

RESOLUTION NO. 4384

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MILES CITY UNIFIED SCHOOL DISTRICT, FOR PROVISION OF A SCHOOL RESOURCE OFFICER.

WHEREAS, the City Council desires to enter into an agreement with the Miles City Unified School District, to provide for a School Resource Officer (SRO) for the Miles City public schools for a three year period, beginning in FY 20-21 and running through FY 22-23;


AND WHEREAS, it is in the best interest of the children who are enrolled in the school district to have an SRO present in the schools;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The "MEMORANDUM OF UNDERSTANDING BETWEEN THE MILES CITY UNIFIED SCHOOL DISTRICT AND THE CITY OF MILES CITY AND THE MILES CITY POLICE DEPARTMENT" attached hereto as Exhibit "A" and made a part hereof, is hereby approved and adopted by the Council.

2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said MOU on behalf of the City of Miles City and to bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 24TH DAY OF NOVEMBER, 2020.



John Hollowell, Mayor

ATTEST:



Lorrie Pearce, City Clerk

Lorrie Pearce, City Clerk

Exhibit "A"

MEMORANDUM OF UNDERSTANDING BETWEEN THE MILES CITY UNIFIED SCHOOL DISTRICT AND THE CITY OF MILES CITY AND THE MILES CITY POLICE DEPARTMENT

The purpose of this document is to establish a School Resource Officer Program and to set forth guidelines to ensure that law enforcement, school officials, and the community they serve have a shared understanding of the goals of the School Resource Officer Program;

The parties agree that an effective School Resource Officer Program defines the role of the School Resource Officer (SRO); within the context of the educational mission of the school; distinctions between disciplinary misconduct to be handled by school officials, and criminal offenses to be handled by law enforcement; information sharing; School Resource Officer training requirements; program assessment; and program structure;

The School Resource Officer's receive the necessary support and training to ensure a safe school environment while respecting the rights of students and improving the overall school climate;

The signatories agree to the following:

Role of the School Resource Officer within the educational mission of the Miles City Unified School District

1. The mission of the School Resource Officer program is to improve school safety and the educational climate at the schools within the Miles City Unified School District.
2. The SRO is a law enforcement officer and not a school official.
3. School Resource Officers are responsible for dealing with criminal law issues, not to enforce school discipline or punish students.
4. The SRO and Miles City Unified School District agree it is important to create a school environment in which conflicts are de-escalated and students are provided developmentally appropriate and fair consequences for misbehavior that address the root causes of their misbehavior, while minimizing loss of instruction time.
5. The SRO shall meet with school administrators, teachers, parents and student representatives at least annually to discuss issues of school safety.
6. The SRO shall be integrated into the school community through participation in faculty and student meeting and assemblies as appropriate.
7. The SRO shall maintain activity reports and submit summaries of these reports to school administrators, district level school administrators, and the Miles City Police Chief. These summaries shall include, for each SRO, the numbers and descriptions of all incidents or call for service; names of school officials involved (referring teachers, principals, etc.); student searches, student questioning, tickets, citations, or summons, filing of delinquency petitions; referrals to a probation officer; actual arrests, and other referrals to the juvenile justice system. The data collected will be evaluated by the SRO and school officials at least semi-annually to assist in identifying problems within the school district.
8. School administrators shall have final authority in the building.

9. Unless assistance from an SRO is requested by a school official, incidents involving public order offenses including: disturbance/disruption of schools or public assembly; loitering; profanity; and fighting that does not involve physical injury or a weapon, shall be considered school discipline issues to be handled by school officials, rather than criminal law issues warranting formal law enforcement intervention (e.g., issuance of criminal citation, ticket, or filing of delinquency petition).
10. Students shall not be taken into custody at school, except where a child poses a real and immediate threat to other students, teachers, or public safety or pursuant to a warrant.
 - a. School principals shall be consulted prior to a student being taken into custody.
 - b. The student's parent or guardian shall be notified prior to a student being taken into custody.
11. The SRO shall inform the Miles City Unified School District of the Miles City Police Department policy that address under what circumstances a student will be advised of constitutional rights prior to being questioned or interrogated by the SRO or other employee of the Miles City Police Department.
12. The Miles City Police Department shall keep records of each student referral by an SRO for prosecution in response to an incident occurring at school, on school grounds, or at a school sponsored event and ensure that such records allow for analysis of related data and delineate: (a) the reason for such referral; and (b) Federally identified demographic characteristics of such student.
13. The SRO will maintain a high level of confidentiality of all matters regarding the Miles City Unified School District, staff, and student information.
14. The Miles City Unified School District will provide the SRO with a secure office to work to conduct interviews with students, parents and teachers along with being able to maintain confidential records in the secure office space.
15. The SRO will honor all School District policies.

Information Sharing

1. The District may disclose information from confidential student education records in emergency situations. with a school or District administrator present, upon the certification of the SRO that the information will not be disclosed to any other party except as provided under state and federal law without appropriate prior consent. Where information in a student's cumulative record is needed in an emergency to protect the health or safety of the student or other individuals, school officials disclose to the SRO that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety; the need of the information to meet the emergency situation and the extent to which time is of the essence. Emergency situations will be limited to situations in which there is an immediate and direct threat to a person's health or safety, as determined by the school District.
2. 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.

School Resource Officer Training Requirements

1. The Miles City Police Department is responsible for the officer who is selected to be assigned to the Miles City Unified School District as the SRO. The SRO shall receive the necessary training that is required to permit the SRO to effectively advance the school's educational mission in the context of his or her duties as the SRO. Training shall be provided in the following areas:
 - a. The SRO shall attend a National Association of School Resource Officers (NASRO) basic training. This training must be completed no later than nine months after the SRO is placed into the schools. The 40-hour SRO instruction will emphasize three main areas which include functioning as a police officer in the school setting, working as a resource and problem solver and developing teaching skills.
 - b. Other training topics may include: school values and missions; child and adolescent development; cultural competency; positive behavioral supports, strategies, and interventions; federal and state anti-discrimination and special education laws; trauma informed practices; de-escalation techniques; compulsory attendance; suicide prevention; and school mental health.

School Resource Officer Responsibilities

1. During the school year, the SRO shall maintain a five-day work week following the school system hours of business so that the SRO is available when needed. The workweek of the SRO shall not be the same as the regular patrol officer's workweek with the Miles City Police Department.
2. The regular hours shall consist of the SRO beginning his or her shift at 7:30 am and completing the shift at 3:30 pm, Monday through Friday. If additional time is needed to finish out the necessary tasks including speaking to parents, students or administration, then that additional time can be flexed out at the end of the school week.
3. The SRO shall attend any required after school activities as needed or required by the school administration such as sporting events or student gatherings (formal, prom). These activities shall be attended outside the normal work week. The activities that the SRO will complete at the request of school officials for the Miles City Unified School District may include the following:
 - a. Handling requests for calls for service in and around the schools including schools outside the city limits;
 - b. Conducting safety and security assessments with the various schools;
 - c. Developing safety plans or strategies;
 - d. Responding to unauthorized persons on school property;
 - e. Building relationships with counselors and juvenile probation officers to help connect youth with needed services;
 - f. Developing and expanding crime prevention efforts for students;

- g. Serving as liaisons between the school and other police agencies, juvenile officers and counselors;
- h. Working with school officials in developing an emergency management and incident response system

Community Partnerships

The Miles City Unified School District, the City of Miles City, and the Miles City Police Department shall continue to collaborate with community and governmental agencies to further goals, support strategies to divert students from the criminal justice system, and access additional support services for students.

Supervision and Chain of Command

The Miles City Chief of Police shall have direct supervision of the SRO, and the SRO will submit to the Chief of Police all information needed to maintain data and statistics in order to continually evaluate the effectiveness of the SRO in the school district. While working in the schools, the SRO will maintain consistent contact with the principals and superintendent in order to work together for the goals of improving school safety and the educational climate in the school district.

Program Assessment

The School Resource Officer Program will be assessed annually, and the evaluation will be conducted jointly between the Miles City Police Department and the Miles City Unified School District. The following areas will be used to evaluate the program:

- a. Success of established goals and objectives.
- b. Police-citizen contacts (citations, arrests, community and school outreach activities, etc.).
- c. Community feedback
- d. Accomplishment of tasks agreed upon as part of any work plan written in conjunction with the principal(s).

Liability and Indemnification

Nothing in the performance of this MOU shall impose any liability for claims made against the parties, and the parties agree to indemnify the other for claims which are not the result fraud, willful injury to a person or property, or willful or negligent violation of a law by the offending party, related to this MOU.

Funding for the School Resource Officer Program

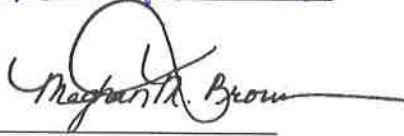
The Miles City Unified School District agrees to contribute \$4,674 for the 2020/2021 school year to the City of Miles City. The Miles City Unified School District also agrees to contribute an amount not less than \$4,674 for the next two school years, 2021/2022 and 2022/2023, and agrees to negotiate with the City in good faith as to sharing in any annual increase in costs for providing said SRO.

Duration

This memorandum of understanding shall become effective immediately upon execution by signature and remain effective until the last day of the school year in Fiscal Year 2022/2023, whereupon it must be reviewed annually by all signatories or their successors before being renewed.

A signatory may terminate this memorandum of understanding by serving written notice to all other signatories at least thirty (30) days in advance of such termination. A termination by a signatory shall eliminate the presence of School Resource Officers at the Miles City Unified School District.

Signed on the 16 of November, 2020.

Handwritten signature in blue ink, appearing to read "Margaret A. Brown".

Superintendent

Handwritten signature in blue ink, appearing to read "Doree Johnson".

Representative of Law Enforcement Agency