Memorandum of Understanding
between
The Albemarle County Public Schools
and
The Albemarle County Police Department
regarding the
School Resource Resource Officer Program

I. AUTHORITY

§ 22.1-280.2:3. School boards; local law enforcement agencies; memorandums of understanding. "The school board in each school division in which the local law enforcement agency employs school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such local law enforcement agency that sets forth the powers and duties of such school resource officers. The provisions of such memorandum of understanding shall be based on the model memorandum of understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A 12 of § 9.1-184, which may be modified by the parties in accordance with their particular needs.

Each such school board and local law enforcement agency shall review and amend or affirm such memorandum at least once every two years or at any time upon the request of either party. Each school board shall ensure the current division memorandum of understanding is conspicuously published on the division website and provide notice and opportunity for public input during each memorandum of understanding review period."

II. PURPOSE

A. Mission. This Memorandum of Understanding ("MOU") was developed by the ACPS and ACPD to:
   1. Foster relations of mutual respect and understanding in 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 ACPS and ACPD are committed to enhancing the safety, well-being, and education of students in the ACPS. 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 SROs about the role of the SRO.

III. FUNDING

Subject to appropriations, the operating expenses of the SRO position will be funded by the ACPS. 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 SROs are 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 Albemarle County. Any SRO specific training will be funded by the ACPS. Any law enforcement specific training will be funded by Albemarle County.

IV. ALBEMARLE COUNTY PUBLIC SCHOOLS RESPONSIBILITIES

General Responsibilities

A. The ACPS 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 SROs and school staff to support the goals of this MOU.
C. The ACPS will handle discipline within the school disciplinary process without involving SROs. The ACPS policies, administrative guidance, training, and ongoing oversight should clearly communicate that school personnel are responsible for school discipline and that law enforcement is not to be involved with disciplinary action, except as may be requested by the division (e.g., if factual information gathered or observations by SROs are relevant to a disciplinary matter).
D. The ACPS will provide the following training to all school administrators, staff, and students:
   1. The ACPS will train all administrators and staff regarding SRO's roles and responsibilities.
   2. The ACPS will ensure that administrators will receive relevant training within sixty (60) days of the signing of this MOU, including the training required by Va. Code

§ 22.1-279.9, as well as ongoing joint training with SROs in consultation with the ACPD; and

3. The ACPS shall provide training to SROs regarding the special needs of students with disabilities. The training should be specific to those students currently enrolled in the school.

E. The ACPS shall provide a work area for SROs that are equipped with a telephone and computer in the school to which SROs are assigned. If possible, the area should be able to accommodate seating for a minimum of three (3) people in privacy for interviewing purposes. The ACPS shall also provide SROs with a locked storage area in the school to which the SROs are assigned for temporarily securing contraband recovered in the school by staff and store equipment.

F. Computers assigned to SROs should be capable of running software applicable to the SRO's duties.

Director of School Safety and Security Responsibilities

G. The Director of School Safety and Security will serve as the ACPS's direct contact between the ACPS 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 SROs with schools.

H. The Director of School Safety & Security will be available to participate in the selection process for SROs and will work with the ACPD to facilitate the appropriate placement of SROs in schools.

I. The Director of School 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 School 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 SROs and, accordingly, take into consideration the views of the ACPD.

School Principal Responsibilities

K. Consistent with the Virginia Standards for Accrediting Public Schools in Virginia, 8 VAC 20-131-210(A), "the principal is recognized as the instructional leader and manager of the school and is responsible for [f]fostering the success of all students by developing, advocating, and sustaining an academically rigorous, positive, and safe school climate for all stakeholders[.]" Additionally, pursuant to 8 VAC 20- 131-260(D), the school administration should ensure that the school has written procedures "to follow in emergencies such as fire, injury, illness, allergic reactions, and violent or threatening behavior" and "for responding to violent, disruptive, or illegal activities by students on school property or during a school sponsored activity[.]"

L. The principal of the school to which an 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.

M. 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, 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 (434) 977-9041.

N. In any criminal enforcement action taken by SROs 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.

O. 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.

V. ALBEMARLE COUNTY POLICE DEPARTMENT'S RESPONSIBILITIES

General Administrative Roles and Responsibilities

A. SROs are employees of Albemarle 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 Albemarle County. Albemarle 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 ACPS.

C. In addition to the partnership with ACPS, ACPD participates in multiple partnerships with Local, State, and Federal agencies. In the interest of this MOU, ACPD prioritizes the position that SRO's hold within ACPS and any action taken by or with the cooperation of ACPD Officers will be in conjunction with school administrators and division leadership.

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 ACPS.
E. The Special Operations Division Commander shall establish and maintain a working knowledge of, and adhere to, federal, state, and local laws; ACPS and ACPD policies; and the applicable requirements necessary to support SROs 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 ACPS 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 Albemarle County agencies to ensure a continued commitment to keep schools safe for all students enabling them to reach their full learning potential.
H. The Special Operations Division Commander shall provide a quarterly update of the activities and accomplishments of the SROs to the Director of School Safety and Security to evaluate compliance with the program goals. A mid-year and end-of-year program status report shall be provided and presented to the school board during scheduled 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 SRO's performance and discuss the expectations of both parties.

SRO Supervisor Responsibilities

J. The SRO Supervisor shall select ACPD officers to serve as SROs who have 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 ACPS 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 SRO's problem-solving and development opportunities in the performance of SRO's duties;
    3. Meeting with SROs on a regular basis at each 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 ACPS; and
    5. Ensuring initial and relevant recurrent training for SROs.
L. The SRO Supervisor shall attempt to schedule the major portion of SRO's annual training during the ACPS's summer vacation. Attendance at some training may be necessary during the school year.

SRO Training Requirements

M. Training of SROs

1. The ACPD will ensure SROs receive relevant training prior to or within sixty (60) days of assignment in a school together with ongoing joint training with school administrators.
2. The Code of Virginia directs DCJS to provide training for SROs. § 9.1-102.54. It establishes compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. SROs selected shall, as soon as practicable after having been assigned, complete the Virginia Department of Criminal Justice Service ("DCJS") SRO Certification training and, at least every two (2) years, meet in-service requirements by DCJS, and complete an additional forty (40) hours of training, by the ACPD or Virginia DCJS. The SRO certification training includes the following:
   a. Relevant state and federal laws;
   b. School and personal liability issues;
   c. Security awareness in the school environment;
   d. Mediation and conflict resolution, including de-escalation techniques.
   e. Disaster and emergency response;
   f. Awareness of systemic and individual racism, cultural diversity, and implicit bias;
   g. Working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and
   h. Student behavioral dynamics, including current child and adolescent development and brain research.
3. To meet this directive, the SRO Program of DCJS's Virginia Center for School and Campus Safety (VCSCS) provides numerous training opportunities for both law enforcement and schools throughout the Commonwealth of Virginia. DCJS offers year-round training for SROs to help them enhance their skills and better serve their communities. The ACPD will collaborate with the ACPS to identify additional in-service training courses that address the specific needs of the serviced school. Areas of focus will be discussed and mutually agreed upon by ACPS and ACPD each year, but topics may include but are not limited to-:
   a. Crisis Prevention Institute (CPI) training;
   b. Awareness training for special needs of students with disabilities that is specific to those students currently enrolled in the school division;
   c. Mental health specific training and crisis intervention training in accordance with established and certified state standards;
   d. Implicit bias/racial bias training outlining attitudes and stereotypes that affect our understanding, actions, and decisions in an unconscious manner;
   e. Restorative justice techniques;
   f. Cultural competency training that is provided to ACPD staff; and
   g. National Association of School Resources Officers (NASRO)/DCJS SRO Update Training.

SRO Selection Process

N. The ACPS in cooperation with ACPD will identify that a vacancy exists and communicate the interest in hiring a new SRO(s).
    1. ACPD will identify eligible candidates through internal hire from officers currently within the ACPD or through external hire from qualified officers from other agencies or departments.
    2. ACPD will advertise the vacancy through an announcement and receive applicants for consideration.
    3. ACPD will verify that the candidates meet the basic qualifications and determine a qualified group of candidates to participate in the selection process. ACPD will notify the ACPS, Office of Safety and Security (OSS) of the candidates to be considered for hire.
    4. ACPD will coordinate with the ACPS to participate in the interview of the qualified candidates and determine the officers that are qualified for selection.
    5. ACPD and ACPS will determine the officers who best will fulfill the role of an SRO.

SRO Roles and Responsibilities

    6. SROs are "school officials" and will be considered an active member of the assigned school's community. SROs will assist with matters related to safety, security, and the exchange of information while primarily providing law enforcement services.
    7. All actions of SROs are governed by federal and state law and local ACPD officers in their role as SROs will not access or release any student information to any law enforcement agency without the review and approval of ACPS or in compliance with a lawful court process. All such requests should be forwarded to the ACPS, Office of Safety and Safety. SROs are constrained to act only as a law enforcement officer as permitted by law.
    8. SRO's primary responsibilities are to assist in providing safe and positive school environments with a law enforcement presence. SROs are 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 ACPS policies or written directives regarding SROs must be shared with ACPD prior to adoption and implementation, and ACPS shall not adopt or attempt to enforce any regulations regarding SROs to which ACPD objects.
    9. 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.
    10. ACPS and ACPD mutually agree, as a general matter, that it is not their responsibility to participate in the enforcement of immigration laws. Neither ACPS nor the SROs will ask students or their families about their immigration status, and neither will participate in or assist with immigration-enforcement activities in schools or other ACPS property unless they are presented with a valid judicial

warrant or subpoena that requires such assistance. To minimize disruption of the learning environment for all students, ACPS and ACPD agree that immigration-enforcement officers are not to enter ACPS schools or other property without such a judicial warrant or subpoena.

11. The Director of School Safety & Security and Special Operations Division Commander shall coordinate in establishing SRO's duty schedules 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. SROs will follow the Albemarle County employee schedule for holidays and days off. In instances where the ACPS school schedule differs from the Albemarle County schedule, and students are in school; SROs will be made available to work when students are present for a normal school day. SROs shall be a visible deterrent to crime and shall be visible patrolling the exterior and interior grounds. SROs shall wear the regulation uniform and operate a marked police vehicle while on duty unless otherwise authorized by the Special Operations Division Commander for a specific purpose. Further, SROs shall keep administration of the assigned school informed of his/her work schedule.
12. Additionally, SROs shall assist school administrators in developing school crises, emergency management, and response plans. SROs shall 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 the courts when possible.
13. The SROs will follow ACPD policy on using body worn cameras.
14. SROs serve 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.
        (1) As a sworn law enforcement officer, the primary role of an SRO in a school is as a law enforcement officer. SROs assume primary responsibility for responding to requests for law enforcement assistance from school 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. In all cases, the SRO's role as a law enforcement officer should take precedence over any other roles performed by the SRO.
    b. Law-related educator:
        (1) As resources permit, and with the approval of the SRO Supervisor, 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, 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 SROs or law enforcement, school safety strategies, and crisis response procedures. SROs 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) SROs 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 Special Operations 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) SROs shall serve as informal mentors and role models and are 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 an SRO is not permitted by law to share certain information concerning criminal investigations and prosecution with school staff, SROs 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 SROs 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 SROs 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 SROs about an SRO's observation of gang signs;

graffiti or vandalism; and any act of gang initiation, hazing, recruitment, or violence.

VI. COMMUNICATION BETWEEN THE PARTIES

A. Goal
   1. To the extent permitted by law, ACPD policy, and ACPS policy, an atmosphere of open and honest communication between the ACPS and SROs 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. SROs 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 within the responsibility of the ACPD or 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 and Security shall serve as official liaisons between the ACPD and ACPS respectively. Any concerns or questions about the interaction between the ACPS and ACPD during a pending investigation should be directed to the SRO Supervisor and Director of School Safety and 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. Concern 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. Involve environmental concerns that threaten the physical safety of the school community.

D. 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.

E. School staff reporting to police
   1. Mandatory reporting of potential crimes
      a. Principals or their designees shall immediately report to the assigned 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 and Security shall be responsible for providing the list of reportable offenses to principals on an annual basis and providing any necessary training.

2. Procedure for school staff reporting
   a. If the assigned 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 Director of School Safety and Security.
   b. School staff, in consultation with the Albemarle County School Board Attorney ("School Board Attorney"), if necessary, shall exercise their best judgment to determine whether an incident is a potentially criminal offense requiring a report to an SRO. If an act, reasonably, could be a criminal offense, school staff shall immediately report the act to the assigned SRO and allow the SRO to exercise law-enforcement judgment regarding the act.
   c. School staff shall contact the Director of School Safety and Security or, if that person cannot be reached, the 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 Albemarle County Department of Social Services, Child Protective Services unit ("CPS") and to the assigned SRO or ACPD, if the SRO is not available.

F. SROs 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 Special Operations 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.

G. Information sharing
1. There shall be an open relationship and strong communication between the ACPS and ACPD. SROs, Principals, and the Director of School Safety and 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 it is germane to the circumstances, and, to the extent the law allows, the ACPS shall notify SROs of any special needs of a student involved in a school-based criminal offense in order to assist SROs 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. SROs are to be considered school officials because SROs perform 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, SROs may be provided with 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 Record
      4. Electronic mail address.
      5. Dates of attendance.
      6. Grade level.
      7. The most recent educational agency or institution attended.
      8. Date
      9. Participation in officially recognized activities and sports.
      10. Height and weight (if member of an athletic team).
      11. Awards and honors received.
      12. Information generally found in school yearbooks.
   d. SROs may also have access to additional student information as approved by the principal, such as class schedules, daily attendance rosters, and student names that are 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 life, health or safety, school officials may disclose any information from student records to appropriate parties, including SROs 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 SROs, 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 life, 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. SROs will have access to the school's video monitors while they are in operation. The ACPS will make all reasonable efforts to maintain, repair, and otherwise keep operational school video monitors.
   2. SROs shall also have direct access to recorded videos to assist in investigations related to law enforcement. As a general rule, the ACPS 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 videos.

H. SRO disclosure of law enforcement records
   1. If, within the discretion of the ACPD, the Special Operations Division Commander and SROs disclose "law enforcement records" to the ACPS, 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 SROs for the purpose of ensuring the physical safety and security of people and property in the ACPS 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 permits 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.

VII. OPERATIONAL PROCEDURES

A. Differentiating disciplinary misconduct from criminal offenses

1. School administrators and teachers are responsible for school discipline. SROs are expected to be familiar with the ACPS 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. 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. Consideration will be made to pursue avenues of restorative justice and apply discipline in a responsible and developmentally responsible manner. School administrators should consider alternatives to suspensions and expulsions, and law enforcement officials should consider alternatives to involvement with the juvenile and criminal justice systems for student violations of law.
3. 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 and Security and, in turn, serve the court order, subpoena, or warrant to the ACPS School Board Attorney.
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, is sealed, or contains directions that the subject of the records shall not be notified. As a result of the notification requirement, law enforcement officials shall consider 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 School Board Attorney. ACPD Officers in their role as SRO's will not access or release any student information to any law enforcement

agency without the review and approval of ACPS in conjunction with a lawful court order. All such requests should be forwarded to the Office of School Safety and Security.

4. Except for situations where the court order, subpoena, or search warrant indicates that it has been issued on an ex parte basis, is sealed, 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 investigation and questioning of students by an SRO during school hours or at school events should be limited to situations where the investigation is related to suspected criminal activity related to the operation of or occurring at the school. The investigation 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

(2) SROs 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.

(3) If the SRO must interview a student of the opposite sex, the SRO will have another adult present. 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.

(4) The interviewing of students, whether as suspects, victims, or witnesses, should be conducted privately in an office setting. ACPS has a commitment to minimizing disruption to learning time for students. SROs shall take steps to ensure minimal intrusion into the educational experience of students being questioned in the school setting. Custodial interrogation of a minor must be conducted in accordance with § 16.1-247.1 of the Code of Virginia. Law enforcement officers must make reasonable efforts to notify the child's parent, guardian, or legal custodian before questioning the child in a custodial setting. Exceptions to this notification are where notification may not be required, such as when the child's parent is a codefendant, has been arrested or charged with a crime against the child, cannot be located, or when there is an imminent threat to life or property.

(5) SROs are responsible for leading the investigation and questioning of students related to suspected violations of criminal law. SROs shall not be included in the investigation and questioning of 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 investigation and questioning of students about violations of the code of conduct.

(6) In situations of a custodial interview of a juvenile by an officer, the parent, guardian, or legal custodian will be notified and given the opportunity to be present for the interview. In addition to the reading and acknowledgement of the Miranda warning, officers will make every effort to evaluate the juvenile's maturity, mindset, and intellectual understanding of their rights prior to any interview and to have the parent, guardian, or legal custodian present unless articulable and permitted acceptations apply in accordance with ACPD Policy and VA State Law.

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

(1) During 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 matter to the ACPD and CPS. Upon learning this information, staff should:

(b) 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?"

(c) Separate students if more than one student is in the room. Interviews should not be conducted with multiple students at the same time.

(d) Refrain from making judgmental statements. It is appropriate to respond to the student's statement with a 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."

(e) Do not ask students to give a written statement.

(f) Terminate the conversation as soon as possible under the circumstances.

(g) Immediately after the conversation, write down everything that can be recalled about the conversation, including staff questions, comments, and the students' statements.

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

(1) If school staff receive 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) Any search initiated by an SRO or other law enforcement officer should be conducted in accordance with constitutional search and seizure requirements. All searches should occur outside the presence of students and school personnel, with the exception of school administrators, unless there is a clear and imminent threat to safety. SROs should not become involved in administrative searches and at no time should SROs request that an administrative search be conducted for law enforcement purposes or have school personnel conduct a search as the SRO's agent.

(2) Police searches of people, places, and things shall be in compliance with the United States and Virginia constitutions, and applicable case and statutory law.

(3) Police officers shall not use school officials as their agents to conduct searches.

(4) Police officers shall give reasonable notice to the principal before a search is conducted at his/her school whenever possible. Reasonable efforts should be made by school staff to contact a parent or guardian to notify them of a student search and inform them of the nature of the search.

(5) Searches shall be conducted so as to cause minimal interference with the educational environment unless there is a clear and imminent threat to safety.

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 ACPS 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. If the area cannot readily be secured, separate the object from the owner or possessor of the object.
(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 Fire and Rescue ("ACFR") have arrived on scene unless there is an immediate need to do so.

(4) In other, non-emergency situations when school staff recovers contraband that may become evidence in a criminal case, such as controlled substances, marijuana, vaping devices containing unknown substances or controlled substances, or items used in the possession, use or sale and distribution of contraband, school staff shall take the following actions:
(a) When needed, use the precautionary supplies provided in kits for staff safety issued by the ACPS.
(b) If possible, place the contraband in a container, such as a clear plastic bag or box, notate the details of recovery, 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.

3. Custody and detention of students
a. Officers and school officials shall make reasonable efforts to take a student into custody with minimum embarrassment and disruption to the school environment.
(1) When possible, care should be taken to have a student discreetly leave a classroom for police matters. Coordinate with school administrators to determine the most favorable location.
(2) School staff shall notify the student's parent(s) or guardian as soon as practicable to advise that the student has been taken into custody.

4. SRO complaint process
a. An ACPS parent or any member of the community can file a complaint against an SRO or other police officers if there is cause to do so.
b. The complainant may call the ACPD non-emergency number and provide information about the incident to the dispatcher. The dispatcher will take the information, create a file number and refer the complaint to investigations. An investigator will contact the complainant to begin the investigation process.

D. Physical Restraint
1. Physical Restraint by School Personnel

a. Physical restraint refers to restricting a student's ability to freely move his or her torso, arms, legs, or head. The term physical restraint does not include a physical escort, such as temporary touching of the arm or other body part for the purpose of inducing a student who is acting out to walk to a safe location. Physical restraint as defined herein does not include Physical Detention or Custodial Arrest by an SRO.
b. Physical restraint by school personnel is used in accordance with the Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia (8VAC20-750), 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 as required by the school division.
c. School personnel should act to de-escalate situations that are causing, or have the potential to cause, disruptions to the school environment and/or are violations of the student code of conduct where appropriate. If physical intervention is necessary, the action shall be reported promptly to the school administrator and the rationale for the action shall be fully documented

2. Physical Intervention by School Resource Officers
   a. An SRO should not be involved in the physical restraint of a student unless there is a clear and imminent threat to safety. As sworn law enforcement officers, SROs may intervene to de-escalate situations.
   b. Physical intervention by SROs is undertaken in accordance with policies and operational procedures of the ACPD and state law regarding physical intervention and use of force by a law enforcement officer. If an SRO is involved in the use of restraint or physical intervention, the action should be reported to the school administrator and the SRO's supervisor and the rationale for the action should be fully documented.
   c. SROs should be aware of the Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia (8VAC20-750) and related local school board policies and may attend training offered by the local school system on their use of seclusion and restraint by school personnel. However, SROs should continue to operate by the policies and operational procedures of the ACPD and state law regarding physical intervention and use of force by a law enforcement officer.
   d. Additionally, if the SRO physically intervenes with a student, ACPS and ACPD should coordinate to ensure that reasonable effort is made to inform the parents or legal guardians of such students on the same day as the occurrence of the physical intervention.

VIII. KEY STATUTORY RESPONSIBILITIES

A. Crime Reporting

§ 22.1-279:3:1 of the Code of Virginia (effective 7/1/2022) requires the reporting of certain acts to school authorities; reporting of certain acts by school authorities to parents; and reporting of certain acts by school authorities to law enforcement.

1. Reports shall be made to the ACPS superintendent and to the principal or his/her designee on all incidents involving:
   a. Alcohol, marijuana, a controlled substance, an imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
   b. The assault and battery that results in bodily injury of any person on a school bus, on school property, or at a school-sponsored activity;
   c. The sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as in § 18.2-47, or 18.2-48, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
   d. Any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;
   e. The illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property;
   f. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
   g. Any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or
   h. The arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge, therefore.
2. Except as may otherwise be required by federal law, regulation, or jurisprudence, each principal:
   a. Shall immediately report to the local law-enforcement agency any incident described in subdivision A 1 that may constitute a felony offense;
   b. Shall immediately report to the local law-enforcement agency any incident described in subdivisions A 3 through 7, except that a principal is not required to but may report to the local law-enforcement agency any incident described in subdivision A 4 committed by a student who has a disability;
   c. May report to the local law-enforcement agency any other incident described in subsection A that is not required to be reported pursuant to subdivision 1 or 2; and
   d. Shall immediately report any act enumerated in subdivisions A 1 through 5 that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report whether the incident has been reported to local law enforcement pursuant to this

subsection and, if the incident has been so reported, that the parents may contact local law enforcement for further information, if they so desire.

3. Pursuant to Va. Code §§§ 16.1-260(G), 19.2-83.1(B), and 22.1-279.3:1, law enforcement agencies and/or intake officers are required to notify the ACPS Superintendent if a student is arrested for certain offenses or subject to a petition alleging that the student committed certain offenses. Division superintendents who receive such reports are required to report the information to the principal of the school in which the student is enrolled.
4. 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). No SRO or school administrator will be required to file delinquency charges in response to any such activity.

B. Threat Assessment
   1. Threat assessments will be conducted in accordance with local school board policies adopted as required by the Code of Virginia § 22.1-79.4 and, in general, consistent with model procedures and guidelines published by the DCJS Virginia Center for School and Campus Safety and other appropriate practices.
   2. Pursuant to § 22.1-79.4 each division superintendent shall establish, for each school, a threat assessment team that shall include persons with expertise in counseling, instruction, school administration, and law enforcement and, in the case of any school in which a school resource officer is employed, at least one such school resource officer. SROs serving as members of threat assessment teams (including as school officials with a legitimate education interest, as defined by FERPA and as discussed above) may assist in the monitoring of subject students as well as determining the need, if any, for law enforcement action.

C. School Safety Audits
   1. School safety audits will be conducted annually as required by the Code of Virginia § 22.1-279.8 to assess school safety conditions in schools. SROs will assist school inspection walk-throughs using a standardized checklist developed by the Center for School and Campus Safety. SROs and the ACPD should collaborate in other school safety audit mandates set forth in the Code of Virginia § 22.1-279.8, including school crisis, emergency management, and medical emergency response planning and preparation, and as part of each such audit, the school board shall create a detailed and accurate floor plan for each public school building in the local school division or shall certify that the existing floor plan for each such school is sufficiently detailed and accurate.

IX. Amendments

A. As in its general terms, this document is subject to be reviewed every two (2) years; however, it may be revised at any time based on mutual agreement and upon request by either party of the Albemarle County or 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.

REVIEW OF MOU

Effective July 1, 2020, per an amendment to the Code of Virginia § 22.1-280.2:3 "school boards and local law enforcement agencies shall review and amend or affirm memorandums of understanding at least once every two years, or at any time upon the request of either party". Further, "each school board shall ensure the current division memorandum of understanding is conspicuously published on the division website and provide notice and opportunity for public input and discussion during each memorandum of understanding review period." Quarterly meetings should be conducted throughout the year between the ACPS Director of School Safety and Security and the ACPD Special Operation Division Commander to support successful implementation of the partnership. This MOU remains in force until such time as either party withdraws from the agreement by delivering a written notification of such withdrawal to the other party at least 45 days prior to the date of withdrawal.

Signed:

Matthew Haas
Superintendent of Schools
Albemarle County Public Schools

11/3/25
Date

Jeffrey B. Richardson
County Executive
Albemarle County, Virginia

11/4/25
Date

Approved as to content:

Sean Reeves
Chief of Police
Albemarle County Police Department