



City of Appleton Police Department and the Appleton Area School District School Resource Officer Program Memorandum of Understanding

This document will serve to set forth guidelines to ensure that law enforcement, school officials, and the communities they serve, have a shared understanding of the School Resource Officer Program.

I. Purpose:

This Memorandum of Understanding (hereafter "MOU"), made by and between the City of Appleton Police Department (hereafter "APD"), with a business address of 222 South Walnut Street, Appleton WI 54911, and the Appleton Area School District (hereafter "AASD"), with a business address of 131 East Washington Street, Suite 1A, Appleton WI 54911, establishes and delineates the mission of the School Resource Officer Program (hereafter "SRO Program"), as a joint cooperative effort. Additionally, the MOU clarifies roles and expectations and formalizes relationships between the APD and AASD to foster an efficient and cohesive program that will build a positive relationship between police officers, school staff, students, and families, promote a safe and positive learning environment, and decrease the number of youth formally referred to the juvenile justice system.

II. Mission:

The mission of the SRO Program is to promote school safety by building a positive school climate in which everyone feels safe and students are supported to succeed. The SRO Program also seeks to reduce violent crime committed by and against youth in our community. The SRO Program accomplishes this mission by supporting safe, secure, and orderly learning environments for students and staff. School Resource Officers (hereafter "SRO's") will establish a trusting channel of communication with students, parents, and staff and establish regular feedback opportunities. The role of the SRO is not to enforce school discipline nor punish students. SRO's will serve as positive role models to instill in students good moral standards, good judgment and discretion, respect for other students, and a sincere concern for the school community. SRO's will provide information regarding community resources available to students and their families. Goals and objectives are designed to develop and enhance rapport between students, families, police officers, school administrators, and the community in order to promote overall student achievement and success.

III. Goals of the SRO Program:

- Ensure a safe learning environment and foster a positive school climate for all school communities.
- Be a resource to the students, parents, and staff of all of the school communities we serve.
- Work with school, government, and community-based resources to be a connection for those we serve to gain access to needed supports and services.
- Establish rapport and relationships with students, in particular those deemed at risk, and find ways to divert them from becoming involved in the juvenile justice system.

IV. Role of the SRO Program:

The SRO Program is unique to the community and is designed to fulfill three overall roles: law enforcement/ school safety, fostering positive school climate/crime prevention, and education.

- 1. Law Enforcement/School Safety** – SRO's are responsible for the majority of law enforcement activities occurring at the school during school hours. SRO's are not to issue school discipline. A determination of whether an activity raises to the level of a law enforcement activity should be made in consultation with a school administrator. Parents, students, teachers, and other school personnel should bring complaints about student misbehavior to the school principal and/or designee, rather than the SRO.

While enforcement is a role of SRO's, alternatives to arrest should be used whenever possible. The SRO's discretion to act remains the same as that of any other police officer.

The SRO shall serve on school Threat Assessment Teams, regularly communicate with administration about safety and security concerns, and collaborate with school officials to conduct yearly safety assessments.

- 2. Fostering Positive School Climate/Crime prevention** - One of the primary roles SRO's fulfill is fostering a positive school climate through relationship-building and crime prevention. Officers will engage in various activities, in consultation with school administration, teachers, and students, and should strive to build a school culture of open communication and trust between and among students and adults by focusing on officers getting to know students at the school, serving as a role model, and working with teachers and administrators to identify students who may be facing challenges and need additional resources or attention to be successful in school. Crime prevention activities include foot patrols, monitoring previous crime locations, speaking to teachers about reducing the opportunity for crimes to occur, analyzing possible crime patterns, investigating crimes, and patrolling the parking lots. Officers may also complete security surveys analyzing the physical safety of school property and facilities.
- 3. Education** - SRO's should participate in the school community by providing or coordinating educational opportunities and providing presentations for students, staff, parents and other community members. The education provided or coordinated by the SRO's should encompass the knowledge and experience associated with the role of a law enforcement officer.

V. Organizational Structure:

Chain of Command for SRO's - The SRO's will be accountable to the Appleton Police Department chain of command, and report directly to the SRO Coordinator. SRO's shall abide by Appleton Police Department (hereafter "APD") policy/procedures and Wisconsin state statutes. The SRO is expected to cooperate with the school officials, including administrators and staff. The SRO will abide by applicable school policies and respond to the requests of school officials. Any concerns held by school officials regarding the performance of an SRO should be brought to the APD SRO Coordinator, and recorded in their annual evaluation, which is completed by the school principal.

Complaints against the SRO shall follow the normal complaint process of the Appleton Police Department. Appropriate AASD administrators should be made aware of any complaints that are deemed applicable to the officer's role as a SRO by the APD SRO Coordinator.

SRO selection and substitution - School officials should be a part of SRO selection processes in conjunction with APD personnel. SRO absence and substitution shall be communicated with the respective school administration.

Role in School Policy Violations – SRO's are not school disciplinarians and violations of school rules that are not criminal matters should always be handled by school staff members, not SRO's.

SRO training requirements - The APD shall provide SRO's such training as is necessary to permit the SRO to effectively advance the school's educational mission in the context of his or her duties as SRO. Training should be considered in, but not limited to, the following areas:

- Mental Health
- De-escalation techniques
- Adverse Childhood Experience's, (ACE's)
- Trauma Informed practices
- Sensitive Crime Investigation techniques
- School Threat Assessment
- Alert, Lockdown, Inform, Counter, Evacuate, (ALICE)

SRO's are expected to attend all training assigned by the APD. It is recognized that some of these will conflict with officer availability at their assigned school(s). These conflicts will be minimized as much as possible. The officer shall notify the appropriate school staff of their absence, and provide a list of SRO's to contact in their absence.

VI. Information Sharing:

School Records – Through this agreement, AASD designates each SRO a "school official" as provided in the Federal Educational Rights and Privacy Act (FERPA) 20 U.S.C. 1232g, and 118.125(2)(d) of the Wisconsin Statutes. The SRO may be provided access to student records maintained by the school district only as needed by the SRO to perform his or her duties as SRO. The SRO may also be granted access to student records in the event of an emergency situation threatening the health or safety of a student or other individual. The SRO may only re-disclose student records consistent with FERPA and Wisconsin pupil records law.

Police Department Records - Records created and maintained by the SRO for the purpose of ensuring the safety and security of persons or property in the school, district, or for the enforcement of local, state, or federal laws or ordinances shall not be considered student records - even when such records may serve the dual purpose of enforcing school rules - and are not subject to the same prohibitions of access or disclosure by the SRO. (This provision does not prohibit school personnel from complying with the notice and reporting requirements of seclusion or restraint of a student by the SRO as specified in 118.305(4) of the Wisconsin Statutes.)

Release of Information - Wisconsin Statute 938.396(1) mandates law enforcement records of juveniles shall be kept separate from the records of adults. Law enforcement agency records of juveniles shall not be open to inspection or their contents disclosed except under certain subsections of this statute or by court order. Subsection (1)(c)(3.) of this statute states:

“...[a] law enforcement agency, on its own initiative or on the request of the school district administrator of a public school district, the administrator of a private school, or the designee of the school district administrator or the private school administrator, may, subject to official agency policy, provide to the school district administrator, private school administrator, or designee, for use as provided in statute 118.127, any information in its records relating to any of the following:

- a. The use, possession, or distribution of alcohol or a controlled substance/analog by a juvenile enrolled in the public school district or private school.
- b. The illegal possession by a juvenile of a dangerous weapon, as defined in stat. 939.22(10).
- c. An act for which a juvenile enrolled in the school district or private school was taken into custody under stat. 938.19 based on a law enforcement officer’s belief that the juvenile was committing or had committed a violation of any state or federal criminal law.
- d. An act for which a juvenile enrolled in the public school district or private school was adjudged delinquent.”

The AASD may disclose information from law enforcement officers' records obtained under Wis. Stat. 938.396 (1) (c) 3. only to persons employed by the school district who are required by the department under Wis. Stat. 115.28 (7) to hold a license, to persons employed by the private school as teachers, and to other school district or private school officials who have been determined by the school board or governing body of the private school to have legitimate educational interests, including safety interests, in that information.

It is the policy of the APD that the SRO’s encourage and support the confidential exchange of information with AASD personnel. Also, in accordance with the above-referenced laws, the exchange shall be verbal and the source of the information will remain confidential. Every SRO will have one primary person with whom verbal information will be exchanged confidentially. No written reports or documentation will be released to school officials except when otherwise necessary and permissible.

The two primary types of information to be exchanged will be (1) issues that pertain to safety; and, (2) information about alcohol or drug use by students.

Information about actual or potential safety issues at the school will be shared with the primary contact person at the school, when he/she is available, and with appropriate staff when necessary. Each school shall use the information for the purpose of monitoring the situation and making necessary school officials aware of actual or potential safety problems.

Alcohol and drug use information shared with the school can be used to assist students with treatment and/or counseling. To this end, the information can be shared with school "student assistance programs" or similar personnel. Pursuant to Wis. Stat 118.127: "A school district may not use law enforcement officers' records obtained under s. 938.396 (1) (c) 3. as the sole basis for expelling or suspending a pupil or as the sole basis for taking any other disciplinary action but may use law enforcement officers' records obtained under s. 938.396 (1) (c) 3. as the sole basis for taking action against a pupil under the school district's athletic code." The information must remain confidential.

School faculty, coaches, or athletic directors should not approach officers for information about students. This is confidential information, only to be shared through the process outlined herein.

VII. Contributions for SRO Services:

Monetary responsibilities for the SRO program can be found in the attachment to this MOU, titled Contribution Agreement: School Resource Officer Program and Crossing Guard Program (hereafter "Contribution Agreement") which was previously adopted by APD and AASD.

VIII. Reviewing the MOU and SRO Program:

Representatives of APD and AASD shall review this MOU annually and adjust as needed. Any agreed upon adjustments or revisions will be reflected in an updated written MOU.

The APD and AASD agree that such review shall commence no later than July 1. The APD and AASD will endeavor to produce a revised MOU in time for the latest regular August meeting of the AASD Board.

IX. Problem Resolution:

Difficulties or questions will be resolved by negotiation between the Superintendent of the Appleton Area School District and the Chief of Police of the Appleton Police Department or their designees.

X. Term of Agreement:

This agreement shall begin on the date of the last signature below. Unless there is an updated MOU agreed upon by the parties as described in section VIII above, the terms of this agreement shall automatically renew for the term of the Contribution Agreement, to wit the 2021-2022 school year, the 2022-2023 school year, and the 2023-2024 school year.

XI. Severability:

In the event that any part of this agreement is found to be illegal or unenforceable, it shall be stricken from the agreement and the agreement interpreted as if that clause did not exist.

IN WITNESS WHEREOF, the undersigned parties by causing this Instrument to be executed, indicate that they are authorized representatives of the parties named herein, have read and understand all the terms and conditions of this agreement, and do bind the parties to comply with the agreement.

APPLETON AREA SCHOOL DISTRICT

Attest: _____
Printed Name: _____

By: _____
Printed Name: _____
Title: _____
Date: _____

CITY OF APPLETON POLICE DEPARTMENT

Attest: _____
Printed Name: _____

By: _____
Printed Name: _____
Title: _____
Date: _____

**Attachment – Contribution Agreement: School Resource Officer Program and Crossing Guard
Program – on following pages**