

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 216

EFFECTIVE May 17, 2021

WHEREAS, The Providence Public School District's role within the school environment is to help foster a positive school climate by demonstrating respect for students' rights and protecting the safety of the school environment; and

WHEREAS, It is the role of principals, teachers and other educators to administer school discipline in a way that supports personal growth and learning opportunities for all of the District's students; and

WHEREAS, It is imperative that school discipline be administered in such a way as to keep students within the classroom setting to the greatest extent practicable; and

WHEREAS, School-based infractions should be addressed through the use of non-punitive interventions that improve school safety and academic performance (e.g. restorative justice, peer mediation, counseling services, etc.) and not through harsh, exclusionary measures or justice-system intervention; and

WHEREAS, The primary role of a School Resource Officer is to improve school safety and the educational climate of schools and not to discipline or punish students; and

WHEREAS, It is necessary to set forth guidelines to ensure that the Providence Public School District and the Providence Police Department have a shared understanding of the role and responsibilities of each in maintaining safe schools, improving school climate, and supporting educational opportunities for all students.

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council does hereby request that the Providence Public School District and the Providence Police Department memorialize a Memorandum of Understanding, a copy of which is attached hereto, which defines the role and responsibilities of School Resource Officers in the Providence Public School District.

BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the Mayor of Providence, the Superintendent of the Providence Public School District, the Chief of the Providence Police Department, the Commissioner of Public Safety, and the Commissioner of Elementary and Secondary Education for the State of Rhode Island.

IN CITY COUNCIL

MAY 6 2021

READ AND PASSED


PRES.


CLERK

Effective without the
Mayor's Signature



Shawn Selleck
City Clerk

Memorandum of Understanding

Between

Providence Public School District

And

Providence Police Department

This Memorandum of Understanding (MOU) sets for the terms and understanding between the Providence Public Schools and the Providence Police Department to effectively oversee and manage the School Resource Officer (SRO) program.

Background

This MOU is intended to set forth guidelines to ensure that the Providence Public School District (the District) and the Providence Police Department (PPD) have a shared understanding of the role and responsibilities of each in maintaining safe schools, improving school climate, and supporting educational opportunities for all students.

Purpose

This document sets forth an understanding on the part of the parties involved that schools in the District are meant to be places where students can learn from their mistakes in order to grow into healthy, productive adults.

PPD's role within the school environment is to help foster a positive school climate by demonstrating respect for students' rights and protecting the safety of the school environment.

It is the role of principals, teachers and other educators to administer school discipline in a way that supports personal growth and learning opportunities for all of the District's students. It is further the goal of the District that school discipline be administered in such a way as to keep students within the classroom setting to the greatest extent practicable. Wherever possible, school-based infractions shall be addressed through the use of non-punitive interventions that improve school safety and academic performance (e.g. restorative justice, peer mediation, counseling services, etc.), and not through harsh, exclusionary measures or justice-system intervention.

School Resource Officers

Both parties agree to the following principles upon which this agreement is founded:

- A. The day-to-day operation of the SRO Program will be a joint, cooperative effort of PPSD and PPD, under the supervision of the Superintendent of Schools and the Chief of Police.
- B. The vast majority of student misconduct can be best addressed through classroom and in-school strategies and by maintaining a positive climate within schools rather than through involvement of the law enforcement community.

- C. Clarifying the responsibilities of school and police personnel with regard to non-emergency disruptive behavior at school and school-related events promotes the best interests of the students, the school system, law enforcement and the community at-large.
- D. The primary role of an SRO is to improve school safety and the educational climate of schools and not to discipline or punish students.
- E. SROs are responsible for criminal law issues, not school discipline issues.
- F. Absent a real and immediate threat to student, teacher, or public safety, incidents involving public order offenses including disorderly conduct; disturbance/disruption of schools or public assembly; trespass; loitering; profanity; and fighting that does not involve physical injury or a weapon, shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention (e.g., issuance of a criminal citation, ticket, or summons, filing of a delinquency petition, referral to a probation officer, or an actual arrest).
- G. Students shall not be arrested at school, except where the child poses a real and immediate threat to student, teacher or public safety; or a judicial warrant specifically directs the arrest of the student in a school; in all other instances the execution of an arrest warrant shall be undertaken at a location other than a school.
 - a. School principals shall be consulted prior to an arrest of a student where practicable.
 - b. The student's parent or guardian shall be notified of a child's arrest as soon as practicable.
- H. Absent a real and immediate threat to student, teacher, or public safety, a SRO may conduct or participate in a search of a student's person, possessions, or locker only when there is probable cause to believe that the search will turn up evidence that the child has committed or is committing a criminal offense.
 - a. The SRO shall inform school administrators prior to conducting a probable cause search where practicable.
 - b. The SRO shall not ask school officials to search a student's person, possessions, or locker in an effort to circumvent these provisions.
- I. A school official may conduct a search of a student's person, possessions, or locker only where there is reasonable suspicion to believe that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school, and the search is justified in scope given such suspicion.
 - a. Absent a real and immediate threat to student, teacher, or public safety, a school official shall not ask a SRO to be present or participate in such a search.
- J. Absent a real and immediate threat to student, teacher, or public safety, a SRO may question or participate in the questioning of a student about conduct that could expose the child to court-involvement or arrest only after informing the child of his or her Miranda rights and only in the presence of the child's parent or legal guardian.

- a. The SRO shall inform school administrators prior to questioning the student where practicable.
 - b. The SRO shall not ask a school official to question a student in an effort to circumvent these protections.
- K. Absent a real and immediate threat to student, teacher, or public safety, a school official shall not ask a SRO to be present or participate in the questioning of a student that could expose the student to court-involvement or arrest.
- L. Strip searches of children by either school officials or SROs shall be prohibited.
- M. Absent a real and immediate threat to student, teacher, or public safety, other physically invasive searches by a school official or SRO shall not be conducted on a child.
- N. Absent a real and immediate threat to student, teacher, or public safety, a SRO shall not use physical force or restraints --- including handcuffs, Tasers, Mace, or other physical or chemical restraints --- on a child.

The selection of SROs and subsequent periodic evaluations will include school and community participation and shall provide input into the selection and evaluation of SROs.

Key elements in SRO selection will include:

- Cultural Competency
- Non-violence training
- Conflict Resolution skills
- Knowledge of Juvenile Code and Juvenile Court procedures
- Ability to collaborate with school staff in the support and execution of non-punitive dispute resolution, positive behavior programs, and school-based diversion programs.
- Knowledge of community resources to assist students

After considering the input of the school, community, and the Superintendent of Schools, the Chief of Police (or their designees) shall make the final SRO selections.

Every SRO shall receive at least forty (40) hours of pre-service training and ten (10) hours of annual in-service training on the following topics:

1. Child and adolescent development and psychology;
2. Positive behavioral interventions and supports (PBIS), conflict resolution, peer mediation, or other restorative - practice techniques;
3. Children with disabilities or other special needs; and
4. Cultural competency.

Reporting

The PPD and the District shall maintain annual publicly available data, without disclosing personally identifiable information, documenting the following:

1. Number of incidents resulting in a juvenile arrest for conduct on school grounds or at a school-sponsored event, broken down by school; offense; arrestee's age; grade level, race, sex, and disability status; and disposition/result;
2. Number of incidents resulting in other forms of law enforcement intervention --- including searches and seizures by SROs; questioning by SROs; issuance of a criminal citation, ticket, or summons; filing of a delinquency petition; and referral to a probation officer --- for juvenile conduct on school grounds or at a school-sponsored event, broken down by school; offense or reason; type of law enforcement intervention; juvenile's age, grade level, race, sex, and disability status; and disposition/result;
3. Number of suspensions or other disciplinary consequences imposed on students broken down by school; offense/infracton; student's age, grade level, race, sex, and disability status; and disciplinary consequence imposed;
4. Regulations, policies, and protocols governing the SRO program;
5. Budget information for the SRO program including funding and expenditures;
6. Number of SROs deployed to each school;
7. Training materials for SROs; and
8. Number and types of complaints lodged against SROs.

The SRO program shall set forth a simple and straightforward mechanism for any student, parent, teacher, principal, or other school administrator to submit a complaint, orally or in writing, of abuses or misconduct by SROs.

1. Parents shall be permitted to submit a complaint in their native language or provided assistance to submit a complaint.
2. The complaint system must be confidential and protect the identity of the complainant from the SRO to the extent consistent with the SRO's due process rights.
3. The system shall provide for an independent investigation into the allegations in the complaint.
4. Complaints shall be investigated and resolved, and complaints shall be furnished with a written explanation of the investigation and resolution, within 30 days.

5. Where serious allegations of abuse or misconduct are raised, the SRO shall be temporarily removed from having conduct with students as appropriate.
6. Where allegations of abuse or misconduct are substantiated, the SRO shall be suspended or permanently removed from school assignments or receive additional training as appropriate.
7. Every student, parent, and guardian in the school system shall be informed of the complaint procedure.

Funding

This MOU is not a commitment of funds.

Duration

This MOU is at-will and may be modified by mutual consent of authorized officials from the Providence Public School District and the Providence Police Department and will remain in effect until modified or terminated by any one of the partners by mutual consent. In the absence of mutual agreement by the authorized officials from the Providence Public School District and the Providence Police Department, this MOU shall end on [INSERT MUTUALLY AGREED-UPON DATE].

Contact Information

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Providence Police Department
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Providence, RI 02903
401-243-6401

Signatures

_____ Date: _____
Harrison Peters, Superintendent
Providence Public School District

_____ Date: _____
Col. Hugh T. Clements, Jr., Chief of Police
Providence Police Department