



# LAW ENFORCEMENT RISK ANALYSIS

## CONSIDERATIONS FOR THE LAW ENFORCEMENT LEADERS WHEN REVIEWING THE SCHOOL/LAW ENFORCEMENT MOA IN LIGHT OF THE ROBB ELEMENTARY SCHOOL TRAGEDY NEW THREAT ASSESSMENT LEGISLATION

Most law enforcement officers know that an active shooter event or the threat of mass violence is a significant concern to our local communities. In the past ten years, there has been an eighty-eight percent increase in gun violence on school grounds in the United States.<sup>1</sup> The mass shooting event that killed twenty-one victims at the [Robb Elementary School in Uvalde, Texas](#), may and should become a defining teachable moment for law enforcement agencies worldwide. There are numerous [official](#) and media reports that lay blame on the law enforcement response, including the Chief of Police. Police leaders should read these reports, review the facts, and use this information to improve their active shooter policies and training. The need for such training and policy review is essential. Leaders must go beyond the apparent risks and look at the linked decisions and agreements that may not be obvious. One such act includes the yearly signing of the New Jersey Uniform Memorandum of Agreement Between Education and Law Enforcement Officials. There are numerous provisions in that document that aim to prevent school violence. The signatory of the agreement may not have realized that they took on a tremendous responsibility. Liability is attached, and if a tragedy should occur, questions will be asked to determine if the signatory truly engaged in the practices described in the agreement. Section II of this Risk Analysis highlights areas where law enforcement leaders may be vulnerable. We encourage our members to read through this document, identify your risks, and take action in areas of concern where there is a gap in service.

The Uvalde tragedy also sparked new legislation in [New Jersey requiring Public Schools to Develop Threat Assessment Teams](#). This law will take effect immediately for the 2023-2024 school year. The conditions and requirements of this legislation can be viewed at this [LINK](#). Organizing and using Threat Assessment Teams should be considered a best business practice. The National Institute of Justice has published "Notes From the Field," which discusses [the value of threat assessment teams](#). Creating these teams is also supported by the [U.S. Department of Homeland Security and the U.S. Secret Service](#).

The new legislation requires educators and law enforcement to work together. However, there are many unknowns concerning law enforcement's role at this time, and the legislation indicates that the New Jersey Department of Education will be developing guidelines. Section I of this Risk Analysis discusses many of the potential risks that apply to our law enforcement partners. Understanding the role of the team, applicable laws when interacting with students, Individualized Education Plans (I.E.P.), exchanging information, and training are some of the considerations that need to be addressed.

This Risk Analysis likely poses more questions than it does in providing answers. Its purpose is to spark thought, conversation, and considerations as law enforcement leaders try to determine best how to navigate their role in this process while protecting their schools, their communities, their officers, and themselves.

**This resource is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented by your manager or supervisor and consult with your municipal attorney. For further information regarding this resource, contact your Safety Director at 877.398.3049**

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**Key: LEAL = Law Enforcement Agency Leader**

**Section I – New Threat Assessment Team Legislation Considerations for the Law Enforcement Leader**

This Risk Analysis was developed by reviewing: [New Jersey Legislation A4075/3329](#)

**Section A - General Considerations**

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| 1 | <p>While additional training materials and state guidelines or directives are being developed, Law Enforcement Agency Leaders may benefit from reviewing the Threat Assessment Process implemented in the Virginia school system (2013). Specific details of this program may be reviewed here: <a href="#">Threat Assessment in Virginia Public Schools: Model Policies, Procedures, and Guidelines</a>. The laws of the State of Virginia may be significantly different than in New Jersey, but the U.S. Department of Justice, Office of Justice Programs studied the <a href="#">Virginia Threat Assessment Program and published Student Threat Assessment: Virginia Study Finds Progress, Areas to Improve</a>. These two documents may offer valuable information on what has worked and what needs improvement. For Example, the study of the program found uneven implementation across schools, some threat assessment teams rarely or never met, training improvements were needed, and many staff members lacked awareness of the threat assessment process.</p>  |
| 2 | <p>The National Police Foundation found that student peers were most often the first to discover another's plan for violence, so having an effective method for reporting such concerns and how that information is received or processed by the Threat Assessment Team may be critical.<sup>2</sup></p> <p>Will information received from "tiplines" and especially such communication platforms managed by the local law enforcement agency be discussed by the Threat Assessment Team? Will such a discussion happen if a juvenile is under investigation or charged with an offense or when there is no suspect identified? See Section II, Item #41 of this Risk Analysis for further identified risks and mitigation considerations.</p> <p>The Department of Education and U.S. Secret Service document entitled "<a href="#">Prior Knowledge of Potential School-Based Violence: Information Students Learn May Prevent A Targeted Attack</a>" may be helpful when considering the value of having an appropriate platform to receive tips.</p> <p><b>RISK/MITIGATION STRATEGIES:</b> The Law Enforcement Agency Leader (LEAL) should discuss this with school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p> |
| 3 | <p>Although there is no specific definition of a Threat Assessment Team in the newly enacted legislation, there is a defined purpose and description. The legislation appears to focus the purpose of the Threat Assessment Team specifically on students of concern. There are many types of Threat Assessment Teams. An important consideration for Law Enforcement is whether the Threat Assessment Team in their local school will review or discuss threats or identified concerns of those who are not students. For Example, will or should the team discuss a faculty member,</p>  |

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|  | <p>parent, former student, or outside contractor who has displayed concerning behaviors? Is this appropriate? If a discussion about such a person is inappropriate, how will situations like this be handled when they occur?</p> <p>RISK/MITIGATION STRATEGIES: It's unknown at this time if faculty members, parents, and other non-students will be a matter of concern and be discussed at a Threat Assessment Team meeting. Some teams may arbitrarily decide to do so, and such inconsistency will manifest tremendous risk. Furthermore, if non-students are not discussed at the Threat Assessment Team meeting, this does not mean that they do not pose a threat to the school environment. Absent this consideration, some agencies and schools may inadvertently ignore or minimize non-student threats and jeopardize the safety of students and staff. Additionally, if the school decides to form a separate Threat Assessment Team to address non-students, how will many of the questions and issues raised in this Risk Analysis be answered and handled as the legal parameters and restrictions would likely change? The LEAL should discuss this with school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p> |
| 4  | <p>Is there a process to ensure that information from school staff members who are not teachers are aware of the Threat Assessment Team, their role, how to bring information to the team, and what are possibly concerning behaviors? Such persons may include custodial staff, coaches, nurses, administrative support staff, and more. Additionally, some individuals, such as crossing guards and bus drivers, may work for an outside entity or even the law enforcement agency but may be unaware of the Threat Assessment Team and concerning behaviors. Training school staff members may likely be the responsibility of school officials, such as the School Safety Specialist.</p> <p>RISK/MITIGATION STRATEGIES: The responsibility to train other support staff, such as crossing guards and bus drivers, may be the responsibility of the law enforcement agency or others. The LEAL should discuss this with school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p>  |
| <p><b>Section B – Threat Assessment Team Disclosure of Information</b> – Although future training and guidance will likely be provided, this new legislation indicates that the threat assessment team shall not disclose or disseminate any information obtained during their assessment.</p> |   |
| 1  | <p>How will police agencies address situations when an officer learns from a Threat Assessment Team Meeting of possible drug activity or domestic violence in a residence if it is deemed that such information cannot be shared? If it can be shared, are officers aware of the actions they must take? Will such action be consistent from school to school within the district or with law enforcement officers from the same agency? See Section II, Item #41 of this Risk Analysis for further identified risks and mitigation considerations.</p> <p>RISK/MITIGATION STRATEGIES: Law Enforcement Officers may have a legal obligation to act on some information received, or due to their training and experience, they may know the best actions to take to assist a victim. However, officers may be unsure of what action they can take. The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p>   |
| 2  | <p>How will this impact any person's obligation to report a child abuse and neglect matter to DCP&amp;P? See Section II, Item #22 of this Risk Analysis for further identified risks and mitigation considerations.</p>   |

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| 3 | <p>What actions, if any, should an officer take if they learn while participating in a Threat Assessment Meeting that a <a href="#">Temporary Emergency Protection Order</a> (TERPO/ERPO) should be considered for a student? Has the law enforcement officer who has been tasked with attending this meeting received proper training in the TERPO/ERPO law and process? Have all Threat Assessment Team members been trained in the TERPO/ERPO law and process? Can an officer access state and local law enforcement agency firearm permit databases to determine if firearms exist in the home or, in the case of an adult student, possessed by the student?</p> <p>RISK/MITIGATION STRATEGIES: Law Enforcement Officers may have a legal obligation to act on some information received, or due to their training and experience, they may know the best actions to take to assist a victim. However, officers may be unsure of what action they can take. The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and are adjusted as additional guidelines and procedures are developed.</p>  |
| 4 | <p>Can an officer utilize or share information when a law enforcement agency is completing a Firearms Permit Background Investigation? The information discussed at the Threat Assessment Team meeting may cause a finding that the now adult applicant is ineligible for a firearms permit due to a concern for public health, safety, or welfare.</p> <p>RISK/MITIGATION STRATEGIES: It is likely that Law Enforcement Officers present at a Threat Assessment Team meeting will hear of circumstances where an individual spoke of causing great harm. In some cases, it may be possible that no formal criminal or juvenile charges will be brought against the student. A subsequent firearms background investigation may not reveal any information that warrants a denial of a firearms permit or a firearms identification card.</p> <p><i>Hypothetical Example: A 17-year-old 12<sup>th</sup>-grade student in April of the school year writes in a journal that he wants to see all teachers die, which a teacher observes. The incident is discussed at the Threat Assessment Team meeting, and it is decided that there are no criminal charges, or perhaps the incident was processed on a stationhouse adjustment. When the student turns 18 in June and graduates, the student then applies for a firearms identification card.</i></p> <p>Can a Law Enforcement Officer ever use the information they learned from a Threat Assessment Team meeting when an application to purchase a firearms investigation is underway? If the permit is granted, a firearm is legally purchased, and it is used unlawfully, the law enforcement agency may be criticized for what some believe was an improper investigation. Yet it is possible the law enforcement agency was not aware of the information from the Threat Assessment Team meeting or was not permitted to utilize it.</p> <p>The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and are adjusted as additional guidelines and procedures are developed.</p> |
| 5 | <p>Suppose there was no law enforcement involvement with a student before the Threat Assessment Team Meeting. While attending a Threat Assessment Team meeting, the officer obtains information that a student may be involved in criminal activity. Can or should an officer initiate a criminal investigation, stationhouse adjustment, or promulgate a juvenile complaint from that information? If this occurs, is the process taking place in accordance with <a href="#">N.J.A.G. Directive, 2020-12 (Establishing Policies, Practices and Procedures to Promote Juvenile Justice Reform</a></p>   |

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|   | <p>RISK/MITIGATION STRATEGIES: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p>   |
| 6 | <p>Will there be any obligation by the law enforcement agency to follow up or monitor the future actions of a student discussed at the Threat Assessment Team meeting? Will the law enforcement agency be able to consider information learned from a Threat Assessment Team meeting in future investigations?</p> <p>RISK/MITIGATION STRATEGIES: <i>Hypothetical Example: In the late Spring of a high school senior's school year, the student writes in a journal that he wants to see all the school students die. The incident is discussed at the Threat Assessment Team Meeting, and it is decided that there are no criminal charges as the school implements an action plan for mental health services. Later that year, during the summer, the former student is charged with animal cruelty and released on a stationhouse adjustment. No consideration of the student's journal writings was taken in the decision to proceed with a stationhouse adjustment. A year later, the same former student's application for a firearm is approved, and the student returns to the school exactly one year later and wounds or kills his intended targets.</i></p> <p>The law enforcement agency may face scrutiny or be subject to litigation, yet it is unclear what are the appropriate steps for law enforcement in these circumstances.</p> <p>RISK/MITIGATION STRATEGIES: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p> |
| 7 | <p>If a mental health professional is a member of the Threat Assessment Team, are they obligated to invoke a <a href="#">Duty to Warn</a> when warranted? Does the law enforcement officer know what a Duty to Warn is? Is there a procedure or policy at the agency of how officers and employees are to handle a Duty to Warn notification properly?</p> <p>RISK/MITIGATION STRATEGIES: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p>  |
| 8 | <p>A <a href="#">study of school shooting incidents</a> found that forty-three percent of perpetrators who committed an active shooter event at a school had a history of abusing animals. Does the law enforcement agency have a policy or training that helps officers distinguish the difference between animal neglect, animal abuse, animal torture, or animal sexual abuse? Should there be a process where the law enforcement agency ensures that such information is brought to the attention of the Threat Assessment Team? If the juvenile is charged or under investigation, would they comply with N.J.S.A. 2A:4A-60? If a juvenile is not charged or is under investigation, but the incident occurred at or near a student's home, should this be discussed at the Threat Assessment Team meeting? Is the School Safety Specialist training the members of the Threat Assessment Team about this important risk factor?</p> <p>RISK/MITIGATION STRATEGIES: <i>Hypothetical Example: A 7<sup>th</sup>-grade student writes in his journal that he wants to see all students die. The Threat Assessment Team meets and decides on a course of action. The law enforcement officer at the Threat Assessment Team meeting is unaware of several incidents involving animal torture at the home where the juvenile may have been involved. The</i></p>  |

*officer is unsure whether checking the agency records system is permissible. The officer decides to check the records system and locates several calls for service involving "animal issues." The case details reveal that there were numerous incidents of birds being found intentionally decapitated, but the agency only had the call for service code "animal issue," which encompasses animal neglect, animal abuse, animal torture, and animal sexual abuse, and the officer did not recognize the significant risk factor(s). Eight months later, the student commits a violent act in the school.*

Criticism may be forthcoming. Training police personnel to recognize these signs is highly recommended.

The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and are adjusted as additional guidelines and procedures are developed.

**Section C – Threat Assessment Team Legislation Team Training** - This new legislation indicates that each member of the Threat Assessment Team will be provided training conducted by the School Safety Specialist regarding childhood experiences, childhood trauma, cultural competency, and implicit bias.

1 Childhood Trauma, often referred to as Adverse Childhood Experiences (ACEs), is a known risk factor for future violence. Nearly seventy percent of school mass shooters had a history of childhood trauma.<sup>3</sup> The [National Police Foundation, Preventing School Violence – Lessons Learned From the Averted School Violence Project](#) found that those who have completed attacks have witnessed life-changing events such as a break-up, separation or divorce, moving, abuse, financial stress, job loss, substance abuse, death, and illness. Is there a process to inform members of the Threat Assessment Team of a child who has experienced ACEs? Will this be permitted? Is the current [Handle With Care](#) process sufficient in providing this information to the Threat Assessment Team? What processes or legislation, if any, need to change to ensure that information regarding ACEs is shared with the Threat Assessment Team? The N.J.A.G. Handle With Care Directive indicates that the completed Handle With Care notice is referred to the school's "Point of Contact." Is this point of contact assigned to the Threat Assessment Team or in a position to ensure that such information is provided to the team, and is it appropriate? The Handle With Care directive also specifically states that if there is additional communication between law enforcement and the school, the officer must be cautioned not to disclose any details that would violate the privacy interests of the parties involved.

RISK/MITIGATION CONSIDERATIONS: The law enforcement officer assigned to the Threat Assessment Team will likely possess information that they have learned from their contacts with others, intelligence bulletins, police databases, and more that may help provide valuable information to the Threat Assessment Team, but is it permissible to share? When it is shared improperly or inconsistently, then there is a risk. When the information is not shared, the law enforcement agency may be judged for failing to bring forth information. Still, it may have been questionable whether getting the information to the Threat Assessment Team was permissible.

The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and are adjusted as additional guidelines and procedures are developed.

2 Are officers aware of the provisions of N.J.S.A. 2A:4A-60, where disclosing information about a juvenile family crisis may be prohibited? Do officers know what constitutes a [juvenile family crisis](#)?

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|   | <p>RISK/MITIGATION CONSIDERATIONS: The LEAL should discuss this with school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p>  |
| 3 | <p>Will juveniles that have been truant from school be discussed at the Threat Assessment Team meeting? It should be well understood that threats to the school may come from persons who were not in school that day. Will this information be prohibited from being discussed at the Threat Assessment Team meeting because such behavior may be a juvenile family crisis?</p> <p>RISK/MITIGATION CONSIDERATIONS: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p>   |
| 4 | <p>Will juveniles that have been subject to human trafficking be discussed at the Threat Assessment Team meeting? Will this information be prohibited from being discussed at the Threat Assessment because such action may be a juvenile family crisis?</p> <p>RISK/MITIGATION CONSIDERATIONS: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p>   |
| 5 | <p>Will juveniles who have been expelled, suspended for an extended period, dropped out of school, moved to a different school, or graduated be discussed at the Threat Assessment Team meeting? Is there a belief that students who will no longer be attending the school are no longer a threat to the school or community at large?</p> <p>RISK/MITIGATION CONSIDERATIONS: <i>Hypothetical Example: A student who has been bullied for several years during the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> grades wrote in his journal during his 7<sup>th</sup>-grade year that he wanted to see students die. The student's history and behavior are discussed at the Threat Assessment Team meeting, and a plan of action is implemented, which includes mental health services. Then the student transfers to a private school outside of the public schools sending district. Six months after leaving the public school district, while enrolled in a private school, law enforcement receives a report that the student had posted violent messages on a social media platform. The police respond to the home, investigate, and notify the school the student attends of the incident. The private school decides on a course of action. Six months later, the student obtains a firearm from his home and wounds or kills several students at the private school. It was later learned that such risk of violence was discussed during his 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> grades, but this was not known to the law enforcement officers when they investigated his online threats when he was in 8<sup>th</sup> grade nor known to the school officials in his new school.</i></p> <p>RISK/MITIGATION CONSIDERATIONS: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p> |

**Section II – Identified Risks and Mitigation Considerations for the Law Enforcement Leader Concerning the New Jersey Uniform State Memorandum of Agreement Between Schools and Law Enforcement Officials**

This Risk Analysis was developed while reviewing the [Uniform State Memorandum of Agreement Between Schools and Law Enforcement Officials – 2019 Revisions](#)

| # | M.O.A. Section/<br>Page # | Section/Concern   | Considerations   |
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| 1 | 1.2<br>Page 7             | 2019 Revisions  | <p>During the annual review, schools and law enforcement shall discuss the agreement's content. Page 7 of the 2019 Memorandum of Agreement outlines five areas of concern that must be addressed. (<a href="#">See Page 7, Items 1-5</a>).</p> <p>RISK/MITIGATION CONSIDERATIONS: The LEAL must ensure that they have a meaningful meeting with the specified school officials.</p>  |
| 2 | 1.3<br>Page 8             | Non-mandatory reports to law enforcement (3 <sup>rd</sup> Paragraph). | <p>The M.O.A. states that schools are encouraged to consult with law enforcement for any offense that they believe may warrant action outside of school. If law enforcement deems that action is necessary, officers should be trained to understand their agency's policy regarding what action may be implemented. In such cases, there may be many questions as to whether the information should be discussed at a Threat Assessment Team meeting, especially for incidents reported to law enforcement, but the incident does not result in any formal action, such as a juvenile complaint or a stationhouse adjustment. In such a case, who's responsible for bringing this information to the Threat Assessment Team, if anyone?</p> <p>RISK/MITIGATION CONSIDERATIONS:</p> <p>The LEAL should develop procedures to ensure that youth are not unnecessarily brought into the Juvenile Justice System. The <a href="#">N.J.A.G. Directive, 2020-12 (Establishing Policies, Practices and Procedures to Promote Juvenile Justice Reform)</a> and <a href="#">N.J.A.G. Guidelines for Stationhouse Adjustment of Delinquency Offenses</a> should help guide the LEAL.</p> <p>The LEAL may also wish to evaluate how effective their tracking measures are with respect to curbside warnings and whether formal juvenile complaints that are classified as "school-based" were initiated by School Resource Officers (SRO) or any officer responding to a school incident as opposed to the officer being summoned by a school official to an incident.</p> |



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|   |               |  | <p>Absent a solid internal agency tracking of such issues, outside agencies or the public may obtain data about juveniles charged with an offense that may be considered a school-based juvenile complaint yet were brought to the attention of a law enforcement officer by a school official. When there appears to be a disparity of perhaps race, age, or gender of juveniles processed on a station house adjustment or charged as a juvenile delinquent on a formal complaint, outside groups or the public may seek to hold the law enforcement agency accountable for "targeting" certain groups, and absent internal tracking the LEAL may not be able to explain that many of the incidents were reported by school officials. When the LEAL relies solely on the A.O.C. tracking of school-based complaints or the New Jersey Student Safety Data System for the monitoring of police involvement at schools, it may paint a picture that a specific officer is engaging in over enforcement of certain juvenile populations when in fact, the vast majority of those situations may have been brought to that officer by a school official.</p> <p>For Example, a member of the public may access the <a href="#">New Jersey Attorney General Use of Force Portal</a>. Then review the number of times officers have used force on a subject in a school and compare that data to the number of juveniles that have been processed on a juvenile complaint that is "school-based."</p> <p>Law Enforcement Agency Leaders may benefit from reviewing: <a href="#">ACLU-NJ and Education Law Center Call for State Action on Police in Schools</a>, the <a href="#">New Jersey School Performance Report</a>, which tracks notifications to police by schools, and the <a href="#">New Jersey Juvenile Justice Commission Juvenile Detention Alternatives Initiative</a>.</p> |
| 3 | 2.1<br>Page 9 | <p>Liaisons. The law enforcement agency shall designate one or more persons to serve as a liaison to school officials.</p> <p>Schools must designate the School Safety Specialist (S.S.S.)</p> | <p>Every police agency has likely designated one or more persons to serve as liaisons to school officials. However, recent national events and the new threat assessment legislation brings new focus to this role. <a href="#">N.J.A.G. Directive, 2020-12 (Establishing Policies, Practices and Procedures to Promote Juvenile Justice Reform)</a>, should be thoroughly reviewed in connection with this section of the M.O.A., especially considering the new threat assessment legislation.</p> <p>Is the Designated School Liaison, later referred to as the Designated Law Enforcement Official (D.S.L.O.), the same person as the Juvenile Liaison Officer (J.L.O.) as required by N.J.A.G. 2020-12, (Page 26, Item J)?</p>   |

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|   |                |  | <p>Has the agency posted to their website contact information for the J.L.O.? See N.J.A.G. 2012-12, Item J, Page 27.</p> <p>If two different people are the J.L.O. and the D.S.L.O., do they collaborate on reported issues?</p> <p>If the County Prosecutor has authorized Designated Supervisory Officer (D.S.O.) to authorize a juvenile complaint without prosecutor approval, does this supervisor collaborate with the D.S.L.O. or J.L.O. when making any decisions regarding juvenile dispositions? See N.J.A.G. 2012-12, Page 13.</p> <p>Does the School Safety Specialist collaborate with the D.S.L.O. and J.S.O.? Do they have the ability to communicate regularly? Is the D.S.L.O. available on an ongoing basis for school officials, as noted in the M.O.A., Page 10, Section 2.11?</p> <p>Prior to the recent attention to school shootings and new legislation, the answers to these questions may not have seemed as highly important. However, after a tragedy, questions will be raised about roles, how the entities involved communicated with one another, and what information was exchanged. This must be revisited to ensure that leadership roles and communication processes are applied and followed.</p> <p>RISK/MITIGATION CONSIDERATIONS: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p> |
| 4 | 2.2<br>Page 10 | Consultation and Information Sharing. Items a-g on pages 10-11 specify what school and law enforcement personnel "must" discuss. | <p>Have all of the items been discussed?</p> <p>Subsection "e," Warning Signs: What steps has the agency taken to train their officers, especially the D.S.L.O., J.L.O., D.S.O., and the School Resource Officer, about the warning signs?</p> <p>Are officers aware of research that has found <a href="#">43% of school shooters</a> had engaged in animal abuse which can serve as a warning sign relative to school shooters? Does the law enforcement agency have a specific policy addressing animal abuse or animal torture, or is it more specific to animal neglect?</p> <p>Are officers aware of the growing threat of the <a href="#">Incel Movement</a> and its prevalence among some active shooters?</p>   |

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|   |                   |  | RISK/MITIGATION CONSIDERATIONS: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.   |
| 5 | 2.3<br>Page 11    | Safe Schools Resource Officers. – "Shall" discuss the feasibility and desirability of S.R.O.s                                    | <p>Has this been discussed where such positions do not exist? This does not mean that S.R.O.s are required, but has the conversation about their feasibility taken place?</p> <p>RISK/MITIGATION CONSIDERATIONS: The LEAL should ensure that they document any conversation regarding the deployment of law enforcement officers working in the school in a School Resource Officer capacity. Especially if any party decides that officers will not be deployed as SROs. In the event of a tragedy at a school, some may say that the LEAL refused to assign officers to the school, and the LEAL should be able to defend their position.</p>  |
| 6 | 3.1<br>Page 12-13 | <p>Mandatory Report Offenses</p> <p>School Employee required to report crimes involving sexual penetration or sexual contact</p> | <p>The responsibility likely falls on school officials to make the report, but are all officers familiar with the seven offenses that are mandatory reports?</p> <p>Is the definition of a "dangerous weapon" and what constitutes "anyone that has threatened, is planning or otherwise intends to cause death, serious bodily injury, or significant bodily injury in which a reasonable person would believe that the person genuinely intends...." Are these terms universally understood by everyone, or do officers or school administrators assigned at separate schools in the same school district handle such situations differently?</p> <p>RISK/MITIGATION CONSIDERATIONS: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p> <p>The LEAL should ensure that all police employees sworn and civilian, complete the M.E.L. Child Protection Training Program for <a href="#">Law Enforcement</a> or <a href="#">Police Civilian Employees</a>.</p> <p>The LEAL may benefit from reviewing the <a href="#">D.C.P.P. and Law Enforcement Sample Policy</a>.</p> |
| 7 | 3.1.1<br>Page 13  | Law Enforcement Response to Mandatory Reports?   | <p>The M.O.A. specifically delineates that law enforcement may investigate the act and determine that no further action is needed or recommended. Are such decisions in compliance with agency policy that is supported by <a href="#">N.J.A.G. Directive, 2020-12 (Establishing Policies, Practices and Procedures to</a></p>   |

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|    |                  |   | <p><a href="#">Promote Juvenile Justice Reform</a>? When decisions are made, is there a process to review the information that may or may not have been discussed at a Threat Assessment Meeting? Is the D.S.L.O., J.L.O., D.S.O., or S.R.O. involved in the decision-making process, if necessary?</p> <p>Also, see Section II, #2 of this Risk Analysis for further considerations.</p> <p>RISK/MITIGATION CONSIDERATIONS: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p>   |
| 8  | 3.2.4<br>Page 15 | Opioids   | <p>Have the parties discussed the availability of Narcan/Naloxone in the school?</p> <p>RISK/MITIGATION CONSIDERATIONS: Although this is the responsibility of school officials to consider equipping certain employees with Naloxone, the lack of such a resource in the school may cause an outcry from the community in the event of a tragic incident. As a signatory to the M.O.A., the LEAL agreed to discuss this issue and should be able to provide testimony or report to the public that this equipment was discussed.</p>   |
| 9  | 3.3<br>Page 16   | <p>Exceptions to Mandatory Reports of Offenses Involving Controlled Dangerous Substances</p> <p>Overdose Prevention Act</p>                   | <p>Are officers aware of the exceptions involving students in treatment programs or those that self-report?</p> <p>Do agency policy and training programs ensure officers are aware of <a href="#">N.J.A.G. Directive 2013-1, Uniform Statewide Enforcement of the Overdose Prevention Act</a>, and the prohibitions of arrest under certain circumstances when a person reports a medical emergency?</p> <p>Even though there may not be a prosecution or arrest, would an officer assigned to a Threat Assessment Team be permitted to disclose this information?</p> <p>RISK/MITIGATION CONSIDERATIONS: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p> |
| 10 | 3.3.4<br>Page 17 | <p>Students Suspected of Being Under the Influence of Alcohol or Other Drugs.</p> <p>..." school officials may, but need not, disclose to</p> | <p>Will students who were found to be under the influence but not charged be discussed at the Threat Assessment Team meeting when law enforcement is present?</p> <p>Will this be consistent from school to school in the same district?</p>  |

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|    |                        | law enforcement authorities the identity of a student suspected to be under the influence..." | <p>What, if anything, will law enforcement do with this information if it's the first time it's become known to law enforcement?</p> <p>RISK: Absent specific procedures or direction, such information may be discussed or disclosed to law enforcement arbitrarily, which may impact later decisions. Specific procedures and consistency are essential to protect the law enforcement agency from impartial practice allegations.</p>  |
| 11 | 3.3.5<br>Page<br>17-18 | Possession or Consumption of Alcoholic Beverages  | <p>It is delineated that alcohol possession by an adult on school property is a "serious matter" requiring an immediate response by law enforcement.</p> <p>RISK/MITIGATION CONSIDERATIONS: Officers or agencies would be criticized if they utilize discretion with respect to enforcement and are not familiar with the strong tone of this section, and a subject who was found with alcohol later commits an act of violence. Strong policy guidance and supervisor oversight of such incidents may better protect officers and the agency's reputation.</p>  |
| 12 | 3.3.6<br>Page 18       | Self-Administration of Medication by Students   | <p>Are officers aware of the specified provisions?</p> <p>RISK/MITIGATION CONSIDERATIONS: HYPOTHETICAL EXAMPLE: <i>A Student and their parent or guardian have followed all the protocols for self-medication, but an officer takes enforcement action due to not being aware of this section of the M.O.A.</i></p> <p>Strong policy guidance and supervisor oversight of such incidents may better protect officers and the agency's reputation.</p>   |
| 13 | 3.3.7<br>Page 19       | Compassionate Use of Medical Marijuana  | <p>The M.O.A. directs school boards to discuss the oral consumption of medical marijuana with their attorney?</p> <p>RISK/MITIGATION CONSIDERATIONS: Decisions have been made by the board attorney that impact law enforcement, and this information has not been communicated or discussed. <a href="#">N.J.A.G. Medical Marijuana Enforcement Guidelines for Police</a> is a valuable resource. The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and are adjusted as additional guidelines and procedures are developed.</p> |

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| 14 | 3.3.8<br>Page 20 | Electronic Smoking Devices   | <p>The M.O.A. states, "Electronic smoking devices should only be reported to law enforcement when there is reasonable suspicion that the device is being used as a nexus for marijuana or other illegal drugs.</p> <p>Are all school officials and officers aware of this?</p> <p>Do some schools or officers handle such situations differently?</p> <p>Would a report of a student found with an electronic smoking device be discussed at a Threat Assessment Team meeting, and if so, is that permitted or appropriate?</p> <p><b>RISK/MITIGATION CONSIDERATIONS:</b> A practice that is different from what is agreed upon by the M.O.A. presents risk and inconsistency among school employees, police officers, and schools within the same district.</p> <p>The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and are adjusted as additional guidelines and procedures are developed.</p>   |
| 15 | 3.6<br>Page 21   | The requirement to Report Incidents Involving Firearms and Dangerous Weapons | <p>Section 3.6 of the M.O.A. has many provisions regarding mandatory notification of weapons, including non-firearm weapons. The M.O.A. specifies that law enforcement must be notified when a seized weapon is any switchblade, gravity, or ballistic knife, stun gun, or metal knuckles, whether the weapon was actually used or threatened to be used.</p> <p>The M.O.A. states that law enforcement should be notified for other non-firearm weapons that were actually used or threatened to be used in committing an offense or assault.</p> <p>Will non-firearm weapons seized that were not part of an assault or threat be discussed at a Threat Assessment Team meeting? If so, who is responsible for bringing this information to the meeting?</p> <p><b>RISK/MITIGATION CONSIDERATIONS:</b> The decision to report a non-firearm weapon to law enforcement for formal law enforcement action may be very fact-sensitive and incident-specific. Decisions made by officers or the D.S.L.O., J.L.O., or D.S.O. should be as consistent as possible when confronted with these situations. The LEAL should discuss this with the school officials and ensure consistent agency</p> |

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|    |                |  | <p>procedures and policies are in place and are adjusted as additional guidelines and procedures are developed.</p>  |
| 16 | 3.7<br>Page 21 | Exceptions to Mandatory Firearms and Dangerous Weapon Reports      | <p>The M.O.A. states that whenever a school employee seizes a "dangerous weapon" that was not actually used or threatened to be used in committing an offense, the school "may" but need not consult with the D.S.L.O. to decide whether the offense warrants law enforcement action.</p> <p>What will schools do regarding notifications when taking into consideration the new Threat Assessment Team meetings? Will they consult with law enforcement about all "dangerous weapons" even though it is not required can this be discussed at the Threat Assessment Team meeting? Do all officers and school officials clearly understand that simply because an incident is reported, it does not always require a complaint or stationhouse adjustment be filed? See Section II, #2, and #7 of this Risk Analysis for further consideration.</p> <p>RISK/MITIGATION CONSIDERATIONS: Inconsistency on how these situations are handled by school officials, police officers, and schools within the same district presents a risk.</p> <p>Specific procedures need to be developed on how school officials will handle situations where non-firearm weapons are confiscated, and no charges or consultation with law enforcement and the Threat Assessment Team occurs.</p> <p>If an assault should occur after the weapon has been confiscated, questions will be asked as to why the police and the Threat Assessment Team were not notified of the weapons confiscation.</p> <p>A review of the M.O.A. needs to be completed by all to ensure that consistency exists. Questions concerning notifications, criminal investigations, and student presence on campus must be addressed.</p> <p>The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and are adjusted as additional guidelines and procedures are developed.</p> |
| 17 | 3.9<br>Page 22 | Law Enforcement Response to Mandatory Firearms and Weapons Reports | <p>Article 3.9 of the M.O.A. states that law enforcement "must immediately" dispatch an officer.</p> <p>It is likely that any weapon that is not secured will involve an immediate and sizable law enforcement response; however, weapons that are recovered and secured by a school official should also require immediate dispatching of an officer.</p>   |

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|    |                 |   | <p>RISK/MITIGATION CONSIDERATIONS: A call for service that involves the recovery of a secured weapon should not be delayed. If the SRO is unavailable, a second officer should be dispatched to the scene. Waiting or failing to dispatch a second officer may present a risk to school personnel and the law enforcement officer. Additionally, although this would be a risk to the school entity, a school official who delays reporting the seizure of a weapon because the officer assigned to the school is off duty that day may present a risk. A delay in responding to secure weapons violates the M.O.A. If a student should regain access to that weapon or possess another weapon may be part of a larger plan to commit a violent act or commit suicide. Failing to follow the M.O.A. may result in allegations that the school district failed to act according to the agreed-upon procedures.</p>   |
| 18 | 3.10<br>Page 23 | The requirement to Report Incidents of Planned or Threatened Violence | <p>The M.O.A. states that a school official "must immediately" notify law enforcement whenever any school employee develops reason to believe that anyone has threatened, is planning, or otherwise intends to cause death, serious bodily injury, or significant bodily injury to another under circumstance in which a reasonable person would believe that the person genuinely intends at some time in the future to commit a violent act or to carry out the threat.</p> <p>The M.O.A. directs the school official to utilize the <a href="#">N.J. Department of Education School Safety and Security Manual: Best Practices Guidelines</a> (Password Protected) and notes the Four-Pronged Threat Assessment Model.</p> <p>If a school official decides not to report this, will the incident be discussed at the Threat Assessment Team meeting?</p> <p>If a school official consults with law enforcement, and it's decided that no law enforcement actions will be taken, such as a station house adjustment or formal juvenile complaint, will or should the incident be discussed at the Threat Assessment Team meeting? If yes, who is responsible for raising this incident at the meeting? What if an officer learns of such a threat, and do they collaborate with school officials to better understand the Four-Pronged Threat Assessment Model? At what point, if any, does a police officer learning of this information consult with the D.S.L.O., J.L.O., D.S.O., or a police supervisor?</p> <p>RISK/MITIGATION CONSIDERATIONS: Absent consistent procedures among school and law enforcement officials, some incidents may not be discussed at the Threat Assessment Team meeting when such discussion is needed</p> |



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|    |                 |   | <p>or actions are taken that conflict with the signed and executed M.O.A.</p> <p>The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and are adjusted as additional guidelines and procedures are developed.</p>  |
| 19 | 3.11<br>Page 23 | The N.J. Office of Homeland and Security Response to Planned or Threatened Violence | <p>The M.O.A. delineates that law enforcement must report any suspicious activity with a possible nexus to terrorism or other criminal activity related to terrorism, which includes threats of violence at schools to the appropriate County Terrorism Coordinators and the Counterterrorism Watch Section of the New Jersey Office of Homeland Security.</p> <p>A valuable resource is: <a href="#">March 2018 Update - N.J.A.G. Directive Investigative Tips and Leads</a></p> <p>RISK/MITIGATION CONSIDERATIONS: When officers are not aware of required reporting, or the agency has not informed officers of the appropriate reporting requirements, risk may be attached for failing to act in accordance with these mandates.</p> <p>Additionally, the aforementioned A.G. Directive was issued in 2018, and the threat of domestic terrorism has grown substantially since that time. Officers may not be considering these incidents as threats that require reporting. Specific training in this area is recommended.</p> <p>The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and are adjusted as additional guidelines and procedures are developed.</p> |
| 20 | 3.16.1          | Considerations When Reporting Bias-Related Acts                                     | <p>The M.O.A. delineates a separate agreement: Responding to Hate Crimes and Bias-Related Acts, and in light of <a href="#">bias-related crimes hitting an all-time record in New Jersey in 2021</a>, a review of this material as well as Section 3.16 of the M.O.A. is recommended.</p> <p>RISK/MITIGATION CONSIDERATIONS: Law Enforcement Officers may not be aware of the provisions of Section 3.16 of the M.O.A. or the many requirements of <a href="#">N.J.A.G. Bias Investigation Standards</a>.</p> <p>The LEAL should ensure that all officers are aware of these resources and mandates while also determining that if any</p>   |

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|    |        |   | <p>bias incidents occur outside of school, should they be discussed at the Threat Assessment Team meeting.</p> <p>The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and are adjusted as additional guidelines and procedures are developed.</p>  |
| 21 | 3.17   | The requirement to Report Potentially Missing, Abuse, or Neglect Children | <p>In light of the new mandated Threat Assessment Team, law enforcement agency leaders should discuss with school officials if missing person incidents will be discussed at the Threat Assessment Meeting. Any decision regarding this should be discussed with the Municipal and School District Attorney.</p> <p>RISK/MITIGATION CONSIDERATIONS: Law Enforcement Officers who are not adequately trained on how to handle these events may jeopardize the safety of the individual missing person, other students or improperly disclose information to school officials. Law Enforcement Officers must be aware of this M.O.A. provision and their specific agency policy, which should address the mandates of the <a href="#">N.J.A.G. Missing and Unidentified Person Guideline</a>.</p> <p>Additionally, all employees should complete the M.E.L. Child Protection Training for <a href="#">Law Enforcement</a> or <a href="#">Police Civilian Employees</a>.</p> <p>The LEAL should collaborate with school officials, seek additional training, determine if or when it's appropriate to share missing person cases, child abuse and neglect incidents with school staff, and implement policies or procedures to ensure consistency.</p> <p>See also Section 7.8 of the M.O.A., which specifics that law enforcement officers shall not use law enforcement computer systems for background checks for school attendance officers.</p> <p>RISK/MITIGATION CONSIDERATIONS: The LEAL should discuss this with the school officials and ensure consistent agency procedures and policies are in place and adjusted as additional guidelines and procedures are developed.</p> |
| 22 | 3.17.3 | Notification of CP&P (DCP&P) by Law Enforcement                           | <p>The M.O.A. delineates that a law enforcement official receiving a child abuse report from a school official need not notify DCP&amp;P when the school official confirms that the DCP&amp;P was contacted by school staff.</p>  |

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|    |  |   | <p>RISK/MITIGATION CONSIDERATIONS: This may conflict with other training material and/or agency policy.</p> <p>The LEAL should ensure that specific agency policies and procedures are implemented regarding DCP&amp;P notification to ensure that notice to DCP&amp;P is never overlooked.</p> <p>A valuable resource may be the N.J.A.G. and D.C.F. Commissioner, <a href="#">D.C.F./Law Enforcement Model Coordinate Response Protocol</a>, as well as the aforementioned M.E.L. Child Protection Training for <a href="#">Law Enforcement</a> or <a href="#">Police Civilian Employees</a>.</p>   |
| 23 | 3.17.7                                 | Custody Disputes and Potentially Missing Children         | <p>This section discusses the possibility that some child absences could be due to parental kidnapping or custodial interference and when this should be reported to law enforcement.</p> <p>RISK/MITIGATION CONSIDERATIONS: A chronically absent or truant child may need services. At the same time, such action may signal a more significant problem or risk of harm to that student or others. The Threat Assessment Team may meet regularly but never discuss such students because they are unsure if that's permissible or appropriate.</p> <p>Additionally, school officials may file a truancy complaint against a parent in the municipal court, but is that information being discussed at the Threat Assessment Team meeting, if that's permissible?</p> <p>The parties in the M.O.A. should discuss if knowledge of chronically absent or truant children is permitted to be discussed at the Threat Assessment. If so, who is responsible for bringing the information to the meeting?</p> |
| 24 | 4.1, 4.2, 4.3, & 4.4<br><br>Page 27-28 | Reporting Other Offenses<br><br>Station House Adjustments | <p>The M.O.A. discusses how research has demonstrated that students who have contact with the juvenile justice system are at increased risk of dropping out of school and having further involvement with the juvenile and adult criminal justice system.</p> <p>RISK/MITIGATION CONSIDERATIONS:</p> <p>The LEAL should ensure that reports made to law enforcement officers are handled consistently with the mandates of <a href="#">N.J.A.G Directive 2020-12. Establishing Policies, Practices, and Procedures to Promote Juvenile</a></p>  |

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|    |                     |  | <a href="#">Justice details</a> and N.J.A.G. <a href="#">Directive 2008-2, Guidelines for Station House Adjustment of Juvenile Delinquency Offenses.</a>   |
| 25 | 4.4.3.1,<br>Page 30 | Reporting of Harassment, Intimidation, Bullying (H.I.B.) by Schools to Law Enforcement | <p>As detailed in Article 4.4.2 of the M.O.A., H.I.B. does not constitute a criminal offense by itself. Accordingly, there is no obligation on the part of the school to report H.I.B. Investigations to law enforcement unless the conduct rises to the level of a mandatory report, as outlined in Article 3 of the M.O.A. However, H.I.B. events in school can manifest into further violence outside school.</p> <p><b>RISK/MITIGATION CONSIDERATIONS:</b> When some school officials notify law enforcement of such incidents and others never do, there is the possibility of significant inconsistencies, especially when such inconsistency is apparent between schools in the same district or officers from the same agency.</p> <p>The LEAL should discuss this issue with the parties to the M.O.A. agreement, agree upon specific criteria, and develop law enforcement agency policies and procedures to ensure consistency.</p> |
| 26 | 4.4.3.2<br>Page 30  | Reporting of H.I.B. to Division on Civil Rights  | <p>The M.O.A. specifies that such a notification, when necessary, may be initiated by law enforcement or school officials.</p> <p><b>RISK/MITIGATION CONSIDERATIONS:</b> If neither law enforcement nor schools make such a notification, there could be a risk of liability and reputation damage for the agency. The LEAL should ensure police personnel are trained in this section.</p>  |
| 27 | 4.4.5               | Reporting of H.I.B. by Law Enforcement to Schools                                      | <p>The M.O.A. specifies that that law enforcement agency agrees to notify the school when a parent or guardian reports that a student is the victim of H.I.B.</p> <p>When this is reported to school officials, who is responsible for bringing the matter to the Threat Assessment Meeting?</p> <p>Do law enforcement officers have a specific policy and procedure guidance to make such notifications during school? Off hours?</p> <p>When should this notification take place? The next school day? Immediately? Before the start of the next school day?</p> <p><b>RISK/MITIGATION CONSIDERATIONS:</b> If law enforcement fails to make this notification, there is a tremendous risk of liability in the event a student or other person is injured.</p>  |

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|    |                  |  | <p>The LEAL should discuss this issue with the parties to the M.O.A. agreement, agree upon specific criteria, and develop law enforcement agency policies and procedures to ensure consistency.</p>   |
| 28 | 4.5.2<br>Page 34 | Reporting of Hazing  | <p>The M.O.A. specifies that hazing may also constitute H.I.B. As previously noted, law enforcement officials agree to notify the principal when a student or student's parent or guardian report to a law enforcement agency that a student may be the victim of HIB</p> <p>RISK/MITIGATION CONSIDERATIONS: The Law Enforcement Leader should discuss this issue with the parties to the M.O.A. agreement, agree upon specific criteria, and develop law enforcement agency policies and procedures to ensure consistency.</p> <p>The LEAL should also ensure that officers are aware that Hazing in New Jersey is a separate criminal offense, <a href="#">2C:40-3</a>, and that participation by a coach or teacher may also constitute child abuse.</p> |
| 29 | 4.7.1<br>Page 35 | Reporting of Sexting   | <p>The M.O.A. specifies that New Jersey has created an alternative to criminal prosecution for teens charged with child pornography due to sexting, N.J.S.A. <a href="#">2A:4A-71.1</a>.</p> <p>Is there a concern that such incidents will manifest into H.I.B. and warrant discussion at the Threat Assessment Team meeting? Is such a discussion appropriate?</p> <p>RISK/MITIGATION CONSIDERATIONS: Law Enforcement Officers who may not be aware of this legislation may handle "Sexting" incidents inconsistently.</p> <p>The LEAL should discuss this issue with the parties to the M.O.A. agreement, agree upon specific criteria, and develop law enforcement agency policies and procedures to ensure consistency.</p>                            |
| 30 | 5.3<br>Page 38   | Arrests of Students off School Grounds During Operating School Hours | <p>The M.O.A. specifies that the arresting officer of a student off the school grounds during school hours shall notify the student's school principal.</p> <p>RISK/MITIGATION CONSIDERATIONS: When law enforcement officers are not aware of this provision, and no such notification is made later, resulting in some injury or criminal offense, there is a risk.</p>  |

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|    |                           |  | The LEAL should discuss this issue with the parties to the M.O.A. agreement, agree upon specific criteria, and develop law enforcement agency policies and procedures to ensure consistency.  |
| 31 | 6.2,<br>6.2.1, &<br>6.2.2 | Minimizing Disruption of the Educational Process<br><br>Arrests to be Conducted in Private<br><br>Preferred Use of Plainclothes to Effect Arrest | These various sections discuss provisions and considerations to avoid disrupting the school environment.<br><br>RISK/MITIGATION CONSIDERATIONS: There are situations where using plain clothes to effectuate an arrest in private is not always possible or safe. However, the LEAL should ensure officers know these preferred conditions in the M.O.A. If the preferred conditions are not followed, officers should be prepared to explain the circumstances that led to an arrest situation that is contrary to the M.O.A.  |
| 32 | 7.4<br>Page 46            | Live Streaming Video   | The M.O.A. has provisions for law enforcement to view live streaming video from the school and indicates that the board of education and local law enforcement shall enter a memorandum of understanding regarding this.<br><br>The M.O.A. details various minimum factors, including a list of designated persons who can access the video, a description of when the system can be accessed, and a detailed plan for preventing unauthorized access.<br><br>RISK/MITIGATION CONSIDERATIONS: There is a tremendous risk to an agency if an incident occurs and they cannot access the system due to equipment or software issues, password expiration, police employees who have not been trained, and more. Additionally, there is a significant risk if the system is utilized improperly.<br><br>The Law Enforcement Agency Leader should ensure that the M.O.A. and/or agency plan or policy include provisions for training, including accessing the equipment on a scheduled basis to evaluate for connectivity, review of permitted access, and replace access permissions for those that have left the agency. |
| 33 | Section 8.1<br>Page 50    | Substance Abuse Confidentiality Laws   | The M.O.A. notes numerous statutes that are designed to protect the confidentiality of students who participate in counseling programs.<br><br>Is it appropriate or legal to discuss at a Threat Assessment Team meeting the identity and details of a student's substance abuse use learned from the student requesting treatment? Contact your Municipal and School District Attorney for Guidance on this issue.   |

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|    |                                      |   | <p>RISK/MITIGATION CONSIDERATIONS: When this information is not discussed, the Threat Assessment Team may miss out on important information that may determine a threat. However, the sharing of such information may not be permitted. When the parameters and permissions are unclear to the Threat Assessment Team participants, legal should be sought before discussing the information.</p> <p>Additionally, even if it is permitted, what are the restrictions placed on the police officer who may be present at a Threat Assessment Team meeting in terms of further action?</p> <p><i>For Example, what if the officer takes such action and later stops a parent for a motor vehicle offense because the officer believes the parent is involved in drug activity due to the officer's learning this from the Threat Assessment Team meeting?</i></p> <p>The Law Enforcement Leader should discuss this during the M.O.A. discussion while developing rules that will govern the Threat Assessment Team. Additionally, as policy and procedure decisions are implemented, appropriate steps must be taken to ensure that all officers are trained in such policies.</p> |
| 34 | 8.4, 8.5, 8.6, & 8.8<br>Page 52 - 53 | <p>Statutory Authority to Disclose Information</p> <p>Agreement to Disclose Information During an Investigation</p> <p>Agreement to Disclose Information during an Investigation</p> <p>Specificity of Disclosed Information</p> <p>Disclosure of Adult Student Information</p> | <p>The M.O.A. details three categories that allow law enforcement agencies to share juvenile information with schools. These categories are:</p> <ul style="list-style-type: none"> <li>• Permissive disclosure during an investigation (N.J.S.A. 2A:4A-60e),</li> <li>• disclosure following a charge at the principal's request (N.J.S.A. 2A:4A-60c(3)), and</li> <li>• Required disclosure following a charge in certain circumstances (N.J.S.A. 2A:4A-60d).</li> </ul> <p>This section of the M.O.A. has an optional consideration that law enforcement may agree to automatically disclose to the principal information regarding any juvenile delinquency charge filed against any student enrolled in the school.</p> <p>A question worth exploring is whether agencies or prosecuting agencies notify the school's principal when required to do so.</p> <p>Are law enforcement agencies assuming prosecuting agencies are making this notification when maybe they are not?</p>   |

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|    |  |  | <p>Has the LEAL signed the M.O.A. in the past and agreed to make such notifications of any student enrolled in the school but not done so or not consistently?</p> <p>Has the Law Enforcement Agency Leader signed the M.O.A. in the past, but there has been no discussion regarding this optional provision?</p> <p>How does the law enforcement agency decide when and under what timeline to notify the school regarding a student under investigation?</p> <p>How will the sharing of this information be handled with regard to a Threat Assessment Team meeting?</p> <p>RISK/MITIGATION STRATEGIES: This area is fraught with risk as the Law Enforcement Leader may have agreed to share information, but it's possible that has not occurred or will occur. There is a tremendous risk if violence occurs in the school, and it is later learned that law enforcement or the prosecuting agency was required to notify the principal under certain circumstances or agreed to do so but didn't.</p> <p>The LEAL should discuss this section during the M.O.A. meeting. The County Prosecutor should be included, and specific agency policies and procedures should be developed so that officers uniformly provide notification as appropriate.</p> |
| 35 | 8.11, 8.11.1, 8.11.2, & 8.11.3 Page 55 | <p>Notification of Arrests of Charges Filed Against School Personnel</p> <p>Applicability Not Limited to Local Jurisdiction</p> <p>Employment Information</p> <p>Offenses Requiring Notification</p> | <p>The M.O.A. specifies that the law enforcement agency agrees to notify the school district when the agency files a complaint or issues a summons for all indicatable offenses, all D.W.I. offenses, any disorderly person's offenses, or petty disorderly person offenses by the next business day when a person employed by the school district, or who works as a bus driver, or other outside employee in a school district.</p> <p>Are officers of the agency aware that this has been agreed upon between the law enforcement agency and the school district?</p> <p>Is there a procedure in place on how this will occur?</p> <p>RISK/MITIGATION STRATEGIES: The Law Enforcement Leader has agreed to these notifications, and when they are not provided, they are exposed to substantial risk. The LEAL should develop law enforcement agency policies and procedures to ensure consistency.</p>  |



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| 36 | 9.1 &<br>9.1.4<br>Page 56<br>& 57 | Development of School Safety and Security Plans (S.S.S.P.s)<br><br>Annual Review of S.S.S.P.s | <p>Although the school district is responsible for developing the School Safety and Security Plan, this section of the M.O.A. does discuss some responsibilities that fall upon the law enforcement agency. For Example, it is stated that law enforcement officials shall identify school safety and security issues and concerns and advise the county prosecutor and chief school administrator. Additionally, this section discusses the role that the Chief of Police, other representatives from law enforcement, and school resource officers shall have at a minimum annually in assisting the school with respect to security.</p> <p>In the event of an incident, such as an active shooter, is the LEAL able to adequately report or testify that they completed what they agreed to when they signed the M.O.A.?</p> <p>This section indicates that the Chief School Administrator has agreed to provide law enforcement officials with current copies of blueprints for the school and annually provide a copy of the school's safety and security plan. Has this been done? If not, has the LEAL requested such documents? If they are in possession of the law enforcement agency, are they updated and accessible to officers within the agency for a rapidly developing situation?</p> <p>RISK/MITIGATION STRATEGIES: The LEAL should review this section to ensure they are completing tasks or have provided input and received materials that were agreed upon.</p> |
| 37 | 9.1.3<br>Page 57                  | Format and Contents of S.S.S.P.s  | <p>This section of the M.O.A. mentions the Incident Command System (I.C.S.), which is essential as the use of I.C.S. by all involved during a critical incident at a school is necessary.</p> <p>RISK/MITIGATION STRATEGIES: If law enforcement officers have not completed I.C.S. Training and the agency does not have an I.C.S. Policy or Procedure, they will have difficulty defending their actions during a critical incident. Ensure I.C.S. Training takes place and that the I.C.S. System is supported by agency policy.</p> <p>Law Enforcement Agency Leaders may wish to collaborate with school officials on the importance of all parties utilizing the Incident Command System. The New Jersey <a href="#">Office of Homeland Security and Preparedness offers information regarding Readiness and Emergency Management Training for Schools</a>, which may serve as a valuable resource. Law Enforcement Agency Leaders should review <a href="#">N.J.A.G. Directive 2005-2</a>, <a href="#">NIMS Compliance</a>, and <a href="#">New Jersey Office</a></p>   |

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|    |                  |   | <a href="#">of Emergency Management Directive – National Incident Management System Requirements.</a>  |
| 38 | 9.1.5<br>Page 58 | School Staff In-service Training on SSSps                             | <p>The M.O.A. discusses the requirement that a law enforcement officer must be present at a minimum of one school security drill in each school year to make recommendations on any improvements or changes to school security drill procedures. Additionally, it is well known that many law enforcement agencies have officers attend every school drill or more than one per year.</p> <p>Who do officers advise of their concerns or observations that they found unsafe during a school security drill? Do they advise the principal? Do they Advise a police supervisor within their chain of command? Do they advise both? Do they advise the D.S.L.O. or J.L.O.? Has the agency authorized officers, or do the officers believe they have the authority to take immediate action with respect to observing a condition that does not promote the safety of students and staff? Is there a process to document the officers' concerns if an accusation is made that the officer ignored safety concerns during school security drills?</p> <p>RISK/MITIGATION CONSIDERATIONS: In a critical incident or active shooter situation, an after-action review may find that doors had regularly been left unlocked, propped open, or malfunctioning. Officials may indicate that an officer was aware of these issues and failed to report these conditions because there was no formal and consistent process. The LEAL should discuss this issue with the parties to the M.O.A. agreement, agree upon specific criteria, and develop law enforcement agency policies and procedures to ensure consistency</p> <p>The LEAL should also ensure that officers are aware of <a href="#">recent legislation</a> that prohibits specific actions during school security drills, such as fake blood, real or prop firearms, simulated gunshots, and more.</p> |
| 39 | 9.2<br>Page 59   | Implementation of Approved School Security Task Force Recommendations | <p>The M.O.A. indicates that the parties signing the agreement agree to work together in implementing the approved recommendations of the Governor's K-12 School Security Task Force.</p> <p>Can the Law Enforcement Agency Leader and all parties provide an honest answer in a court proceeding or deposition that they have read the report and worked together to implement the recommendations?</p>   |

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|    |                  |  | RISK/MITIGATION CONSIDERATIONS: Review the <a href="#">Governor's K-12 School Security Task Force</a> .   |
| 40 | 9.2.1<br>Page 59 | Sharing of Model School Security Policies (M.S.S.P.) | <p>The M.O.A. discusses N.J.A.G. Directive 2007-1 regarding model policies for active shooter response, school lockdowns, school evacuations, and public information.</p> <p>Do agencies have these policies in place, and have they been updated? Have officers been effectively trained in all of them?</p> <p>RISK/MITIGATION CONSIDERATIONS: Review <a href="#">N.J.A.G. Directive 2007-1</a> and ensure compliance.</p>  |
| 41 | 9.4<br>Page 59   | Harassment, Intimidation, or Bullying Policies       | <p>The M.O.A. indicates that law enforcement "shall" consult with school officials in developing policies, annual review of policies, and H.I.B. Training.</p> <p>Can the Law Enforcement Agency Leader and all parties provide an honest answer in a court proceeding or deposition that this has been done?</p> <p>RISK/MITIGATION CONSIDERATIONS: When an incident such as an active shooter occurs where there is a finding that the shooter was a victim or offender related to H.I.B., but yet the parties to the agreement did not abide by Section 9.4, there may be a risk.</p>  |
| 42 | 9.6<br>Page 60   | Tiplines and Crime Prevention Programs               | <p>The M.O.A. indicates that if schools develop tiplines, they must coordinate with the law enforcement agency and county prosecutor's office.</p> <p>If there is such a tipline, has such coordination taken place?</p> <p>Can the Law Enforcement Agency Leader and all parties provide an honest answer in a court proceeding or deposition that this has been done?</p> <p>If the law enforcement agency has a tipline or tip platform, is it advertised as a tipline in general, or does it encourage tips related to school threats, drugs, or violence? If so, is this appropriate? Does it conflict with the school tipline? Have appropriate conversations and collaboration taken place? Is there a specific policy and procedure in place so that everyone in the agency knows what to do when a tip is reported?</p> <p>RISK/MITIGATION CONSIDERATIONS: Some law enforcement agencies may have implemented a well-publicized crime tipline that is not regularly monitored.</p> |

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|    |                        |  | <p>Perhaps because it was developed for non-emergency issues such as drug activity; however, there could be a significant risk if the School Resource Officer or even school officials tell school students or parents that the police department has a "tipline" to report potential school violence. There would be a tremendous risk if a tip were reported and no action was immediately taken. All parties should evaluate any existing tiplines and closely review section 9.6. The LEAL should discuss this issue with the parties to the M.O.A. agreement, agree upon specific criteria, and develop law enforcement agency policies and procedures to ensure consistency</p>  |
| 43 | 10.3 & 10.4<br>Page 62 | Approval and Supervision of Education Curricula Procedures for Inviting, Soliciting, or Promoting Police Participation in Educational Programs | <p>The M.O.A. indicates that requests for law enforcement instruction programs in schools must be directed to the D.S.L.O., involving the Designated School Official and the County Prosecutor.</p> <p>Has this been done for every program of instruction taking place in a school involving a law enforcement officer?</p> <p>RISK/MITIGATION CONSIDERATIONS: For Example, a School Resource Officer is asked by a teacher to prepare a brief "talk" about the department's new "Co-Responder Mental Health Team." The officer presents the information, and a student later commits suicide, where an accusation is made that the student felt "hopeless" after hearing the presentation. If the course of instruction is not approved in accordance with Sections 10.3 and 10.4, the agency faces tremendous risk. The LEAL should discuss this issue with the parties to the M.O.A. agreement, agree upon specific criteria, and develop law enforcement agency policies and procedures to ensure consistency</p> |
| 44 | Article 12<br>Page 63  | Annual Review and Revisions of Agreement   | <p>The M.O.A. specifies that the county prosecutor, in conjunction with the county superintendent, shall, at a minimum, once each year organize and conduct a meeting of representatives from the law enforcement community throughout the county to discuss matters of concern and to recommend revisions to this M.O.A.</p> <p>RISK/MITIGATION CONSIDERATION: The LEAL will be held accountable for the conditions of this agreement. Preparing for critical incidents and keeping the school community safe should be a top priority. If a critical incident occurs, this document will be referred to, and the LEAL must be prepared for criminal investigations and civil litigation.</p>   |

### Section III - Additional Resource Considerations

[Enhancing School Safety Using a Threat Assessment Model – An Operational Guide for Preventing Targeted School Violence – U.S. Secret Service](#)

[New Jersey Department of Education School Security Drill Guide](#)

[New Jersey Department of Education – School Preparedness and Emergency Planning](#)

[New Jersey Department of Education – Keeping Our Students Safe, Health, & In School – Attendance, Truancy, and Chronic Absenteeism](#)

[Behavioral Threat Assessment and Management for Educators and Administrators – How Threat Assessment Works: Understanding the Pathways to Violence](#)  
[New Jersey School Safety Resources](#)

[New Jersey School Boards Association – School Security Task Force](#)

[New Jersey Department of Education – Keeping Our Students Safe, Healthy and In School](#)

[New Jersey Attorney General – Gang Free Schools](#)

<sup>1</sup>Larbi, E. A., Berendzen, H. M., Smith, D. A., Anderson, S. C., & Roary, M. P. (July 27, 2022). *Coping with Community Violence Together*. Substance Abuse and Mental Health Services Administration.

<sup>2</sup>Straub, F. P. (2019). *Preventing School Violence Lessons Learned From the Averted School Violence Project*. Office of Juvenile Justice and Delinquency Prevention.

<sup>3</sup>Peterson, J. P., & Densley, J. P. (2021). *The Violence Project How to Stop Mass Shooting Epidemic*. New York: Abrams.