

RESOLUTION NO. 4624

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH LIVINGSTON SCHOOL DISTRICT NOS. 1 AND 4 FOR SCHOOL RESOURCE OFFICER FOR SCHOOL YEARS 2015-2016, 2016-2017, AND 2017-2018.

WHEREAS, the Livingston Police Department and School District Nos. 1 and 4 (collectively, the "School District") have cooperated in the establishment of a School Resource Officer Program; and

WHEREAS, by Resolution No. 4265, the City of Livingston and the School District entered into a three year agreement to provide for an SRO, which agreement has expired; and

WHEREAS, both the City and the School District believe it is in the best interests of the Community to continue the SRO Program on the campuses of the School District; and

WHEREAS, the Agreement attached hereto as Exhibit A, which is incorporated herein by this reference, sets forth the terms and conditions to continue the SRO Program for school years 2015-2016, 2016-2017, and 2017-2018.

NOW, THEREFORE, be it resolved by the City Commission of the City of Livingston, Montana, as follows:

The City Manager is hereby authorized to inter into the Agreement attached hereto as Exhibit A with Livingston School District Nos. 1 and 4 to continue the SRO Program.

Dated this 17th day of November, 2015.



JAMES BENNETT - Chairman

ATTEST:



LISA HARRELD
Recording Secretary

APPROVED AS TO FORM:



ERIK COATE
City Attorney

AGREEMENT

AGREEMENT (this "Agreement") made this 17th day of ~~September~~ ^{November}, 2015, by and between the City of Livingston, Montana, a municipal corporation and political subdivision of the State of Montana, with its principal office located at 414 East Callender Street, Livingston, MT 59047 (hereinafter referred to as the "City"), and Livingston School Districts No. 1 and No. 4, each a political subdivision of the State of Montana, with their principal office located at 132 South B Street, Livingston, MT, 59047 (hereinafter collectively referred to as the "School District").

RECITALS.

WHEREAS, both the City and the School District believe it is in the best interests of the community to have a School Resource Officer (SRO) on staff on the campuses of the Livingston School District; and

WHEREAS, the City and the School District desire to set forth in this Agreement the specific terms and conditions of the services to be performed and provided by the City and the School District with respect to the SRO Program.

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 SRO to perform the duties set forth herein during all days that school is in session, or as assigned to work school related functions during the school year, except absences due to officer sick leave, vacation leave, departmental training or when called to duty for an emergency elsewhere.
- 2. Duration of Agreement.** This agreement shall be for school years 2015-2016, 2016-2017 and 2017-2018, terminating on the last day of 2017-2018 school year.
- 3. Duties of SRO:** The primary duties of the SRO will be to work with the school administration to maintain a peaceful and safe campus environment, to provide security for school related functions when needed, and to perform the duties set forth and defined in the Livingston Police Department Policy Manual – School Resource Officer Policy, as such document may be amended from time to time by the chief of police or upon recommendations of legal counsel, which document is attached hereto and incorporated herein as Exhibit A (the "Policy"). 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 the SRO will serve primarily on the campus of Park High School; with periodic visibility at the elementary and middle schools. In addition to the terms and conditions set forth in this Agreement, the SRO Program will be guided by the Policy.
- 4. School District's Responsibility.** The School District shall provide office space and a parking spot for the SRO. The School District through its administration shall


cooperate with the SRO in implementing the SRO program set forth in Paragraph No. 3 and the Policy.

5. **City's Responsibilities.** The City shall provide a police officer and the necessary equipment routinely used by a Livingston Police Officer. The Livingston Chief of Police, and/or Assistant Chief of Police, will meet with the Park High School Principal, and/or Vice-Principal, at least once a semester to evaluate the SRO program and the SRO's performance.
6. **Funding.** The School District agrees to pay 50% of the SRO's wages and benefits for School Years 2015-2016, 2016-2017 and 2017-2018. The School District's portion shall be made payable to the City of Livingston who shall be responsible for administering said SRO's wages and benefits. The School District shall pay quarterly, on or before November 15th, January 15th, April 15th, and July 15th during each year of this contract upon receipt of invoice from the City.
7. **Termination of Agreement.** The parties may terminate this agreement with or without cause upon 30 days written notice to the other party.

CITY OF LIVINGSTON

SCHOOL DISTRICTS NOS. 1 AND 4


EDWIN R. MEECE *Lisa L. Lowry*
City Manager (Interim)


RICH MOORE
Superintendent of Schools



LIVINGSTON POLICE DEPARTMENT POLICY MANUAL

Subject: **SCHOOL RESOURCE OFFICER POLICY**

Effective Date: 03/01/2012

Original Date: Fall 2001

I. Introduction

- A. 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.

II. 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.

III. 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, specifically those parking lots not on school grounds used by students to park, when deemed necessary for the safety and protection of students and the general public when a regular patrol officer is not available.



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- E. To build a positive relationship with students, faculty and parents.
- F. To provide security at extracurricular activities at school, whenever possible, such as athletic events, concerts, etc.

IV. Appointment

- A. The selection process for SRO's will be determined by the Chief of Police, in cooperation with school administrators. Every three years the position will be reposted and allow any interested candidates the opportunity to apply and go through the formal application process. If no candidates are interested the current SRO still must go through an interview process.
- 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 preferably have at least two years law enforcement experience.
 - 2. Shall possess an 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.

V. Program Administration



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- 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 or pursuant to any collective bargaining agreement. The Chief of Police must approve exception.

VI. 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. Advise the school administration in writing (email is sufficient) of all complaints received. This will happen regardless of the legal disposition, or lack thereof.
- G. 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.
- H. Attend meetings of parent and faculty groups, as requested by administration, to solicit support for and understanding of the SRO program; and to promote awareness of law enforcement functions.
- I. Develop expertise in presenting various subjects in classrooms, and for parents, as requested by school administration, to include drug abuse and internet safety. If requested, the SRO shall assist teachers in preparing for, or instructing,



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- lessons related to criminal law or law enforcement. If the topic is not in the expertise of the SRO they shall coordinate outside resources or with other agencies to acquire such a requested presentation or information.
- J. Project a professional image and have personal habits that are consistent with the role of a SRO.
 - K. Enforce parking and traffic laws in school areas, and assist with traffic problems on school property as needed.
 - L. Enforce criminal laws on school property, or surrounding areas, and investigate crimes committed on school property.
 - M. Issue referrals to juvenile probation for all instances involving the possession of tobacco on school grounds by a minor.
 - N. Assist law enforcement officers with criminal investigations involving students.
 - O. If requested, assist school officials with disciplinary matters, investigations, or other relevant issues.
 - P. Act as a liaison between law enforcement and the schools.
 - Q. Maintain knowledge of applicable school policies and student handbooks.
 - R. Adhere to applicable school rules and regulations.
 - S. At the request of school officials, the SRO will actively follow up on excessive truancy cases (three unexcused absences in a short period of time). Such follow-up activities will include home visits with parents/guardians, and/or juvenile referrals.
 - T. As requested and approved, provide security at school related functions within the City of Livingston.
 - U. The SRO will not be a coach for any sports teams within schools or involved in extracurricular activities which take away from the SRO's time in the school. The SRO's regular work hours ("time in the school") will be



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established, in writing, by school administration in cooperation with the Police Chief.

- V. Confer with the school administration to develop emergency plans, strategies, and protocols to prevent and/or minimize dangerous situations on or near the campus or involving students at school-related activities.

VII. 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 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



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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

- I. 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. The under-age use of tobacco or alcohol, by a student, is not considered a minor offense and will be dealt with according to Livingston Police Department policy (also, refer to section VI. (L) of this same policy).

E. Felony Offenses

- I. 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 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



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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

- I. 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



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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 others, or for some reason should not be released from custody, the juvenile probation officer and/or county attorney will be notified and will determine an alternative placement.
- c. Per department policy and state law, students arrested for 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



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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.



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- 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.

VIII. 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 objectively reasonable to make an arrest or gain control of a situation, and is in strict accordance with the Livingston Police Department's Use of Force Policy and applicable state laws. Officer safety, citizen safety, and the overall goals and objectives of the SRO program must be considered in all use of force decisions.

IX. 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 Standard Operating Procedure #017. SRO's providing security at school functions will wear the prescribed uniform and all normal duty equipment unless otherwise approved by the chief of police.



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X. 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

XI. Evaluations

- A. The Chief of Police 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.

XII. 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,



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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.

XIII. Confidentiality

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

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
 Resolution # 4624

Fiscal Analysis Assumptions

- The Livingston Police Department will provide a police officer to serve as School Resource Officer (SRO) for the School years of 2015-2016, 2016-2017, & 2017-2018.
- The School District agrees to pay 50% of the SRO's wages and benefits for School Years 2016, 2017, & 2018. The City Finance Department will bill the School District Quarterly for this service.
- The Salary and Benefits for the SRO are budgeted at \$63,949, however this is subject to change depending on union negotiations.
- A 2% inflationary increase is used to project costs for FY 17 & FY 18.

<u>Revenue by Type</u>	<u>FY 16</u>	<u>FY 17</u>	<u>FY 18</u>
Intergovernmental Revenues	\$ 31,975	\$ 32,614	\$ 33,266
 Total Revenues	 <u>\$ 31,975</u>	 <u>\$ 32,614</u>	 <u>\$ 33,266</u>

<u>Benefitting Fund</u>	<u>FY 16</u>	<u>FY 17</u>	<u>FY 18</u>
Fund Name General Fund	\$ 31,975	\$ 32,614	\$ 33,266
 Total	 <u>\$ 31,975</u>	 <u>\$ 32,614</u>	 <u>\$ 33,266</u>

Signature Jessie R. Hogg
 Date 10/14/2015

Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Resolution No. 4624

Date of First Consideration / Status: November 17, 2015

Purpose of Legislation: To authorize the City Manager to enter into an agreement with Livingston School District Nos. 1 and 4 to continue the Student Resource Officer Program for school years 2015-2016, 2016-2017, and 2017-2018.

Statutory Authority / Reference: Mont. Code Ann. § 7-3-304(9) (2015).

Background: The Livingston Police Department and School District Nos. 1 and 4 (collectively, the "School District") have cooperated in the establishment of a Student Resource Officer Program. By Resolution No. 4265, the City of Livingston and the School District entered into a three year agreement to provide for an SRO. The prior agreement has expired and both the City and the School District believe it is in the best interests of the Community to continue the SRO Program on the campuses of the School District. The parties desire to continue the SRO Program for school years 2015-2016, 2016-2017, and 2017-2018 according to the terms of the attached agreement.

Fiscal Impact: See attached Fiscal Note.

Regulatory Impact (local): N/A.

Attachments: Agreement and Fiscal Note.

