

**Memo of Understanding
(MOU)
Between
Frederick County Sheriff's
Office
&
Frederick County Public
Schools**

This document constitutes an agreement between the Frederick County Sheriff's Office and the Frederick County Public School system for the implementation of the **School Resource Officer (SRO)** program within the Frederick County Public School system.

PURPOSE:

The purpose of this MOU is to establish a mutually beneficial partnership [School-Law Enforcement Partnership (SLEP)] that both the Frederick County Public Schools and the Frederick County Sheriff's Office can work within to achieve shared goals, creating an understanding on how the SRO program will be established and implemented within Frederick County Public Schools.

Objective:

The objective of the School Resource Officer (SRO) program is to maintain a positive working relationship between the Frederick County Sheriff's Office, Frederick County Public School personnel, the students, and their parents/guardians. The program is designed to provide a safe and secure learning/working environment for the students and employees of the Frederick County Public School System.

The School Resource Officer (SRO) is a sworn law enforcement officer and is under the direction of the Sheriff. The SRO will work with the school board and school administrators to ensure the safety of the facility and the students attending the school.

I. Frederick County Sheriff's Office/School Resource Officer's Responsibilities

- A. The SRO shall assume primary responsibility for handling law enforcement calls for service within their assigned school(s). All criminal complaints, which fall within the guidelines of VA mandatory reporting, from students or staff, shall be directed to the SRO. The SRO will be the main point of contact for other criminal justice agencies seeking assistance within the school(s).
- B. The SRO shall be notified in advance whenever another law enforcement agency is providing a service to the school. This will prevent a duplication of services and ensure a coordination of law enforcement efforts.
- C. The SRO shall provide a visible law enforcement presence at their assigned

school(s). However, the SRO should avoid routine daily activities that will allow someone to profile their location within the school(s).

- D. The SRO shall advise the school administration whenever he/she has to be away from the school for court, training, annual leave, etc.
- E. The SRO shall support the school's curriculum and when requested, provide instruction on a variety of criminal justice topics.
- F. The SRO shall develop professional rapport and interact with the students within his/her school. The SRO may provide guidance to students or refer the students to the appropriate department or agency for further assistance on topics related to safety and security.
- G. The SRO shall refer matters of normal school discipline to the school administration.
- H. Whenever requested, the SRO may provide training to the administration/staff in criminal justice areas. This may include changing trends in crime, updates on new Virginia Code, or recent court cases.
- I. All evidence/property recovered by the SRO at his/her school will be handled in accordance with Frederick County Sheriff's Office policy.
- J. The SROs shall familiarize themselves with the policies and procedures of Frederick County Public Schools.
- K. The SRO shall assess all requests for service from the school administration and attempt to accommodate the school administration as appropriate and allowed by state law and Frederick County Sheriff's Office policies/procedures.
- L. The SRO shall notify the school administration of any criminal activity that occurred on school grounds or at school functions, which he/she has been made aware of, according to VA code 22.1-279.3:1. The SRO will have discretion, according to state law, on how to effectively handle the situation/incident.
- M. Except in special circumstances, the SRO shall notify the school administration and coordinate with them the arrest of any student/staff from the school. This will allow the school administration to account for all students and staff at the school. Whenever a student is arrested, the SRO/school administration will notify the student's parent/guardian when appropriate.

- N. The SRO shall abide by all applicable federal/state laws, and departmental policy, whenever he/she investigates any criminal incident at the school.
- O. The SRO shall abide by all applicable federal/state laws, and departmental policy, whenever he/she is conducting searches. The SRO shall not request any school official to act as their agent in conducting searches. This does not preclude the SRO from notifying school administration of any violations of school policy regarding found property that is not allowed per school policy. School officials, under certain circumstances, may request the SRO to act as their physical agent to perform or complete a school search for said official solely for the purpose of eliminating or reducing danger during the search.
- P. The 1st Lieutenant of the School Safety Division is responsible for the overall supervision of the School Resource Officers.
- Q. The SRO shall report any complaints, or alleged misconduct, that they may receive on school personnel to the 1st Lieutenant of the School Safety Division or his designee. The 1st Lieutenant of the School Safety Division will in turn notify the Assistant Superintendent for Administration, Chief Deputy, and the Sheriff of the allegation.
- R. The SRO will be governed by Frederick County Sheriff's Office policy. The SRO shall be familiar with the Sheriff's Office's policy for School Resource Officers.
- S. The SRO shall not be involved in the physical restraint of a student unless there is a clear and imminent threat to safety or to effect an arrest. As sworn law-enforcement officers, SROs may intervene to de-escalate situations. Physical intervention by SROs is undertaken in accordance with FCSO general orders 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 documented, in accordance with FCSO policies and procedures. Additionally, if the SRO physically intervenes with a student, the FCSO and FCPS shall coordinate to ensure that reasonable effort is made to inform the parents or legal guardians of such student, within a reasonable time.

SROs should be aware of the Virginia Board of Education's policies and guidelines on seclusion and restraint and may attend training offered by the FCPS 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 FCSO and state law regarding physical intervention and use of force by a law enforcement officer.

This section shall satisfy Frederick County Public Schools (FCPS) obligations pursuant to 8 VAC 20-7 50-70 (B).

II. **School Administration Responsibilities**

- A. The school administration shall ensure that effective communication is maintained between the SRO and school staff.
- B. School administration should share any information with an SRO that is obtained during a student investigation or search if school officials feel that the information may be evidence of a crime. School administration may consult with an SRO at any time to determine whether the information/evidence should be shared.
- C. The school administration shall provide a private office and telephone for the SRO.
- D. The school administration shall not assign the SRO routine duties normally performed by school staff or the school security officer. The school administration shall advise the SRO of any concerns they have of criminal activity and the SRO shall take the appropriate action.
- E. All criminal activity, mandated by VA code 22.1-279.3:1, that is reported to the school administration shall also be reported to the SRO. School administration shall also report any known potential threats or safety concerns to the SRO. School administration may report any other concerning activity or incidents, which are not covered under VA code 22.1-279.3:1, to the SRO. In the event that the SRO is not at the school, the school administration can contact a secondary SRO or the Frederick County Sheriff's Office dispatch (540-662-6162) to report the incident. If the school administration is not sure if the incident is a criminal offense, mandated by Virginia code, they should confer with the SRO for clarification.
- F. The school administration may contact the 1st Lieutenant of the School Safety Division anytime there are issues concerning any duties that the SRO may perform. The school administration and the 1st Lieutenant of the School Safety Division shall communicate throughout the school year any concerns either may have about the SRO program.
- G. The school administration shall contact the 1st Lieutenant of the School Safety Division to report any complaints they have received on the SRO or to report any alleged misconduct committed by an SRO. The Sheriff's Office will conduct the appropriate investigation of any alleged incident.
- H. School administration may also share information with an SRO or other

Sheriff's deputy that falls within any of the exceptions to the Family Educational Rights and Privacy Act (FERPA) which are covered under state law that recognizes these exceptions, which may include but are not limited to:

- Directory information
- Information within the scope of a police investigation
- Information requested in a response to a subpoena or search warrant
- Investigative statements taken of the student - oral or in writing
- Information needed to assist Threat Assessment Teams

I. School personnel may conduct searches of a student's property and person under their jurisdiction under a reasonable standard that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. Virginia administrative code section 8VAC20-671-650.1 prohibits school personnel from conducting strip or body cavity searches of students. The administrator may request the SRO to standby during the search as a physical safety agent, if they believe there may be a safety concern.

J. Physical Restraint by School Personnel

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 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 as required by the school division.

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. If physical intervention is necessary, the action shall be reported.

III. Frederick County Sheriff's Office/Frederick County Public Schools Responsibilities

- A. The Sheriff's Office Administration/SROs and the School Board Administration/School Administrators shall promote open communication and mutual trust with each other regarding the SRO program.
- B. The administration from both entities shall meet as needed to discuss any issues or concerns that need to be addressed to ensure the success of the SRO program.

- C. The administration from both entities will meet annually to evaluate the program's effectiveness and make revisions as appropriate.
- D. In accordance with FERPA definitions and guidelines, all Sheriff's Office personnel and School Board administrative personnel operating under this MOU are considered members of the School Board's "law enforcement unit" for information and records management purposes.

"Law enforcement unit records" (i.e., records created by a law enforcement unit at the educational agency or institution, created for a law enforcement purpose, and maintained by the law enforcement unit) are not "education records" subject to the privacy protections of FERPA. As such, the law enforcement unit may refuse to provide a parent or eligible student with an opportunity to inspect and review law enforcement unit records, and it may disclose law enforcement unit records to third parties without the parent's or eligible student's prior written consent.

REVIEW OF MOU

Effective July 1, 2020, per an amendment to Virginia Code § 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 SD point of contract and PD/SO point of contact 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.

AGREEMENT:

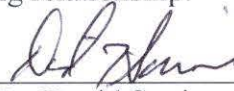
We, the undersigned, are committed to work together to provide a safe learning environment to the students of Frederick County Public Schools and Frederick County School personnel. We have considered and agreed upon the issues we believe are important to establish a formal working relationship.



Lenny W. Millholland
Sheriff
Frederick County Sheriff's Office

12/23/2020

Date



Dr. David Sovine
Superintendent of Schools
Frederick County Public Schools

12/23/2020

Date