OPERATIONS AGREEMENT is made this the 17th day of July, 2013 by and between the **Montgomery County Board of Education, a body politic herein Board** and the **Montgomery County Sheriff's Office herein Sheriff.**

WITNESSETH:

WHEREAS the **BOARD** and the **SHERIFF** agree to place School Resource Officers, SROs in the Montgomery County Schools.

WHEREAS the **BOARD** and the **SHERIFF** desire to set forth in this SRO Agreement the specific terms and conditions of the services to be performed and provided by the said SROs in the COUNTY SCHOOL SYSTEM;

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1.0
Goals and Objectives- It is understood and agreed that the **BOARD** and **SHERIFF** share the following goals and objectives with regard to the School Resource Officer (SRO) Program in the schools:

1.1
To foster educational programs and activities that will increase student's knowledge of and respect for the law and the function of the law enforcement agencies.

1.2
To encourage SROs to attend extra-curricular activities held at schools, when possible, such as PTA meetings, athletic events, and concerts.

1.3
To act swiftly and cooperatively when responding to major disruptions and flagrant criminal offenses at school, such as: disorderly conduct by trespassers, the possession and use of weapons on campus, the illegal sale, possession, and/or distribution of controlled substances, and riots.

1.4
To report serious crimes that occur on campus and to cooperate with the law enforcement officials in their investigation of crimes that occur at school.

1.5
To cooperate with the law enforcement officials in their investigations of criminal offenses which occur off campus; and

1.6
To encourage SROs to provide traffic control and crossing guards at schools when deemed necessary for the safety and protection of students and the general public when the regular traffic control officer or crossing guard is absent.

2.0
School Resource Officers are employees of the Sheriff.

3.0
Duties of School Resource Officers

3.1
To provide, by interaction with students, educational programs and activities for the purpose of increasing the students' knowledge of and respect for law enforcement and their duties.

3.2
To protect lives and property for the citizens and public school students of the County.

3.3
To enforce Federal, State, and Local criminal laws and ordinances, and to assist school officials with the enforcement of Board of Education Policies and Administrative Regulations regarding student conduct.

3.4
To investigate criminal activity committed on or adjacent to school property; Resource officer shall in all situations consult with school administrators prior to any investigation, unless an emergency situation exists, specifically in matters involving drugs, weapons, or riots.

3.5
To counsel public school students in special situations, such as students suspected of engaging in criminal misconduct, when requested by the principal or the principal's designee or by the parents of a student.

3.6
To answer questions that students may have about North Carolina Criminal or Juvenile laws.

3.7
To assist other law enforcement officers with outside investigations concerning students attending the school(s) to which the SRO is assigned.

3.8
To provide security for special school events or functions, such as PTA meetings, at the request of the Principal.

3.9
To provide traffic control during the arrival and departure of students when a school crossing guard is absent.

4.0
Dress Code- SROs shall be provided by the **SHERIFF** and required to wear a departmental issued uniform.

5.0
Transporting Students

5.1
It is agreed that SROs shall not transport students in their vehicles except:

5.11
When the students are victims of a crime, under arrest, or some other emergency circumstances exist; and

5.12
When students are suspended and sent home from school pursuant to school disciplinary actions if the student's parent or guardian has refused or is unable to pick-up the child within a reasonable time period and the student is disruptive/disorderly and his/her continued presence on campus is a threat to the safety and welfare of other students and school personnel.

5.2
If circumstances require that the SRO transport a student, then the school officials must provide a school official or employee of the same gender of the student to be transported to accompany the officer in the vehicle.

5.3
If the student to be transported off campus is not under arrest, a victim of a crime, or violent or disruptive, the school administration shall provide transportation for the student and a SRO may accompany the school official in transporting the student.

5.4
A student shall not be transported to any location unless it is determined that the student's parent, guardian, or custodian is at the destination to which the student is being transported. SROs shall not transport students in their personal vehicles.

5.5
SROs shall notify the school principal before removing a student from campus.

6.0
Investigation, Interrogation, Search and Arrest Procedures- The standard operating procedures (SOP) for the investigation of crimes and interrogation, search and arrest of students are as follows:

6.1
Interrogation Procedures- In the event a serious crime (as defined below) is committed at school or at a school activity, the principal or assistant principal with the assistance of a SRO should:

6.11
Question any witnesses to determine that a crime was committed and who committed the crime. The SRO shall have the general authority to question or interrogate any student at school who may have information about criminal misconduct. School officials shall investigate alleged violations of the policies of the **BOARD**. As a general rule, the interrogation should be conducted in cooperation with and in the presence of a school official, but when immediate action is necessary or in an emergency situation, the SRO may interrogate a student without the presence of a school official.

6.12
Question the person suspected of committing the crime. As a general rule, the student should not be arrested or placed "in custody" during the initial interview or interrogation. The suspect shall be informed generally of the purpose of the investigation and given an opportunity to present informally his/her knowledge of the facts. If the suspect wishes to remain silent, to contact his/her parents or an attorney, or to end the interview, the questioning should cease and the suspect's request should be granted unless there is a reasonable cause to detain the student for questioning.

6.13
If a student is placed in custody, or arrested, the student must be advised prior to further questioning by a SRO:

6.131
That he/she has the right to remain silent;

6.132
That anything he/she says can be used against him/her in a court of law;

6.133
That he/she has a right to have a parent, guardian, or custodian present during questioning;

6.134
That he/she has the right to talk with an attorney before you ask any questions and he/she has a right to have his/her attorney present with him/her during questioning;

6.135
That if he/she cannot afford to hire an attorney, one will be appointed for him/her by the court before any questioning if he/she wishes; and

6.136
That if he/she decides to answer now without an attorney present, he/she will still have the right to stop answering questions at any time. He/she also has the right to stop answering questions at any time until he/she talks to a lawyer.

6.137
That if the suspect is under 14 years of age, the child's parent, guardian, or custodian shall be contacted and invited to be present during the interview and the accused shall be advised of his/her rights as set forth in STATUTE. No in-custody admission or confession resulting from interrogation may be admitted into evidence in a court of law unless the confession or admission was made in the presence of the juvenile's parent, guardian, custodian, or attorney. No student under 14 years of age who is suspected or accused of committing the crime under investigation shall be interrogated at school unless the child's parent, guardian, custodian, or attorney is present.

6.138
That if the student is 14 years of age or older, and arrested or placed in custody, he/she must be advised of his/her rights, but the presence of the student's parent, guardian, custodian, or attorney may be waived by the student.

6.2
Search Procedures

6.21
If the school official has reasonable grounds for suspecting that a search of a student or a student's possessions will uncover evidence that the student has violated or is violating either the law or the rules of the school, the school official may search the student and the student's pockets, pocketbook, book bag, desk, locker, vehicle, or any other similar location within the student's control. When requested by school officials, the SRO shall assist with the search in order to protect the safety of all persons involved in the search. If the search uncovers evidence of criminal misconduct, the evidence shall be held for or turned over to the SRO.

6.3
Reporting serious crimes

6.31
If the investigation uncovers evidence of a serious crime as defined in STATUTE, the school official shall notify the SRO, the student's parents/guardian, and the appropriate central office personnel.

In all cases in which the SRO either arrests or places a student in custody, the SRO shall notify the superintendent at the earliest possible time, but in no event shall the notification be longer than two (2) hours from the event. Notification may be by fax or e-mail.

6.4
Arrest Procedures- School Related Crimes

6.41
Juveniles- When a SRO arrests or takes a juvenile under the age of 16 into custody, he/she shall select the least restrictive of the following courses of action which is appropriate under the circumstances and meets the immediate needs of the juvenile and the school:

6.411
Divert the juvenile from court by:

6.4111
Release

6.4112
Counsel and release

6.4113
Release into the custody of the juvenile's parent, guardian, or custodian

6.4114
Referral to community service

6.412
Attempt to bring the juvenile before juvenile court

6.4121
Seek a juvenile petition

6.4122
Seek a juvenile petition and request a custody order

6.4123
Immediately take the juvenile into custody as required by law.

6.413
Attempt to bring the juvenile before the magistrate for the purpose of involuntary commitment.

6.42
Student over 16 years of age- When a SRO arrests or takes a person over the age of 16 into custody, he/she shall select the least restrictive course of action which is appropriate under the circumstances and meets the immediate needs of the school.

6.43
If circumstances permit, the SRO and principal shall mutually agree upon a time during the school day for the removal of the student from the school. The student shall be called to the office by the principal at that time.

6.44
In the event of the arrest of a student on campus, the principal or his designee shall be responsible for notifying the student's parent or guardian. Such notification by a school official shall be made as soon as possible, preferably prior to the actual removal of the student from campus.

6.45
If the SRO initiated the arrest, the SRO shall contact the student's parent or guardian as soon as practical after the arrest of a student and shall notify the parent/guardian of the reason(s) for the arrest.

6.5
Arrest Procedures- Crimes Committed off Campus. Crimes committed at school bus stops or while students are walking to and from school.

6.51
Law enforcement officials are responsible for enforcing the law on public streets, including school bus stops. Therefore, the SRO shall assist school officials and coordinate with the appropriate local law enforcement agency in the investigation of crimes that occur at bus stops and while students are walking to and from school.

6.6
Investigation and Arrest Procedures- Other Crimes Committed off Campus

6.61
Investigations Involving Students Under the Age of 14

6.611
As a general rule, the SRO and other law enforcement officials shall not interview any student under age 14, witnesses or suspects, at school during school hours concerning crimes committed off campus.

6.612
If law enforcement officials are having difficulty locating a student off campus, determine that time is of the essence, or for some other reason deems it necessary to interview a student under age 14 at school during school hours:

6.6121
The officer shall contact the school principal and/or SRO in advance and state the reason(s) to conduct an interview of a student at the school;

6.6122
The investigating officer or SRO shall notify the student's parent or guardian of the officer's desire to interview or interrogate the student at school; unless the investigation involves a matter relating to the parent; for instance the investigation of the parent for child abuse.

6.6123
Normally, students under 14 years of age will not be questioned at the school without notice to and the consent of the parent or guardian;

6.6124
No student under 14 years of age who is suspected or accused of committing the crime under investigation shall be interrogated at school unless the child's parent, guardian, or attorney is present;

6.6125
The officer, principal, and parent (if the parent wants to attend the interview or interrogation) should mutually agree on a convenient time during the school day to conduct the investigation; and

6.6126
As a general rule, school officials should not be present during the interview of the student. However, at the request of a parent or guardian, a school official may be present when a student is interviewed.

6.62
Investigations Involving Students 14 Years of Age and Older

6.621
SROs and other law enforcement officials may interview and interrogate students 14 years of age or older (suspects or witnesses) at school during school hours.

6.622
The SRO or investigating officer should contact the school principal in advance and inform him/her of the reason(s) to conduct an investigation within the school;

6.623
The SRO or investigating officer and the principal shall mutually agree on a convenient time during the school day to conduct the investigation; and

6.624
The SRO or investigating officer shall notify the principal or assistant principal in absence of the principal, of the intention to interrogate a student. The principal or assistant principal shall make reasonable efforts to notify the student's parent or guardian. However, interrogation may not necessarily be delayed.

6.625
Parental consent is not required to interview a witness and the presence of the student's parent, guardian, or attorney is not required to interrogate a student.

6.626
As a general rule, school officials should not be present during the investigation. However, at the request of a student, SRO, or investigating officer, a school official may be present during the questioning. Should a school official be present at the request of a student, that official will not be acting in place of the parent/guardian. Nothing herein relieves the SRO from any obligation to contact the parent or guardian.

7.0
Bomb Threats- It is a misdemeanor to give false information concerning the placement of a bomb in a school building. School officials, the SRO, and the fire safety officials shall cooperate in the implementation of procedures in the event of a bomb threat (see COUNTY SCHOOL SYSTEMS Emergency Procedures Manual). In all cases, such incidents shall be reported by the principal to the area superintendent and to the SRO.

8.0
Controlled Substances

8.1
School officials shall notify the SRO in all cases involving the possession, sale, or distribution of controlled substances at school or school activities or on a school bus.

8.2
Any controlled substances or suspected controlled substances confiscated by school officials shall be turned over to the SRO for proper identification and eventual destruction or for evidence.

8.3
If there is probable cause to believe that a student or any other person has sold, possessed, or is selling controlled substances at or near a school, the SRO shall be notified and the SRO should file a juvenile petition or seek a criminal warrant. However, the decision to initiate a juvenile petition or criminal warrant will be at the discretion of the SRO.

9.0
Riots and Civil Disorders

9.1
The principal and SRO shall create a plan relating to their response to a riot or civil disorder occurring on a middle or high school campus. In the event of such riot or civil disturbance, the parties shall proceed according to the plan.

9.2
If, in the opinion of the principal or SRO, additional law enforcement personnel are needed to restore and/or maintain order, the SRO will make contacts as appropriate and request that assistance. The principal or this designee also shall notify the superintendent.
9.3
To the extent possible, all communications should be made by telephone to avoid alarming the public and news media.

9.4
The principal or his designee shall be prepared to respond to questions from the news media, parents, and other members of the public as soon as order is restored.

9.5
If deemed necessary by school and law enforcement officials, the media and the public may be restricted to an area off campus away from the disturbance until order is restored.

9.6
The SRO or officer in charge shall consult with the principal about the need or decision to arrest and/or remove students and other persons from the campus. However, law enforcement officials shall have the authority to arrest and remove any person who commits a crime in their presence.

9.7
The names of any student arrested and removed from campus should not be released to the news media until their parents or guardians have been notified, if possible, and in no event shall the names of students under age 16 who have been removed from campus be released to the news media.

10.0
Access to Education Records

10.1
School officials shall allow SROs to inspect and copy any public records maintained by the school including student directory information such as yearbooks. However, law enforcement officials may not inspect and/or copy confidential student education records except in emergency situations.

10.2
If some information in a student's cumulative record is needed in an emergency to protect the health or safety of the student or other individuals, school officials may disclose to the SRO that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety, the need of the information to meet the emergency situation, and the extent to which time is of the essence.

10.3
If confidential student record information is needed, but no emergency situation exists, the information may be released only upon the issuance of a search warrant or subpoena to produce the records.

11.0
Term of Agreement- The term of this agreement is one year commencing on the July 1, 2013 and ending on the June 30, 2014.
The Agreement shall be renewed and extended annually for additional and successive one year terms unless notice of non-renewal is given by either party, in writing, prior to June 15th of the initial or any succeeding term.

12.0
Evaluation- It is mutually agreed that the BOARD shall evaluate annually the SRO Program and the performance of each SRO on forms developed jointly by the parties. It is further understood that the BOARD'S evaluation of each officer is advisory only and that the SHERIFF retains the final authority to evaluate the performance of the SROs.

13.0
SRO's may attend annual meeting of North Carolina School Resource Officers. Cost will be covered by the Sheriff. Should funding be a problem, the Board and Sheriff may share the responsibility.

IN WITNESS WHEREOF, the parties hereto have caused this Operations Agreement to be executed the day and year first written above.

MONTGOMERY COUNTY BOARD OF EDUCATION

By: _____ 7/17/13
Date

MONTGOMERY COUNTY SHERIFF'S OFFICE

By: _____ 7-24-13
Date