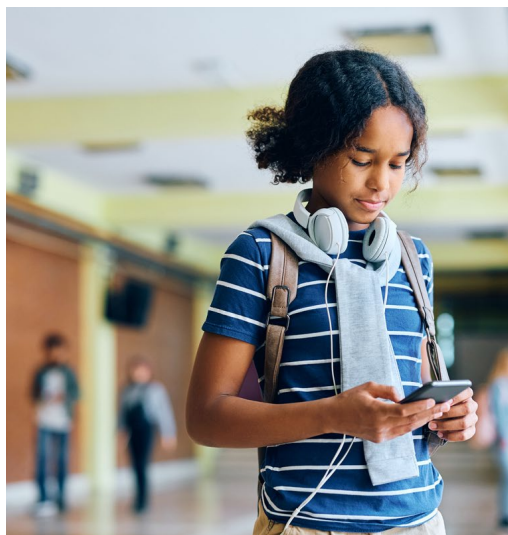


CONNECTICUT
VOICES
FOR CHILDREN

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MOUs ACROSS CONNECTICUT

Crafting Memorandums of Understanding between Law Enforcement Agencies and Regional and Local Boards of Education that Center the Needs of Connecticut Children and Communities



A Collaboration between Connecticut Voices for Children and the Yale Law School Youth Justice Project

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RATIONALE AND RESEARCH



Since the late 1990s, many Connecticut schools have employed school resource officers (SROs) who are sworn law enforcement officers assigned to work specifically in schools. Per Connecticut General Statute (CGS) §10-233m, districts that station SROs in schools must maintain a memorandum of understanding (MOU) with the law enforcement department providing SRO services that clarifies the roles and responsibilities of a school resource officer and sets expectations for daily interactions between SROs, students, and school staff. In 2023, Connecticut lawmakers passed P.A. 23-167 which updates the SRO MOU statutory mandates to increase program transparency, further clarify SRO duties and procedures, and ensure timely and detailed reporting. We applaud the changes in P.A. 23-167 because students behave better and have higher academic achievement in schools with transparent, predictable, and fair guidelines. First, the updated language requires that school districts post MOUs on the district website and on that of each school in which an SRO is assigned. Second, the updated language requires MOUs to specify SRO duties and procedures concerning the restraint of students, the use of firearms, school-based arrests, and reporting of investigations and behavioral interventions. Third, the updated language adds CGS §10-233p which requires that SROs submit reports to the chief of police within five school days of conducting an investigation or behavioral intervention, and the chief of police must regularly share these reports with the superintendent of schools and the local or regional board of education.

With the passage of P.A. 23-167, many MOUs that were previously not available for public access now are. To understand the content of the various MOUs existing across the state of Connecticut, researchers from the Yale Law School Youth Justice Project (YJP) and Connecticut Voices for Children (CT Voices) searched for MOUs from school districts that reported employing an SRO in 2022 online as

well as by contacting leaders from districts and police departments. We completed a side-by-side comparison of Connecticut's statute, federal recommendations, a similarly comprehensive MOU policy from our neighboring state of Massachusetts, and national nonprofit organizational recommendations and used these recommendations in combination with those made by CT Voices in past research to create a consensus set of practice criteria by which we assessed each MOU. We report the percentage of MOUs that contain provisions that we group into to six categories: SRO training; SRO duties; SRO oversight, hiring, and costs; SRO program data collection and reporting; protecting student rights and diverting young people from the criminal legal system; and MOU accessibility. Throughout the report, we include shout-outs to MOUs with comprehensive language as well as to MOUs with exemplary language, and we intend for these shout-outs to assist district leaders when they update their MOUs. We encourage all districts with SROs to update their MOUs as soon as possible to implement Connecticut's updated statutory mandates as well as the evidence-informed criteria included in this report.



SRO TRAINING

Connecticut MOUs would benefit from specifying the timelines under which trainings should happen, integrating training on social-emotional learning and restorative practices as required under P.A. 23-167, and expanding training requirements to include annual school safety training and topics related to serving children and adolescents.

- **Training about the MOU:** The majority of MOUs we reviewed require that SROs receive training specific to the MOU and/or SRO position (37 MOUs, 76%).
- **Timing of Training:** Less than one-fifth of MOUs required that SROs have training specific to the MOU and/or SRO position *before* interacting with students (9 MOUs, 18%).
- **School Safety Training:** Very few MOUs require annual school safety training as recommended by the National Association of School Resource Officers (3 MOUs, 6%).
- **Restorative Practices and Social-Emotional Learning Training:** Just over a third of MOUs include statutory language dictating that SROs should receive training in restorative practices and social-emotional learning (18 MOUs, 37%).
- **Child and Adolescent-Related Topics:** Even fewer MOUs mandate additional trainings related specifically to serving children and adolescents such as child development, youth mental health, and trauma-informed policing (12 MOUs, 24%).

SRO DUTIES

Overall, Connecticut's MOUs include language that helps to explain the *why, how, and who* of the program, making most of Connecticut's MOUs compliant with the recommendations of the United States Department of Justice Community Oriented Policing Services (COPS) Office.

- **Mission, Roles, and Responsibilities:** The vast majority of MOUs include a mission statement (42 MOUs, 86%) and describe the roles and responsibilities of all parties entering into the agreement (43 MOUs, 88%).
- **Scope of Duties:** Only one-quarter of MOUs limit the duties of the SRO to law enforcement (13 MOUs, 27%). The other three-quarters include roles such as safety educator, mentor, and community liaison.
- **Integration into School Environment:** Most MOUs include language that clarifies how SROs will be integrated into the school environment (41 MOUs, 84%).
- **Uniform:** Around half of the MOUs provide a description of the uniform that SROs are expected to wear (22 MOUs, 45%), and an additional eight MOUs state that SROs will wear a uniform but do not describe the uniform (16%).
- **School Discipline:** Two-thirds of MOUs prohibit or discourage the SRO from engaging in school discipline (32 MOUs, 65%).
- **Graduated Response Model:** Three-fifths of MOUs include a graduated response model as required under CGS §10-233m (30 MOUs, 61%).

While Connecticut’s MOUs mostly provide a basic outline of SRO duties, few MOUs provide details about more controversial SRO duties such as the restraint of students, the use of firearms, the use of less lethal weapons including chemical agents and Tasers, school-based arrests, and the reporting of investigations and behavioral interventions. P.A. 23-167 requires that any MOUs newly authorized or updated after July 1, 2023 should include language regarding most of these topics.

- **School-Based Arrests:** Most MOUs examined contained some reference to duties and procedures related to school-based arrests (40 MOUs, 82%).
- **Restraining Students:** Just one-third of MOUs specify SRO duties and procedures when restraining students (16 MOUs, 33%).
- **Firearms:** Around a third of MOUs specify SRO duties and procedures concerning the use of firearms (17 MOUs, 35%), and an additional two-fifths include reference to carrying firearms and other weapons without clear duties and procedures (21 MOUs, 43%).
- **Less-Lethal Weapons:** Only one-fifth of MOUs clearly state that SROs carry Tasers (10 MOUs, 20%), and even fewer mention chemical agents like pepper spray (3 MOUs, 6%). Many MOUs leave open the possibility that officers may carry forms of chemical or electrical restraints but do not provide further explanation.
- **Reporting Investigations:** Around two-fifths of MOUs contain some language that helps to define and guide SROs in reporting investigations they conduct (19 MOUs, 39%).
- **Reporting Behavioral Interventions:** Around three-fifths of MOUs contain some language that helps to define and guide SROs in reporting behavioral interventions they implement (31 MOUs, 63%).

SRO OVERSIGHT, HIRING, AND COSTS

The majority of Connecticut’s MOUs provide some information regarding oversight, hiring, and costs, but most don’t provide detailed information. Connecticut’s MOUs would most benefit from the inclusion of specific criteria for selecting SROs among the larger pool of law enforcement officers; engaging impacted community members such as students, parents, and service providers in the process for selecting SROs and guiding the SRO program; creating mechanisms for school administrators to receive feedback from students and parents regarding SROs; and requiring annual reviews of SROs and regular reviews of MOUs.

- **Cost:** Almost three-quarters of MOUs describe the source of funding for the SRO program (35 MOUs, 71%), but few include information about the amount of funding set aside for the SRO program (4 MOUs, 8%).
- **Selection Criteria:** A bit under two-fifths of MOUs include selection criteria for hiring SROs (18 MOUs, 37%).
- **Community Input:** Around two-fifths of MOUs provide an opportunity for school personnel to provide input into the police officers selected to serve as SROs (20 MOUs, 41%), but only one MOU includes provisions for community input into the selection of SROs.

- **Student and Parent Feedback:** Overwhelmingly, Connecticut’s MOUs do not design space for students and parents to safely express when they have concerns regarding SROs, as only two MOUs explicitly reference a mechanism to provide feedback (2 MOUs, 4%), and two more allow school administrators to gather feedback (2 MOUs, 4%).
- **Supervisors:** Two-thirds of MOUs state that SROs report within the police department (33 MOUs, 67%), almost two-fifths state that SROs report to school district administration (9 MOUs, 18%), and the remaining MOUs have mixed reporting configurations (7 MOUs, 14%).
- **SRO Review:** Almost half of the MOUs reviewed do not explicitly require a periodic evaluation of the SRO position or program by the school administration (23 MOUs, 47%). When reviews do happen, most are annual (17 MOUs, 35%), but some happen more frequently than every year (4 MOUs, 8%), and some vaguely mention that reviews happen “regularly” (4 MOUs, 8%).
- **MOU Review:** Fewer than half of the MOUs explicitly call for periodic review to revise the MOU (23 MOUs, 47%). The fact that so many MOUs do not require revisions may help to explain, in part, why it appears that so many MOUs have not integrate part or all of the updated mandates in P.A. 23-167.

SRO PROGRAM DATA COLLECTION AND REPORTING

Connecticut’s new statutory language guiding MOUs communicates an expectation of regular and rigorous data collection and reporting to SRO activities, but strikingly few MOUs include language that meets these requirements.

- **Reporting in Departments:** Most MOUs set some parameters for when an SRO needs to report misconduct to other law enforcement personnel (39 MOUs, 80%).
- **FERPA:** Just a little more than half of the MOUs specifically address federal guidelines for protecting students’ information (FERPA) and how school administrators and SROs should navigate these protections when collecting, reporting, and sharing data (27 MOUs, 55%).
- **Reporting to Parents:** Shockingly few MOUs include language mandating that schools report SRO-student interactions/behavioral interventions to parents or guardians directly (4 MOUs, 8%).
- **Detecting Disparities:** While almost half of all MOUs include language outlining a data collection system and process (21 MOUs, 43%), fewer than one-fifth of MOUs clearly outline a data collection system for SRO activities intended to detect disparities in disciplinary practices and criminal legal system referrals (9 MOUs, 18%).



PROTECTING STUDENT RIGHTS AND DIVERTING YOUNG PEOPLE FROM THE CRIMINAL LEGAL SYSTEM

Courts in the United States have determined that students' legal rights in a school building differ from their rights at home or in other public areas. It is critical that everyone has a clear understanding of what rights are and are not protected on school groups. It is also critical that parents, police, school administrators, and students also understand that SROs can and (according to Connecticut's overall judicial policies for young people) often should divert young people from the criminal legal system rather than relying on arrests to address all misbehaviors that rise to the level of criminal misconduct. While most MOUs display some consistency with Connecticut's philosophy of diversion, they lack specificity regarding protection of student rights in schools.

- **Searching students:** Around two-fifths of MOUs include language guiding when and how SROs may search students and their belongings (20 MOUs, 41%).
- **Questioning Students:** Consistent with other findings regarding reporting to parents or guardians, few MOUs require that SROs obtain permission for parents or guardians or wait until they are present before questioning a student who is under the age of 16 (3 MOUs, 6%). Only one-fifth of MOUs have language requiring that SROs notify parents as soon as possible after questioning a student and/or to follow applicable laws when questioning a student (10 MOUs, 20%).
- **Prioritizing Diversion:** Almost half of MOUs contain language specifying that SROs should prioritize using restorative practices and/or diversionary practices and programs in schools (22 MOUs, 45%). An additional third of MOUs allow SROs to utilize restorative practices and/or diversionary practices and programs (15 MOUs, 31%).
- **Considering Student Age:** Overwhelmingly, MOUs do not require that SROs consider the age of the student when determining the appropriate level of interaction with the criminal legal system. Only a third of MOUs mention that SRO programs should consider the age of children when training SROs and/or when SROs determine appropriate interventions (16 MOUs, 33%).

MOU ACCESSIBILITY

Most MOUs proved challenging to locate. When considering all MOUs the research team tried to locate, only around one-quarter were posted online.

- **Overall Availability:** Based upon previous data regarding which schools have SROs, we anticipated collecting MOUs from 97 districts and only collected around half of the MOUs we anticipated (49 MOUs, 51% of the public school districts who reported employing SROs in recent years).
- **Posting Online:** The researchers found two-fifths of the MOUs analyzed posted on school district websites (20 MOUs, 41%) and a couple more through a Google search (2 MOUs, 4%). They obtained the additional MOUs analyzed by contacting school districts, school board members, and police departments by email (27 MOUs, 55%).
- **Time to Locate:** On average, it took seven minutes to find an MOU when it was posted on a school district's website.

SRO TRAINING

- **Increase Requirements:** Lawmakers should increase the required training for SROs to include training pertaining to school safety plans, conflict de-escalation, child and adolescent development, DEI and disproportionality in the criminal legal system, and mental health.
- **Specify Sources and Timelines:** Districts should increase clarity around SRO training guidelines by listing acceptable or required sources for training, when the training must be completed, and the frequency of expected training refreshers.
- **Utilize Existing Resources:** Districts should utilize Connecticut-based, community and child-centered SRO training opportunities such as those provided by the Tow Youth Justice Institute (TYJI) and by the Child Health and Development Institute (CHDI).

SRO DUTIES

- **Update MOUs:** Lawmakers should mandate that districts update their MOUs within the year.
- **Ban Chemical Agents in Schools:** Lawmakers should ban the carrying and usage of chemical agents like Oleoresin Capsicum (OC) in schools.
- **Create Guidelines for Tasers:** Lawmakers should convene a workgroup to create age- and level-of-threat based guidelines for the usage of Tasers in schools and require that MOUs integrate guidelines that emerge from this work.
- **Create Guidelines for Firearms and Forensic Restraints:** Lawmakers should convene a workgroup to develop guidelines for law enforcement carrying and using firearms and forensic restraints (such as handcuffs flex-cuffs, and leg shackles) in schools.
- **Increase the Transparency and Clarity of Language:** When revising MOUs, we encourage districts to craft language such that a parent may read the MOU and understand how and why their child may come to be restrained, arrested, investigated, punished, or hurt by a weapon; who to contact to lodge a formal complaint; and who has access to their child's information and for how long.
- **Ensure Referenced Policies are Publicly Available:** Many MOUs reference that SROs will follow school district or department policies. We encourage district and police department leaders to ensure that these referenced policies are easily available online. When they are not, districts should include the referenced language directly in the MOU instead.
- **Expand Clarity Guiding Weapons and Restraints:** We encourage districts to update their MOUs to address nuances in the usage of physical restraints, physical escorts, forensic restraints, chemical restraints (like OC), and electric restraints (like Tasers). These provisions should consider the students' age, disability status, degree of cooperation, and potential harm posed by both the student and the SRO.

- Reduce the Need for Restraints: Districts and police departments should partner to develop procedures to reduce the use of physical and forensic restraints in schools.
- Prohibit Involvement in School-Based Discipline: We encourage district leaders to update MOUs to clarify that SROs should not be engaged in any way in school discipline and school policy violations *including* through assisting school administrators. Student reactions frequently escalate in the presence of SROs, so SROs should *only* be called in emergency situations and when the behavior rises to the level of criminal misconduct.

SRO OVERSIGHT, HIRING, AND COSTS

- Improve SRO Hiring Practices: Lawmakers should require that MOUs involve school personnel in selecting and reviewing SROs and should also include specific hiring criteria for SROs.
- Ensure Regular Review: Lawmakers should update CGS §10-233m to require regular reviews of SROs, SRO Programs, and MOUs. We recommend that SROs receive a formal evaluation involving school administration at least annually, that SRO programs are reviewed by program guidance teams at least annually, and that MOUs be updated at least every three years.
- Meaningfully Engage Community: We encourage districts and police departments to create mechanisms for community members—including parents, students, and community service providers—to meaningfully engage in the process of designing and evaluating the SRO program and hiring SROs.
- Improve Coordination: We encourage districts and police departments to create mechanisms, such as monthly or quarterly meetings, that help to increase communication and coordination in implementing SRO programs and provide training and support.

SRO PROGRAM DATA COLLECTION AND REPORTING

- Expand Data Reporting Requirements: We recommend that lawmakers add the following pieces of information to mandated SRO behavioral intervention reports: use of physical touch, physical restraint, forensic restraint, chemical restraint, firearms, and less lethal weapons.
- Notify Parents of Behavioral Interventions: Lawmakers should require that schools notify parents or guardians any time an SRO is involved in a student misbehavior intervention.
- Collect Data Reflecting School Communities: We encourage districts and police departments to reflect unique community characteristics in their data reporting forms such as a student's primary language or status as a foster youth.
- Share Data with School Communities: To the extent appropriate under FERPA, districts and police departments should compile and share an annual trend report with the community.

PROTECTING STUDENT RIGHTS AND DIVERTING YOUNG PEOPLE FROM THE CRIMINAL LEGAL SYSTEM

- **Ensure Consistent Protection of Student Rights:** Lawmakers should create statutory guidelines ensuring that all schools utilize the same legal standards, policies, and procedures related to searches and questioning by SROs and by school administrators.
- **Utilize a Probable Cause Standard for Searches:** We advocate that SROs and other law enforcement officials should not be involved in searches of students unless the student is suspected of having committed a crime.
- **Increase Questioning Protections for Students:** Lawmakers should amend CGS § 46b-137 so that law enforcement officials may not question anyone under the age of 18 without permission from a parent or guardian, young people with 504 Plans or IEPs who are under the age of 18 without a parent or guardian present, or young people with IEPs under the age of 22 who have a legal guardian without the guardian present.
- **Raise the Minimum Age of Criminal Responsibility:** Lawmakers should amend CGS § 46b-120 to raise the minimum age of criminal responsibility to at least 12 and preferably 14 years old.
- **Clarify and Expand Language Regarding Searches and Questioning:** Although we advocate for lawmakers to enact legislation regarding searches and questioning, in the meantime we encourage districts and police departments to update their MOUs to clarify when a school administrator versus a law enforcement official should conduct a search, the standard of certainty required, and when law enforcement officials need a warrant prior to searching a student. We also advocate for MOUs to include clear information regarding when SROs must obtain parental approval to question a student, when parents must be present for SROs to question students, and procedures for ending a conversation and calling parent(s) when students may incriminate themselves or other students.
- **Expand Diversionary Programs and Practices:** We recommend that districts and police departments include a list of available diversionary programs within the body of the MOU and widen possible diversionary law enforcement interventions. We recommend that MOUs specify an age at which SROs must utilize diversionary programs and practices prior to arresting a student or referring a student to court.

MOU ACCESSIBILITY

- **Create a Database for MOUs:** We advocate for the State Department of Education or a contractor to maintain a database of MOUs.
- **Make MOUs Available in Languages Other than English:** We recommend that in communities where many people speak languages other than English, districts should translate MOUs and create audio formats.