

**MEMORANDUM OF UNDERSTANDING BETWEEN THE ALBEMARLE  
COUNTY PUBLIC SCHOOLS AND ALBEMARLE COUNTY  
REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM**

The Albemarle County Public Schools (“ACPS” or “School Division”) wishes to have a full-time law enforcement officer with the Albemarle County Police Department serve as a School Resource Officer (SRO), primarily assigned to an ACPS high school. Albemarle County, Virginia (“County”) through its Police Department (“ACPD”) intends to furnish a law enforcement officer for this purpose. In compliance with Virginia Code § 22.1-280.2:3, as amended, the parties agree:

**I. PURPOSE**

- A. **Mission.** This Memorandum of Understanding (“MOU”) was developed by the School Division and ACPD to:
1. Foster relations of mutual respect and understanding in the order to build a positive and safe school environment;
  2. Establish their partnership for the SRO program;
  3. Establish joint procedures on matters relating to SROs and criminal investigations; and
  4. Facilitate effective and timely communication, and coordination of efforts for both parties. The School Division and ACPD are committed to enhancing the safety, well-being, and education of students in the School Division. To that end, the parties agree to strive to build a partnership based on trust, cooperation, and understanding.
- B. **Goals.** The primary goals of the MOU are to:
1. Promote a positive and supportive school climate;
  2. Create and maintain safe and secure school environments;
  3. Collaborate to increase law-related education, expand school safety and crime prevention efforts, reduce conflict, and support effective interventions for students;
  4. Reduce and deter crime, violence, victimization, and fear in and around schools, and minimize student involvement with the juvenile and criminal justice systems; and
  5. Provide mutual understanding between school staff and the SRO about the role of SRO.

**II. FUNDING**

Subject to appropriations, the operating expenses of the SRO position will be funded by the School Division. The ACPD may also hire a police officer with an SRO certification at its expense to provide back-up SRO services during those times when the SRO is unavailable or unable to be present in the school. Additional positions shall be requested as a part of the annual budget development process. Operating expenses shall include annual salary, school and duty related overtime, and benefits. Equipment and one-time costs—including but not limited to uniforms, vehicles, radios, firearms, and technology—will be funded by the County. Any SRO specific training will be funded by the School Division. Any law enforcement specific training will be funded by the County.

### III. SCHOOLS DIVISION RESPONSIBILITIES

#### General Responsibilities

- A. The School Division will designate a lead point of contact to implement the MOU and maintain ongoing communication with ACPD personnel.
- B. School administrators shall facilitate effective communication between the SRO and school staff to support the goals of this MOU.
- C. The School Division will handle discipline within the school disciplinary process without involving the SRO.
- D. The School Division will provide the following training to all school administrators, staff, and students:
  1. The School Division will train all administrators and staff regarding the SRO's roles and responsibilities;
  2. The School Division will ensure that administrators will receive relevant training and the Virginia Criminal Justice Services Board and Active Shooter training within sixty (60) days of the signing of this MOU as well as ongoing joint training with the SRO in consultation with the ACPD; and
  3. In schools with large and/or specific population of disabled students, the School Division shall provide training to the SRO regarding the special needs they present.
- E. The School Division shall provide a work area for the SRO that is equipped with a telephone and computer in the school to which the SRO is assigned. If possible, the area should be able to accommodate seating for a minimum of three (3) people in privacy for interviewing purposes. The School Division shall also provide the SRO with a locked storage area in the school to which the SRO is assigned for temporarily securing contraband recovered in the school by staff and store equipment.
- F. The computer assigned to the SRO should be capable of running software applicable to the SRO's duties.

#### Director of School Security Responsibilities

- G. The Director of School Safety & Security will serve as the School Division's direct contact between the School Division and the ACPD. The Director of School Security will work directly with the ACPD Special Operations Division Commander or ACPD designee to resolve operational and administrative issues that affect the work of SRO with schools.
- H. The Director of School Safety & Security will be available to participate in the selection process for the SRO and will work with the ACPD to facilitate the appropriate placement of the SRO in schools.
- I. The Director of Safety & Security will respond to requests for information from the ACPD through the Special Operations Division Commander and/or the SRO Supervisor.
- J. The Director of Safety & Security will consult with and advise the ACPD through the Special Operations Division Commander of ACPS School Board Policy or procedural changes that may affect the work of the SRO and, accordingly, take into consideration the views of the ACPD.

School Principal Responsibilities

- K. The principal of the school to which the SRO is assigned shall review the MOU with the SRO and jointly establish school-specific operational and communications procedures to support goals of the MOU.
- L. Pursuant to Virginia Code § 22.1-279.3:1(B), certain types of criminal activity (including threats of active violence) that come to the attention of the principal or school staff must be reported immediately to the ACPD. In an emergency situation, school staff shall call 911 and notify the SRO. Incidents that are not emergencies or of an urgent nature may be held for action by the SRO upon return to duty. School staff may also call the Emergency Communications Center non-emergency contact number.
- M. In any criminal enforcement action taken by the SRO which results in the charging of a student with a crime, the principal and/or school employees will appear in court, when necessary, to provide testimony relevant to the case. Consistent with the Release of Student Information provision of this MOU (Section V(H)(3)), a subpoena or summons shall be issued to the principal and/or school employee for any testimony requiring the disclosure of student records or the information contained therein.
- N. All principals shall confirm annually that they have not asked the SRO to assist with administrative functions outside the scope of SRO assistance authorized by this MOU. Upon request, the principals shall also provide information to the SRO Supervisor to assist in preparing the annual personnel evaluation of the assigned SRO.

IV. ALBEMARLE COUNTY POLICE DEPARTMENT'S RESPONSIBILITIES

General Administrative Roles and Responsibilities

- A. The SRO is an employee of the County and a sworn law enforcement officer of the ACPD. All aspects of SRO employment—including assignment, reporting, applicable policies and general orders, discipline, and evaluation—will be administered and governed by the County. The County will solicit ACPS administration for input regarding annual evaluations, but administrative control shall remain with ACPD command.
- B. In developing and implementing law enforcement policies and practices that may affect schools, the ACPD will consult with and take into consideration the views of the School Division.
- C. The SRO shall be assigned to the School Division on a full-time basis and follow the ACPS 12-month employee work calendar insofar as it does not conflict with County employee requirements.

Special Operations Division Commander Responsibilities

- D. The Special Operations Division Commander shall ensure coordination of resources, responses, and effective information sharing/notification between the ACPD and School Division.
- E. The Special Operations Division Commander shall establish and maintain a working knowledge of, and adhere to, federal, state, and local laws; School Division and ACPD

policies; and the applicable requirements necessary to support the SRO and promote student safety and lawful conduct in the schools.

- F. The Special Operations Division Commander shall serve as the direct point of contact between ACPD and the School Division for operational and administrative school safety and security issues.
- G. The Special Operations Division Commander shall establish and maintain effective relationships with school personnel and appropriate County agencies to ensure a continued commitment to keep schools safe for all students enabling them to reach their full learning potential.
- H. At the request of the School Board, the Special Operations Division Commander shall provide each semester a status report of SRO activities in the School Division and present such reports during public School Board meetings.
- I. The Special Operations Division Commander shall meet with the Director of School Safety & Security before the start of and throughout the school year to review the SRO's performance and discuss the expectations of both parties.

#### SRO Supervisor Responsibilities

- J. The SRO Supervisor shall select an ACPD officer to serve as an SRO who has demonstrated the ability, interest, and skills necessary to work with youth, school staff, and the public in an educational setting. The SRO Supervisor will solicit the input of the School Division in making a selection.
- K. The additional duties of the SRO Supervisor include, but are not limited to:
  - 1. At the request of a school principal, and as time and resources allow, attending Parent Teacher Organization meetings, as time and resources allow, to discuss significant issues affecting the school community;
  - 2. Supervising, supporting, and assisting the SRO's problem-solving and development opportunities in the performance of the SRO's duties;
  - 3. Meeting with the SRO on a regular basis at the SRO's assigned campus to observe the SRO's performance of duties;
  - 4. In collaboration with the Special Operations Division Commander, mitigating conflicts and resolving differences in situations where there are ambiguous or overlapping policies or practices between the ACPD and School Division; and
  - 5. Ensuring initial and relevant recurrent training for the SRO.
- L. The SRO Supervisor shall attempt to schedule the major portion of the SRO's annual training during the School Division's summer vacation. Attendance at some training may be necessary during the school year.

#### SRO Training Requirements and General Responsibilities

- M. Training of the SRO
  - 1. The ACPD will ensure the SRO receives relevant training prior to or within sixty (60) days of assignment in a school together with ongoing joint training with school administrators.
  - 2. The SRO selected shall, as soon as practicable after having been assigned, complete DCJS SRO Certification training and, at least every two (2) years, meet in-service requirements by DCJS, and complete forty (40) hours of training, by the ACPD or Virginia Department of Criminal Justice Services that may include the following:

- a. Mental health specific training and crisis intervention training in accordance with established and certified state standards;
- b. Disability awareness training;
- c. Implicit bias/racial bias training outlining attitudes and stereotypes that affect our understanding, actions, and decisions in an unconscious manner;
- d. Restorative justice techniques;
- e. Cultural competency training that is provided to ACPD staff; and
- f. NASRO/DCJS SRO Update Training.

**N. SRO roles and responsibilities**

1. The SRO is a “school official” and will be considered an active member of the assigned school’s community. The SRO will assist with matters related to safety, security, and the exchange of information while primarily providing law enforcement services.
2. All actions of the SRO are governed by federal and state law and local ordinance, including the United States Constitution, the Virginia Constitution, and the Virginia Code. The SRO is constrained to act only as a law enforcement officer as permitted by law.
3. The SRO’s primary responsibility is to assist in providing safe and positive school environments with a law enforcement presence. The SRO is not under the direction of ACPS administration and school staff and should not participate in student discipline in any way unless law enforcement action is justified. Any School Division policies or written directives regarding the SRO must be shared with ACPD prior to adoption and implementation, and ACPS shall not adopt or attempt to enforce any regulations regarding the SRO to which ACPD objects.
4. As a general practice, unless there is a clear and imminent threat to safety, requests from school staff for an SRO or other law enforcement assistance are to be made through a principal or other school administrator.
5. The Director of School Safety & Security and Division Commander shall coordinate in establishing the SRO’s duty schedule to provide adequate coverage for the school to which the SRO is assigned, allowing for ancillary coverage for additional schools on the same campus property, as needed, throughout the school day. The SRO shall provide a visible deterrent to crime and shall be visible patrolling the exterior and interior grounds. The SRO shall wear the regulation uniform and operate a marked police vehicle while on duty unless otherwise authorized by the Division Commander for a specific purpose. Further, the SRO shall keep administration of the assigned school informed of his/her work schedule.
6. Additionally, the SRO shall assist school administrators in developing school crisis, emergency management, and response plans. The SRO shall work with administrators in problem-solving to prevent crime and promote safety in the school environment. The SRO is 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 the courts when possible.
7. The SRO serves multiple roles, all focused on contributing to school safety and security and promoting positive and supportive school climates. Key roles are:
  - a. Law enforcement officer;
  - b. Law-related educator;

(1) As resources permit, and with the approval of the SRO Supervisor, the SRO 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, mediation and conflict resolution, drug avoidance and awareness, safe driving and vehicle safety, laws related to consumption of alcoholic beverages, personal safety and self-defense, policies on search and seizure by the SRO or law enforcement, school safety strategies, and crisis response procedures. The SRO may also deliver law-related education to students using lessons/curricula approved in advance by the SRO Supervisor and school principal. In all cases, responding to incidents or conducting investigations will take precedence over presentations.

(2) The SRO may make formal presentations to, or participate in, school and community-based organization meetings, such as Parent Teacher Organization meetings or School Community Organizations on an as-needed basis. All such participation must be approved by the Division Commander and the principal. Similar requests to participate in focus groups, panel discussions, camps, and mentoring programs shall also be approved in the same manner.

c. Informal mentor and role model

(1) The SRO shall serve as an informal mentor and role model and is expected to communicate clearly to students about lawful and unlawful behavior, set a positive example in handling stressful situations and resolving conflicts, show respect and consideration to others, and express high expectations for students' lawful behavior.

d. Resource for criminal charges and cases

(1) Although the SRO is not permitted by law to share certain information concerning criminal investigations and prosecution with school staff, the SRO shall assist school staff on their inquiries for charge or case information concerning students in their school in the following manner:

(a) Referring the staff member to another appropriate entity, if one exists, such as the clerk of court intake officer, detention center, or the Commonwealth's Attorney;

(b) Directing the staff member to the appropriate Virginia Code section (s) for the applicable charges, if the staff member is seeking to charge a student; and

(c) Answering questions about the criminal investigative and/or prosecutorial process.

(2) At no time, shall the SRO divulge any information that is prohibited from disclosure by Virginia Code §§16.1-301, 2.2-3706, 2.2-3706.1, 19.2-389, or by any other law or ACPD policy or standard practice.

e. Gang activity and participation

(1) As a result of the increasing concerns presented by gang-related activity in the schools, school administrators and the SRO shall cooperate to the fullest extent possible to promote a school environment free of visible gang activity, recruitment, and participation. School administrators shall adhere to School Board policy JFCE-Gang Activity or Association.

- (2) In addition, school administrators shall engage in ongoing and open communication with the SRO about the SRO's observation of gang signs; graffiti or vandalism; and any act of gang initiation, hazing, recruitment, or violence.

## V. COMMUNICATION BETWEEN THE PARTIES

### A. Goal

1. To the extent permitted by law, ACPD policy, and School Division policy, an atmosphere of open and honest communication between the School Division and the SRO is critical to the success of this partnership. School staff and the SRO shall work to promote a positive and productive relationship.
2. Problems arising between school and police personnel should be handled in a calm, courteous, and professional manner. The SRO shall strive to develop positive relationships among students, parents, visitors, and school officials.

### B. Resolution of concerns

1. Issues concerning School Board Policy and individual school procedures shall be directed to the principal of the school at which the matter originated. Matters falling within the responsibility of the ACPD needing its guidance for resolution shall be directed to the SRO or the SRO Supervisor.
  - a. In the event of a criminal investigation involving any student, school employee, or volunteer, the SRO Supervisor and the Director of School Safety & Security shall serve as official liaisons between the ACPD and School Division and respectively. Any concerns or questions about the interaction between the School Division and ACPD during a pending investigation should be directed to the SRO Supervisor and Director of School Safety & Security for immediate discussion and resolution.

### C. Routine communications

1. The SRO and the school administration and staff shall inform each other, as permitted by law and policy, about any matter coming to their attention that:
  - a. Threatens the safety of the student(s), staff, or police;
  - b. Concerns any criminal activity within the school or affecting the school;
  - c. Pertains to any act of violence committed on school property involving students, staff, or police, as permitted by law;
  - d. May constitute a sexual assault; or
  - e. Involves environmental concerns that threaten the physical safety of the school community.

### D. School staff shall call the Emergency Communication Center (ECC) at 911 when they have any emergency situation. In non-emergency situations the SRO can be contacted directly for problems occurring within their school that require a police response.

### E. Matters that are deemed newsworthy shall be released only after the Superintendent's office and the Special Operations Division Commander have been notified and have an opportunity to review and comment on the content of the materials to be released. Unless otherwise permitted by law, names of students under the age of 18, as well as victims' names, addresses, etc. shall not be released.

### F. School staff reporting to police

1. Mandatory reporting of potential crimes

- a. Principals or their designees shall immediately report to the SRO, SRO Supervisor, or ECC (911), as appropriate under the circumstances, any act that may constitute a criminal offense in accordance with Virginia Code §22.1-279.3:1(B), or as amended.
  - b. The Director of School Safety & Security shall be responsible for providing the list of reportable offenses to principals on an annual basis and provide any necessary training.
2. Procedure for school staff reporting
- a. If the SRO or SRO Supervisor cannot be located, the reporting school official shall call the ECC (911) to report the incident. School staff shall also report the incident to the Superintendent/designee.
  - b. School staff—in consultation with the Albemarle County School Board Attorney, if necessary—shall exercise their best judgment to determine whether an incident is a potentially criminal offense requiring a report to the SRO. If an act, reasonably, could be a criminal offense, school staff shall immediately report the act to the SRO and allow the SRO to exercise law-enforcement judgment regarding the act.
  - c. School staff shall contact the Director of School Safety & Security or, if that person cannot be reached, the Albemarle County School Board Attorney, if there are any questions concerning interviews and investigations described below in Section VI in order to minimize impairment of a subsequent criminal investigation or prosecution.
3. Reporting child abuse or neglect. As mandated reporters, school staff shall report any potential child abuse or neglect identified in Virginia Code §63.2-1509 to the Department of Social Services, Child Protective Services unit (“CPS”) and to the SRO or ACPD, if the SRO is not available.
- G. SRO reporting to school staff
1. Mandatory reporting of criminal offenses. In accordance with Virginia Code §22.1-279.3:1(C), as amended, and subject to other applicable law, the Division Commander shall, as soon as practicable, report to the principal and Superintendent offenses committed by students enrolled at the school if the offense would be:
- a. A felony if committed by an adult on school property, on a school bus, or at a school-sponsored activity;
  - b. A violation of the Drug Control Act, Virginia Code §54.1-3400 et seq. on school property, on a school bus, or at a school-sponsored activity; and
  - c. An adult misdemeanor involving incidents listed in Virginia Code §22.1-279.3:1(A).
2. Additional reporting of criminal offenses. In accordance with Virginia Code §16.1-301(B), for the protection of the juvenile, fellow students, and school personnel, ACPD personnel shall report to the principal if a student is charged with or may report if the student is suspected of committing an offense listed in Virginia Code § 16.1-301(B):
- a. Violent juvenile felony, as specified in subsections B and C of Virginia Code §16.1-269.1;
  - b. Violation of any of the provisions of Virginia Code Article 1 (§18.2-77 et seq.) or Chapter 5 of Title 18.2; or
  - c. Violation of law involving any weapon as described in subsection A of Virginia Code §18.2-308.



H. Information sharing

1. There shall be an open relationship and strong communication between the School Division and ACPD. The SRO and Principals and the Director of School Safety & Security shall exchange information about current crime trends and communicate about safety and security concerning their schools, conflicts, and other problems that may cause disruptions at the school or within the community.
2. When appropriate, and, to the extent the law allows, the School Division shall notify the SRO of any special needs of a student involved in a school-based criminal offense in order to assist the SRO in recognizing and accommodating behaviors that may be a manifestation of the student's disability.
3. Release of student information
  - a. The release of student records is governed by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. §123G. "School officials" may access and disclose student records only as authorized by FERPA.
  - b. The SRO is to be considered a school official because the SRO performs an institutional service or function to promote school safety and the physical security of students. However, other than access to school records as specifically permitted in Section (V)(H)(3)(e) and (f) below, the SRO may be provided student records only to the extent that they are directly relevant to a criminal investigation.
  - c. The SRO may also have access to student directory information. Directory information includes:
    - (1) Name of student in attendance or no longer in attendance.
    - (2) Address.
    - (3) Telephone listing.
    - (4) Electronic mail address.
    - (5) Dates of attendance.
    - (6) Grade level.
    - (7) The most recent educational agency or institution attended.
    - (8) Date and place of birth.
    - (9) Participation in officially recognized activities and sports.
    - (10) Height and weight (if member of athletic team).
    - (11) Awards and honors received.
    - (12) Information generally found in school yearbook.
  - d. The SRO may also have access to additional student information as approved by the principal, such as class schedules, daily attendance rosters, and student names that is needed to carry out the SRO's duties.
  - e. Health and safety emergency exception
    - (1) 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 the SRO and law enforcement officials, whose knowledge of the information is needed to protect the health and safety of a student or another individual.
    - (2) Law enforcement officials, including the SRO, seeking access to records under the health and safety emergency exception shall contact the student's Principal and

must present sufficient information for the principal or his/her designee to make the determination that a health and safety emergency exists, within the requirements of FERPA.

- (3) If student information is disclosed under this exception, the student's file must contain a description of the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed.

f. Use of school video surveillance

- (1) The SRO will have access to the school's video monitors while they are in operation. The School Division will make all reasonable efforts to maintain, repair, and otherwise keep operational school video monitors.
- (2) The SRO shall also have direct access to recorded video to assist in investigations related to law enforcement. As a general rule, the School Division does not retain video recordings for more than thirty (30) days; therefore, recordings required for evidentiary purposes must be requested immediately in order to facilitate their storage and maintenance. If recorded video is captured and maintained by the SRO for law enforcement purposes, it is deemed a law enforcement unit record and not subject to FERPA protections.
- (3) In a school emergency requiring a police investigation, law enforcement officers shall have access to live video.

I. SRO disclosure of law enforcement records

1. If, within the discretion of the ACPD, the Special Operations Division Commander and the SRO disclose "law enforcement records" to the School Division, such records are not considered student records subject to the disclosure restrictions of FERPA. "Law enforcement records" are those records, files, documents, and other materials that are created and maintained by the Special Operations Division Commander and SRO for the purpose of ensuring the physical safety and security of people and property in the School Division and/or the enforcement of any local, state, or federal law even if such records also serve the dual purpose of investigating and enforcing school disciplinary rules.
2. Virginia Code §19.2-11.2 requires written consent from a victim of sexual assault, sexual abuse, or family abuse, before law enforcement personnel may publicly release any information that directly or indirectly identifies that victim.
3. Virginia Code §19.2-11.2 also requires written consent of the next of kin of a child who dies as a result of a crime before law enforcement personnel may publicly release any information that directly or indirectly identifies that victim. There are exceptions to this prohibition which permit the release of information if the information relates directly to the site of a crime, is required by law, is necessary for law enforcement purposes, or is permitted by the court.

## VI. OPERATIONAL PROCEDURES

### A. Differentiating disciplinary misconduct from criminal offenses

1. School administrators and teachers are responsible for school discipline. The SRO is expected to be familiar with the School Division Code of Student Conduct, the rules of the individual schools, and their application in day-to-day practice. However, the SRO shall

not be involved with the enforcement of school rules or disciplinary infractions that are not violations of law.

2. School administrators are not to conduct criminal investigations. In the event a crime is reported to an administrator or ACPS staff member, either the SRO or 911 will be called and a law enforcement officer will conduct the investigation.

B. Court orders, subpoenas, and search warrants:

1. School officials may only disclose student records in response to lawfully-issued court orders, subpoenas, and search warrants or otherwise permitted by law. Law enforcement officials seeking to obtain student records pursuant to a court order, subpoena, or search warrant shall contact the Director of School Safety & Security.
2. FERPA requires that school officials take reasonable steps to provide notice to the parent(s) or the student (if the student is an adult) before any records are disclosed pursuant to a court order, subpoena, or search warrant. Such notice will not be provided if the court order, subpoena, or search warrant indicates that it has been issued on an ex parte basis or contains directions that the subject of the records shall not be notified. As a result of the notification requirement, law enforcement officials shall take into account that their access to such records may be delayed while school officials satisfy this requirement and gather responsive records. School officials shall expedite law enforcement requests for the records under this exception whenever necessary.
3. School officials shall retain original school records and provide copies in response to any court order, subpoena, or search warrant pursuant to B(1) above. If a record request is related to an immigration matter, it shall be coordinated through the office of Albemarle County School Board Attorney.
4. Except for situations where the court order, subpoena, or search warrant indicates that it has been issued on an ex parte basis or if it contains directions that the subject of the records shall not be notified, a record of any disclosure under this exception will be made in the student's file.

C. Procedures in criminal investigation and charges

1. Interviews of students

a. Interviews by the SRO

- (1) The SRO shall make reasonable attempts to contact parents whenever the SRO intends to interview a student on school grounds about his or her involvement in a criminal matter
- (2) If the SRO must interview a person of the opposite sex, reasonable effort should be made to have another adult present, if appropriate. School officials are not held to the same standards as a police officer or SRO in questioning. Although school officials may conduct interviews with the SRO or ACPD present, they must never act as an agent of the ACPD in obtaining information for a criminal case.

b. School staff interviews in matters involving potential child abuse or neglect, or sexual crimes

- (1) During the course of conversation or disciplinary meetings with students, school staff may learn that a student has been the victim of child abuse or neglect, rape, sexual assaults, or sexual abuse. The role of school staff is not to conduct an investigation, but to learn whether a crime may have occurred and immediately

refer the manner to the ACPD and CPS. Upon learning this information, staff should:

- (a) Refrain from asking any questions unless they are necessary to understand what the student is saying. Any question should be neutral and non-suggestive, such as “What do you mean by that?” or “Can you explain that to me?”
- (b) Separate students if more than one student is in the room. Interviews should not be conducted with multiple students at the same time.
- (c) Refrain from making judgmental statements. It is appropriate to respond to the student’s statement with comment to provide emotional support, such as “Thank you for sharing that with me,” or “I’ll make sure I let the proper people know so that we can help you.”
- (d) Do not ask students to give a written statement.
- (e) Terminate the conversation as soon as possible under the circumstances.
- (f) Immediately after the conversation, write down everything that can be recalled about the conversation, including staff questions, comments, and the student’s statements.

c. School staff interviews of students in other potentially criminal circumstances

- (1) If school staff receives information during the course of their interview that a crime has been committed, they shall take the following steps:
  - (a) Call the SRO prior to continuing the interview.
  - (b) If the SRO or another officer cannot arrive within a reasonable period of time and the crime(s) involved is not a serious or violent crime and does not pose an immediate safety threat, school staff shall conduct the interview notwithstanding the absence of the SRO or other officer and handle any contraband or evidence in accordance with search procedures set forth in Section VI(C)(2) herein.
  - (c) If the crime (s) involved is a serious, violent crime or pose an immediate safety threat should not continue the interview until an officer arrives. “Serious, violent crimes” include, for example, homicide, rape, shooting or stabbing a person, malicious wounding, threatened to actual acts resulting in serious physical injury, offenses involving discharge of a firearm, and threats to bomb or burn or the actual bombing or burning an occupied building.
  - (d) Immediately after the interview, school staff shall document the information that was elicited.

2. Searches

a. Searches of students by police.

- (1) Police searches of people, places, and things shall be in compliance with the United States and Virginia constitutions, and applicable case and statutory law.
- (2) Police officers shall not use school officials as their agents to conduct searches.
- (3) Police officers shall give reasonable notice to the principal before a search is conducted at his/her school whenever possible.
- (4) Searches shall be conducted so as to cause minimal interference with the educational environment.

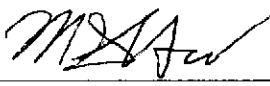
b. Searches by school staff

- (1) School officials may search based on reasonable suspicion.
  - (2) Searches of students, personal belongings, lockers, and cars shall be conducted in accordance with applicable Albemarle County School Board and School Division policies and regulations.
  - (3) When school staff is faced with conducting a search for objects that could endanger staff or students, such as firearms and explosive devices, school staff shall take the following actions unless safety concerns require a different, emergency response:
    - (a) Secure the general area in which the dangerous object is located.
    - (b) Immediately contact the SRO or call 911, if the SRO is not on-site or available.
    - (c) Refrain from conducting any search until the ACPD or Albemarle County Department of Fire and Rescue have arrived on scene.
  - (4) In other, non-emergency situations when school staff recovers contraband that may become evidence in a criminal case, such as marijuana, tobacco, vaping devices, or alcohol, school staff shall take the following actions:
    - (a) When needed, use the precautionary supplies provided in kits for staff safety issued by the School Division.
    - (b) If possible, place the contraband in a container, such as a clear plastic bag or box, and keep it in a secure location, such as a locked file cabinet.
    - (c) Contact the SRO so that the SRO may take custody of the contraband.
    - (d) If possible, stay in the same room or area as the contraband until the SRO arrives. This increases the chance that a criminal charge will not be dismissed based on failure to maintain custody and control over the contraband.
2. Custody and detention of students
- a. Officers and school officials shall make reasonable efforts to take a student into custody with minimum embarrassment.
    - (1) When possible, care should be taken to have a student discreetly leave a classroom for police matters. School staff shall attempt to notify the student's parent(s) or guardian as soon as practicable to advise that the student has been taken into custody.

## VII. Amendments

- A. As it its general terms, this document is subject to review every two (2) years; however, it may be revised at any time based on mutual agreement of the County Executive and the ACPS Superintendent.
- B. All statutory references will be deemed to refer to the current and as amended statutes, unless repealed. This MOU will not require amendment solely to update statutory references, unless the legislative changes are material.

ALBEMARLE COUNTY PUBLIC SCHOOLS

SIGNATURE 

NAME (type/print) Matthew Haas

TITLE Superintendent

DATE 8/31/23

ALBEMARLE COUNTY, VIRGINIA

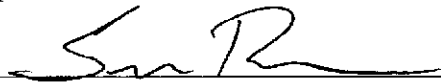
SIGNATURE 

NAME (type/print) Jeffrey B. Richardson

TITLE County Executive

DATE 9/7/23

Approved as to content:



Col. Sean Reeves, Chief of Police  
Albemarle County Police Department