BP-2221.31  
MEMORANDUM OF AGREEMENT  
BETWEEN THE \_POLYTECH\_SCHOOL DISTRICT  
BOARD OF EDUCATION  
AND  
THE DELAWARE STATE POLICE  
(Revised 08-02-10)  
1. The Board of Education of the \_POLYTECH School District and the Delaware State Police  
hereby agree that the following practices and procedures shall govern their relationship.  
2. All law enforcement agency officers performing law enforcement functions under this  
Agreement will be governed by the provisions contained herein.  
3. ARRESTS  
a. When possible and appropriate, arrest by police should be made during non-school  
hours and away from school premises. This excludes on site arrests made by a School  
Resource Officer pursuant to normally assigned duties.  
b. Arrest on school premises during school hours should be undertaken in such a manner  
as to avoid embarrassment to the student being arrested and to avoid jeopardizing the  
safety and welfare of other students.  
c. In the event a physical arrest must be made during school hours, the principal or  
designee should summon the student to his/her office before surrendering the student.  
Unless the safety of the students and school staff will be compromised if an arrest is  
delayed, the officer should not appear in the classroom to make the physical arrest.  
d. If the student is to be surrendered to the custody of the police officer, the principal or  
designee should record the name and organization of the officer, the time the officer  
leaves the school, the destination (police station, detention facility, or Family Court)  
and the offense for which the arrest was made. A substantial effort should be made by  
the principal or designee to immediately contact the parent(s) or guardian(s) of the  
student of any contact by the police. If the student is arrested and removed from the  
premises before such contact is made, the police and the principal or designee each have  
the responsibility for that notification.  
4. QUESTIONING OR INTERROGATION BY POLICE ON SCHOOL PROPERTY  
a. Police investigations involving the questioning or interrogation of pupils should not be  
permitted on school premises unless in connection with a school-related crime or in  
connection with an investigation which, if not immediately permitted, would  
compromise the success of that investigation or endanger the lives or safety of the  
student or other persons. Questioning becomes interrogation when it becomes  
accusatory in nature and is designed to elicit an admission of guilt from the suspected  
offender. Law enforcement officers must provide Miranda warnings when questioning  
becomes interrogation.  
b. The principal or designee shall be present throughout questioning or interrogation that  
occurs on school property, except in cases in which the investigation concerns a student  
who is the victim of physical or sexual abuse where a member of the student's immediate  
family or household is suspected of being the perpetrator of or a conspirator in such  
abuse, and where the police investigator is a representative of a special unit trained to  
do such interviews.  
c. In any case in which a student is in custody and being questioned regarding involvement in a criminal  
matter and in which the student's Fifth Amendment protection against self-incrimination may apply, the  
law enforcement officer should consider the environment in which questioning takes place and the  
ability of the student to discontinue the questioning. Unless unreasonable to do so, the law enforcement  
officer should notify the principal or his designee when such questioning becomes custodial in nature.  
Questioning becomes "custodial in nature" when a law enforcement officer is conducting an interview  
and the party being interviewed is not free to leave the presence of the officer.  
d. Before the police commence the questioning or interrogation of a minor on school  
premises, the principal shall make a substantial effort to contact the student's parent(s)  
or guardian(s) to provide them an opportunity to be present or consult an attorney.  
Such contact is particularly important in the case of students below the high school  
level. Questioning or interrogation without such parental contact should only proceed  
when one or more of the following conditions exist:  
(1) The contact may endanger the safety of students or other persons.  
(2) The contact would compromise the success of the investigation because a  
member of the student's immediate family or household is suspected of  
being a perpetrator or conspirator or potential conspirator to a crime, or the  
delay caused by lack of contact would compromise the success of the  
investigation and a substantial effort has been made to contact the student's  
parent(s) or guardian(s) without success.  
The police should ensure that the student is afforded all constitutional rights due in such  
a situation.  
e. School officials may request the arresting officer remove the student from the premises  
as soon as possible, after the arrest is made.  
5. SEARCH AND SEIZURE  
a. Law enforcement officers, in reliance upon probable cause that a crime is, has, or is  
about to be committed, may search for evidence of that crime. Whenever reasonable, a  
search warrant issued by a court of competent jurisdiction will be sought before a search  
is conducted. As a general policy, and when agreed upon to do so, a school official will  
accompany the law enforcement officer on searches that are conducted on school  
property. School officials will not participate in the actual search unless specifically  
requested to do so by the police.  
b. Efforts should be made by police and school administrators to conduct searches in a  
manner that will minimize disruption of the normal school routine and will minimize  
embarrassment to pupils affected.  
c. A frisk (pat-down) may be conducted by the police when the officer has reason to  
believe that the person being encountered is armed or presents a risk of injury to the  
officer or an innocent third party.  
d. The principal or designee may, at any time, conduct such searches as are essential to the  
safety, security, discipline, and sound administration of the particular school. The  
appropriate police agency will respond to a request from a school official conducting an  
administrative search when the official feels that the search might reveal a violation of  
the law.  
6. REPORTING CRIMES  
School officials are charged with the responsibility to provide for the safety of students  
and for the security of school property. The Delaware Code mandates reporting of the  
offenses listed in 14 Del.C., § 4112; a substantial fine can be assessed against any  
superintendent, principal, or school employee who fails to make such a mandatory report.  
7. SCHOOL DISTURBANCES  
a. The request for police assistance in a crisis situation requires special care because of the  
possibility of an escalating situation.  
(1) It is preferable that the principal or designee call the police. If a law  
enforcement officer is on the scene, it is desirable that the decision to call  
for additional police support be reached in collaboration with that officer.  
(2) No person other than the principal or designee, the superintendent of the  
district or his designee, or the ranking police officer present may request the  
tactical deployment of police to a school.  
(3) The determination of the level of force required is best made by the ranking  
police officer on the scene, working jointly with the principal or designee.  
b. The Board of Education must recognize that any policy governing the use of these  
different categories of Police Officers must be flexible and that final authority rests with  
the police.  
c. Tactical coordination between the Principal or designee and police officers on the scene  
is a necessity.  
During any crisis situation, it will be the responsibility of the ranking police officer on  
the scene to ensure that direct, secure, continuing communication with the principal or  
designee is maintained.  
8. SCHOOL RESOURCE OFFICER ROLE AND RESPONSIBILITIES  
a. General Description  
The School Resource Officer (SRO) assignment is in a middle or high school setting  
with the goal of creating and maintaining a safe, secure, and orderly environment  
for students, teachers, and staff. An SRO represents a proactive strategy designed to  
bring crime prevention and intervention into the school. The SRO is selected from  
within the uniformed division holding the rank of at least Trooper First Class.  
b. Examples of Duties  
Investigate and enforce offenses listed in 14 Del.C., §4112. Follow all legal and policy  
requirements regarding juvenile investigation, detention, and arrest. Assist in developing  
and updating school Emergency Preparedness Plans. Maintain a safe and secure school  
environment by keeping abreast of elements and incidents that may threaten the safety  
of the students, teachers, and staff. Develop crime prevention programs with school staff  
and provide education on crime prevention to the school community, including current  
topics such as bullying. Be a positive role model and mentor to the school community  
and present a positive image to better enhance communication with students, staff, and  
parents. Receive information from Principal/Designee and conduct an investigation to  
determine if incident requires mandated reporting. Maintain logs of participation in  
school activities and of criminal investigations conducted.  
c. Knowledge/Skills  
Must maintain a high degree of maturity and dedication to the tasks assigned. Must  
possess excellent interpersonal and communication skills. Must possess excellent time  
management and organizational skills and be self-motivated with little direct guidance  
and supervision. Possess knowledge of criminal investigative techniques. Ability to  
provide constructive counseling and offer conflict resolution.  
d. Awareness and Education  
At the beginning of each school year, the School Resource Officer in collaboration with  
the Principal, shall provide an introduction and awareness program/presentation on the  
School Resource Officer (SRO) Program. The program attendees shall include students,  
staff, parents, and school community members. The role and responsibilities of the  
SRO and the topics of force, equipment, and expectations for application and use are  
required.  
9. SIGNATURES  
School District Law Enforcement Agency  
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date  
Date  
Adopted – POLYTECH Board of Education – May 8, 2012