

MEMORANDUM OF UNDERSTANDING
between
Danville Public Schools
and
The City of Danville by and through its Police Department

Entered in to this 21 Day of January 2021

I. PREAMBLE

A. Danville Public Schools (DPS) and the Danville Police Department (DPD) hereby enter into this Memorandum of Understanding ("MOU") 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 judgment to recognize and avoid choices that could be detrimental to them; and they are more susceptible to outside pressures than are adults.

B. 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.

II. PURPOSE

The MOU is intended to facilitate effective, timely communication and coordination of efforts for both parties- DPS and DPD. The purpose of this MOU is to establish a mutually beneficial framework that both schools and law enforcement can work within to achieve shared goals.

III. GOALS

A. The primary goals of the MOU are: 1) to promote positive and supportive school climates, and 2) to create and maintain safe and secure school environments.

B. To promote positive and supportive school climates, the partnership will collaborate to increase law-related education, expand school safety and crime prevention efforts, reduce conflict, and support effective interventions for students.

C. To create and maintain safe and secure school environments, the partnership will collaborate to reduce and prevent crime, violence, victimization, and fear in and around schools, and to minimize unnecessary student involvement with the juvenile and criminal justice systems.

IV. EVALUATION OF THE SCHOOL-LAW ENFORCEMENT PARTNERSHIP

A. The parties will endeavor to develop measurable objectives using school discipline, crime, and violence data, school climate survey data, and other data deemed to be relevant. Progress

towards achieving objectives shall be jointly reviewed at least annually by DPS and DPD designees.

B. Annually, the Superintendent and Chief of Police, or their respective designees, will meet to evaluate the MOU's effectiveness and identify any concerns. Nothing herein shall preclude the parties from addressing issues or concerns and, indeed, the parties agree to work in a collaborative manner.

V. ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS

A. Police Department Responsibilities

1. DPD has designated the Chief of Police, or his designee, as the direct point of contact between DPD and DPS. 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 be familiar with the school division code of student conduct and laws regarding student safety. The designee will establish and maintain effective relationships with school personnel at the division and school levels.

2. Selection, assignment, scheduling, training, supervision, and evaluation of school resource officers (SROs) will be the responsibility of DPD. While DPD will take into account the input of school personnel and identified needs and conditions of schools, SROs shall remain at all times under the exclusive control of DPD.

3. In developing and implementing law enforcement policies and practices that may affect schools, DPD will endeavor to consult with and take into consideration the views of DPS.

4. DPD will ensure SROs receive relevant training prior to or within 90 days of assignment in a school and will participate in joint training with school administrators. The training should be aligned with the Virginia School-Law Enforcement Partnership Guide (SLEP) and DCJS curriculum.

B. School Division Responsibilities

1. DPS will designate a primary division-level point of contact to implement the partnership and to maintain ongoing communications with DPD officials.

2. It is the responsibility of school administrators to facilitate effective and timely communication between the SRO and school staff and to support the goals of the partnership.

3. The school administrator will work with the SRO to support and reinforce his/her responsibility to investigate criminal activity on campus, during school-sponsored events, and on any DPS vehicle being used for pupil transportation.

4. Each secondary school principal shall provide the SRO with an office equipped with a telephone, Internet service and secure printing capabilities. SROs will also have access to electrical outlets for their computer and access to the County Intranet site. The office should allow for private and confidential meetings between the SROs and faculty, parents, and students.

5. DPS will handle discipline within the school disciplinary process without involving SROs. DPS 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. DPS is responsible for communicating the goals and role of the SRO to all school administration, staff, and students.

6. School administrators and SROs will train jointly, annually, to review roles and responsibilities. Trainings may also include topics designed to enhance the effectiveness of the SLEP and the relationship between school administrators, SROs, SSOs, students, staff and the community. DPS and DPD will work in partnership to develop and present the training.

7. DPS will ensure each SRO receives relevant training prior to or within 90 days of assignment in a school and ongoing training to maintain state certification. The training should be aligned with the SLEP and DCJS curriculum.

C. SRO Roles and Responsibilities

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

2. 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.

3. SROs' 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 uniform authorized by DPD and operate a marked police vehicle while on duty unless otherwise authorized by the SRO's supervisor for a specific purpose.

4. Additionally, SROs should assist school administrators in developing school crisis, emergency management, and response plans. SROs will provide crisis response training to school-based administrators, faculty, staff and students at each school and learning center at least twice annually, commencing at the start of each semester. The training will follow a lesson plan provided by DPD and approved by DPS.

5. SROs will work with administrators in problem-solving to prevent crime and promote safety in the school environment. SROs are expected to collaborate with school administrators and other school personnel to support positive school climates that focus on resolving conflicts, reducing student engagement with the juvenile and criminal justice systems, and diverting youth from courts when possible.

6. SROs serve multiple roles in schools. The roles are interrelated, but all are carried out with the aim to contribute to school safety and security and to promote positive and supportive school climates. Key roles are:

a. Law enforcement officer- As sworn law enforcement officers, the SRO's primary role in schools is as a law enforcement officer. SROs assume primary responsibility for responding to requests for assistance from administrators and coordinating the response of other law enforcement resources to the school. SROs should work with school administrators in problem solving to prevent crime and promote safety in the school environment. SROs should also collaborate with school personnel to reduce student engagement with the juvenile justice systems and divert students from the courts when possible.

b. Law-related educator - As resources permit, SROs should strive to assist with presentations for school personnel on law-related topics such as law enforcement practices, changes in relevant laws, crime trends, crime prevention, school safety strategies, and crisis response procedures. SROs may also deliver law-related education with students using lessons approved in advance by the SRO Supervisor. In all cases, responding to incidents or conducting investigations will take precedence over delivery of presentations.

c. Informal mentor and role model - Students often seek approval, direction, and guidance from adults in the school setting about various problems. Through formal and informal interaction with students, SROs serve as informal mentors and role models. SROs are expected to communicate clearly to students about acceptable and unacceptable behavior, to set a positive example in handling stressful situations and resolving conflicts, to show respect and consideration of others, and to express high expectations for student behavior. Students who may need additional assistance shall be referred to a school-based resource.

D. School Administrator Roles and Responsibilities

1. Consistent with Virginia Standards of Accreditation (as amended), Section 8 VAC 20-131-210, the school administrator is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources. The school administrator also ensures that the school division's student code of conduct is enforced and seeks to maintain a safe and secure school environment. Additionally, consistent with Section 8 VAC 20-131-260(D)(3), the school administration ensures "a written procedure, in accordance with guidelines established by the local board, for responding to violent, disruptive or illegal activities by students on school property or during a school-sponsored activity." School administrators should review this MOU with school security officers (SSOs) and establish school-specific operational and communications procedures to support goals of the MOU.

E. School Security Officer Roles and Responsibilities

1. A school security officer (SSO) is an individual employed by the DPS for the purpose of maintaining order and discipline, preventing crime and investigating violations of school board policies and school rules. The school security officer is supervised by a school administrator. He or she is assigned to a particular school and is given daily assignments from the school administrator.

2. The SSO will patrol the school grounds and buildings to prevent trespassing, loitering, and truancy, and ensure student compliance with school regulations. The SSO will also work with school administration to carry out the safety and security goals for the school. As a general practice, the SSO will also operate school surveillance equipment.

3. The SSO will work with the SRO to ensure there is a cooperative and unified contribution to the culture of safety and security on campus.

VI. OPERATIONAL PROCEDURES

A. Differentiating Disciplinary Misconduct from Criminal Offenses

School administrators, SSOs 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. 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.

B. Information Sharing

1. The release of student education records is governed by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g. Under FERPA, DPS is prohibited from disclosing an education record to anyone other than a student's parents (or eligible student) without written consent, except in specific circumstances. DPS will determine whether the circumstances permit disclosure. When authorized by FERPA, DPS may access and disclose student records to SROs. When appropriate, and to the extent the law allows, DPS 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.

2. Consent access. 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.

3. 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 officers, whose knowledge of the information is needed to protect the health and safety of a student or other individuals. DPS will only disclose information under this exception while there is an actual, impending or imminent threat to someone. If this exception is used, DPS will document it in the student's record.

4. Judicial order or lawfully issued subpoena. DPS may disclose student records without consent to SROs or law enforcement officers when DPS receives a judicial order or lawfully issued subpoena directing disclosure of the record. Unless the court order specifically directs otherwise, DPS will make a reasonable effort to notify the parents (or adult student) that the record has been subpoenaed or that a court order has directed its release.

C. SRO disclosure of law enforcement records.

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 FERPA, but are governed by state disclosure laws.

D. Investigation and Questioning

1. 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. 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. Interviews conducted by Police Department members shall be governed by DPD policies and procedures.

2. The interviewing of students - whether suspects, victims, or witnesses - should be conducted privately in an office setting. SROs will take steps to ensure minimal intrusion into the educational experience of students being questioned in the school setting.

3. SROs are responsible to lead the investigation and questioning of students related to suspected violations of criminal law and shall follow Police Department policies related to the interviewing of students. 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. School administrators will follow DPS Policy and Regulations.

E. Searches

1. All searches shall be conducted in accordance with federal and state laws, and applicable DPS and DPD policies and guidelines, and shall be governed by the principles embodied in this memorandum of understanding.

2. 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. All searches will be conducted in compliance with DPS policy governing searches.

3. 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 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 and 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.

4. **SSO searches.** SSOs will only conduct searches at the direction of the school administrator. All searches by SSOs will be conducted in compliance with DPS policy governing searches.

F. 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.

G. Physical Restraint by School Personnel

Physical restraint by school personnel is used in accordance with related local school board policies and is used in accordance with Virginia Board of Education Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia, found in 8VAC20-750 et seq. 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 documented.

H. Use of Force by School Resource Officers

1. Use of force by SROs is undertaken in accordance with Police Department policies and procedures. If an SRO is involved in the use of force, the action must be reported to a school administrator and the SRO's supervisor and must be documented in accordance with Police Department policy.
2. SROs should be aware of the Virginia Board of Education's policies and guidelines on seclusion and restraint and related DPS policies and will attend training offered by DPS on their use of seclusion and restraint by school employees. SROs, however, will continue to operate by Police Department policies and state law regarding use of force and will continue to operate by Police Department policies and state law regarding the use of seclusion and restraint.
3. The school staff and the SRO will coordinate to ensure that reasonable effort is made to inform the parents of an SRO's use of force on the day of the incident.

I. Canine Sweeps

In their continuing effort to maintain drug-free schools, DPS, through their designated point of contact, will request monthly canine sweeps from DPD. DPD will offer available dates for the Canine Unit officers. DPS will schedule the individual school sweeps and invite the Canine Unit to participate in assisting DPS. Canine sweeps will be conducted in accordance with DPS protocols and Police Department policies and procedures. Sweeps may be cancelled or rescheduled at any time due to extenuating circumstances.

J. Liability

Each party shall be responsible for its own acts or omissions and for any and all claims, liabilities, injuries, suits, demands and expenses of all kinds which may result or arise out of any alleged malfeasance or neglect caused or alleged to have been caused by that party or its employees or representatives in the performance or omission of any act or responsibility of that party under this MOU.

VII. KEY STATUTORY RESPONSIBILITIES

A. Crime Reporting

1. Pursuant to §22.1-279.3:1(B) of the Code of Virginia, law enforcement agencies are required to notify a division superintendent, a principal, or a designee when a student in their school commits certain offenses that would be a felony if committed by an adult and the release status of the student. School superintendents who receive such reports are required to report the information to the principal of the school in which the student is enrolled. As a general practice, SROs should notify the principal as soon as practical of any significant law enforcement events occurring at or in association with the school (e.g., at a school bus stop or off-campus activity, during or outside school hours) whether or not the offense would be a felony if committed by an adult.

2. Pursuant to §22.1-279.3:1(D) of the Code of Virginia, certain types of criminal activity that come to the attention of the principal or school staff shall be reported immediately to DPD (through an SRO or a School Services supervisor) as specified in DPS policy. No SRO or school administrator shall be required to file delinquency charges. After such notification is made to DPD, DPS will ascertain the disposition of the incident made by the SRO in order to complete the School/Law Enforcement Reporting form. Schools and SROs are encouraged to deal with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

B. Threat Assessment

Threat assessments shall be conducted in accordance with local school board policies adopted as required by §22.1-79.4 of the Code of Virginia and consistent with model procedures and guidelines published by the Virginia Department of Criminal Justice Services. SROs should serve as members of threat assessment teams and assist in monitoring of subject students as well as determining the need, if any, for law enforcement action.

C. School Safety Audits

School safety audits will be conducted annually as required by law to assess school safety conditions in schools. SROs, in collaboration with school administrators, will participate in school inspection walkthroughs using a prescribed checklist and will collaborate in other school safety audit mandates including school crisis and emergency management and response planning and preparation.

VIII. FINANCIAL AGREEMENTS

Annually, the City of Danville Budget Office will consult with the Police Department's Fiscal Records Office, under the direct supervision of the Chief of Police, and provide estimated expenses for the management and operation of the School Resource Officer program. These

costs shall be communicated to the Superintendent of Schools or designee, and that portion of the costs agreed to by the Superintendent of Schools and the City Manager shall be included in the budget submittal for the Danville Public Schools System. That portion of the costs agreed to by the Parties that is not included in the Schools' budget records shall be made a part of the budget submittal for the Police Department. Once approved by the Danville City Council, that budget shall be followed for the balance of the fiscal year, subject to changes and amendments agreed to by the Parties and the City Manager.

IX. TERMS OF AGREEMENT

A. No Third-Party Beneficiary

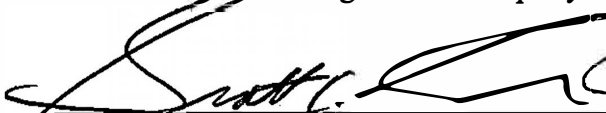

It is expressly understood and agreed that enforcement of the terms and conditions of this MOU, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties. Nothing contained in this MOU shall give or allow any such claim or right of action by any third person or entity. Any third party receiving services or benefit under this MOU shall be deemed to be incidental beneficiaries only.

B. Review and Modification of Agreement

This MOU shall become effective when it has been executed by all parties. Quarterly meetings should be conducted throughout the year between DPS (the Superintendent or designee) and DPD (the Chief of Police or designee) to support successful implementation of the partnership. This MOU shall be reviewed annually to ensure that it meets the needs of the parties. Any change to this MOU shall be in writing and executed by both the Chief of Police and the Superintendent of Schools.

C. Term of Agreement

This MOU will remain in effect until such time as either party, with 45 days' notice, terminates the MOU by delivering to the other party written notification its intention to terminate the MOU.

	
_____ Scott Booth, Chief of Police	_____ Dr. Angela Hairston, Superintendent of Schools
Date <u>1/13/21</u>	Date <u>1/21/2021</u>

Approved as to Form:



Alan Spencer, Assistant City Attorney