



**SCHOOL SAFETY WORKING GROUP
MOU OUTLINE**

I. Preamble/Whereas Clauses

- A. Current MOU: Short preamble regarding the goals of safety and clauses regarding purposes of parties' initial agreement.
- B. Proposed additions: Group discussed ensuring document shows NYPD strengths. The preamble could state the following:
 - 1. The goal of this MOU is to codify the working relationship between the DOE and NYPD since the transfer of school safety functions to the NYPD, the collaboration between the NYPD and DOE in ensuring a safe school environment for students and school staff and the joint philosophy reflected in agreed upon policies of de-escalation and best practices while policing in schools that have led to sharp declines in school-based arrests, summonses and school-based crime.
 - 2. Add additional "whereas clause" regarding multi-stakeholder participation in leadership team and input into MOU.
 - 3. Add clause regarding purpose of the agreement is to provide guidance to the parties for collaboration and day-to-day interactions to ensure that school-based arrests, summonses and school-based crime continue to decline, recognizing that most school-based discipline matters and student behavior are best addressed by school staff, to foster positive interactions between

students, school staff, members of the school safety division and precinct officers, support a positive educational climate .

- C. Add NYPD and Mayor's Office of Criminal Justice Services to parties to MOU. No other signatories.

II. **School Safety Community Partnership Meetings**

A. **Current MOU:** Joint Committee has no community representation or input. (P.1)

B. **Proposed Additions:** School Safety Subcommittee (SSSC) discussed the necessity of having ongoing community input after the expiration of the Leadership Team and recommended a School Safety Community Partnership to meet to discuss and make recommendations regarding: (1) implementation of Leadership team recommendations, (2) review student safety data, (3) Discuss efforts to help high-need schools, (4) address other issues as they occur.

1. Membership: MOCJ would convene, necessary city partners include DOE, including Office of Safety and Youth Development, NYPD and SSD representatives, MOU should specify advocacy groups' membership and slots reserved for a certain number of educators, advocates, students and parents. The language should also provide a process for replacing advocacy groups if they cease to exist. ***Group will review list of LT Stakeholders and determine recommended members of the SSCP.
2. Frequency of meetings: Group decided School Safety Community Partnership should meet quarterly to coincide with release of student safety act data.
3. School Safety Community Partnership will also review practice issues, address training needs and national best practices and, at least annually, make recommendations regarding promising practices and additional training.
4. MISC: School Safety Community Partnership would have the ability to refer identified issues to borough managers to convene

borough based multi-stakeholder groups that could meet quarterly to accomplish the same goals as above.

III. Joint Committee

A. Current MOU: (P.1, 16, 24) Equal members appointed by Mayor and Chancellor, meet regularly, provide annual evaluation, review model school safety plan, directives and regulations and recommend necessary changes.

B. Proposed additions:

1. Add language regarding purpose: Purpose of Joint Committee is to track fidelity to this agreement in schools and determine appropriate recommended interventions when there are increases in the use of summonses and arrests in particular schools or school campuses.
2. Keep annual evaluation requirement.
3. Add Mayor's Office of Criminal Justice Services role as convener.
4. Add new requirement of referral to appropriate borough or district level to determine best practice plan to address particular issues at school or campus that are leading to increase in arrests or summonses.
5. The Joint Committee shall examine Student Safety Act data, including suspensions with particular attention paid to trends and disparities based upon race, ethnicity, or special needs as well as results from assessment of schools employing scanning.

IV. Training

A. Current MOU: Addresses training, including specific topics such as operating in a school environment, disciplinary rules, coordination with school principals, mediation, crisis intervention, ...scanning procedures, and

DOE collaboration with NYPD in determining and participating in training of SSAs; mentions training of NYPD uniformed personnel. (Pp. 9, 11, 12)

B. Proposed Additions:

1. All SSD personnel, including uniformed members who work in public school buildings on a daily basis shall, before deployment and through regularly scheduled in-service trainings to ensure best practices of policing in schools continue, be trained in child and adolescent development, conflict and crisis de-escalation techniques, conflict resolution, children with disabilities, the effects of trauma, implicit bias and cultural competence, the school discipline code, and best practices for policing in schools as well as topics currently addressed in paragraph 12(a) and (b) of the current MOU.
 2. The MOU should continue language regarding the DOE's collaborative role in SSA training found in paragraphs 11 and 12 of the MOU.
 3. The MOU should incorporate the recommendations of the Safety with Dignity report regarding inclusion of SSD staff in opportunities for professional development with other school staff and to participate in joint orientation with all school staff where the overall building, where more than one school is co-located, or school philosophy regarding school climate, the student code of conduct and best practices for policing in schools as agreed to in the MOU, including the consequences of suspension, arrest and involvement in the criminal justice system on student life outcomes are presented and discussed.
 4. Question: What kind of training should precinct officers that may enter schools receive? Youth Captains, patrol units assigned to schools, etc.
- ***SSD will propose language for this section.

V. SSD Integration

A. Current MOU: Provides that SSA is a member of school safety plan committee and mandatory participant in development. (P. 15)

B. Proposed Additions:

1. The MOU should reinforce integration protocols recommended by the LT and set forth in the SSD Handbook, that require the incorporation of SSD staff by school administrators in school meetings on an ongoing basis, including: daily briefings, Parent Teacher Organization (PTO) meetings, Town Hall meetings and describe the integral role of SSD staff in school safety meetings and building council and principals' council meetings in school campuses where more than one school are co-located when school safety issues are addressed.

2. The MOU should continue language in the current MOU in paragraph 15 regarding the development of the school safety plan for emergencies.

3. Question: Should language regarding SSD staff in schools as the hub of safety in the schools be addressed here?

***SSD will provide language already incorporated into the Patrol Guide.

VI. Arrest, Summonses and Handcuffing Report, Notification and Data Collection

A. Current MOU: Does not address parental notification but does address SSA notification of Principal in p.19 (a) and p. 20(c)

B. Proposed additions:

1. The current MOU language in Paragraph 19 (a) should be amended as follows: Unless there has been a prior consultation with the school principal regarding the incident, upon placing a student enrolled at a school under arrest or issuing any form of criminal process on school property, whether by SSD staff or a precinct officer, SSD staff must notify the principal of the school the student attends or his or her designee of the occurrence.

2. The school principal must take all steps necessary to expeditiously inform the parent that his or her child has been arrested or issued any form of criminal process on school property.

3. Data collection

a. Question: Should we stipulate the roles of SSAs and school administration in the reporting and collection data on these incidents?

VII. Defining Law Enforcement vs. Disciplinary issues

A. Current MOU: p. 2, p. 12 (a), pp.18, 19, 20, 27.

1. P. 2 encourages school staff to avail themselves of “appropriate NYPD assistance in ensuring student discipline. Also states: “imposition of school-based discipline is a pedagogical function ...according to discipline code.”

2. P. 12(a) requires training on code of conduct and coordination of activities with school principals.

3. P. 18 states that in addition to the enforcement of all laws it is otherwise authorized to enforce within the City, the NYPD SSD and precinct officers are authorized to enforce rules, regulations or procedures of the “Board” in furtherance of school safety. And may have additional duties as agreed by Chancellor and NYPD.

4. P. 19 (a) SSD and/or NYPD must notify principal or designee of arrest or summons.

(b) Except in instances requiring immediate arrest or other immediate action, SSD and/or NYPD officers shall consult with principal prior to placing student under arrest and shall take into account any information provided by the principal. Principal may consult with a precinct supervisor or “Board” supervisor where appropriate.

5. P. 20 (a) If acts on school property are “criminal in nature” principal must “promptly report such acts to NYPD. Nothing shall

preclude any school staff or SSD personnel from reporting acts which may be criminal in nature directly to the NYPD.

6. P. 27 Nothing in MOU shall be construed to limit the powers of NYPD to take all steps necessary to protect public safety, in and around city public schools, “including enforcement of applicable criminal laws. Nothing in MOU shall be construed to affect current Discipline Code policy that “when a student is believed to have committed a crime, the police must be summoned.”

B. Proposed Additions:

1. Group discussed importance of MOU and discipline code sharing the same language regarding differences between school discipline and law enforcement issues.

2. The Group agreed that broad language in the current MOU that encourages the intervention of SSAs into school discipline matters should be deleted. Therefore, the following language should be deleted:

- Paragraph 2 encourages school staff to avail themselves of “appropriate NYPD assistance in ensuring student discipline. Also states: “imposition of school-based discipline is a pedagogical function ...according to discipline code.”
- Paragraph 18 states that in addition to the enforcement of all laws it is otherwise authorized to enforce within the City, the NYPD SSD and precinct officers are authorized to enforce rules, regulations or procedures of the “Board” in furtherance of school safety. And may have additional duties as agreed by Chancellor and NYPD.
- Paragraph 20(a) delete language requiring prompt notification to NYPD precinct acts on school property which are “criminal in nature” and language regarding Nothing shall preclude school staff from reporting such acts directly to the NYPD

precinct. ***School Safety Division will provide group with language from patrol guide requiring such reports to SSD staff.

3. The MOU should contain language such as the following that delineates the role of school administration and staff in dealing with student misconduct.

School administrators have primary responsibility for intervening in and addressing student misbehavior and in for ensuring consistent application of school rules and policies as set forth in the Discipline Code.

4. The MOU should contain language such as the following that clearly delineates when SS Staff can be called in to intervene:

INTERVENTION BY SCHOOL SAFETY PERSONNEL

- School Safety personnel are responsible for responding to serious criminal law matters where there is a real and immediate threat of serious physical injury to a member of the school community.
- Department of Education personnel shall only request assistance from School Safety personnel when
 - (1) necessary to protect the physical safety of students and staff;
 - (2) required by law; or
 - (3) appropriate to address criminal behavior of persons other than students.
- School Safety personnel should not be requested to remove students from classrooms for routine disciplinary matters unless that is a real and immediate threat of serious physical injury to a member of the school community or in other situations that can be safely and appropriately

handled by the school's disciplinary procedures. If it is unclear whether a particular situation meets the criteria above, the school principal or designee should be contacted as soon as possible to make a determination.

- If a member of the School Safety Division witnesses a student engaging in dangerous or seriously disruptive behavior, and no school employee is available to respond, the School Safety personnel shall intervene and shall immediately escort the student to the principal and advise the principal of the situation. Wherever possible, School Safety personnel should attempt to verbally engage the student to stop the behavior or employ age-appropriate conflict resolution techniques to de-escalate the situation.

PROCEDURE FOR SCHOOL STAFF TO REQUEST SCHOOL
SAFETY DIVISION AND PRECINCT POLICE ASSISTANCE

- (1) In a safety or medical emergency, call 911.
 - (2) If there is no immediate danger to students or others, the school principal or designee should always be contacted to make the decision about whether to request School Safety assistance for an incident involving potentially criminal behavior by a student, based upon the criteria in the paragraph "Interventions by School Safety Division".
 - (3) If there is no safety or medical emergency, School Safety Division staff should always respond first to an incident involving potentially criminal behavior by a student.
- Principals should monitor numbers of requests for School Safety Division involvement in classroom management and removals and determine whether additional supports are necessary to increase compliance with this section.
 - 911 Calls by schools shall also be monitored by OSYD to determine whether additional supports are necessary to increase compliance with this section.

5. The group discussed the inability to currently track every time school safety staff are called to a classroom to intervene in a classroom management incident. The only incident that can currently be tracked is if the School Safety staff is involved in a classroom removal. The Group recommends that if at if a system is developed that could capture such data, it include all requests for for SS staff assistance in classroom incidents.

6. Chancellor's Regulation A-412 should be updated to reflect these changes.

VIII. Arrest Diversion

A. Current MOU: p. 2, p. 12 (a), pp.18, 19, 20, 27. Provides that students should be arrested/issued summonses for all crimes.

B. Proposed Additions:

1. Question: Are there certain criminal offenses that should not warrant an arrest or summonses?
2. Question: Are there currently existing programs through the SSD Community Affairs Office that could be used?
3. Question: Are there other programs through Probation or CCI that could be expanded?
4. Question: Are there other programs we should recommend be created in schools for arrest diversion, including community service programs?
5. Question: Should it be a citywide or borough specific structure of diversion programs?
6. Question: Should the MOU also provide a graduated response if a student commits the same conduct more than one time?
7. Question: Should the MOU provide a "Discretion" clause similar to Broward County:

Nothing in this agreement is intended to limit the discretion of law enforcement. Officers responding to an incident or consulting with school officials are encouraged to use their discretion in determining the best course of action, especially when using alternatives to arrest. Which the option to use the criminal justice system is available for many incidents, the totality of the circumstances should be taken into consideration and any less punitive alternatives that ensure the safety of the school community should be considered.

8. Question: Should the MOU require a conference with the principal prior to any non-emergency arrest of or issuance of a summons to student? Should there be a delineated procedure for “appeal” if the principal and School Safety Division staff disagree on the proposed action?

IX. Scanning

A. Current MOU: Does not address.

B. Proposed Additions:

1. Question: How should the MOU codify new scanning protocols and specify the active role of school administration?
2. Question: Should MOU address procedures to request addition or deletion of scanning from schools?
3. Question: Should MOU address SSD evaluation of school scanning and specify report to Joint Committee?

X. SSD and Precinct Officers

A. Current MOU: p. 2, p. 12(a), pp.18, 19, 20, 27.

1. P. 2 encourages school staff to avail themselves of “appropriate NYPD assistance in ensuring student discipline. Also states: “imposition of school-based discipline is a pedagogical function ...according to discipline code.”

2. P. 12(a) requires training on code of conduct and coordination of activities with school principals for SSD personnel but **not** Precinct officers.

3. P. 18 states that in addition to the enforcement of all laws it is otherwise authorized to enforce within the City, the NYPD SSD and precinct officers are authorized to enforce rules, regulations or procedures of the “Board” in furtherance of school safety. And may have additional duties as agreed by Chancellor and NYPD.

4. P. 19 (a) SSD and/or NYPD must notify principal or designee of arrest or summons.

(b) Except in instances requiring immediate arrest or other immediate action, SSD and/or NYPD officers shall consult with principal prior to placing student under arrest and shall take into account any information provided by the principal. Principal may consult with a precinct supervisor or “Board” supervisor where appropriate.

5. P. 20 (a) If acts on school property are “criminal in nature” principal must “promptly report such acts to NYPD. Nothing shall preclude any school staff or SSD personnel from reporting acts which may be criminal in nature directly to the NYPD.

6. P. 27 Nothing in MOU shall be construed to limit the powers of NYPD to take all steps necessary to protect public safety, in and around city public schools, “including enforcement of applicable criminal laws. Nothing in MOU shall be construed to affect current Discipline Code policy that “when a student is believed to have committed a crime, the police must be summoned.”

B. Proposed Additions:

1. Question: Do patrol officers currently have to abide by the same handcuffing protocols as SSAs?
2. Question: SSAs as gatekeepers: Is there way to codify SSAs being the nexus of police activity within a school?
3. Question: What kinds of training should precinct officers who are assigned to schools or who may enter schools receive? Should it be detailed here or in section on training?

XI. Non-Emergency Arrests of Students on School Property

- A. **Current MOU:** Not addressed.
- B. **Proposed Additions:**
 1. Question:

XII. Searches of Students and Student Lockers

- A. **Current MOU:** Not addressed.
- B. **Proposed Additions:**
 1. Question:

XIII. Handcuffing of Students

- A. **Current MOU:** Not addressed.
- B. **Proposed Additions:**
 1. Question: Should MOU outline current policy?
 2. Question: Should use of handcuffs to de-escalate situations that don't lead to arrest be addressed?

XIV. Warning Card Program

- A. **Current MOU:** Not addressed.
- B. **Proposed Additions:**
 1. Question:

XV. Data Sharing Between DOE Central and NYPD

A. Current MOU: p. 20(a), (b), (c), p. 21 (a), (b)

1. P.20 (a) If acts on school property are “criminal in nature” principal must “promptly report such acts to NYPD. Nothing shall preclude any school staff or SSD personnel from reporting acts which may be criminal in nature directly to the NYPD.

(b) DOE must provide NYPD with Statistical and summary information regarding all other acts or incidents on school property that relate to school security.

(c) DOE and NYPD must collaborate in coordinating the reporting of incidents and develop a system for coordinated reporting of school security incidents as may be “appropriate”.

2. P. 21 (a) NYPD must provide reports on crime and school security incidents according to current standards and as otherwise may be required for federal or state monies.

(b) NYPD must notify Chancellor or designee of any significant public safety emergency concerning schools.

B. Proposed Additions:

1. Question: Should the new data sharing undertaken by NYPD/DOE/MOCJ be memorialized in the MOU?

2. Question: How should the MOU make clear that data sharing should be used to help ensure that DOE/NYPD can hold principals/other staff accountable for high levels of arrests and summonses in certain schools?

XVI. Parking Lot

A. Safe Corridors

B. Principal Observation