



MEMORANDUM

To: NJSBA School Security Task Force

From: Steven McGettigan, Manager, Policy Services

Date: August 22, 2013

Re: Memorandum of Agreement Between Education and Law Enforcement Officials

New Jersey Administrative Code requires boards of education to adopt and implement policies and procedures to ensure cooperation between school staff and law enforcement in all matters relating to the unlawful possession or distribution of unlawful items such as controlled dangerous substances, alcoholic beverages and firearms (N.J.A.C. 6A:16-6.1 et. seq.). These policies and procedures must be developed, implemented and revised, if necessary, in consultation with the county prosecutor and other law enforcement officials as may be designated by the prosecutor.

The policies and procedures must also designate liaisons with law enforcement agencies as well as procedures for conducting arrests; searches and seizures; or undercover operations on school grounds. Further, the code requires adoption of an agreement or memorandum of understanding with appropriate law enforcement authorities.

This memorandum of understanding must be consistent with the policies and procedures established in code, and the format and content established by the Attorney General and the Commissioner of Education. The memorandum defines the reciprocal rights and obligations of students, parents, school staff and law enforcement officials with regard to various unlawful activities. Copies of the agreement must be approved by the district board of education, one of which is submitted to and approved by the county prosecutor and county superintendent of schools.

Finally, code requires the district to establish an annual process for the local chief school administrator and appropriate law enforcement officials to discuss the implementation and need for revising the memorandum, and to review the effectiveness of policies and procedures adopted pursuant to this code. The annual review must include input from the county superintendent, community members and meetings with the county prosecutor and other law enforcement officials. It is important to note that the memorandum may only be revised to include provisions that are in addition to and do not conflict with the policies and procedures established in code, and the format and content established by the Attorney General and the Commissioner of Education.

The format and content established by the Attorney General and Commissioner of Education is reflected in the 54-page document titled, A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials. The Uniform Memorandum is broken up into a number of Articles covering various subjects requiring cooperation of education and law enforcement, as follows:

Article 1. Preamble; Statement of Policy, Findings and Objectives

Article 2. Liaisons; Law Enforcement Units

Article 3. Law Enforcement Operations

Article 4. Obligation to Report Offenses and Preserve Evidence: Controlled Dangerous Substances, Firearms, Planned or Threatened Violence, Child Abuse and Other Offenses

Article 5. School Access to Law Enforcement Information

Article 6. Notice of Arrests

Article 7. Arrest Protocols

Article 8. School Safety and Security

One of the subsections of particular interest to the NJSBA School Security Task Force, it recognizes that recent tragic events in the nation's schools highlight the need for developing and maintaining up-to-date school-based safety and security plans for responding to crisis situations of all kinds, natural and man-made. The section requires discussion and collaboration on school drills and means for critical incident planning (e.g., lockdown, active shooter, evacuations). Parties to the agreement understand that, in the yearly conference (See Article 13), there will be discussion of code-required school safety and security plans.

The memorandum notes that these school safety and security plans, procedures and mechanisms shall be consistent with the provisions of N.J.A.C. 6A:16-5.1, that these plans be annually reviewed, and that the chief school administrator agrees to supply law enforcement officials with current copies of blueprints and maps of all schools and school grounds. Joint training may be conducted regarding these plans. The parties agree to work together to implement the approved recommendations of the Governor's School Security Task Force.

Article 9. School Searches

Article 10. Interrogations and Interviews

Article 11. "Tiplines" and Crime Prevention Programs

Article 12. Law Enforcement Participation in Educational Programs

Article 13. Joint Consultation

Also of interest to the Task Force, this section encourages a spirit of communication and cooperation between education and law enforcement, and participation in ongoing consultation to discuss new developments in state statute, administrative code, and court decisions. The parties also agree to discuss joint training needs to support school safety and security, including in-service programs for school staff. Other community representatives (fire officials, emergency management professionals) are encouraged to participate in school safety and security planning.

This Article also notes that the Attorney General’s Education-Law Enforcement Working Group has developed resource material for a Safe Schools Resource Officer Program, “recognizing that the presence of a police officer can be a deterrent in fighting drug use and sales and other forms of criminal behavior in schools,” as well as providing the “specially trained officers with the opportunity to interact with children in positive and constructive ways.” The parties agree that, during the annual conference to discuss the Agreement, they will “discuss the feasibility and desirability of implementing this form of community policing.”

Article 14. Dispute Resolution Process

Article 15. Maintenance of the Agreement

Article 16. Annual Review and Revisions of Agreement

Addendum 1 – Undercover School Operations

Finally, the parties to the agreement agree to meet not less than once each calendar year to discuss implementation and compliance with the agreement, to discuss matters of mutual concern, and to recommend revisions. It is understood that “every chief of police, school building principal and local chief school administrator shall be invited to attend,” along with other persons or organizations that may contribute to or benefit from the proceedings. Lines are provided for the signatures of the Chief School Administrator; Chief, Police Department or Station Commander; President, District Board of Education; County Superintendent of Schools; and County Prosecutor.