

**LETTER OF UNDERSTANDING**

*Between*

**School Administrative Unit # 9 & Town of Conway Police Department**

*In accordance with RSA 193-D, Safe School Zones, the above parties agree that the following crimes shall be reported to the Conway Police Department*

- ◆ Thefts from persons when force or intimidation is used
- ◆ Theft in excess of \$50.00 in property value
- ◆ Assaults with injury
- ◆ Assaults when a weapon was used
- ◆ Assaults with repeat offenders
- ◆ Assault based on race, color, religion, etc., known as Hate Crimes
- ◆ Destruction of property with a dollar value in excess of \$50.00
- ◆ When thefts, assaults or destruction of property have multiple victims or multiple perpetrators
- ◆ Any drug/alcohol violations

Nothing in this memorandum precludes anyone from reporting any crimes to the Conway Police Department.

Any reference in this document to the Principal shall also include the principal designees.

Any reference to School Resource Officer shall also include any other police representative.

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Dr. Carl Nelson  
Superintendent of Schools

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Sean Billert  
Chief of Police

CONWAY SCHOOL SYSTEM  
**RESPONSE PLAN FOR CRIMINAL INCIDENTS**

**POSSESSION-USE-SALE OF TOBACCO PRODUCTS**

Possession and distribution of tobacco products is a violation of RSA 126-K:6 and includes cigarettes, chewing tobacco, cigars, pipe tobacco, snuff and similar products by persons under the age of 18.

*Response Guidelines* – Any student observed possessing, using, or selling any of the above-described items is to be immediately brought to the school principal. The principal shall notify the School Resource Officer promptly. The School Resource Office shall have discretion to issue the student a warning for the first offense and shall issue a court summons for any other offenses. NOTE: action taken by the School Resource Officer shall be separate from the school's disciplinary actions.

**POSSESSION-USE SALE (INCLUDING PARAPHERNALIA)**

This includes all illegal and controlled substances such as marijuana, cocaine, opiates, and related substances. Drug paraphernalia is any instrument used in the packaging, processing, weighing, or ingesting of any controlled substance. This includes such things as syringes, smoking pipes, and scales.

*Response Guidelines* – Any student observed possessing, using or selling any of the above-described substances is to be immediately brought to the principal. Any substance observed will be immediately seized and put into a clean envelope and immediately turned over to the police. The principal will promptly call the police in every instance where drugs or paraphernalia are discovered. NOTE: No school employee has the lawful authority to destroy any seized substance. Even the police will eventually need to obtain a court order to destroy the drugs.

**ODOR OF MARIJUANA**

This would include a situation where a school employee detects an obvious odor of marijuana from the clothing or person of a specific individual student.

*Response Guidelines* - In this instance, the student is to be immediately segregated and monitored while being brought to the attention of the principal. The principal will question the student. The police will be called. An attempt will be made to contact the parent/guardian. All applicable Federal and State laws will be followed.

## STUDENT APPEARS TO BE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL

*Response Guidelines* - The student will be brought to the attention of the principal. The principal will question the student and direct that medical attention be sought as appropriate. Parents/guardian will be called if there is any suspicion of drug or alcohol use. The police will be called.

## ROBBERY

Under New Hampshire law, robbery is a theft by force or by threat of force. It is a serious crime and is always a felony when committed.

*Response Guidelines* - The principal will be immediately notified and a police response will be requested as soon as possible.

## THEFT

Under New Hampshire law, theft is the unauthorized taking of someone's property "*with a purpose to deprive the owner.*"

*Response Guidelines* - Theft shall be reported to the principal. Technically, any theft committed on school property is reportable to the police. For practical purposes, however, school personnel should handle thefts involving an insignificant value or thefts involving extremely young children. As a general rule, thefts will not be reported to the Police Department In the following situations.

- ◆ The value of the property is less than \$50.00 if there is NO SUSPECT
- ◆ The students are in third grade or lower
- ◆ Parents/guardian will be notified

## BURGLARY

Burglary is the unlawful entry of a business or home to commit any crime. Most burglaries involving the School Department result from the entry of a school building for the purpose of committing theft or vandalism.

*Response Guidelines* - Burglary will be reported to the Police Department immediately after being discovered. School personnel should take care not to clean or disturb the scene of the crime prior to the arrival of police.

## VANDALISM

Vandalism is the intentional damaging or destruction of school property or the property of another. Vandalism has 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.

*Response Guidelines* - Technically, all criminal mischief that occurs in a safe school zone is reportable to the 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 on his or her desk in ink.

In general, any damage in excess of \$50.00 will 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, school administrators will call the police to handle the case after a preliminary inquiry. Parents/guardian will be notified.

## ARSON

A person has committed Arson if he/she intentionally starts a fire or causes an explosion, which damages someone's property.

*Response Guidelines* - Any employee discovering a fire will immediately take steps to protect life and property and contact the Fire Department as appropriate. In cases where arson is a possibility, a school administrator will notify the Police Department if the police are not already involved.

## FALSE FIRE ALARM

This would include such things as a student pulling an alarm station or otherwise causing a false report.

*Response Guidelines* - The principal will contact the Police and Fire Department if they have not already arrived to conduct an investigation.

## FIREARMS-DANGEROUS WEAPONS

Under the law, a firearm is a weapon capable of discharging a projectile as a result of an explosion. A BB gun is not a firearm. A dangerous weapon would be considered any blackjack, stiletto, switch knife (spring-loaded blade), dagger (blade sharpened on both sides), slingshot, metallic knuckles, or dirk knife.

Response Guidelines – Any student possessing any of the above items will be brought to the principal and the weapon will be seized. The principal will request a police response in every situation. Possession of any of the above weapons is a misdemeanor under New Hampshire law without the proper authorization or permit. Parents/guardian will be notified.

#### BB GUNS-AIR GUN-REPRESENTATION OF A FIREARM- NON FUNCTIONING FIREARM

Under New Hampshire law, a BB gun cannot be possessed by a person under the age of 18 except in his own home or under parental supervision.

Response Guidelines – The student will be brought to the attention of the principal and the item described above will be seized. The school administrator will call the police at his or her discretion. Parents/guardian will be notified.

#### USE OR POSSESSION OF FIREWORKS

Response Guidelines – Absent any injury or extenuating circumstance, administrative action should be conducted at the discretion of the school administration and no police response need be requested. Parents/guardian will be notified.

#### SEXUAL ASSAULT or PHYSICAL ABUSE

New Hampshire law requires every person to report any suspicion of physical abuse, sexual abuse, or neglect, of any child, to the *New Hampshire Division of Children, Youth and Families (DCYF)*. NH RSA 169-C:29

The minimum “mandated reporting requirement” is a telephonic report to the *NH DCYF Child Protective Intake Office* at 1-800-894-5533, during normal business hours, or 1-800-852-3388, at other times.

That report shall contain, if known:

- ◆ The name and address of the child.
- ◆ The name and address of the person responsible for the child’s welfare.
- ◆ The specific information that is indicative of the abuse or neglect, including evidence of any previous injury.
- ◆ The identity of the person(s) suspected of being responsible for the abuse or neglect.
- ◆ Any other information that could help establish the abuse or neglect.

NH RSA 169-C:31

Anyone making such a report, in good faith, is immune from any liability, civil or criminal.  
NH RSA 169-C:31

Response Guidelines – Suspected incidents involving the sexual abuse, physical abuse, or neglect, of any child, will be immediately reported to NH DCYF intake and the school administration. The administrator will ensure that both the “mandated reporting requirement” (outlined above) and the School Department policy for handling these reports are followed.

### MISDEMEANOR ASSAULT

Misdemeanor assaults (no serious injury) committed by high school or junior high school students will be reported to the administration. The administrator will conduct an initial inquiry and contact the police in cases where the assault involved one or more of the following:

- ◆ The assault was very aggressive or violent in nature (*as in driving someone into lockers or slamming the victim to the floor*)
- ◆ Repeated punches or kicks
- ◆ Offender with a past record of violence or aggressive behavior
- ◆ Parents/guardian will be notified.

Misdemeanor assaults committed at the elementary level will be reported at the discretion of the school administrator. The administrator will take into account such factors as the age of the students, past problems, and the level of aggressiveness involved in the incident. Parents/guardian will be notified.

### FIGHT BY MUTUAL CONSENT

A fight that is undertaken by the mutual consent of both parties involved is a violation of the assault statutes in New Hampshire.

Response Guidelines – School employees shall notify the administration of any fight that occurs between two or more students, two or more school employees, or a combination of school employees and students. The school administration will request a police response in any case where a participant in the fight received injury or was transported to the hospital. Parents/guardian will be notified.

NOTE: If a student is attacked and acts to protect him/herself, then the person provoking the incident may still be guilty of an assault (*although the incident may appear to be a “fight”*).

Source: *New Hampshire Revised Statutes Annotated, Conway Police Department Policies*