

Sunday September 2, 2018

On Thursday August 30, 2018 during passing period from homeroom to third period I needed to use the bathroom. I tried to go to the third floor bathroom because it is on the same floor as my next class. I saw Mr. Rosenberg lock the bathroom so I went to the second floor bathroom. As I was walking down the stairs to the bathroom I saw the kid in front of me. He went into the bathroom. I also entered the bathroom to use the stall. As I walked out of the stall I saw the Spiderman backpack with the bullet hole. I washed my hands and walked out. I saw Roman and said what's up to him as I walked up the stairs to my class. I also saw my friend Skylar by the bridge and asked him if he was going to class. He said he would be there in a minute. I still had no idea of what had happened.

I got to my classroom, RM 309. I sat down and pulled out my sketchbook. I started doing my do now assignment. After 5 minutes, the lockdown was called. My teacher, Ms Ulloa, followed the lockdown procedure. After 35 minutes into the lockdown the phone rang they were looking for "Roberto Pena". I answered that is my dad. Naz and Danny the security guards came in looking for Roberto Pena. Naz said "oh there he is, that's his son." They left. My dad called me to ask me where I was. I told him Room 309. He asked me if I was involved and I said no. Ten minutes later the SWAT tried to open the door but couldn't because it was locked.

Then Freedom unlocked the door. The SWAT team pointed the rifles into the classroom and said SFPD. They asked if Diego Pena was here. I responded yes I am right here. They were pointing the rifle at my head as they told me to stand up, interlock my fingers and out the back of my head. They told me to walk out backwards. When I was out of the classroom. They grabbed me, put me against the wall and patted me down. They asked me if I had any weapons to hurt any of them. I responded no there is no reason for me to have a weapon. After they patted me down they asked me if I had a backpack. I said yes it's the white and gray nike backpack. They asked me what I knew. I responded that I had heard that there was an accidental shooting in a classroom. They asked me if I knew who the student who shot the gun. I said no. They asked me if I knew what grade he was in. I said I think he's a freshman. I realized there were 5 police officers with me and four more officers with rifles guarding the hallway.

As I was in the hallway with the officers being questioned I saw my phone flash notifying me that someone is calling. I assumed it was my dad so I told Free I think that is my dad calling can you call him. He told me don't worry I am going to be good. He texted my dad and while he was texting he said he's with me. Freedom talked the whole time telling me that I was going to be good and not to worry. Free then told the police officer to tell my classroom that everything was going to be ok and that I was going to be ok. I was allowed to sit on the floor. After 5 minutes passed I saw two police officers come up the stairs. One police officer pulled out handcuffs and they told me to get up. The police start talking to each other. Then Freedom told me that I was now a suspect and the officer cuffed me.

They read me my Miranda rights. They patted down again vigorously. I asked the officers where was I going. They said the station. They walked me down the stairs. I saw my Coach and I said I didn't do anything I am going to be good. He said that better not be the kid's hoodie. I said no it's mine. I am only wearing it for the 49 Niner game. Then I was walked out the main entrance. I saw all the media at the corners and saw a lot of police cars. While, I was being walked out of the black school gate a reporter put a camera in my face and took pictures. I also saw a van inside of the yellow tape. While the officer took me to the police car everyone saw my face and knew who I was. As they put me in the car I saw a parent I knew. HE asked me what happened and I said I didn't do anything. While I am in the car, I told the officers to tell them to tell everyone not to take any pictures of me. They didn't respond. I asked the officer which station I was going to and they said Ingleside. I told the officers to call my dad and gave them his name and number. The officer wrote it down on a napkin.

They took me to the station. I waited in the car for about three minutes, They opened the door of the car, they asked me my name and address. They also asked me the name of my parents and their number. They took me out of the car and put me against a fence to wait. They told me that they had to take out a girl out of the community room and that I would be next, I saw my dad's car pull up. He walked up and started screaming at them. As they were screaming at each other, My dad yelled to me in Spanish, "No les digas nada". I responded I am not. My dad told the police that he didn't want them to talk to me at all. He said it over and over.

They pulled the girl out of the community room and put me in there. There were three officers in the room. I was still handcuffed while I was sitting in the chair. Two officers were talking to me and the other officer was guarding the door. They searched my backpack again and didn't find anything. The police officers talked with me about the 49ers and football because of my sweatshirt. They asked me what position I play and I responded middle linebacker. One of the officers said you must be strong then, I laughed. One of them asked me if I was hungry and I responded no I have food in my backpack. About ten minutes later I asked if I could use the bathroom. They took me to the bathroom and took off my cuff and left the door open so they could see what I was doing. I was unable to use the bathroom because I felt awkward. I told them I could not use it and washed my hands. They put me back in cuffs and sat me down. About 40 minutes later Mr Lau came in and told me what the next steps were and that my parents were here and were going to be in the room soon. He told me what he was going to say and ask me. He told me I could refuse. He walked out and three minutes later he walked back in with my parents.

Officer Lau came in with the recorder read me my Miranda rights again and asked me if I wanted to cooperate, I said no. He then asked if I wanted to give a DNA test and I said no. After the recording was over my dad asked if he could ask me if the police had spoken to me. He said yes. My dad then asked me if the police officers

had spoken to me. I answered yes we were talking about football. My dad was super mad. Officer Lau told the officers not to talk to me any more. From that point on my dad stayed with me in the room the entire time until I was released.

While I was in the room the officers offered me water two times. I refused both times.

Sargent Contreras came in and asked me if I had my medical. I said no. He left and came back 5 minutes later with some papers.

My dad said he is not responding to this because he should have been asked this when he got here three hours earlier . The officer was mad and marked everything as refuse, refuse, refuse. My dad said. He doesn't refuse I refuse.

My dad and me were just talking to each other and had to wait for the lead investigator to tell us what would happen next. The Sargent came in about 4:15. They took pictures of my face and then we were let go.

**Memorandum of Understanding  
Between  
The San Francisco Police Department and  
The San Francisco Unified School District**

Deputy Chief Lyn Tomioka *WT*  
Chief of Staff 2-26-14

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The San Francisco Police Department (“SFPD”) and the San Francisco Unified School District (“SFUSD”) enter into this Memorandum of Understanding, made this 14th day of January in the year of 2014, in the City and County of San Francisco, State of California, in order to ensure safety and foster positive police/youth engagement within primary and secondary public schools in the City and County of San Francisco while also avoiding unnecessary criminalization of SFUSD students for whom arrest and juvenile court involvement creates serious potential long-term consequences. This memorandum will replace the previous Community Oriented Policing In Schools Memorandum of Understanding between SFPD and SFUSD, dated December 15, 2005, as well as any amendments thereto.

### **1. TERM OF THE AGREEMENT**

This MOU shall remain in effect for 5 years from the date of full execution. The terms of this memorandum may be modified or amended at any time by written agreement of both parties. Either party may terminate this agreement upon 90 days advance written notice.

### **2. EFFECTIVE DATE OF THE AGREEMENT**

This MOU shall become effective on the date that it is signed by both the San Francisco Chief of Police and the Superintendent of SFUSD, and is approved by the San Francisco Board of Education (“BOE”), whichever comes last.

### **3. PROGRAM AND PROGRAM COORDINATION**

SFPD will coordinate the Community Oriented Policing In Schools program with the SFUSD (hereinafter “SRO Program”). This program currently consists of SFPD School Resource Officers (“SRO”) who are assigned to and maintain a presence at police stations throughout the city and are also assigned to serve as the primary officers working with one or more schools in the SFUSD when the need for police support arises, as defined in this MOU.

SFPD will maintain a position for a School Resource Officer (“SRO”) Coordinator (Captain or equivalent) who will coordinate the planning, budgeting, management and agency leadership for the SRO program; provide program monitoring and assistance with problem solving; and will handle coordination between the SFPD Chief of Staff Office, District Station Captains, SFUSD, School Site Administrators and SROs. The SRO Coordinator will act as the liaison with the SFUSD to ensure coordination of other programs conducted by other divisions of the SFPD, avoid redundant services, ensure equitable distribution of such program services, and help maintain a line of communication between the schools and the SFPD. The SRO Coordinator will maintain a list of the SROs and their assignments by station and school and provide that list, as well as any updates, to the Associate Superintendent of the Student, Family and Community Support Department (SFCSD) of SFUSD on a quarterly basis, or more frequently if assignments of SROs are changed.

The SFUSD Associate Superintendent – SFCSD will work with the SRO Coordinator to coordinate the SRO Program, including but not limited to distributing this MOU to school sites and educating school sites regarding the provisions of this MOU and their responsibilities under

the MOU.

#### 4. REPORTS

SFPD will provide SFUSD staff with a monthly written report to be filed with the BOE regarding the:

- (A) School site crime incidents reported to, or observed by, SRO/SFPD disaggregated by school-site, offense, and student subgroup, including but not limited to age, race, ethnicity, and gender.
- (B) Number of times that SRO/SFPD was called to schools disaggregated by school site.
- (C) Number of arrests of students made:
  - (1) By SFPD on SFUSD school sites for school related offenses.
  - (2) By SFPD on SFUSD school sites for non-school related offenses.
  - (3) By SFPD off SFUSD school sites for school related offenses.

Such data shall be disaggregated by school-site, offense, and student subgroup, including but not limited to age, race, ethnicity, and gender, with information about the disposition of the matter.

Note: When making arrests of students on SFUSD school sites, SFPD shall consider the "Arrests on School Campuses" section of this MOU.

- (D) Truancy: (1) the number of home visits conducted by SROs, (2) a general description of the police action taken regarding the home visits, and (3) other relevant information concerning SRO action in "truancy abatement" efforts, including the number of students cited or referred to the Truancy Court, or other Juvenile Court that adjudicates truancy cases, if the Truancy Court is abolished, rather than being returned to school or referred to another diversion or support program.
- (E) Referrals: Number of referrals of students from school sites to wellness centers, medical facilities, tutors, mentors or other resources in lieu of arrest or citation.
- (F) Family and Children Services (Child Welfare): Number of referrals of students on school sites made to Child Protective Services.
- (G) Any other information the SFPD believes is relevant, including but not limited to information regarding the nature of any collaborative efforts between the parties.

For purposes of this section, school site is defined as the property upon which the school is located, including any sidewalks and entrances abutting or surrounding the school. It also includes any location where a school sponsored event is being held for the duration of such event.

Three times a year the SRO Coordinator and the Associate Superintendent for SFUSD or their designees shall provide a report to the SFUSD Board of Education regarding the information contained in the aforementioned monthly reports and be available to answer any questions posed by the community related to safety, disproportionate minority contact, if any, student arrest or citation rates, or any other issue. This report to the BOE shall specifically address any efforts to reduce disproportionate minority contact with police and the juvenile justice system and reduce the rate of school-based arrests and citations while maintaining a safe school climate.

## **5. HIRING AND ASSIGNMENT**

SFPD is responsible for the recruitment and assignment of officers to SRO positions and with the provision of necessary training and equipment. SFPD will prioritize the assignment of officers to SRO positions who have experience and training in community policing, youth development, and restorative practices.

## **6. SRO SELECTION**

The SRO Coordinator and Station Captain shall consult with the site principal prior to the assignment of a new SRO to identify any special needs or concerns to be taken into consideration during the selection process of the SRO.

The site principal shall take into consideration any concerns expressed by students or parents at that site, including those opinions expressed in the school site climate survey or other school questionnaires or surveys, regarding SRO or police officer interactions with students on the school site and provide such information to the SRO Coordinator and Station Captain. No confidential information shall be disclosed.

## **7. COORDINATION BETWEEN SRO COORDINATOR, SROs AND SCHOOLS**

### **a. SRO Coordinator**

The SRO Coordinator will meet at least once per school year with the SROs and site principals and shall be invited by the Associate Superintendent of SFUSD to one or more meetings for school site principals. If possible, a meeting shall occur before the school year or at the beginning of the school year for the SRO Coordinator to review school and SFPD expectations, requirements and operational procedures with SROs, principals and security staff.

During the second semester, another meeting should be held to address any issues or concerns that may have arisen since the last meeting.

### **b. SRO**

With a goal of improving school climate, SROs shall meet at least one time per semester with their assigned school principal and any members of the safety team to exchange information about current crime trends, problem areas, emerging youth gangs or other issues of concern which have potential for disruption in the school or within the community, and to strategize on

how to improve school safety. At such time, if SROs have engaged in proactive and preventative strategies with youth, such as connecting them with community based resources, mentors, or tutors, this should also be discussed.

#### **8. MUTUAL COOPERATION between SFPD AND SFUSD STAFF**

The SRO, like all other SFPD police officers, is a sworn member of the San Francisco Police Department assigned to provide law enforcement expertise and resources to assist school site staff in maintaining safety within their assigned school(s). Although the SRO and other police officers are supervised by SFPD, and not the SFUSD, the SRO and any other police officers working with or interacting with a school in SFUSD shall take reasonable steps to work cooperatively with school administrators, consistent with his/her responsibilities and perform the duties outlined in this MOU in accordance with the policies, rules and regulations of the SFUSD. In performing these duties, the SRO and any other police officers working with or interacting with a school in SFUSD shall comply with all SFPD General Orders and policies and all applicable local, state and federal laws. The SRO and any other police officers working with or interacting with a school in SFUSD will maintain familiarity with the SFUSD Student/Parent Handbook of rules and regulations.

Likewise, SFUSD staff, although not supervised by SFPD, will, at all times respect the authority of SFPD Officers and their responsibility to maintain safety for the citizens of San Francisco. It is expected of all SFUSD staff (administrators, teachers and support staff) that every effort will be made to establish and maintain a relationship of mutual respect and cooperation with all members of SFPD.

#### **9. COMMUNITY OUTREACH**

To the extent feasible, SROs will participate in positive student activities in the school community in order to build trusting and respectful relationships with students, families and staff. The SRO will collaborate with school based community organizations, parent teacher organizations, School Advisory Councils, student government and SFUSD staff to develop opportunities for positive activities, such as panel discussions, mentoring programs, community coalitions or task forces.

Based on the availability of additional resources, members of the SRO program may offer the following types of assistance to elementary and middle schools:

- (1) Attending school staff meetings;
- (2) Providing drug education/awareness training,
- (3) Providing sexual assault awareness training,
- (4) Providing gang awareness training, and
- (5) Providing internet safety and violence prevention education to site staff, parents, guardians and students.

## **10. CAMPUS SECURITY**

SROs will augment school site administrators, faculty, and security staff to keep schools safe from intruders. As practicable, the SRO will work with school security to identify security issues and to take reasonable steps to create a safer environment for students. However, the SRO is neither a member of the security staff nor a supervisor of security officers. SROs have primary responsibility for (1) handling all calls for police service at the assigned school site, and (2) coordinating the response of other police resources at the school.

## **11. REQUESTING POLICE ASSISTANCE**

Staff members and site administrators shall only request police assistance when (1) necessary to protect the physical safety of students and staff; (2) required by law; or (3) appropriate to address criminal behavior of persons other than students. Police involvement should not be requested in a situation that can be safely and appropriately handled by the District's internal disciplinary procedures. (BOE Res. No. 92-23A6, Adopted June 22, 1999). If it is unclear whether a particular situation meets the criteria above, contact the principal or Assistant Superintendent as soon as possible to make a determination.

## **12. PROCEDURE FOR SCHOOL STAFF TO REQUEST POLICE ASSISTANCE WHEN THE CRITERIA IN SECTION 11 ARE MET**

- (1) Call 911, SRO or any police officer in an emergency or crisis situation, and notify the site administrator as soon as possible;
- (2) If there is no immediate danger to students or others, a staff member should always contact a site administrator to make the decision about whether to request police assistance for an incident involving potentially criminal behavior by a student, based on criteria in the section supra for Requesting Police Assistance;
- (3) Site administrator shall notify the Assistant Superintendent and enter a written Incident Report the same day to detail police response to an incident involving a student and as required by District policy. Such written reports shall be logged into the SFUSD centralized data system (Synergy) and data regarding such incidents and calls for police assistance shall be provided in aggregate form. The data may be further disaggregated by criteria such as school-site, race, ethnicity, gender, and age of the student or students involved in the incident for which the police contact was initiated, as long as the disaggregation does not reveal individualized information to the general public or relevant school community. This data will be provided in a written report at the three times a year BOE meetings discussed in Section 4 of this MOU.

Disproportionate use of police intervention in inappropriate situations shall be cause for corrective action by the District.

Officers should not be requested to interview students or collect evidence for expulsion hearings UNLESS the employee believes that such an investigation would pose a danger to themselves or others.

(BOE Resolution No. 92-23A6, Adopted June 22, 1999 and attached hereto as Attachment A)

### **13. REPORTING CRIMINAL ACTIVITY**

Criminal activity that must be reported pursuant to Education Code Section 48902 (this section is attached hereto as Attachment B) will be reported to the SRO, or to SFPD if the SRO is not available.

### **14. STUDENT DISCIPLINE**

SFUSD administrators have primary responsibility to ensure consistent enforcement of school rules and policies. Neither the SRO nor any other SFPD police officer shall act as a school disciplinarian. Disciplining students is a school responsibility.

Pursuant to San Francisco Board of Education policy, SFUSD administrators shall prioritize alternatives to school removals and police involvement, such as the use of Restorative Practices (see BOE Resolution No. 96-23A1, "In Support of a Comprehensive School Climate, Restorative Justice and Alternatives to Suspensions and Expulsions")

### **15. OFFICER ENTRY ON SCHOOL CAMPUSES**

Absent exigent circumstances, SFPD officers should notify school officials (e.g., the principal, dean or head counselor) of their presence and/or purpose on SFUSD property. During the meeting between the SRO Coordinator and site principals before school starts or at the beginning of the year, the SRO Coordinator shall receive a list of school contacts to be used for this purpose.

### **16. ARRESTS ON SCHOOL CAMPUSES**

In an effort to minimize disruption to the learning environment, SFPD officers should consider the reasonableness of making an arrest on campus or summoning a student from a classroom. When considering whether it is reasonable to arrest or summon a student on campus, the officer shall consider the following:

- Whether the arrest or summoning is in response to the commission of a school-related offense;
- The seriousness of the offense;
- Whether there is an imminent threat to public safety;
- Federal, state and local requirements;
- Whether the officer is able to accomplish the arrest by other means.

If the arrest is not reasonable given the considerations listed above, the arrest or summons of the student should be made at another time/place.

**17. NOTIFICATION OF PARENT, OPPORTUNITY FOR PARENT TO BE PRESENT, AND OPTION FOR STUDENT TO HAVE AN ADULT OF HIS OR HER CHOICE PRESENT PRIOR TO ANY QUESTIONING OR INTERROGATION**

SFPD and SFUSD shall abide by Education Code Section 48906, which requires that a school official must make immediate parental/guardian notification upon police arrest of a student, excepting when the child is taken into protective custody as a suspected victim of child abuse or pursuant to Section 305 of the Welfare & Institutions Code. SFUSD Board policy requires that a school official must call a parent/guardian and give such parent/guardian a reasonable opportunity to be present for any police interrogation, unless the child is a suspected victim of child abuse.

Efforts to contact parents by SFUSD school officials must include calling all numbers listed on an emergency card, including work numbers, pager numbers, and any numbers supplied by the student. (SFUSD BOE Resolution No. 92-23A6, Adopted June 22, 1999).

If a parent cannot be found, the school site should offer the student the option of having an adult of his or her choice from the school available during the interrogation. (SFUSD BOE Resolution No. 92-23A6, Adopted June 22, 1999).

Consistent with SFPD General Order 7.01, Section III, D.3.a., (“[i]mmediately prior to questioning a juvenile, [the SFPD officer] shall again advise the [student] of the Miranda admonishment. Such admonition shall be given in language appropriate to the age and the sophistication of the [student] and in accordance with General Order 5.20. In addition to the Miranda admonishment, the officer shall tell the juvenile that he or she may have a parent/guardian present before and during an interrogation.”)

If, during an investigation, the student is currently being questioned as a victim or a witness, the same procedures shall apply to avoid any harm to a victim or witness who may later be considered a suspect.

**18. LOCATION OF ARREST, PRIVACY OF STUDENT, AND CONSIDERATIONS OF CAMPUS CLIMATE**

Absent exigent circumstances, officers should coordinate with the principal or designee if after taking into account the reasonableness of such an arrest as outlined in section 16, they determine it is necessary to make an arrest on campus. To the extent practicable, a private location out of sight and sound of other students shall be arranged for the arrest that will help avoid invasion of the student’s privacy, jeopardizing the safety and welfare of other students, and further disruption on the school campus. During the meeting between the SRO Coordinator and site principals before school starts or at the beginning of the year, the SRO Coordinator shall receive a list of school contacts to be used for this purpose.

## **19. GRADUATED RESPONSES TO LOW-LEVEL SCHOOL BASED OFFENSES**

Subject to the exception described below, when SFPD officers make a school based arrest they should use the graduated response system outlined below and they shall make every effort to not refer a student to San Francisco County Juvenile Probation's Community Assessment and Referral Center ("CARC") for the commission of a low-level school-based offense, defined as an offense involving battery, battery on school property, battery against a school employee, attempt to resist arrest, disturbing the peace, or possession of marijuana for personal use, unless the student has committed his or her third or subsequent similar offense during the school year.

- (A) First Offense: If a student commits a low-level school-based offense, an SFPD officer shall have the discretion to admonish and counsel or take no action.
- (B) Second Offense: Upon the commission of a subsequent, similar low-level school-based offense in the same school year, law enforcement shall have the discretion to admonish and counsel, or require the student to attend a SFUSD or other diversion program.
- (C) Third or subsequent offense. For a student who commits a third or subsequent offense, SFPD may refer the case to CARC/Juvenile Probation for filing with the Court or further diversion. If the student has attended a diversion program in that year or any previous school year and the student has committed a similar low-level school-based offense, the next similar minor school-based offense may result in a complaint being filed with the Court.

Notwithstanding this graduated response system, an SFPD officer has the discretion to refer the case to CARC.

## **20. TRAINING ON AND DISTRIBUTION OF MOU AND CROSS-AGENCY PROFESSIONAL DEVELOPMENT FOR PERSONNEL AND SCHOOL COMMUNITY**

SFPD shall ensure that this MOU is distributed to all of its police officers and SROs and that appropriate training regarding the provisions of this MOU and their responsibilities under the MOU is provided.

The SFUSD Associate Superintendent shall ensure that this MOU is distributed to all of its school sites and that appropriate training regarding the provisions of this MOU and staff responsibilities under the MOU is provided.

SROs and any police officers who may interact with SFUSD schools or school students will be encouraged to participate in at least one training per year provided by SFUSD regarding Restorative Practices, youth development and choices, relevant confidentiality laws, special education laws, and strategies for working and communicating effectively with students in the Special Education program. These trainings shall also include a significant youth-led component that focuses on building relationships with youth and understanding the perspective of youth. Youth-centered groups and commissions shall be consulted to develop the training and provided

with an opportunity to help lead the training.

SFPD and its SROs can provide professional development to SFUSD staff in the following areas: gang awareness and prevention; crisis response and personal safety, including sexual harassment. SFUSD security staff may avail themselves of SFPD trainings for their officers.

In an effort to establish and maintain a safe school environment, SROs can also provide expertise and training for the school community (students, staff, parents) with information regarding crime trends and current laws, including juvenile statutes and procedures relevant to schools.

SFUSD can invite and encourage SRO participation in professional development and training opportunities in the areas of Restorative Justice/Practices, Youth Development, teaching methodology and practice, and other educational reform initiatives to facilitate their understanding of the school culture. SFUSD can involve community based organizations to provide training for SROs.

The Associate Superintendent of Student, Family and Community Support for SFUSD shall inform the SRO Coordinator about relevant trainings that are appropriate for SROs.

## **21. LANGUAGE OF MUTUAL RESPECT**

The goal of this MOU with regard to language is to create an environment of mutual respect between SFPD members and the SFUSD's students, parents/guardians, teachers and administrators. All members of the school community shall treat each other with respect.

The SFPD's Rules of Conduct (SFPD General Order 2.01, Section 14 and attached hereto) demands that members of the SFPD treat all people with respect and SFPD will promptly take action to address the use of inappropriate language toward students or school staff. Such Rules of Conduct apply at all times, including during an arrest or investigation.

It is expected under this MOU that SFUSD students and personnel adopt the same respectful tone and conduct with each other and with SFPD officers on and about SFUSD campuses and that SFUSD staff and students will not use incendiary language or profanity toward SFPD officers. SFUSD staff will promptly take action to address the use of inappropriate language toward SFPD officers.

## **22. UNIFORM**

SROs shall wear the regulation SFPD uniform and operate a marked SFPD vehicle while on duty unless otherwise authorized by a SFPD supervisor.

## **23. FEEDBACK/DISPUTES RELATED TO SRO PROGRAM**

The SFUSD Restorative Practices Task Force, which shall include at least two youth members, shall hear feedback/disputes from parents/guardians, students, SROs and staff related to SRO, SFPD, or SFUSD staff compliance with this MOU. To the extent permitted by law, the Task

Force shall provide written findings to the person who filed the feedback/dispute within 21 calendar days after they are filed. The Task Force will provide findings and recommendations to the SFPD and SFUSD, related to the feedback/disputes within 21 calendar days after they are filed.

Additionally, parents/guardians, students and staff may file complaints with the Office of Citizens Complaints. In the event that the feedback/dispute involves SFUSD staff, the Taskforce may forward the information to SFUSD's Human Resource Department for appropriate action.

#### **24. SCHOOL SITE PRINCIPAL DUTIES REGARDING SRO PROGRAM**

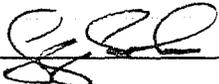
It is the responsibility of the site principal to facilitate ongoing communication between the SRO and school staff. The site principal shall participate in meetings with the SRO Coordinator upon request of the Coordinator and/or the Associate Superintendent and with the SRO as discussed in section 7.

At least once each school year, the school site principal shall distribute a school climate survey to all students at the school to assess student safety and climate around student and police interactions and contact. The student climate survey shall be developed within 90 days of the effective date of this MOU in partnership with stakeholder groups and organizations that work with SFUSD students. Information from the school site survey shall be analyzed and aggregated at the school site and shared with the Associate Superintendent. The surveys shall be anonymous.

In the event that the site principal of the school to which the SRO is assigned feels that the particular SRO is not effectively performing his/her duties/responsibilities, or has a dispute or question regarding their SRO or concern that the terms of this MOU are not being followed, the site principal shall contact their Assistant Superintendent, the SRO Coordinator, and Station Captain as soon as it is practical to do so. The results of the school climate surveys shall be assessed to determine whether such a meeting should be initiated.

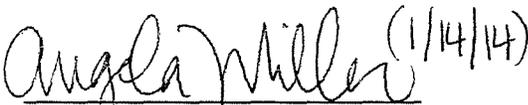
**25. STUDENT ADVISORY COUNCIL**

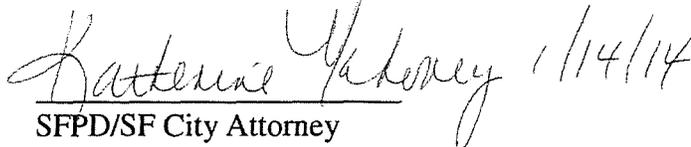
Representatives from the Student Advisory Council (SAC), including but not limited to the SAC Board Representatives, shall have the opportunity to comment on the report given by the SFPD and SFUSD to the Board of Education related to the SRO program as detailed in Section 4. Individual members of the SAC who attend schools with an SRO may participate in school site discussions about the SRO program.

  
\_\_\_\_\_  
Date 1/14/14  
Greg Suhr, San Francisco Chief of Police  
San Francisco Police Department

  
\_\_\_\_\_  
Date 1/14/14  
Richard Carranza, Superintendent of Schools  
San Francisco Unified School District

Approved as to form:

  
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SFUSD Legal Office

  
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SFPD/SF City Attorney



# Join Us!

The **S**an **F**rancisco **U**nified **S**chool **D**istrict and the **S**an **F**rancisco **P**olice **D**epartment would like to get your feedback as we draft our new **M**emorandum **o**f **U**nderstanding. Please join us for a community roundtable at one of the sessions listed below:

## Session 1:

Wednesday, December 19, 2018 from 6pm to 7:30pm at SFUSD's Board of Education Room - 555 Franklin Street, San Francisco, CA

## Session 2:

Monday, January 14, 2019 from 6pm to 7:30pm at SFUSD's Board of Education Room - 555 Franklin Street, San Francisco, CA





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# SFUSD and SFPD Memorandum Of Understanding

**Kevin Truitt,**  
Chief of Student, Family, Community Support Division

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**City and County of San Francisco  
Public Safety and Neighborhood Services Committee**

“Current protocols and policies where students are questioned and arrested at their school site, as well as when they are in police custody, particularly relating to parental noticing, student privacy, and school safety.”



## — From MOU: Section 16. Arrests on Campus

In an effort to minimize disruption to the learning environment, SFPD officers should consider the reasonableness of making an arrest on campus or summoning a student from a classroom.

When considering whether or not it is reasonable to arrest or summon a student in campus, the officer(s) shall consider the following:

- Whether the arrest or summoning the student is in response to the commission of a school-related offense;
- The seriousness of the offense;
- Whether there is an imminent threat to public safety
- Federal, state and local requirements;
- Whether the officer is able to accomplish the arrest by other means.



**From MOU: Section 17. Notification of parent when student is taken into custody.**

**SFPD and SFUSD shall abide by Education Code Section 48096, which requires that a school official must make immediate parent/guardian notification upon police arrest of a student, excepting when the child is taken into protective custody as a suspected victim of child abuse or pursuant to Section 305 of the Welfare and Institutions Code.**



— **From MOU: Section 18. LOCATION OF ARREST, PRIVACY OF STUDENT, AND CONSIDERATIONS OF CAMPUS CLIMATE**

Absent exigent circumstances, officers should coordinate with the principal or designee if after taking into account the reasonableness of such a arrest as outlined in Section 16, they determine it is necessary to make an arrest on campus. To the extent practicable, a private location out of sight and sound of others students shall be arranged for the arrest that will help avoid invasion of the student's privacy, jeopardizing the safety and welfare of other students, and further disruption on the school campus.



**Current MOU expires Jan. 14, 2019**

**There will be TWO Community Input Sessions\* where the public, students and staff of both agencies can provide feedback to incorporate into the new MOU**

**Wednesday, December 19th, 2018**

**And**

**Monday, January 14th, 2019**

**Both meetings are from 6:00 pm - 7:30 pm**

**Both meetings will be held at the Board of Education Room  
555 Franklin St. @ McAllister**

- **Additional meetings can be scheduled if needed.**



## — **MOU - Lessons learned and revisions to consider**

- Clearly differentiate protocols for Active Shooter Response from other situations as described in the current MOU.
- Clarify the timely notification of parents by SFUSD administration in all situations, including Active Shooter situations.
- More explicit language regarding the information sharing expectations of both agencies.
- Establish a clear process for SFPD to assist SFUSD in the timely removal of harmful and obscene material from social media to avoid sexual harassment and exploitation of minors.



Thank you.

Questions...



## Key Terms

**CARC: Huckleberry Community Assessment and Referral Center:** A community based alternative, CARC provides youth, on the day of arrest, with an assessment and crisis intervention as well as a case management plan that may include community service requirements and educational development. CARC is located at **44 Gough Street, San Francisco, CA 94102; Tel: 415-437-2500.**

**Juvenile Justice Center (JJC):** Formerly called the Youth Guidance Center (YGC), the Juvenile Justice Center includes Juvenile Hall (a locked facility for juveniles), Juvenile Court, the Juvenile Probation Department and community organizations. JJC is located at **375 Woodside Avenue, San Francisco, CA 94127; Tel: 415-753-7800.**

**Consensual Contact:** An encounter with police where you are free to leave at any time. You can ask an officer if you are free to leave or being detained. You are free to answer or ignore an officer's request for information.

**Detention:** If an officer believes you are involved in criminal activity, you can be temporarily "detained" while the officer investigates. You are not free to leave during a detention. If the officer cannot confirm his/her suspicion, you will be released. \*(Detention is also used to describe being held in secured custody at juvenile hall.)

**Booking:** After an arrest, you may be taken to juvenile hall or a police station, searched, photographed, fingerprinted and asked for information such as name, address, and parent's phone number.

**Miranda Rights:** If you are arrested and under the age of 18, an officer needs to inform you of your Miranda rights: **"You have the right to remain silent, anything you say can be used against you. You have the right to have an attorney present during any police interrogation, and the right to an attorney free of charge if you cannot afford one."**

Police must also read you your Miranda rights before they question you in custody. You need to decide whether you want to give up your right to remain silent and to talk with an attorney before being questioned. If you aren't sure if you should talk, tell the officer you would like to speak to a lawyer before answering questions.

## WHAT IF I DON'T UNDERSTAND ENGLISH?

You have the right to talk with the police in your own language. **If you are not comfortable speaking English, you can ask to speak with a bilingual officer or an interpreter. The Police Department provides FREE language assistance.**

For more info: See SFPD DGO 5.20 or the Guide to Language Assistance Services brochure available at your local police station or <http://sf-police.org/index.aspx?page=1581>

Issued by  
The San Francisco Police Department  
in collaboration with  
**The Juvenile Justice Coalition**

The Juvenile Justice Coalition is a network of advocates that includes: Asian Law Caucus, Bayview Hunters Point Foundation Youth Services Program, Bernal Heights Neighborhood Center, Center for Young Women's Development, Center on Juvenile and Criminal Justice, Central American Resource Center (CARECEN), Chinatown Child Development Center (SFDPH/CBHS), Community Youth Center of San Francisco (CYC), Each One Reach One, Families Understanding the System, Huckleberry Community Assessment & Referral Center (CARC), Instituto Familiar de La Raza, Juvenile Justice Providers Association (JJPA), Legal Services for Children, Mission District Re-entry Center for Youth (MDRCY), Office of Citizen Complaints (OCC), SAGE Project, San Francisco Department of Children, Youth and Families, San Francisco Juvenile Probation Department, San Francisco Public Defender's Office, San Francisco Wraparound Project, San Francisco Youth Commission, Sunset Youth Services, United Playaz, Youth Guidance Center Improvement Committee, Youth Justice Institute, Youth Law Center, Youth Treatment and Education Center (YTEC)

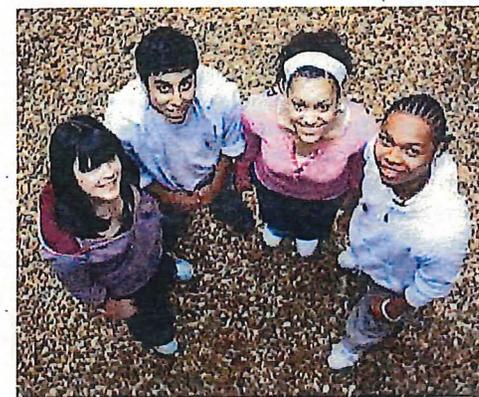
### QUESTIONS/COMMENTS/CONCERNS?

SFPD Juvenile Division  
3401 17<sup>th</sup> Street  
San Francisco, CA 94110  
Tel: (415) 558-5500

If you or your parents have questions or concerns, please ask the police officer or ask to speak to the officer's supervisor. If your concern is not addressed, you can file a complaint with the Police Department or the Office of Citizen Complaints (OCC). The OCC is an independent city agency that will investigate your complaint.

Office of Citizen Complaints  
25 Van Ness Ave. Suite 700  
San Francisco, CA 94102  
Tel: (415) 241-7711  
Fax: (415) 241-7733  
[http://www.sfgov.org/site/occ\\_index.asp](http://www.sfgov.org/site/occ_index.asp)

# Know Your Rights for Youth in San Francisco



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**The San Francisco Police Department seeks partnership with families, schools and youth providers to prevent and solve problems affecting children and youth.**



For JUVENILES detained, arrested, or taken into custody, the SFPD follows the guidelines of Department General Order 7.01

You can read SFPD's Juvenile Policing General Order 7.01 at  
<http://sf-police.org/index.aspx?page=1720>.

**AUGUST 2010**

## MUTUAL RESPECT AND SAFETY

### For your own safety, remember to:

- Stay calm. Even if you are scared or upset, losing your temper will only make a situation worse.
- Keep your hands where the officer can see them so it is clear that you do not pose a danger.
- Do not run.

When a crime is first reported, police officers are often provided with limited information. Unfortunately, this means that sometimes officers might question people who are not involved.

You are able to file a complaint later if you feel your rights were violated, but getting upset can make matters worse. The more you are able to show restraint and respect, the safer you and those around you will be.

## WHAT HAPPENS IF I AM STOPPED ON THE STREET?

- The officer may ask you for basic information (name, age, etc.) prior to reading you your Miranda rights. Although it is not required by law, by providing basic identification information, you may be released or identified as a juvenile more quickly.
- If the officer has "reasonable suspicion" that you have committed a crime, you can be "detained" temporarily while the officer investigates, and you are not free to leave.
- If the officer finds that you were not involved in criminal activity, you will be released.
- If an officer has "probable cause" to believe you committed a crime, you may be handcuffed and arrested.

## WHAT HAPPENS DURING A SEARCH?

- If officers think you are armed or dangerous, they may pat down your clothing and search you for weapons.
- You will be searched by an officer of your same gender unless it is an emergency.



## WHAT HAPPENS IF I AM ARRESTED?

- You may be handcuffed depending on the type of crime you are charged with, your age and size, and if the officer determines that you may pose a security risk.
- If you are arrested, you will be brought to the Community Assessment and Referral Center (CARC) or the Juvenile Justice Center. In an emergency, you may be brought to a police station.
- Within 30 minutes of being taken into custody, an officer will read you your Miranda rights (*see Key Terms*).
- Once you are brought to CARC, juvenile hall (JJC), or a police station, the police will notify your parent/guardian that you are in custody.

## WILL MY PARENTS BE NOTIFIED?

- If you are taken into custody, the police will notify your parent or guardian and tell them:
  - ✓ Where you are being held
  - ✓ The reason for your custody
  - ✓ That you have been read your Miranda rights
  - ✓ That you and your parent can speak with one another
- Within **1 hour** of custody, you have the right to make two phone calls to reach a parent, a guardian, and/or a lawyer.

## WHAT IF POLICE WANT TO QUESTION ME?

- Before FORMAL questioning, police must inform you of your Miranda rights (*see Key Terms*). Only if you give up your Miranda rights, can police question you. You can choose not to be questioned or to be questioned with an attorney present.
- If you are not comfortable speaking English, Miranda rights will be read to you in your primary language by a bilingual officer or interpreter. (This also applies to all written forms.)
- The officer will also tell you that you can have a parent or guardian present during questioning unless they are a suspect or witness in the crime or if it's an emergency.
- Make sure you tell the officer if you want your parents to be present during questioning.
- Only two officers at any given time will question you.
- All interrogations will be audiotaped, except for those in the field and in an emergency.

**Carroll, John (BOS)**

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**From:** Calvin Quick (SFYC) <calvin@quickstonian.com>  
**Sent:** Tuesday, November 27, 2018 4:07 PM  
**To:** Carroll, John (BOS)  
**Subject:** Letter on File No. 180901  
**Attachments:** 11.27.2018 BOS 180901 Support cquick.pdf  
**Categories:** 2018.11.28 - PSNS, 180901

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Mr Carroll,

Attached is a letter relative to the file for BOS File No. 180901, the hearing calling on SFUSD and SFPD to report tomorrow.

Best,

Calvin Quick

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Youth Commissioner, District 5  
Legislative Affairs Officer (LAO)  
San Francisco Youth Commission  
[calvin@quickstonian.com](mailto:calvin@quickstonian.com) | 1(415) 521-9126  
<https://sfgov.org/youthcommission/>

San Francisco Board of Supervisors  
John Carroll, Public Safety Committee Clerk  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, Ca. 94102-4689

November 27, 2018

From: Calvin Quick

Re: BOS File No. 180901

**SUPPORT**

Members of the Committee,

My name is Calvin Quick, and I am the Youth Commissioner for District 5. On October 15, the Youth Commission voted unanimously to support the request for this hearing. I am writing therefore to express my comments relative to the subject matter of this hearing.

At the center of much of the controversy regarding how SFUSD and SFPD handled the firearm incident at Balboa High School on August 30, 2018, is a fundamental rupture of trust between student, parents, and their communities, and the authorities which are charged to keep them safe. I urge the committee consider the perspectives of all those who have been the subjects of this breach of trust, and to consider what administrative or legislative action could aid to restore and, most critically, maintain good relations between law enforcement and students.

Constructive relationships between students, parents, communities, school staff, and law enforcement will continue to remain key to ensuring that students are kept safe in their schools, places of refuge, and of learning.

Sincerely,

[signed]

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Calvin Quick