

MEMORANDUM OF UNDERSTANDING

General Principals

The New Boston Public Schools and the New Boston Police Department agree that the abuse of alcohol and other drugs is a national and societal problem. We also agree that it is a problem at the community level and must involve the community as a whole, if we are to prevent drug/alcohol abuse.

Therefore notwithstanding the provisions of RSA 193-D and other provisions of the law, the New Boston Public Schools and the New Boston Police Department agree to coordinate their efforts to prevent the abuse of alcohol and other drugs by students. We further agree to respond effectively to incidents of school delinquency or criminal behavior in school, on school grounds, and at school sponsored events.

This memorandum also addresses the efforts by the schools and the police to respond to incidents of violence, weapons possession, or acts of theft, violence or destruction, on school property and at school functions, under the provisions of and in concert with the implementation of the Safe Schools Act, RSA 193-D.

The New Boston Public Schools and the New Boston Police Department further agree to coordinate these efforts with local Prosecuting Attorney's Office and the New Hampshire Department of Education. The need for a formal written Memorandum of Understanding has become increasingly clear as teachers and staff are asked to observe student behavior and make determinations concerning that behavior. It is imperative that the rights of the teachers, staff, and the students, and the role of the police officer(s) are clearly understood by all parties.

School/Police Liaisons

In order to facilitate prompt and clear communication of incidents involving drugs/alcohol, violence, and weapon violations, the New Boston Public Schools and the New Boston Police Department agree to identify individuals on their respective staffs who will function as primary contact people. The Superintendent of Schools shall designate the Principals at each school as that schools' Reporting Officials who shall be responsible for handling all reportable incidents of:

- (1) drug/alcohol use, possession, sale and/or distribution;
- (2) assault or violence;
- (3) possession of weapons;
- (4) theft or destruction of property.

The Principal will communicate information on such incidents to the Police Department.

The Chief of Police shall designate a police officer, or officers, who shall be responsible for handling all reportable incidents, brought to the attention of the Police Department by the school's Reporting Officials.

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In addition to communication between the Reporting Official(s) and the Police Officer(s) on the specific incidents mentioned above, it is recommended that officials(s) and officer(s) meet on a regular basis, twice a year, to discuss the scope of these problems, and to identify strategies (such as personnel training and community education) to reduce them.

Reporting Policy: Drug/Alcohol/Violence/Weapon Violations

A. School Reports to Police Department

1. Mandatory: Notwithstanding the provisions of RSA 193-D, the Safe School Zone Act, the following incidents must be reported to the Police Department by Reporting Official(s), and shall hereinafter be referred to as “mandatory reportable acts” even though they might not be witnessed by a “school employee” as defined by RSA 193-D:
 - a. Possession of alcohol by a minor on school property, at school functions, or within a 1,000 foot radius of school property;
 - b. Possession of any controlled substance as defined in NH RSA 318-B, by an individual on school property, at school functions, or within a 1,000 foot radius of school property;
 - c. Any incident in which any individual who is responsible for, suspected of, or determined to be selling or distributing drugs or alcohol on school property, at school functions or within a 1,000 foot radius of school property;
 - d. Any incident involving serious personal injury, violence, patterns of harassment, or significant property destruction, or where there is a threat of such activity, on school property, at school functions or within a 1,000 foot radius of school property.
 - e. Possession of dangerous or prohibited weapons as defined in NH RSA’s 208, 644, and 159, on school property, at school functions or within a 1,000 foot radius of school property.
 - f. Arson, burglary, robbery and theft.

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Eligibility

Eligibility requirement for a student to be referred to the Goffstown Drug/Alcohol Diversion Program are:

1. The student is observed by school officials, committing an arrestable offense involving possession or sale of drugs or alcohol.
2. The offense is the student's first, and only.
3. The amount of drugs or alcohol possessed by the student is small enough and the facts and circumstances of the offenses are such that the probability that the student possessed the substance(s) with intent to distribute may be ruled out.
4. The student's performance in school does not exhibit a general pattern of violent or anti-social behavior.
5. The student acknowledges responsibility for his or her actions.
6. The student and parent(s)/guardian agree that the student will undergo a drug/alcohol evaluation and will comply with all of the recommendations of the substance abuse counselor.
7. The students and parent(s)/guardian agree to monitor the student's participation in the program, and agree to participate in parent conferences as part of the program.

Procedures

- A. Students observed committing an arrestable offense on school property will be brought to the Principal's office.
- B. Such students will be confronted by the Principal or his designee with the nature of the offense. Police and parent(s)/guardian are to be notified immediately, told of the nature of the offense, and instructed to come to the school.
- C. After the investigation of circumstances, if the student appears to be appropriate for enrollment in the diversion program, the police will explain the program to the student and the parent(s)/guardian.

Discretionary

The following incidents may, at the discretion of the Reporting Official and School Principal, be reported to the Police Department, and shall hereinafter be referred to as "discretionary reportable acts":

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1. Any instance, in which a student is suspected of, found to be, or admits to being under the influence of a drug or alcohol on school property, at school functions, or within a 1,000-foot radius of school property.

Procedures for Reporting

A. School Response

1. Staff: Any school employee who has reasonable grounds to believe that a student has committed a reportable act shall
 - a. Make the Reporting Official aware of the problem immediately.
2. Reporting Official: For Mandatory Reportable Acts, the Reporting Official shall:
 - a. Notify the police and the student's parent(s)/guardian, inform them of the nature of the incident;
 - b. Turn over any physical evidence and a written fact summary to the Police Department;
 - c. For discretionary Reportable Acts, the Reporting Official shall:
 - i. Determine if the police and parent(s)/guardian should be notified and, if so, make the calls as soon as reasonably possible. Any incident reported to the police shall also be reported to the student's parent(s)/guardian;
 - ii. Initiate disciplinary action according to the discipline policy in the Student's Rights and Responsibilities Handbook.
3. Note: the New Boston Public School reserves the right to search all school property using a "reasonable grounds" standard, for contraband, controlled substances, or weapons in accordance with state laws and school policy.

Police Response

1. The Police Officer will make contact with the school as soon as possible after receiving a report from the Reporting Official to investigate the incident, or take any other appropriate action.

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2. During the investigation, the Police Officer may meet with the Reporting Official, the student, the student's parent(s)/guardian and appropriate persons with knowledge of pertinent facts, if required.
3. If at the conclusion of the investigation, the student is found to have committed the alleged offense, the Police Officer may initiate the formal complaint process.
4. If the offense involves the possession, or use of drugs or alcohol, and the student is eligible, according to the Goffstown Drug/Alcohol Diversion Program Criteria, the prosecutor is empowered to recommend the student be admitted to the Diversion Program in lieu of prosecution (See Appendix B for Diversion Program Agreement).
5. When the Police Officer is called to the school in response to offenses involving the sale and/or distribution of drugs or alcohol, violent behavior, or the possession of a weapon, and when probable cause exists for arrest, the Officer shall take the appropriate action to initiate the formal complaint process.
6. To the extent possible, precautions will be taken by both police and school officials at all times to ensure the educational process is not disrupted.

New Boston Police Chief

New Boston Central School Principal

Superintendent of Schools, SAU #19

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NHSBA Review: 01/23/14

APPENDICES**Appendix A – Guidelines for Prosecution of Drug and Alcohol Cases Arising in the Schools****Sale or Distribution of Alcohol or Controlled Substances**

Barring truly exceptional circumstances, the Prosecutor's Office will prosecute all reported cases of illegal sale or distribution of alcohol and controlled substances (including prescription drugs and counterfeit controlled substances) occurring on school property or at school functions.

Possession of Alcohol or Controlled Substances

Except for those cases accepted into Goffstown's Drug/Alcohol Diversion Program (see Appendix B below), the Prosecutor's Office will preemptively prosecute all cases reported to it of illegal possession of alcohol or controlled substances (including prescription drugs) on school property or at school functions.

Appendix B – Goffstown Drug/Alcohol Diversion Program Agreement**General Conditions**

The following agreement between the Goffstown Drug/Alcohol Education and Intervention Program and the New Boston Police Department represented the conditions for enrollment in the Goffstown Drug/Alcohol Diversion Program of students who commit criminally chargeable offenses involving the possession or use of alcohol or other drugs while on school property or at school functions. Such agreement may be modified as required and as agreed to by the parties in furtherance of the agreement's objectives.

Objectives

- A. To provide an alternative to criminal prosecution for students committing relatively minor first time offenses involving the possession or use of alcohol or other controlled drugs.
- B. To reduce delinquent behavior by establishing an education and behavioral contract for the student which will be developed by the cooperative efforts of school professionals and local police.
- C. To develop and implement a process for school officials and local police to refer appropriate first offenders into the diversionary program.
- D. Should the parent(s)/guardian choose not to have the child enter the Diversion Program, police reserve the right to seek a criminal complaint.

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- E. If the police, school officials and parent(s)/guardian choose to have the student participate in the Diversion Program, the police will hold any criminal evidence obtained by the school officials until the student's successful completion of the program.
- F. If at any point, the student does not fulfill the Diversion Program requirements, the case will be referred to the police for prosecution.
- G. Upon notification from the Diversion Program that a student has successfully fulfilled the program's requirements and the case has been terminated, neither the principal or his designee nor the police department will prosecute the student for the specific criminally chargeable behavior giving rise to the referral.

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