

MEMORANDUM OF UNDERSTANDING

Between The County School Board of Henrico County
and Henrico County Police Division

February ____, 2021

I. PREAMBLE

- A. The County School Board of Henrico County, Virginia (HCPS) and Henrico County Police Division (HCPD) hereby enter into this Memorandum of Understanding ("MOU") to foster relations of mutual respect and understanding in order to build a positive and safe school environment. The parties agree that the vast majority of student misconduct can be best addressed through classroom and in-school strategies. The parties acknowledge the unique developmental considerations of school-aged children and adolescents; they often lack the experience, perspective, and judgement to recognize and avoid choices that could be detrimental to them; and they are more susceptible to outside pressures than adults.
- B. All responses to school misconduct should be reasonable, consistent, and fair, with appropriate consideration of mitigating factors and of the nature and severity of the incident. Students should receive appropriate redirection and support from in-school and community resources prior to the consideration of suspension, expulsion, involvement of law enforcement, or referral to court.

II. PURPOSE

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

III. GOALS

- A. The primary goals of the MOU are 1) to promote positive and supportive school climates, and 2) to create and maintain safe and secure school environments.
- B. To promote positive and supportive school climates, the partnership will collaborate to increase law-related education, expand school safety and crime prevention efforts, reduce conflict, and support effective interventions for students.
- C. To create and maintain safe and secure school environments, the partnership will collaborate to reduce and prevent crime, violence, victimization, and fear in and around schools, and to minimize unnecessary student involvement with the juvenile and criminal justice systems.

IV. EVALUATION OF THE SCHOOL-LAW ENFORCEMENT PARTNERSHIP

- A. The parties will endeavor to develop measurable objectives using school discipline, crime, and violence data, school climate survey data, and other data deemed to be relevant. Progress towards achieving objectives shall be jointly reviewed at least annually by HCPS and HCPD designees.

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

V. ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS

A. Police Division Responsibilities

1. HCPD has designated the Commander, School Services, as the direct point of contact between HCPD and HCPS. The point of contact will address any operational and administrative issues and will serve as a consultant for school safety and security issues including assessments and critical incident response planning. The designee will be familiar with the school division code of student conduct and laws regarding student safety. The designee will establish and maintain effective relationships with school personnel at the division and school levels.
2. Selection, assignment, scheduling, training, supervision, and evaluation of school resource officers (SROs) will be the responsibility of HCPD. While HCPD will take into account the input of school personnel and identified needs and conditions of schools, SROs shall remain at all times under the exclusive control of HCPD.
3. In developing and implementing law enforcement policies and practices that may affect schools, HCPD will endeavor to consult with and take into consideration the views of HCPS.
4. HCPD will ensure SROs receive relevant training prior to or within 90 days of assignment in a school and will participate in joint training with school administrators. The training should be aligned with the Virginia School-Law Enforcement Partnership Guide (SLEP) and DCJS curriculum.

B. School Division Responsibilities

1. HCPS will designate a primary division-level point of contact to implement the partnership and to maintain ongoing communications with HCPD officials.
2. It is the responsibility of school administrators to facilitate effective and timely communication between the SRO and school staff and to support the goals of the partnership.
3. The school administrator will work with the SRO to support and reinforce his/her responsibility to investigate criminal activity on campus, during school-sponsored events, and on any HCPS vehicle being used for pupil transportation.
4. Each secondary school principal shall provide the SRO with an office equipped with a telephone, Internet service and secure printing capabilities. SROs will also have access to electrical outlets for their computer and access to the County Intranet site. The office should allow for private and confidential meetings between the SROs and faculty, parents, and students.
5. HCPS will handle discipline within the school disciplinary process without involving SROs. HCPS policies, administrative guidance, training, and ongoing

oversight will clearly communicate that school administrators and teachers are responsible for school discipline and that law enforcement is not to be involved with disciplinary action. HCPS is responsible for communicating the goals and role of the SRO to all school administration, staff, and students.

6. School administrators and SROs will train jointly, annually, to review roles and responsibilities. Trainings may also include topics designed to enhance the effectiveness of the SLEP and the relationship between school administrators, SROs, SSOs, students, staff and the community. HCPS and HCPD will work in partnership to develop and present the training.
7. HCPS will ensure each SSO receives relevant training prior to or within 90 days of assignment in a school and ongoing training to maintain state certification. The training should be aligned with the SLEP and DCJS curriculum.

C. SRO Roles and Responsibilities

1. SROs will be considered active members of their assigned schools. The SRO facilitates the effective delivery of law enforcement services and assists with matters related to safety, security, and the exchange of information.
2. As a general practice, unless there is a clear and imminent threat to safety, requests from school staff for SRO or other law enforcement assistance are to be channeled through a school administrator.
3. SROs' duty schedules should be organized to provide coverage throughout the school day, which may vary by school. SROs provide a visible deterrent to crime and shall be visible patrolling the exterior and interior grounds. The SRO should wear the uniform authorized by HCPD and operate a marked police vehicle while on duty unless otherwise authorized by the SRO's supervisor for a specific purpose.
4. Additionally, SROs should assist school administrators in developing school crisis, emergency management, and response plans. SROs will provide crisis response training to school-based administrators, faculty, staff and students at each school and learning center at least twice annually, commencing at the start of each semester. The training will follow a lesson plan provided by HCPD and approved by HCPS.
5. SROs will work with administrators in problem-solving to prevent crime and promote safety in the school environment. SROs are expected to collaborate with school administrators and other school personnel to support positive school climates that focus on resolving conflicts, reducing student engagement with the juvenile and criminal justice systems, and diverting youth from courts when possible.
6. SROs serve multiple roles in schools. The roles are interrelated, but all are carried out with the aim to contribute to school safety and security and to promote positive and supportive school climates. Key roles are:

- a. **Law enforcement officer** - As sworn law enforcement officers, the SRO's primary role in schools is as a law enforcement officer. SROs assume primary responsibility for responding to requests for assistance from administrators and coordinating the response of other law enforcement resources to the school. SROs should work with school administrators in problem solving to prevent crime and promote safety in the school environment. SROs should also collaborate with school personnel to reduce student engagement with the juvenile justice systems and divert students from the courts when possible.
- b. **Law-related educator** - As resources permit, SROs should strive to assist with presentations for school personnel on law-related topics such as law enforcement practices, changes in relevant laws, crime trends, crime prevention, school safety strategies, and crisis response procedures. SROs may also deliver law-related education with students using lessons approved in advance by the SRO Supervisor. In all cases, responding to incidents or conducting investigations will take precedence over delivery of presentations.
- c. **Informal mentor and role model** - Students often seek approval, direction, and guidance from adults in the school setting about various problems. Through formal and informal interaction with students, SROs serve as informal mentors and role models. SROs are expected to communicate clearly to students about acceptable and unacceptable behavior, to set a positive example in handling stressful situations and resolving conflicts, to show respect and consideration of others, and to express high expectations for student behavior. Students who may need additional assistance shall be referred to a school-based resource.

D. School Administrator Roles and Responsibilities

Consistent with Virginia Standards of Accreditation (2000), Section 8 VAC 20-131-210, "the school administrator is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources." (Section A). "The school administrator also ensures that the school division's student code of conduct is enforced and seeks to maintain a safe and secure school environment." (Section B.2) Additionally, consistent with Section 8 VAC 20-131- 260.C.3., the school administration ensures "a written procedure, in accordance with guidelines established by the local board, for responding to violent, disruptive or illegal activities by students on school property or during a school-sponsored activity." School administrators should review this MOU with SSOs and establish school-specific operational and communications procedures to support goals of the MOU.

E. School Security Officer Roles and Responsibilities

1. A school security officer (SSO) is an individual employed by the HCPS for the purpose of maintaining order and discipline, preventing crime and investigating violations of school board policies and school rules. The school security officer is supervised by a school administrator. He or she is assigned to a particular school and is given daily assignments from the school administrator.
2. The SSO will patrol the school grounds and buildings to prevent trespassing, loitering, and truancy, and ensure student compliance with school regulations. The SSO will also work with school administration to carry out the safety and security goals for the school. As a general practice, the SSO will also operate school surveillance equipment.
3. The SSO will work with the SRO to ensure there is a cooperative and unified contribution to the culture of safety and security on campus.

VI. OPERATIONAL PROCEDURES

A. Differentiating Disciplinary Misconduct from Criminal Offenses

School administrators, SSOs and teachers are responsible for school discipline. Although SROs are expected to be familiar with the school division code of student conduct, the rules of individual schools, and their application in day-to-day practice, SROs should not be involved with the enforcement of school rules or disciplinary infractions that are not violations of law. Consequences of student misconduct should be effective, developmentally appropriate, and fair. Interventions and school sanctions should help students learn from their mistakes and address root causes of misconduct. School administrators will consider alternatives to suspensions and law enforcement officials will consider alternatives to referrals to juvenile court services and arrests for student violations of law.

B. Information Sharing

1. **Overview.** The release of student education records is governed by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g. Under FERPA, HCPS is prohibited from disclosing an education record to anyone other than a student's parents (or eligible student) without written consent, except in specific circumstances. HCPS will determine whether the circumstances permit disclosure. When authorized by FERPA, HCPS may access and disclose student records to SROs. When appropriate, and to the extent the law allows, HCPS should notify SROs of any special needs of a student involved in a school-based infraction that is not routine discipline, in order to assist the SRO in recognizing and accommodating behaviors that may be manifestations of the student's disability.
2. **Consent access.** An SRO or other law enforcement officer may have access to a student's education records with written consent of the student's parent or of the student if the student is age 18 or older.

3. **Health and safety emergency exception.** In the event of a significant and articulable threat to health or safety, school officials may disclose any information from student records to appropriate parties, including law enforcement officers, whose knowledge of the information is needed to protect the health and safety of a student or other individuals. HCPS will only disclose information under this exception while there is an actual, impending or imminent threat to someone. If this exception is used, HCPS will document it in the student's record.
 4. **Judicial order or lawfully issued subpoena.** HCPS may disclose student records without consent to SROs or law enforcement officers when HCPS receives a judicial order or lawfully issued subpoena directing disclosure of the record. Unless the court order specifically directs otherwise, HCPS will make a reasonable effort to notify the parents (or adult student) that the record has been subpoenaed or that a court order has directed its release.
- C. SRO disclosure of law enforcement records.** SROs may disclose only law enforcement records created and maintained by the SRO for the purpose of ensuring the physical safety and security of people and property in schools and/or enforcement of laws. Because law enforcement records are not student records, they are not subject to FERPA, but are governed by state disclosure laws.
- D. Investigation and Questioning**
1. SROs have the authority to question students who may have information about criminal activity. As sworn law enforcement officers, SROs have authority to stop, question, interview, and take law enforcement action without prior authorization of the school administrator or contacting parents. However, the investigation and questioning of students during school hours or at school events should be limited to situations where the investigation is related to suspected criminal activity. Investigations and questioning of students for offenses not related to the operation of or occurring at the school should take place at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of a crime. Interviews conducted by Police Division members shall be governed by HCPD policies and procedures.
 2. A Police Division member entering HCPS property wishing to interview a student as part of an investigation of possible criminal activity should use the SRO to assist in coordination and liaison with school administration personnel. If available, the SRO will make arrangement for the visit. Police Division members should proceed directly to the main office to meet the principal (or his designee) during these non-emergency visits.
 3. The interviewing of students - whether suspects, victims, or witnesses - should be conducted privately in an office setting. SROs will take steps to ensure minimal intrusion into the educational experience of students being

questioned in the school setting. SROs are responsible to lead the investigation and questioning of students related to suspected violations of criminal law and shall follow Police Division policies related to the interviewing of students.

4. The principal will make a good faith effort to contact the student's parent prior to the beginning of the interview. If the parent cannot be contacted, the principal (or his designee) will sit in while the Police Division member questions the student. Officers will not interview a student without the principal (or his designee) present. The only exception to this procedure is based upon a determination by the Chief of Police or the Commonwealth's Attorney that an emergency or serious felony investigation precludes the contacting of the parent first.
5. SROs shall not be included in questioning students about student code of conduct violations that do not involve any criminal activity or risk of harm to self or others. School administrators are responsible for the questioning of students about violations of the code of conduct. School administrators will follow HCPS Policy and Regulations.

E. Searches

1. All searches shall be conducted in accordance with federal and state laws, and applicable HCPS and HCPD policies and guidelines, and shall be governed by the principles embodied in this memorandum of understanding.
2. School administrator searches. School officials may conduct searches of student's property and person under their jurisdiction when reasonable suspicion exists that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. The standard for search by a school official is reasonable suspicion. All searches will be conducted in compliance with HCPS policy governing searches.
3. SRO searches. Any search initiated by SROs or other law enforcement officer shall be based upon probable cause and, when required, a search warrant should be obtained. All searches should occur outside the presence of students and school staff, with the exception of school administrators, unless there is a clear and immediate threat to physical safety. SROs shall not become involved in administrative (school related) searches and at no time shall SROs request that an administrative search be conducted for law enforcement purposes or have the administrator act as his or her agent.
4. SSO searches. SSOs will only conduct searches at the direction of the school administrator. All searches by SSOs will be conducted in compliance with HCPS policy governing searches.

F. Arrests

Whenever practical, arrests of a student or staff member should be accomplished outside of school hours in order to not disrupt the educational process or school setting. Arrests that must occur during school hours or on school grounds should

be coordinated through the school administrator to minimize potential disruption. When circumstances do not allow for prior coordination through the school administrator, arrests will be reported to the school administrator as soon as possible. In addition to any required notification of parents and legal guardians by the SRO taking a student into custody, school administrators or their designees are also responsible for an additional notification to parents and legal guardians upon a school-based arrest of their child.

Prior to any custodial interrogation of a child by a law-enforcement officer who has arrested such child pursuant to subsection C, C1, or D of § 16.1-246, the child's parent, guardian, or legal custodian shall be notified of his arrest and the child shall have contact with his parent, guardian, or legal custodian. The notification and contact required by this subsection may be in person, electronically, by telephone, or by video conference.

G. Physical Restraint by School Personnel

Physical restraint by school personnel is used in accordance with Virginia Board of Education policies and guidelines on seclusion and restraint and related local school board policies. Every effort should be made by school personnel to prevent the need for the use of restraint. Physical restraint should not be used except by school personnel trained in the use of physical restraint required by the school division. School staff will act to deescalate situations that are, or have the potential to cause, disruptions to the school environment and are violations of the student code of conduct. If physical intervention is necessary, the action should be reported promptly to the school administrator and the rationale for the action must be documented.

H. Use of Force by School Resource Officers

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

I. Canine Sweeps

In their continuing effort to maintain drug-free schools, HCPS, through their designated point of contact, will request monthly canine sweeps from HCPD. HCPD

will offer available dates for the Canine Unit officers. HCPS will schedule the individual school sweeps and invite the Canine Unit to participate in assisting HCPS. Canine sweeps will be conducted in accordance with HCPS protocols and Police Division policies and procedures. Sweeps may be cancelled or rescheduled at any time due to extenuating circumstances.

J. Removal of Students

Upon a Police Division member entering the building for the purpose of removing a student, the member shall report directly to the principal's office and coordinate with the principal (or his designee) and the SRO to assure the best approach in removing the student. The principal will ask the Police Division member for the basis of the removal and make a good faith effort to contact the student's parents prior to the removal.

VII. KEY STATUTORY RESPONSIBILITIES

A. Crime Reporting

1. Pursuant to §22.1-279.3:1.B, Code of Virginia, law enforcement agencies are required to notify a division superintendent, a principal, or a designee when a student in their school commits certain offenses that would be a felony if committed by an adult and the release status of the student. School superintendents who receive such reports are required to report the information to the principal of the school in which the student is enrolled. As a general practice, SROs should notify the principal as soon as practical of any significant law enforcement events occurring at or in association with the school (e.g., at a school bus stop or off-campus activity, during or outside school hours) whether or not the offense would be a felony if committed by an adult.
2. Pursuant to §22.1-279.3:1.D, Code of Virginia, certain types of criminal activity that come to the attention of the principal or school staff shall be reported immediately to HCPD (through an SRO or a School Services supervisor) as specified in HCPS policy. No SRO or school administrator shall be required to file delinquency charges. After such notification is made to HCPD, HCPS will ascertain the disposition of the incident made by the SRO in order to complete the School/Law Enforcement Reporting form. Schools and SROs are encouraged to deal with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

B. Threat Assessment Threat assessments shall be conducted in accordance with local school board policies adopted as required by §22.1-79.4., Code of Virginia and consistent with model procedures and guidelines published by the Virginia Department of Criminal Justice Services.

SROs should serve as members of threat assessment teams and assist in monitoring of subject students as well as determining the need, if any, for law enforcement action.

C. School Safety Audits

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

VIII. FINANCIAL AGREEMENTS

Annually, the Henrico County Office of Management and Budget (OMB) will consult with the Police Division's Fiscal Records Office, under the direct supervision of the Chief of Police, and provide estimated expenses for the management and operation of the School Resource Officer program. These costs shall be communicated to the Superintendent of Schools or designee, and that portion of the costs agreed to by the Superintendent of Schools and the County Manager shall be included in the budget submittal for the Henrico County Schools System. That portion of the costs agreed to by the Parties that is not included in the Schools' budget shall be made a part of the budget submittal for the Police Division. Once approved by the Henrico County Board of Supervisors, that budget shall be followed for the balance of the fiscal year, subject to changes and amendments agreed to by the Parties and the County Manager.

IX. TERMS OF AGREEMENT

A. No Third-Party Beneficiary

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

B. Review and Modification of Agreement

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

X. Term of Agreement

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

Signed:

Chief of Police

Date

Superintendent of Schools

Date

Approved as to Form:

County Attorney's Office