

RESOLUTION NO. 3552

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CONTRACT WITH LIVINGSTON SCHOOL DISTRICTS NOS. 1 AND 4 FOR SCHOOL RESOURCE OFFICER.

WHEREAS, the City of Livingston (City) and Livingston School Districts Nos. 1 and 4 (School District) have previously entered into a contractual arrangements to provide a School Resource Officer (SRO); and

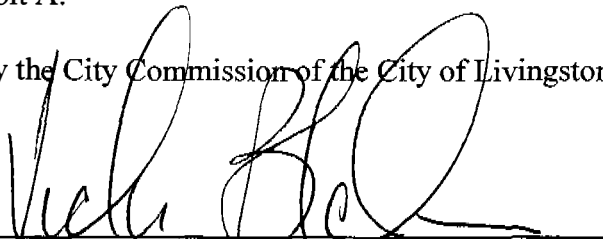
WHEREAS, the City and School District believe that the SRO program should continue; and

WHEREAS, the Agreement attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein sets forth the terms and conditions for the SRO program for School Year 2004-2005.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:


That the SRO Agreement is hereby approved and the City Manager is hereby authorized to enter into the Agreement with Livingston School Districts Nos. 1 and 4 for School Year 2004-2005 which is attached hereto as Exhibit A.

20th **PASSED AND ADOPTED** by the City Commission of the City of Livingston, this day of September, 2004.




VICKI BLAKEMAN - Chairman

ATTEST:



PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
City Attorney

AGREEMENT

AGREEMENT made this 20th day of September, 2004, by and between the City of Livingston, Montana, a municipal corporation and political subdivision of the State of Montana, with its principal offices located at 414 East Callender Street, Livingston, Montana, 59047, hereinafter referred to as the City and Livingston School Districts No. 1 and No. 4, political subdivisions of the State of Montana, with principal offices located at 132 South B Street, Livingston, Montana, 59047, hereinafter referred to as School District.

Recitals.

WHEREAS, both the City and School District believe that it is in the best interest of the Community to continue to have a School Resource Officer (SRO) on staff on the campuses of the Livingston School District.

NOW, THEREFORE, in consideration of the foregoing recital and the terms and conditions contained herein, the parties agree as follows:

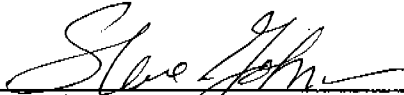
- 1. Purpose:** The purpose of this agreement is to provide a police officer to serve as the School Resource Officer to perform the duties set forth herein during all days that school is in session.
- 2. Duration of Agreement:** This agreement shall be for School Year 2004-2005, commencing on August 25, 2004, and terminating on the last day of the aforementioned school year.
- 3. Duties of SRO:** The primary duty of the SRO will be to work with the school administration to maintain a peaceful and safe campus environment. The SRO's time will be divided between the campuses of Park High School and Sleeping Giant Middle School and at such additional areas as the parties may agree from time to time; however, it is expected that the SRO will serve primarily on the Park High School campus. The SRO program will be guided by the Livingston Police Department School Resource Officer Program, Policy and Procedures, which is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.
- 4. School District's Responsibility.** The School District shall provide office space for the SRO. The school administration shall cooperate with the SRO in implementing the SRO program set forth in Exhibit A.
- 5. City's responsibilities.** The City shall provide a police officer and the necessary equipment routinely used by a police officer.
- 6. Funding.** The School District shall pay the salary of the police officer during the months that school is in session in the amount of \$32,775.00 which sums shall be paid to the City of Livingston which will in turn pay the officer's salary on scheduled pay days for City

employees. Quarterly payments in the amount of \$8,193.75 shall be made by the end of each quarter during the 2004-2005 fiscal year, i.e. September, December, March, and June.

7. **Termination of Agreement.** The parties may terminate this agreement without cause upon 30 days written notice to the other party.

City of Livingston

Livingston School Districts No. 1 and No. 4

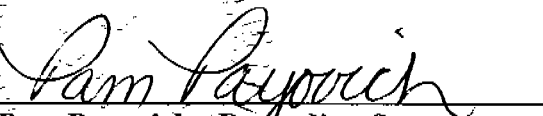


Steve Golnar - City Manager



Andrew H. Anderson - Interim Superintendent

Attest:



Pam Payovich - Recording Secretary

Approved as to Form:



**Bruce E. Becker
City Attorney**

LIVINGSTON POLICE DEPARTMENT SCHOOL RESOURCE OFFICER PROGRAM

Policy and Procedures

Introduction – Assigning police officers to schools is not a new strategy and is increasingly being used as law enforcement agencies and school districts coordinate their efforts to address juvenile crime and violence. The Livingston Police Department and the Livingston School District believe that assigning a school resource officer (SRO) to a school will enhance safety and security for students, and increase students' knowledge of and respect for the law. The SRO program is intended to be proactive in nature, with an emphasis on preventing problems before they arise.

I. Purpose

- A. The purpose of this policy is to establish clear operating guidelines for the School Resource Officer (SRO) program, as accepted and approved by the City of Livingston, Chief of Police, Livingston School District and the applicable school administrators.

II. Goals and Objectives

- A. To foster educational programs and activities that will increase students' knowledge of and respect for the law and the function of law enforcement agencies.
- B. To act swiftly, in cooperation with school administrators, in response to major disruptions and flagrant criminal offenses on or near school property, such as; disorderly conduct by unwanted visitors, disruptive students, the possession and use of weapons on school property, the sale and/or distribution of illegal substances, riots, fights, and threats.
- C. To report serious crimes that occur on school property and to cooperate with law enforcement officials in their investigation of crimes that occur at school.
- D. To encourage SRO's to provide traffic control and enforcement on school property, or in the vicinity of schools, when deemed necessary for the safety and protection of students and the general public when a regular patrol officer is not available.
- E. To build a positive relationship with students, faculty and parents.

- F. To encourage SRO's to attend extra curricular activities at school, whenever possible, such as athletic events, concerts, etc.

III. Appointment

- A. The selection process for SRO's will be determined by the Chief of Police, in cooperation with school administrators.
- B. The following basic qualifications shall be considered to become a SRO
 1. Shall possess current Montana POST basic certification, or equivalent and eligible for Montana POST basic certification, and should have at least two years law enforcement experience.
 2. Shall possess even temperament and set a good example for students.
 3. Shall possess sufficient communications skills that would enable the officer to function effectively within the school environment.
 4. Shall possess a sufficient knowledge of applicable local, state and federal laws.
- C. Officers assigned as SRO's serve at the direction of the Chief of Police and can be reassigned at any time.
- D. Once selected, an officer must attend an approved School Resource Officer training course prior to being assigned to a school. Prior to receiving formal training, officers selected as SRO's may accompany a trained SRO already assigned to a school for the purpose of learning and becoming accustomed to the environment.

IV. Program Administration

- A. The SRO program will be administered by the Livingston Police Department.
- B. School resource officers are employees of the City of Livingston, and subject to the same rules and regulations, operating procedures, policies, benefits, and all other conditions of employment as are other police department employees, unless provided for otherwise in this policy. The Chief of Police must approve exception.
- C. A Captain will be assigned supervision for the SRO program. The assigned Captain will oversee the program operations, and will assist the Chief of Police with the following tasks:

1. Provide leadership in the development and implementation of the program
2. Represent the SRO program publicly
3. Spend time with community, law enforcement and school officials to plan program activities and to coordinate promotional activities to generate community support for the SRO program.
4. Coordinate program evaluations with participating schools.

V. SRO Duties and Responsibilities

- A. Meet all requirements of a law enforcement officer
- B. Become certified as a school resource officer
- C. Attend in-service school resource officer training, or pursue other relevant training.
- D. Interact with students on a positive basis, including, spending time with students during lunch, between classes, and participating in school activities such as assemblies, etc.
- E. Develop and maintain a professional relationship with school administrators and faculty, including attending faculty meetings, conferences and other functions when requested.
- F. If requested to do so, prepare for and give presentations at faculty in-service meetings, parent-teacher meetings, school board meetings, and community organization meetings.
- G. In cooperation with, and approved by, school faculty and administration, shall answer questions and conduct classroom presentations for students relevant to law enforcement, criminal law, or any other applicable education field. If requested, the SRO shall assist teachers in preparing for, or instructing, lessons related to criminal law or law enforcement.
- H. Project a professional image and have personal habits that are consistent with the role of a SRO.
- I. Enforce parking and traffic laws in school areas, and assist with traffic problems on school property as needed.

- J. Enforce criminal laws on school property, or surrounding areas, and investigate crimes committed on school property.
- K. Assist law enforcement officers with criminal investigations involving students.
- L. If requested, assist school officials with disciplinary matters, investigations, or other relevant issues.
- M. Act as a liaison between law enforcement and the schools.
- N. Maintain knowledge of applicable school policies and student handbooks.
- O. Adhere to applicable school rules and regulations.
- P. At the request of school officials, follow up on excessive truancy cases.

VI. Investigation, Interrogation, Search and Arrest

- A. School resource officers are law enforcement officers, and will act within the scope of their official duties at all times. They will comply with Livingston Police Department rules and regulations, standard operating procedures, policies, and directives. They will adhere to applicable state laws, and follow acceptable law enforcement practices relevant to the SRO position.
- B. SRO's shall investigate crimes committed on school property. Whenever practical, the SRO will apprise the school principal or vice principal of the circumstances prior to initiating the investigation, and a determination will be made jointly as to what course of action should be taken. All investigations will be conducted in cooperation with school administrators. The Captain in charge of the SRO program or the Chief of Police shall be notified prior to initiating investigations of serious crimes or investigations that are likely to extend beyond the capability of the SRO to effectively or safely manage.
- C. Interview/Interrogation of Students.
 - 1. Generally, students should not be interviewed or interrogated at school for offenses that occurred off school property, or that do not relate to school functions. Exceptions must be approved by the school principal. In all cases, the school principal or vice principal will be notified of the intent to interview or interrogate students. The principal and the SRO will mutually agree on an appropriate time and place to conduct the interview. The principal will be given the option of being present. Interviews and interrogations will be conducted in accordance with the law, police department policy and school policy.

2. Prior to interrogating any student who may be charged with a criminal offense, they must be advised of their constitutional rights per *Miranda vs. Arizona*. Students under the age of 16 will not be interrogated under any circumstances without notifying a parent or guardian. The parent, guardian, or their designated attorney will be allowed to be present during the interview if they so choose. Prior to interrogating students over the age of 16, a reasonable attempt will be made to contact a parent or guardian. They will be allowed to be present during the interview if they so choose. If parents wish to be present during an interview, a time will be mutually agreed upon that will accommodate their schedule.

D. Misdemeanor Offenses

1. The commission of all misdemeanor offenses should be brought to the attention of the school principal or vice principal as soon as practical. The SRO and principal(s) shall review the circumstances and nature of the crime and determine the appropriate course of action to take. Once a student has been identified as having committed a misdemeanor crime, the following options may be considered.
 - a) verbal warning/counseling
 - b) disciplined by school officials
 - c) referred to the juvenile probation officer, or cited into city court (whichever is applicable), if the student is under 18 years of age.
 - d) issue a notice to appear in city court or forward a request for prosecution to the city attorney's office if the student is 18 years of age or older.
 - e) taken into custody by the SRO and removed from school property

It is preferred that students who commit minor offenses be disciplined by school officials in accordance with school policy.

E. Felony Offenses

1. The commission of all felony offenses on school property should be brought to the attention of the school principal or vice principal as soon as possible. The Chief of Police or Captain in charge of the SRO program shall be notified as soon as practical. An investigation will be conducted on all felony cases. If a student is identified as having committed a felony offense, or there is probable cause to believe they committed a felony offense, they will be issued a youth offense report and referred to the juvenile probation officer. If, due to the circumstances, there is a question of whether or not to issue a youth offense report, the county attorney shall be notified and he/she will determine whether or not to issue a youth offense report. If the student is 18 years of age or older, a request for

prosecution shall be forwarded to the county attorney's office unless the circumstances require an immediate arrest.

If a student, or anyone else, commits a violent felony or otherwise poses an immediate threat to the safety of other students, school staff, school property or the general public, the SRO shall take appropriate action to alleviate the threat. It is preferred that students, or others, who commit a serious felony on, or in the vicinity of, school property be arrested in a timely manner, removed from school property and subsequently charged accordingly. In these circumstances, the SRO has the authority to take appropriate legal action prior to notifying school officials.

F. Arrest

1. Students should be arrested and removed from school grounds only if the existing circumstances require immediate arrest and/or removal, and with consent of the school principal or vice principal whenever practical. If possible, custodial arrests should be conducted in a "low-key" manner, causing the least amount of disruption and attention as possible. The SRO has the authority to detain any student if they observe the student committing a criminal offense, or violating a school rule that would normally allow a school official to detain the student. Although the SRO may, upon request from school officials, detain or assist in the detention of a student for violating school rules, they will not "arrest" the student. The student will immediately be turned over to the custody of school officials, who will handle the matter in accordance with school policy. In these situations, the role of the SRO is merely to provide assistance and keep the peace.
2. Procedures for the arrest of a juvenile (under the age of 18)
 - a) For minor offenses, or when the student poses no threat to the safety of others, it is preferred that a youth offense report be issued unless it has been agreed upon that discipline will be administered by school officials. A written warning may be issued if deemed appropriate, however it should be documented on a youth offense report form. Unless already detained by the SRO, school officials will contact the offending student at a time and place of school officials' choice. The student will be brought to a private location, apart from other students. If a student is issued a youth offense referral, their parents shall be notified as soon as possible if they have not already been notified. In the event the parents cannot be notified, the juvenile probation officer will be contacted and advised of the situation. Recommendations of the juvenile probation officer will be followed.

- b) If it is determined that a student should be taken into custody and removed from school property, the SRO will transport them to the police department in accordance with department policy. A parent or guardian will be notified and the juvenile will be released to their custody. If it is determined the juvenile poses a risk to the safety of the others, or for some reason should not be released from custody, the juvenile and/or county attorney will be notified and will determine an alternative placement.
- c) Per department policy and state law, students arrested for alcohol and tobacco violations, and traffic offenses, are subject to being issued notices to appear in city court. Citations issued for these offenses that occur on school property will be at the discretion of the SRO and the appropriate school administrators. Parents will be contacted as soon as possible and advised of the situation.

3. Arrest of students 18 years of age or older

- a) For minor offenses, or when the student poses no threat to the safety of others, it is preferred that a request for prosecution be forwarded to the appropriate prosecuting attorney unless it has been agreed upon that discipline will be administered by school officials. An arrest warrant or criminal summons may then be issued and served at a later time.
- b) Unless already detained by the SRO, school officials will contact the offending student at a time and place of the school officials' choice. The student will be brought to a private location, apart from other students. The student will be arrested in accordance with state law and department policy, and transported to the Park County detention center per department policy. If a student is arrested on school property, a reasonable attempt shall be made to notify a parent or guardian as soon thereafter as practical.

G. Search and Seizure

- 1. When requested by school officials, the SRO may assist school personnel in searching the property or possessions of a student when done in compliance with school policy. In these situations, the SRO is merely assisting school officials in order to protect the safety of all persons involved. Items seized will remain in the custody of school officials. Contraband or weapons that are recovered will be turned over to the SRO for eventual destruction or disposal. The school, in accordance with school policy, will administer discipline resulting from evidence recovered during a search made by school officials. Criminal prosecution will not be considered, except in cases of serious felony offenses, and mutually agreed upon by the SRO, school officials and the city or county attorney.

If evidence is recovered that warrants a criminal investigation, or criminal charges may arise, the city or county attorney will be notified as soon as practical. He/she will determine the legality of the search, provide legal advice and assist in the issuance of a search warrant if deemed necessary.

2. The SRO shall respect the constitutional rights of students to be free from unreasonable searches and seizures. Searches of a student's person, property or possessions initiated by the SRO shall be in strict compliance with department policy, state law and constitutional guidelines. Searches of any nature shall only be conducted when there is probable cause to believe the search will uncover evidence that a student has committed, is committing, or is about to commit a criminal offense. Situations which would justify any restrictive search on school property include:

a) Pat down search of a person following a custodial arrest for the purpose of protecting the officer and others, or collecting evidence or fruits of the crime.

(1) SRO officers will not conduct a pat down search on someone of the opposite sex. They should request that a school official of the same sex conduct the search.

b) Pat down search of a person if the SRO has reasonable suspicion the person possesses a weapon or destructive device.

c) Search of a common area in which no expectation of privacy exists.

d) Following the consent of the student, the school principal or vice principal, and their parent or guardian.

e) Execution of a valid search warrant.

VII. Use of Force

A. SRO's are expected to provide security on school property, and take reasonable actions to protect the safety of students, faculty and visitors. Given these expectations, the possibility exists that there may be a need to use reasonable levels of force to accomplish these means. SRO's are entitled to use that force, including deadly force, which is reasonable and necessary to effect lawful objectives, and in strict accordance with the Livingston Police Department's Use of Force Policy and applicable state laws. Officer safety, citizen safety, and the overall importance of the lawful objective and goals of the SRO program must be considered in all use of force decisions.

VIII. Dress Code

- A. SRO's are representatives of the Livingston Police Department and should project a professional image at all times when on duty or attending school functions. They are required to adhere to police department regulations regarding proper dress and grooming, and will wear the prescribed uniform of the Livingston Police Department while on duty or while attending functions as a representative of the police department. If approved by the Chief of Police and the respective school principal, SRO's may instead wear the appropriate "plain clothes" during certain days or at certain times. The SRO will carry their duty weapon, badge and department identification with them at all times while on duty or while acting in their official capacity. If the SRO is carrying a weapon while wearing "plain clothes" at public functions, it should be properly concealed or otherwise carried in compliance with state law and as specified in the Livingston Police Department Use of Force Policy.

IX. Conduct

- A. The school resource officer's personal behavior and attitude must be beyond reproach. He/she must refrain from any conduct which adversely affects the school environment or tends to bring discredit to him/herself, the police department or the school district.
- B. The SRO shall not use harsh, sarcastic, abusive, coarse, profane or insulting language in the execution of their duties.
- C. The SRO shall not use their official position for personal gain, to include accepting gratuities or gaining free admission to any public event. It is recognized that the SRO's presence at school functions is encouraged and beneficial toward accomplishing the over-all goals of the SRO program. Exceptions may include privileges that are granted
- D. The SRO shall comply with all school rules, regulations and policies regarding personal conduct.

X. Evaluations

- A. The Captain in charge of the SRO program will develop an evaluation system in which all SRO's will be evaluated twice yearly, or more often if need be. Applicable school principals shall participate in the evaluations.

XI. Written Reports

- A. All action taken or investigations conducted by the SRO resulting from a violation of criminal law will be properly documented in a timely manner, including entering all necessary data and written narrative reports into the Livingston Police Department's computerized records maintenance system. Citations, youth offense reports and other documents will be filed in a timely manner.
- B. Action taken or investigations conducted (of significance) that do not involve a violation of criminal law, or are of a minor nature and criminal charges will not be initiated, will be documented in writing. The SRO will maintain this documentation. The SRO shall organize and maintain personal files that contain information and documentation necessary to enhance the program and evaluate its effectiveness. Such documentation may include; activity logs, written reports, instructional lesson plans, written correspondence, statements, criminal activity intelligence, personal notes, and other information deemed appropriate by the SRO, school officials or police department administration.

XII. Confidentiality

- A. The SRO will comply with state law, department policy and school district policy regarding the dissemination of confidential information.