

**MEMORANDUM OF UNDERSTANDING
BETWEEN
RICHMOND COUNTY PUBLIC SCHOOLS
AND
RICHMOND COUNTY SHERIFF'S OFFICE**

August 10, 2021

PURPOSE

Richmond County Public Schools and Richmond County Sheriff's Office hereby enter into the School-Law Enforcement Partnership (SLEP) to foster relations of mutual respect and understanding in order to build a positive and safe school environment. The parties agree that the vast majority of student misconduct can be best addressed through classroom and in-school strategies. The parties acknowledge that students are generally less mature and responsible than adults; they often lack the maturity, experience, perspective, and judgement to recognize and avoid choices that could be detrimental to them; and they are more susceptible to outside pressures than adults.

All responses to school misconduct should be reasonable, consistent, and fair, with appropriate consideration of mitigating factors and of the nature and severity of the incident. Students should receive appropriate redirection and support from in-school and community resources prior to the consideration of suspension, expulsion, involvement of law enforcement, or referral to court.

The purpose of the partnership is intended to facilitate effective, timely communication and coordination of efforts for both parties-Richmond County Public Schools and the Richmond County Sheriff's Office. The purpose of this Memorandum of Understanding (MOU) is to establish a mutually beneficial framework that both schools and law enforcement can work within to achieve shared goals.

The primary goals of the partnership are 1) to promote positive and supportive school climates and 2) to create and maintain safe and secure school environments which support learning.

RESPONSIBILITIES WITHIN THE SCHOOL-LAW ENFORCEMENT PARTNERSHIP

Sheriff's Office:

-The Sheriff's Office will designate a direct point of contact between their department and the school division. The point of contact will address any operational and administrative issues and will serve as a consultant for school safety and security issues including assessments and critical incident response planning. The designee will maintain a working knowledge of school rules, regulations, and laws regarding student safety and conduct. The designee will establish and maintain effective relationships with school personnel at the division and school levels.

-Selection, assignment, scheduling, training, supervision, and evaluation of school resource officers (SROs) will be the responsibility of and at the discretion of the Sheriff's Office. However, each of these actions will take into account the input of school personnel and identified needs and conditions of the schools. The SRO Supervisor shall address any concerns regarding the performance of the SRO. Principals are to be consulted prior to selection of a new SRO to determine any special needs or concerns to be taken into consideration in selection of the SRO. The SRO at all times shall remain under the control, through the chain of command, of the law enforcement agency.

School Division:

-The school division will designate a primary division-level point of contact to implement the partnership and to maintain ongoing communications with Sheriff's Office officials.

-It is the responsibility of the school division to facilitate effective communication between the SRO and school staff and to support the goals of the partnership.

-Each school assigned with an SRO will provide work area(s) for the SRO that allow access to technologies, private interviewing of several persons, and locking storage space for securing physical evidence.

-The school division will handle discipline within the school disciplinary process without involving SROs. School division policies, administrative guidance, training, and ongoing oversight will clearly communicate that school administrators and teachers are responsible for school discipline and that law enforcement is not to be involved with disciplinary action. The school division is responsible for communicating the goals and the role of the SRO to all school administration, staff, and students.

SRO:

-SROs will be considered active members of their assigned school(s). The SRO facilitates the effective delivery of law enforcement services and assists with matters related to safety, security, and the exchange of information.

-As a general practice, unless there is a clear and imminent threat to safety, requests from school staff for SRO or other law enforcement assistance are to be channeled through a school administrator.

-SRO duty schedules should be organized to provide coverage throughout the school day, which may vary by school. SROs provide a visible deterrent to crime and shall be visible patrolling the exterior and interior grounds. The SRO should wear the regulation uniform and operate a marked police vehicle while on duty unless otherwise authorized by the SRO's supervisor for a specific purpose.

-Additionally, SROs should assist school administrators in developing school crisis, emergency management, and response plans, including the annual School Safety Audit. They will work with administrators in problem-solving to prevent crime and promote safety in the school environment.

-When it is mutually beneficial for the school division and the Sheriff's Office, SROs may make formal presentations to, or participate in, school-based community organization meetings such as Parent Teacher Association and School Advisory Council meetings. Participation in other activities such as panel discussions, mentoring programs, community coalitions, presence for extra-curricular activities, sporting events, or task forces must be approved in advance by the Sheriff. The SRO shall keep the Sheriff informed of the status of such additional activities.

-The SRO may assist with providing training and/or instruction that will enhance students' understanding of the law enforcement mission and the responsibilities of citizenship. The SRO may also assist with conducting law enforcement related training for school administrators.

-The SRO shall meet weekly, or more frequently if necessary, with the assigned school principal for the purpose of exchanging information about areas of concern which have potential for disruption within the school or within the community.

-The SRO shall maintain familiarity with the school division Code of Conduct and school division policies and procedures.

-The SRO shall ensure proper disposal of illegal substances recovered by the school and not needed for criminal prosecution.

-The SRO shall attend and provide testimony at school disciplinary hearings, upon request. The SRO shall be prepared to provide testimony on any actions that were taken by the officer and any personally observed conduct witnessed by the officer. The SRO shall make available any physical evidence that is available. Unless otherwise arranged, it will be the responsibility of the SRO to transport and safeguard any physical evidence, such as a weapon, that is needed at the disciplinary hearing.

School Administrator:

- The School Administrator should review the SLEP MOU with SRO(s) and establish school specific operational and communications procedures to support the SLEP.

-It is the responsibility of the building administrator to facilitate effective communications between the SRO and the school staff. The principal of the school shall meet on a weekly basis with the SRO. This meeting shall not be delegated to a designee on a regular basis.

-The school administrator or designee shall report all criminal activity to the Sheriff's Office. The SRO's assigned school building(s), grounds, and surroundings will be the equivalent of the deputy's patrol area, and he/she assumes the primary responsibility for handling all calls for service and coordinating the response of other law enforcement resources to the school. In an emergency situation, the school shall call 911 and also notify the SRO. In a non-emergency situation, the school shall notify the SRO or call the non-emergency Sheriff's Office number if the SRO is not available. Information that is not of an emergency nature may be held for action by the SRO upon his/her return to duty.

-The principal shall meet twice yearly with the SRO Supervisor, and at other times at the request of either party when needed to ensure adequate communication between the school

and the Sheriff's Office. Upon request, the school shall provide information to the SRO Supervisor to assist in preparing for the annual evaluation of the SRO's performance.

OPERATIONAL PROCEDURES

Differentiating Disciplinary Misconduct from Criminal Offenses:

School administrators and teachers are responsible for school discipline. Although SROs are expected to be familiar with the school division code of student conduct, the rules of individual schools, and their application in day-to-day practice, SROs should not be involved with the enforcement of school rules or disciplinary infractions that are not violations of law. The SROs should not discuss matters of student discipline with parents/guardians; all such questions should be referred to a school administrator.

When requested to intervene by school personnel in a matter involving student alleged misconduct, the SRO may decline to intervene, if the SRO determines the situation does not present a significant risk of harm or safety concern, and is more appropriately handled by school administration.

Consequences of student misconduct should be effective, developmentally appropriate, and fair. Interventions and school sanctions should help students learn from their mistakes and address root causes of misconduct. School administrators will consider alternatives to suspensions and law enforcement officials will consider alternatives to referrals to juvenile court services and arrests for student violations of law.

If an SRO observed a student violating the law or is notified by an administrator regarding an incident of alleged student misconduct that the administrator suspects is a violation of law, the SRO shall use his/her discretion in determining whether law enforcement actions are appropriate. In making this determination, the SRO will consider such factors as the age of the student in question, the circumstances surrounding the alleged misconduct, whether the misconduct would be more appropriately handled through the RCPS disciplinary process or the criminal justice system, and the SRO's primary mission under the MOU.

The SLEP shall operate in a manner to ensure children with disabilities receive appropriate behavioral interventions and supports.

Information Sharing:

The release of student records is governed by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g. "School officials" may access and disclose student records only as authorized by FERPA. The written consent of parents is generally required for the release of any student's personally identifiable record. However, "Directory Information" may be made available, without parental consent, provided parents have not notified the school in writing they do not wish such information released.

"Directory Information" includes:

- 1) Student's name
- 2) Names of student's parent or guardians
- 3) Photograph
- 4) Date and place of birth

- 5) Dates of attendance
- 6) Major field of study
- 7) Grade level
- 8) Participation in officially recognized activities and sports
- 9) Weight and height of members of athletic teams
- 10) Degrees, honors, and awards received
- 11) The most recent educational agency or institution attended
- 12) Classroom assignments and teachers

When appropriate, and to the extent the law allows, the school division should notify SROs of any special needs of a student involved in a school-based infraction that is not routine discipline, in order to assist the SRO in recognizing and accommodating behaviors that may be manifestations of the student's disability or if the student may require special treatment.

SRO access:

For purposes of access to student records, SROs are considered "school officials" and may be provided student information as needed to carry out their duties related to the school environment. SROs may have access to directory information for all students in the school division. SROs may have access to information on students in their assigned schools that include directory information and additional items needed to carry out their duties, such as class schedules, as approved by the school administrator.

An SRO or other law enforcement officer may have access to a student's education records with written consent of the student's parent or of the student if the student is age 18 or older.

Health and Safety Emergency Exception:

In the event of a significant and articulable threat to health or safety, school officials may disclose any information from student records to appropriate parties, including law enforcement officials, whose knowledge of the information is needed to protect the health and safety of a student or another individual, considering the totality of the circumstances.

SROs seeking access to records under the health and safety emergency exception, should contact the student's principal and present sufficient information for the principal to make a determination that a health and safety emergency exists under the requirements of FERPA. If student information is disclosed under this exception, the principal must document in the student's file a description of the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was shared.

SRO disclosure of law enforcement records:

In order to maintain a safe school environment, SROs will share information with the school principal regarding students' involvement in criminal activity in and around the school. This shall be limited to information which directly relates and contributes to the safety of the school environment.

SROs may disclose only law enforcement records created and maintained by the SRO for the purpose of ensuring the physical safety and security of people and property in schools and/or enforcement of laws. Because law enforcement records are not student records, they are not subject to the disclosure restrictions of FERPA.

The SRO shall not provide any official Sheriff's Office document of juvenile record to the school expulsion officer. As a general rule, release of such information is prohibited by law unless such documents are subpoenaed by the schools through the appropriate court. The SRO will coordinate any such subpoena received by the Sheriff's Office.

SROs shall not make any official documents, Sheriff's reports, or records available to the school or its staff. In accordance with statute 16.1-260, the Juvenile Court notifies the school superintendents of any petitions against a student for selected offenses. The School Hearing Officer, in turn, notifies the appropriate school principal in each case.

Investigation and Questioning:

SROs have the authority to question students who may have information about criminal activity. As sworn law enforcement officers, SROs have authority to stop, question, interview, and take law enforcement action without prior authorization of the school administrator or contacting parents. However, the investigation and questioning of students during school hours or at school events should be limited to situations where the investigation is related to suspected criminal activity during school activities. Investigations and questioning of students for offenses not related to the operation of or occurring at the school should take place at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of a crime.

The interviewing of students – whether suspects, victims, or witnesses – should be conducted privately in an office setting and in conjunction with the principal or an administrative team member. SROs will take steps to ensure minimal intrusion into the educational experience of students being questioned in the school setting. The student should be informed generally of the purpose of the investigation, warned against self-incrimination in a developmentally appropriate manner, and given an opportunity to present informally his or her knowledge of the facts. If the student wishes to remain silent, to contact his or her parents or an attorney, or to end the interview, the questioning should cease and the student's request should be granted unless detaining the student is lawful and reasonable under the circumstances. Reasonable efforts should be made to notify the parents/guardians of the student(s) being interviewed by telephone or in person before such interview occurs. Notwithstanding this provision, the parties understand that law enforcement officers may take legal actions that they deem necessary in accordance with local, state, and federal law, as well as RCPD policies and procedures.

SROs are responsible to lead the investigation and questioning of students related to suspected violations of criminal law. SROs shall not be included in questioning students about Student Code of Conduct violations that do not involve any criminal activity or risk of harm to self or others. School administrators are responsible for the questioning of students about violations of the code of conduct.

Searches:

All searches shall be conducted in accordance with federal and state laws, and applicable school division and Sheriff's Office policies and guidelines, including the principles embodied in this memorandum of understanding.

School administrator searches:

School officials may conduct searches of student's property and person under their jurisdiction when reasonable suspicion exists that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. The standard for search by a school official is reasonable suspicion.

SRO searches:

Any search initiated by SROs or other law enforcement officer shall be based upon probable cause and, when required, a search warrant should be obtained. All searches should be reasonable in scope. All searches should occur outside the presence of students and school staff, with the exception of school administrators, unless there is a clear and immediate threat to physical safety.

SROs shall not become involved in administrative (school related) searches conducted by school officials, unless specifically requested by the school official to provide security and/or protection, or for handling contraband, and as permitted by applicable law. At no time shall SROs request that an administrative search be conducted for law enforcement purposes or have the administrator act as his or her agent. This shall not preclude the SROs from providing school officials with information they have received regarding students or staff of the school.

Any search by an SRO shall be based upon the principles established in the Fourth Amendment to the US Constitution and all applicable case law.

Arrests:

Whenever practical, arrests of a student or staff member should be accomplished outside of school hours in order to not disrupt the educational process or school setting. Arrests that must occur during school hours or on school grounds should be coordinated through the school administrator to minimize potential disruption. When circumstances do not allow for prior coordination through the school administrator, arrests will be reported to the school administrator as soon as possible. In addition to any required notification of parents and legal guardians by the SRO taking a student into custody, school administrators or their designees are also responsible for an additional notification to parents and legal guardians upon a school-based arrest of their child.

Warrant-based arrest of a student or staff member of the school during school operation will be effected only in situations in which the nature of the warrant charge indicates that failing to remove the suspect from the school environment poses a threat of harm to any person. Such warrant service situations will include charges involving physical assault, sex offenses, illegal possession or use of weapons, illegal drug use or distribution, and Child in Need of Services (CHINS) petitions. In these cases, warrant service will be discussed and coordinated, in advance of the service, with the Division Superintendent or his/her designee.

SROs will not serve students with court papers on non-school related matters during school operation without the permission of the Division Superintendent.

Nothing in this MOU is intended to prevent or delay the following law enforcement functions: a) service of civil Emergency Custody Orders or Temporary Mental Health Detention Orders; b) response to persons experiencing mental health or physical health crises; c) response to public safety emergency situations.

Physical Restraint by School Personnel:

Physical restraint is a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

Physical restraint by school personnel is used in accordance with Virginia Board of Education policies and guidelines on seclusion and restraint and related local school board policies. Every effort should be

made by school personnel to prevent the need for the use of restraint. Physical restraint should not be used except by school personnel trained in the use of physical restraint required by the school division.

School staff will act to deescalate situations that are, or have the potential to cause, disruptions to the school environment and are violations of the Student Code of Conduct. If physical intervention is necessary, the action should be reported promptly to the school administrator and the rationale for the action must be fully documented.

Physical Intervention by School Resource Officers

An SRO should not be involved in the physical restraint of a student unless there is imminent danger of serious physical harm to self or others. As sworn law enforcement officers, SROs may intervene to deescalate situations.

Physical intervention by SROs is undertaken in accordance with policies and operational procedures of their local law enforcement agency. If an SRO is involved in the use of restraint or physical intervention, the action must be reported to the school principal and the SRO's supervisor and the rationale for the action must be fully documented.

SROs should be aware of the Virginia Board of Education's policies and guidelines on seclusion and restraint and related local school board policies and will attend training offered by the local school system on their use of seclusion and restraint by school employees. SROs, however, must continue to operate by their own department's policies and state law regarding physical intervention and use of force.

Additionally, the school division and Sheriff's Office will coordinate to ensure that reasonable effort is made to inform the parents on the day of the incident.

REVIEW OF MOU

This MOU should be reviewed annually and amended as necessary to meet the needs and enhance the partnership of the two signatory organizations. Quarterly meetings should be conducted throughout the year between Richmond County Public Schools and the Richmond County Sheriff's Office to support successful implementation of the partnership. This MOU remains in force until such time as either party, with 45 days notice, withdraws from the agreement by delivering a written notification of such rescission to the other party.

Signed:



Sheriff, Richmond County

9/10/21

Date



Superintendent of Schools, Richmond County

9-10-21

Date