

# The Commonwealth of Massachusetts

## Office of the District Attorney for the Norfolk District

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### *Memorandum of Understanding*

#### Preamble

This Memorandum of Understanding ("MOU") is established between the Holbrook Public Schools ("HPS"), Holbrook Police Department ("HPD"), and the Norfolk County District Attorney's Office ("NCDAO") regarding the establishment of a protocol for the reporting and coordination of response to incidents of violence or other illegal activity within HPS facilities or at any school related activities. The MOU is intended to foster and ensure an environment in which students, teachers, parents, and administrators may participate in the educational process without fear of violence or other illegal activity. Toward that end, there shall be a "zero tolerance" policy regarding serious acts of violence, weapons, and drug distribution within HPS. A zero tolerance policy means that such incidents will not be tolerated in the public schools of Holbrook and will be referred for evaluation and/or prosecution in an expedited fashion. In addition, this MOU will set forth a procedure for the discretionary reporting of activities and conduct of particular concern or interest to the HPS. Finally, this MOU will establish a protocol to foster and facilitate regular communication and cooperation between the parties in areas of mutual concern.

This MOU is an internal document between the parties and does not confer any rights, privileges or obligations nor is it enforceable as against the parties hereto in any court, administrative hearing, or other forum. Any written or oral communication between the parties of the MOU will be protected by all laws relating to privacy and confidentiality. This MOU is in addition to, and does not supplant, policies of the HPS with regard to disciplinary procedures and codes of student conduct which are now or may be formulated and published in any student handbook.

The parties hereby agree that in order to provide a "safe educational zone" for the HPS the following policies will be established:

I. Official Response to Reports of Serious Acts of Violence, Weapons or Drug Distribution

1. The HPS, through its principal or his/her designee, shall continue to promptly notify the HPD liaison of any information regarding any "serious act of violence". A serious act of violence shall include, but not be limited to, any actual or threatened assault involving at least one student against another student, teacher, administrator or employee, occurring in a school facility or in connection with a school function, which results in bodily injury and/or involves the possession or use of a weapon.

The HPS, through its principal or his/her designee, shall continue to promptly notify the HPD liaison of any instance where a "weapon" is possessed by or taken from a student in a school facility or in connection with a school function. A weapon includes any item as defined in

Massachusetts General Laws chapter 269, section 10, and any other object that HPS, in its discretion, feels warrants further attention by HPD.

The HPS, through its principal or his/her designee, shall continue to promptly notify the HPD liaison of any information regarding the distribution of drugs within a school facility or in connection with a school function.

2. The HPD shall assign an officer to serve as liaison with the HPS. The HPD shall continue to make the liaison officer available to HPS during school hours. The liaison officer shall receive reports from the HPS principal or his/her designee regarding serious acts of violence, the possession or use of weapons, or the distribution of drugs in HPS facilities or in connection with school functions. The HPD liaison shall investigate such cases and, where appropriate, refer such cases to the NCDAO for prosecution. The HPD shall promptly notify the NCDAO of any reports of weapons, distribution of drugs, or serious acts of violence.

3. The NCDAO shall coordinate any case involving a child over the age of eleven which involve serious acts of violence, weapons, or drug distribution with the HPD liaison and the HPS. Such cases will be evaluated by the NCDAO and prioritized for prosecution where appropriate. **The NCDAO shall make every effort to consult with the HPS principal or his/her designee and HPD liaison regarding appropriate conditions of pretrial recognizance during the pendency of the juvenile or criminal case.** The NCDAO shall make every effort to consult with the HPD and HPS regarding the disposition recommendation of such cases. In any case involving serious acts of violence, weapons, or the distribution of drugs, it shall be the

policy of the NCDAO not to recommend a dismissal or pre-trial probation on any such case, except for extraordinary circumstances and only after consultation with liaisons of both the HPS and HPD.

The NCDAO shall report any felony delinquency complaint or adjudication to the appropriate HPS principal.

## II. Discretionary Reporting of Any Illegal Activity

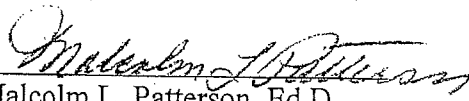
1. Excluding the mandated reporting in paragraph one of the MOU, the HPS principal or his/her designee may report any illegal conduct by any student on school property or at any school related activity to the HPD liaison. Such discretionary conduct may include unlawful trespassing, possession of drugs and/or alcohol, tagging, or any other illegal activity. Under the discretionary reporting procedures, students may be subject to delinquency prosecution in the normal course, but in addition may be eligible to be diverted from prosecution in appropriate circumstances.


## III. Roundtable Meetings


1. The HPS, HPD and NCDAO shall establish regularly scheduled meetings to discuss, monitor and track events occurring within the HPS facilities or in connection with school functions, as well as targeted offenders. The parties, hereto, may make recommendations for treatment or service programs for such students or targeted offenders.

2. Such roundtable meetings shall occur monthly, unless by a suggestion of the parties, it is necessary or appropriate to meet more frequently. The parties may also invite other officials (e.g., DYS, Probation) to participate as appropriate.

3. To the extent permitted by law, the parties shall share information regarding designated students or targeted offenders. The parties agree that any information acquired during roundtable meetings shall be confidential and subject to privacy restrictions established by law.

  
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