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***MEMORANDUM OF UNDERSTANDING BETWEEN  
WAKEFIELD SCHOOL DISTRICT  
AND  
THE WAKEFIELD POLICE DEPARTMENT***

It is the intention of the Wakefield Police Department and the Wakefield School District to work in a joint co-operative effort to provide a safe and healthy school environment for the students, staff, and visitors. We intend to do this in compliance with New Hampshire R.S.A. 193-D, Safe School Zones, as amended, and by providing a guide to establish uniform procedures for the reporting of incidents of theft, destruction or violence as required by R.S.A. 193-D:4,1.

Communication and sharing of information is the intention of any cooperative effort. As required by law, it is agreed that every school employee who has witnessed, or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing.

The written report required above shall be waived when there is a law enforcement response at the time of the incident, which results in a written police report.

The following provisions describe each group of acts of theft, destruction or violence set forth in R.S.A. 193-D:1,1 and establish the procedures for reporting them to the Police Department or other appropriate authorities. All written reports shall be upon Department of Education approved form-ED 317.

Acts of theft, destruction, or violence mean acts set forth in the following, regardless of the age of the perpetrator and shall be reported as a required above:

**(a) Homicide under RSA 630.**

The School District shall immediately notify the Police Department upon learning that a person has died upon school property, regardless of the apparent circumstances. In addition The School District shall take steps to assure the location of the body is not disturbed.

**(b) Assault RSA 631:**

Generally, assault is the knowing or reckless causing of bodily injury to another person. It also includes unprivileged physical contact. The precise nature of the act causing the injury and the nature of the injury differentiate the categories of assault. For purposes of this Memorandum, assaults shall be divided into two (2) categories: reportable assaults and non-reportable assaults.

Reportable assaults shall include assaults in which the victim requires medical attention due to injuries caused by the assault, or involved the use of any object as a weapon.

All other assaults need not be reported to the Police Department, but in any event will be handled as School District disciplinary matters. The School District may report otherwise unreportable assaults to the Police Department based upon such factors as the age of the student, the extent of previous consistent behavior by the student, and the nature and extent of the assault.

**(c) Sexual Assaults:**

All acts which constitute sexual assaults and involve a minor student as a victim, also constitute acts of abuse which may be reported to DCYF pursuant to RSA 169-C:29. The School District shall report all such incidents to DCYF pursuant to RSA 169-C and not to the Police Department.

If the victim is over the age of 18 and the sexual assault constitutes an aggravated sexual assault under RSA 632-A:2 or a felonious sexual assault under RSA 632-A:3, the incident shall be reported to the Police Department.

**(d) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.**

Due to the tremendous potential for serious injury or death when firearms are present, any person in possession of a firearm within a Safe School Zones shall be reported. The exception will be recognized Law Enforcement personnel. Some of those reported may not be in violation of the law, but should be reported nevertheless.

**(e) Arson under RSA 634:1**

Any person who knowingly starts any fire or causes any explosion which results in injury, damage to the property of another, or is done with intentional disregard for the safety of others, is included in this section and shall be reported.

**(f) Burglary under RSA 635**

Any person who unlawfully enters a building or separately secured section of a building, with a purpose to commit a crime inside shall be reported.

**(g) Robbery under RSA 636**

Under New Hampshire law, robbery is a theft by force or by threat or force. It is always a felony when committed. The principal shall be immediately notified and a police response shall be requested as soon as possible.

**(h) Illegal sale or possession of a controlled drug under RSA 318-B**

Although going beyond the legal requirement, reports will be made on any substance, other than a food, that affects the way your mind and body work, excepting legally prescribed medications, which should be recorded with the appropriate administrative school personnel.

**(i) Criminal Threatening under RSA 631:4**

That which places anyone in fear of imminent physical contact or bodily injury or threatens to commit a crime against the property of another. This can occur by spoken words or by physical conduct. Recognize that this could be minor, but escalate to an act of felonious violence against students and faculty. When there is a question about whether or not to file a report, law enforcement and school officials can jointly determine the best actions to be taken.

Additionally, an act of theft, destruction or violence may mean the items set forth below when, in the opinion of the reporting individual, it is of serious proportion:

**(a) Simple assault under RSA 631:2-a**

Simple assaults may result in some injuries. Simple assault also includes knowingly having unprivileged physical contact with another person. Recognize that this can be very minor contact and that Principals will consider the District Disciplinary Policy when making a determination about whether or not to file a report when there is any question. Law Enforcement and school officials can then jointly determine the best action to be taken.

**(b) Criminal Mischief (vandalism) under 634:2**

Vandalism is the intentional damaging or destruction of school property or property of another. Vandalism can be considered to have occurred if there is a cost incurred in cleaning or repairing an item. For example, if the walls of the building are marked with spray paint or a marker and require special cleaning or repainting, then the property is considered damaged under the law.

Technically, all criminal mischief that occurs in a Safe School Zone is reportable to police. In practice, some discretion must be used for extremely petty cases. For example, it would not be appropriate to contact the police in the case of a student writing an initial in ink on his or her desk.

In general, any damage in excess of \$50 shall be reported to the police by requesting a police response and investigation, or by filing a written report within 48 hours. The method of reporting will be at the discretion of the principal. However, in any case where a suspect is identified, the police shall be called to handle the case after a preliminary inquiry by school administrators.

**(c) Theft under RSA 637**

(d) Under New Hampshire Law, theft is the unauthorized taking of someone's property "with a purpose to deprive the owner." Theft shall be reported to the principal. Technically, any theft committed on school property is reportable to the police. For practical purposes, however, thefts involving an insignificant value or theft involving extremely young children should be handled by school personnel. As a general rule, thefts will not be reported to the Police Department in the following situations.

- The values of the property is less than \$50 and there is no suspect; or
- The students are in third grade or lower.

The following terms, as defined in RSA 193-D:1 apply to this memorandum:

“**Safe school zone**” means an area inclusive of any school property or school buses.

“**School**” means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire. It shall not include home schools under RSA 193-A.

“**School employee**” means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing or performing continuing contract services for any public or private school, school district, school department, or school administrative unit.

“**School purposes**” means school-sponsored programs, including but not limited to educational or extra-curricular activities.

Nothing contained in this memorandum is intended to limit the events that may be reported to the police department or to limit school employees from requesting police assistance on matters not referred to in this memorandum.

The Wakefield Police Department and the Wakefield School District, agree to provide their employees with training relative to this memorandum of understanding, its purpose and anticipated results. The parties further agree to maintain regular and open communication to evaluate the effect of this memorandum and suggest improvements and adjustments that may be necessary.

WAKEFIELD SCHOOL DISTRICT

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William P. Lander, Superintendent

WAKEFIELD POLICE DEPARTMENT

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Timothy Merrill, Chief of Police

**APPROVED BY THE WAKEFIELD SCHOOL BOARD:** 2, February 2000

**Reaffirmed by Board:** 05, November 2003

**Reference:**

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