from CT Voices and the Yale Law School Youth Justice Project (YJP) searched for MOUs online for every district in Connecticut and contacted districts that did not have MOUs posted online. We analyzed all MOUs that we received for their adherence to the statutes governing MOUs in Connecticut as well as to other guidelines recommended by the federal government, contained in the statute of our sister state of Massachusetts, recommended by national nonprofit organizations, and recommended by CT Voices in past research reports about SROs in Connecticut schools. We report the percentage of MOUs that contain provisions that we group into six categories: SRO training; SRO duties; SRO oversight, hiring, and costs; SRO program data collection and reporting; protecting student rights and diverting young people from the criminal legal system; and MOU accessibility. For a full list of resources utilized to guide the research, methods, results, and detailed statewide recommendations, please see CT Voices' comprehensive report.

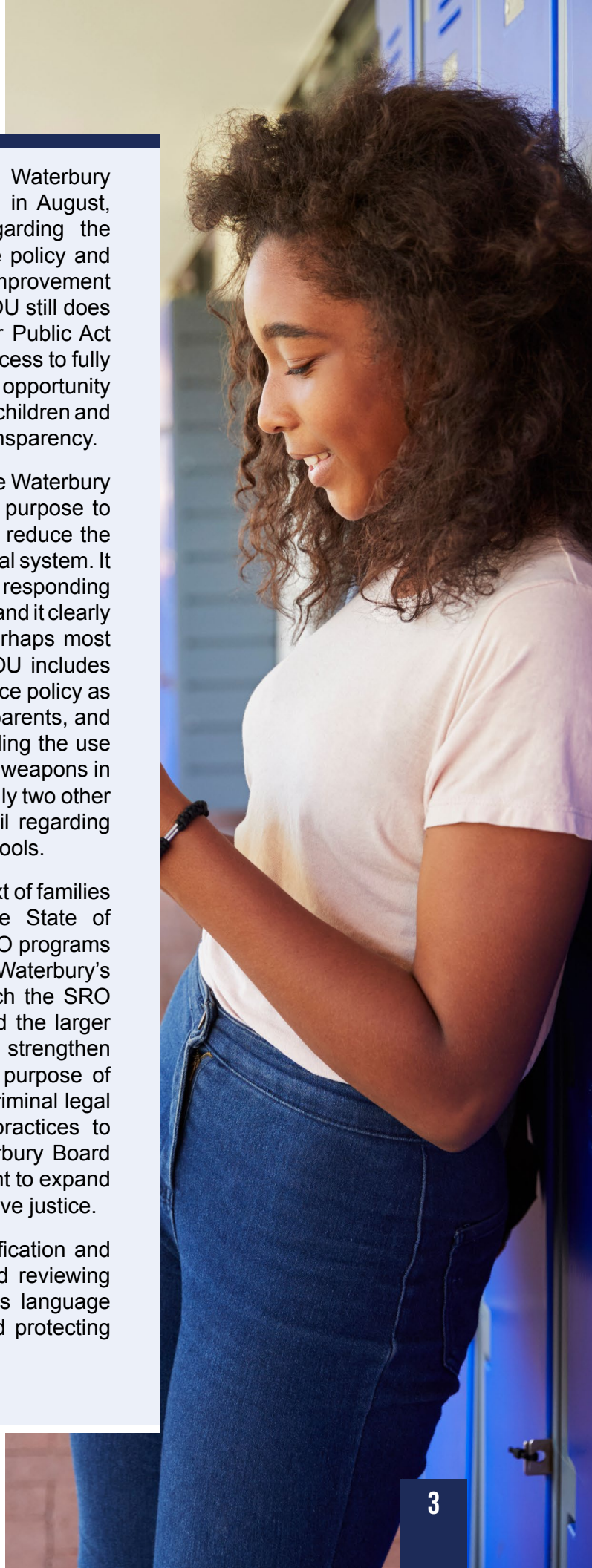
The following short report provides details regarding how Waterbury's existing MOU compares to MOUs across the state of Connecticut, recommendations to strengthen Waterbury's MOU, and—where possible—model language from other Connecticut MOUs to implement recommendations.

The Waterbury Public School District and Waterbury Police Department signed an updated MOU in August, 2024. This MOU includes information regarding the Waterbury Police Department's Use of Force policy and reporting. While this inclusion is an excellent improvement upon Waterbury's previous MOU, the new MOU still does not include all of the updates required under Public Act No. 23-167. Re-opening the MOU revision process to fully integrate these requirements may provide an opportunity to build upon the existing MOU to better center children and the community and to 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, and it clearly spells out the duties of SROs in schools. Perhaps most impressive is the fact that the Waterbury MOU includes the Waterbury Police Department's Use of Force policy as an appendix which allows school personnel, parents, and students to understand what to expect regarding the use of physical restraints, firearms, and less lethal weapons in emergency and non-emergency situations. Only two other MOUs in the state provide this level of detail regarding these policing practices as they pertain to schools.

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 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

Childhood and adolescence are times of rapid cognitive, emotional, and social growth. It is common and even necessary for young people to take risks and test boundaries as they grow. Because of this, the United States Supreme Court has determined over multiple decisions that the criminal legal system cannot treat children and adolescents like adults and must allow for and facilitate children's capacity to grow and heal. To ensure that police officers interacting with children and adolescents on a regular basis engage with them fairly and do not cause undue trauma, the Connecticut General Assembly requires that SROs complete training on restorative justice and social-emotional learning. Overall, MOUs across the state need additional information regarding training, and Waterbury's MOU is no exception.

Training Data

- 18% of MOUs mandate that SROs have at least one SRO-specific training *before* they may interact with students. Waterbury's MOU does not specify whether SROs must have training prior to engaging students.
- 94% of MOUs lack requirements for annual training on school safety topics. Waterbury's MOU requires that the Waterbury Public School District and the Waterbury Police Department "provide their respective employees with training relative to [the] agreement and its purposes." Still, it does not specify whether this must occur annually, and it does not include further details about training related to school safety, such as crisis planning and active threat response.
- Given the Connecticut State Statute, 37% of MOUs require SROs to complete training in restorative justice and social-emotional learning. Waterbury's MOU does include language mandating this training.
- 24% of MOUs require that SROs receive additional training related to children and adolescents, such as child development, youth mental health, and trauma-informed policing. Waterbury's MOU does not include language mandating this training.

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.

Training Model Language

The Regional School District 13 MOU specifies that different divisions of Connecticut's Department of Emergency Services and Public Protection will provide SRO training on "school safety and security standards, planning, preparedness, and assessment."

The Hamden School District MOU requires that SROs receive training on special education law, child and adolescent development, development issues for "compromised" youth, and development issues for young people chronically exposed to trauma, LBGTQIA* young people, neurodivergence, and DEI.

The Newington School District MOU states that "every effort will be made to send the SRO through [the NASRO] training either prior to or shortly after assuming the position."

SRO DUTIES

CGS § 10-233m requires that MOUs specify the duties of SROs, and in general, all MOUs provide some description of the duties of the SRO. Every MOU mentions the officer's law enforcement duties. PA 23-167 additionally requires that MOUs must specify SRO duties concerning the restraint of students, use of firearms, school-based arrests, and reporting of any investigations and behavioral interventions. Given that SROs have a unique power to arrest students, the U.S. Department of Justice Office of Community Oriented Policing Services, the FBI, the NASRO, and the National Prevention Science Coalition all recommend that MOUs include language specifying that SROs are not responsible for engagement in school discipline and should only intervene when behaviors involve criminal misconduct.

Duties Data

- Three-quarters (73%) of MOUs include SRO duties that extend beyond law enforcement. Waterbury's MOU assigns duties to SROS that encompass law enforcement, education, and community relations.
- Three-fifths of MOUs (61%) include a graduated response model that dictates levels of behavioral interventions and responsibility for each level. These models are mandated under CGS §10-233m. Waterbury's MOU includes a clear graduated response model.
- Two-thirds (65%) of MOUs include language prohibiting or discouraging SROs from engaging in school discipline. The Waterbury MOU includes language specifying that SROs will not function as school disciplinarians. It does not include language prohibiting the involvement of SROs in disciplinary interactions except in cases that rise to the level of suspected criminal misconduct or that pose safety risks.
- Few MOUs have integrated the language included in PA 23-267: 33% specify duties concerning the restraint of students, 35% specify duties concerning the use of firearms, 82% specify duties concerning school-based arrests, 39% have language specifying duties in reporting investigations, and

63% have language specifying duties in reporting behavioral investigations. Waterbury's MOU has stand-out language regarding duties and procedures for school-based arrests. It additionally includes language concerning SRO duties and procedures related to restraint, firearms, and reporting of investigations and behavioral interventions.

- One-fifth of MOUs (20%) clearly state that SROs will carry forms of less lethal weapons such as Tasers and/or pepper spray. Waterbury's MOU does include language stating that SROs will carry Tasers and pepper spray as well as a policy that officers are not allowed to utilize Tasers on "very young children," but it does not specify what ages qualify as "very young." It does not mention age when guiding the use of pepper spray.

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, highlighted in the next section.

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.

Duties Model Language

The Wallingford Public Schools MOU specifies expectations for SRO involvement in each level of their graduated response model. At the classroom intervention level, they specify, “Wallingford Police Department should not be involved at this level.” At the school administrative level, they specify, “Wallingford Police Department should only be involved in the misconduct rises to the level of a criminal violation.” At the assessment and service provision level, they specify, “This intervention is managed by the school administrator and does not involve the Wallingford Police Department unless a criminal violation has occurred.” And at the law enforcement level, they specify, “Behaviors at this level should only be violation of criminal law, and should follow classroom, school administration and assessment and service interventions, except in the case of an emergency or criminal violation.”

The Plymouth School District MOU limits law enforcement interventions further. This MOU specifies, “The principal (or his/her designee) and the SRO shall use their reasoned professional judgment and discretion to determine whether SRO involvement is appropriate for addressing student misbehavior. In such instances, the guiding principle is whether misbehavior rises to the level of criminal conduct that poses (1) real and substantial harm or threat of harm to the physical or psychological well-being of other students, school personnel, or members of the community or (2) real and substantial harm or threat of harm to the property of the school….For student misbehavior that requires immediate intervention to maintain safety (whether or not the misbehavior involves criminal conduct), the SRO may act to de-escalate the immediate situation and to protect the physical safety of members of the school community. To this end, school personnel may request the presence of the SRO when they have a reasonable fear for their safety or the safety of students or other personnel….A student shall only be arrested on school property or at a school-related event as a last resort or when a warrant requires such an arrest. The principal or his or her designee shall be consulted prior to an arrest whenever practicable, and the student’s parent or guardian shall be notified as soon as practicable after an arrest….The SRO shall not take enforcement action against students for Disturbing a School Assembly, MGL c.272 s.40, or Disturbing the Peace, MGL c.272 s.53, within school buildings, on school grounds, or in the course of school-related events.”

The Guilford Public Schools MOU includes a section specifically regarding Police Investigation and Questioning. It says: “Except when necessary to minimize or prevent the loss of life or risk thereto, and in accordance with the goal of maintaining an educational environment, the SRO will notify and consult with the school principal or his/her designee, when practicable, prior to taking police action including the stopping, questioning, and interviewing of any school student. The investigation and questioning of students during school hours or at school events by the SRO will be limited to situations where the investigation is related to the school and the Superintendent or designee has asked for SRO involvement….Investigations and questioning of students for offenses not related to the operation of or occurring at the school would occur in such situations where, for example, delay might result in danger to any person or destruction of evidence. The principal should be notified as soon as practical of any significant enforcement events.”

SRO OVERSIGHT, HIRING, AND COSTS

To increase the safety of students, the FBI encourages police departments and SROs to meaningfully partner with schools, parents/guardians, and the community more broadly. They recommend involving school personnel and parents and guardians in selecting SROs and assessing the needs of the SRO program. They also encourage SROs to attend school-based activities such as plays, athletic events, and club meetings and to hold town hall meetings with school personnel, students, and parents and guardians on at least an annual basis. Waterbury's MOU describes some methods for engaging community partners, students, and parents and guardians, but it can go much further. This is a common theme amongst Connecticut MOUs.

Oversight, Hiring, and Costs Data

- Most MOUs include some information regarding SRO program funding. 71% describe the source of funding for the SRO program, but only 8% include information about the amount of funding. Waterbury's existing MOU does not provide any information about funding for the SRO program.
- 37% of MOUs include criteria for selecting SROs. Waterbury's MOU does not outline any criteria.
- Only one MOU includes provisions for community input beyond school leadership. 41% of MOUs include opportunities for school personnel input in selecting SROs. Waterbury's existing MOU does not include provisions by which schools and the community may participate in the selection of SROs.
- Overwhelmingly MOUs do not design a mechanism for students and parents to safely report to school administrators when they have concerns regarding SROs. Only 4% of MOUs explicitly reference a mechanism to provide feedback, and 4% allow school officials to collect feedback. Waterbury's MOU does not include a mechanism for students and parents to express concerns to school administrators.
- Like the majority of MOUs (67%), Waterbury's MOU specifies that SROs report to the police department rather than a school administrator or a mixed configuration.
- Half of the MOUs (47%) require periodic reviews of the SRO position or program by the school administration. Waterbury's MOU does not require that school administrators review individual SRO's performance. It does, however, require a quarterly review of data relevant to the SRO program and annual recommendations for improvement.
- Fewer than half of the MOUs (47%) explicitly call for periodic opportunities to review the MOU. Waterbury's existing MOU allows for modification but it does not determine a schedule for updates.

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.

Oversight, Hiring, and Costs Model Language

Both Plymouth Public School's MOU and East Haven Public School's MOU have good language for selecting a SRO, but the Plymouth MOU is especially student and community-centered. It requires considering: ability to work with students in the age range present at the assigned school; familiarity with the cultural descriptors that make up the community's world views; demonstrated ability to work with people with physical and mental disabilities; commitment to welcoming and respecting all students and members of the school community; demonstrated commitment to de-escalation, diversion, and/or restorative justice; understanding of crime prevention, problem-solving, and community policing a school setting; knowledge of school-based legal issues; commitment to protecting students' legal and civil rights; knowledge of school and community resources; demonstrated ability to engage in community outreach; and a record of good judgment and applied discretion.

The MOU between the Connecticut State Police and the Colchester Board of Education annually convenes a joint committee composed of two representatives appointed by the Colchester Resident State Troopers' Office and two representatives appointed by the Colchester Superintendent of Schools to make recommendations for SRO positions, and the Colchester Resident State Troopers' Office has authority to appoint SROs from the list of recommended individuals.

In addition to including information about how SROs are selected, the Plymouth MOU includes information about how individual SRO's performances are assessed: "The Chief and Superintendent shall jointly develop and agree in advance on the metrics for measuring the SRO's performance…. The review shall include measures that reward the SRO's performance… for compliance with the terms of this Agreement and the SRO's contributions to achieving the mission, purpose, goals, and objectives as set forth in this agreement. The review shall consider SRO efforts to prevent unnecessary student arrests, citations, court referrals, and other use of police authority. The review shall also assess the extent of the SRO's positive interactions with students, families, and staff and the SRO's participation in collaborative approaches to problem-solving, prevention, and de-escalation."

SRO PROGRAM DATA COLLECTION AND REPORTING

Section 73 of PA 23-167 says that any MOU passed after July 1, 2023, "shall include provisions specifying… procedures for…reporting of any investigations and behavioral interventions of challenging behavior or conflict that escalates to violence or constitutes a crime." It requires that SROs submit a report "for each investigation or behavioral intervention…not later than five school days after conducting such investigation or behavioral intervention." It outlines procedures for these reports to escalate to the chief of police, the superintendent, and finally, the board of education of the school district; it additionally lists information that must be included in such reports. Most MOUs have not yet integrated this language, but Waterbury's MOU provides a strong base for data collection and information reporting.

Program Data Collection and Reporting Data

- With varying degrees of clarity, 80% of MOUs set parameters for when a SRO needs to report misconduct to other law enforcement personnel. Waterbury's graduated response model specifies that law enforcement interventions are managed by the police. We interpret this to mean that these interventions are reported within the police department.
- Just over half of MOUs (55%) specifically address federal guidelines for protecting students' information (FERPA). Waterbury's MOU does not contain any language to guide how SROs and school administrators should navigate FERPA in emergency and non-emergency information sharing situations.
- 43% of MOUs include language about data collection systems, and 18% outline a system to detect disparities in disciplinary practices and criminal legal system referrals. The Waterbury MOU includes language about its data collection system. While it does not include language mandating that the Chief of Police and Superintendent of Schools examine these data for disparities, it is possible to do so based upon the information they are collecting.
- Only 8% of MOUs include language guiding SROs and/or schools to notify parents or guardians regarding SRO-student interactions. Waterbury's MOU does not include such language.

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 (ie: 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.

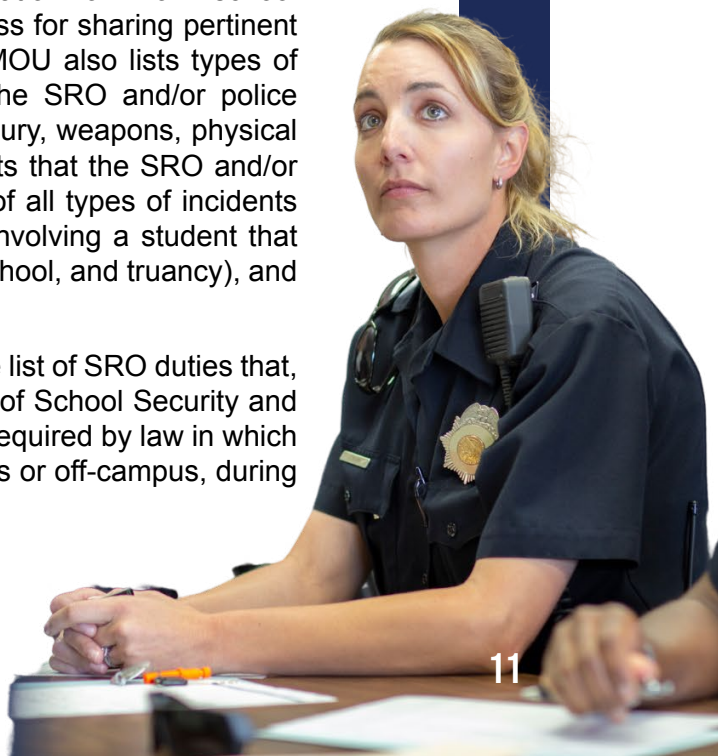
We advocate adding language to require that the annual data and recommendations report be shared with the community (provided that it protects student identities) and that the community has a period to review the report and provide feedback and recommendations. When making these recommendations, it is 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.

Program Data Collection and Reporting Model Language

The Plymouth School District MOU stands out for its detailed and nuanced reporting guidelines. In addition to including information on how school officials and SROs will comply with FERPA and a process for sharing pertinent information from 504 plans and IEPs with SROs, the MOU also lists types of student misconduct that the principal may report to the SRO and/or police department (such as behaviors involving substances, injury, weapons, physical violence, hate crimes, and others), the types of incidents that the SRO and/or police department will report to the principal (inclusive of all types of incidents the principal reports to the police as well as activities involving a student that may pose a risk to the school or another person at the school, and truancy), and guidelines for reporting following emergency situations.

The Wethersfield School District MOU includes within the list of SRO duties that, "The SRO shall notify, as soon as feasible, the Director of School Security and parents of any student involved in an incident where as required by law in which the SRO takes direct law enforcement action, on-campus or off-campus, during school hours."



PROTECTING STUDENT RIGHTS AND DIVERTING YOUNG PEOPLE FROM THE CRIMINAL LEGAL SYSTEM

MOUs are critical in defining student rights and protections on school grounds, including privacy rights and rights during interrogation. National case law dictates that lower legal standards apply to privacy protections for young people on school grounds than at home or in other public areas, which makes clarity and transparency in MOUs even more urgent. Additionally, many MOUs state in one way or another that reducing young people's involvement with the criminal legal system is a goal. Still, they often miss the opportunity to provide guidance on which age-appropriate diversionary practices and programs to use instead.

Protecting Student Rights and Diversion Data

- 41% of MOUs include language guiding when and how SROs may search students and their belongings. The Waterbury MOU provides scant language regarding procedures for SROs conducting searches, no language regarding situations in which it is appropriate for an SRO to search a student's person or property, and does not specify the legal standard SROs must use.

- Connecticut statute specifies that information obtained from questioning a person under the age of 16 is inadmissible in court unless police have obtained parental or guardian permission to question the young person. School settings pose a slippery slope regarding information, but only 6% of MOUs require that SROs obtain permission from parents or guardians before questioning a student under 16. While Waterbury's MOU requires SROs to "follow all policies and applicable law concerning interviews," it does not provide specific details regarding age, presence of parents or guardians, and procedures when students may accidentally incriminate themselves or other students.

- 45% of MOUs encourage using restorative practices and/or diversion practices and programs in schools, and an additional 31% allow SROs to utilize diversion practices within the possibilities of law enforcement interventions. Other than when saying that SROs will attend training on restorative justice hosted by the school district, the Waterbury MOU does not mention restorative justice. It does allow for SROs to utilize diversion, including referral to a Juvenile Review Board, community service, a diversion program and/or a community program, referral to court, verbal warnings, and conferences.

- Overwhelmingly, MOUs do not consider the age of young people when determining appropriate interaction with the criminal legal system. 33% of MOUs have language dictating that SROs should consider the age of children when training the SRO and/or when determining appropriate interventions. Waterbury's MOU says that SROs should consider the age of children when determining appropriate interventions but does not provide further details guiding the ages at which certain law enforcement interventions are more or less appropriate.

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 next section.

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.

Protecting Student Rights and Diversion Model Language

The Guilford Public Schools MOU has a section entirely devoted to outlining standards and policies for search and seizure. It says "School officials may conduct searches of students' property and person under their jurisdiction when reasonable suspicion exists that the student has violated or is violating the law or school policy. At no time shall the SRO request that an administrative search be conducted for law enforcement purposes or have the administrator act as his or her agent. The SRO may be present during school searches when safety concerns are present. For incidents in which weapons possession are suspected, the SRO may conduct the search in compliance with state law. Any search by an officer shall be based upon probable cause, and when required, a search warrant should be obtained. Warrantless searches will remain an option when there is reasonable suspicion that a criminal act has been or may be committed, or that the suspect may be armed."

The Hamden Public School District MOU says, "The SRO will follow applicable law, Board of Education Policy, regulations, and the Police Department's general orders in regards to investigations, interviews, and searches relating to juveniles and other students….The SROs will not be present to conduct questioning of students for school conduct issues. In the event as student conduct rises to the level of criminal activity, the SRO may be present but shall be required to follow all Hamden Board of Education Policies and Regulations, Police Department orders, rules, procedures and regulations, and State law regarding age and presence/approval of a parent. Should information be garnered in said questioning as pertains to criminal activity, the information can be used by Hamden Police Department."

The South Windsor Public School District MOU lists restorative justice as a duty of the SRO. "Restorative justice is a philosophy of juvenile justice that aims to restore the victim, the community and the offender after a crime is committed. Examples of restorative justice programs include alternative sanctions for offenders such as community service, and the organization and maintenance of a Juvenile Review Board that hears less serious violations thus diverting a student offender away from the formal juvenile justice system."

The Windham Public Schools and Willimantic Police Department MOU lists specific diversionary programs that SROs may use, including a therapeutic detention group called "Play by the Rules," the JRB, and the "Parent Project®" as well as diversionary practices including counseling, mentoring, community services, restitution, and parent meetings.

MOU ACCESSIBILITY

Based upon previous data regarding which schools have SROs, we anticipated collecting MOUs from 97 districts; we were only able to collect 51% of the MOUs we anticipated being able to find or obtain through request. Fewer than half of the MOUs reviewed (41%) were available through district websites. Waterbury's MOU is available via the Waterbury Public School District website, and it was quick and easy to find. Recommendations to further increase accessibility include translating the MOU into languages other than English and providing an audio version through the Waterbury Public School District website.