

MEMORANDUM OF UNDERSTANDING

between

LYNCHBURG CITY SCHOOLS

and

THE CITY OF LYNCHBURG POLICE DEPARTMENT

PREAMBLE

Lynchburg City Schools (LCS) and the City of Lynchburg Police Department (LPD) hereby enter into a partnership under 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 that students are generally less mature and responsible than adults; they often lack the maturity, experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them; and they are more susceptible to outside pressures than adults. All responses to school misconduct should be reasonable, consistent, and fair, with appropriate consideration of mitigating factors, social, emotional and mental health needs, and of the nature and severity of the incident. Students should receive appropriate redirection and support from in-school and community resources, providing students the opportunity to avoid behaviors that lead to suspension, expulsion, involvement of law enforcement, or referral to court.

PURPOSE

This partnership is intended to facilitate effective, timely communication and coordination of efforts for both parties – Lynchburg City Schools (LCS) and the Lynchburg Police Department (LPD). The purpose of the Memorandum of Understanding is to establish an agreement between LCS and LPD to promote the safety and welfare of LCS students by providing opportunities for law enforcement officers to serve as School Resource Officers (SROs) in each of LCS's two high schools and three middle schools, to build a positive relationship between LCS students and law enforcement, and to apply state and local statutes on school grounds when appropriate, consistent with the requirements of Virginia Code Sections 9.1-101 and 9.1-110.

In partnership, LCS will carry out the application of school rules and LCS policies, while the SROs will carry out the Code of Virginia. Each will differentiate between disciplinary issues and crime problems and respond appropriately. The parties agree that, whenever possible, prevention before intervention before enforcement approach will be taken when addressing student behavioral concerns.

GOALS

The primary goals of the partnership outlined in this MOU are 1) to promote positive and supportive school climates and 2) to create and maintain safe and secure school environments.

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.

To create and maintain safe and secure school environments, the partnership will collaborate to prevent and reduce crime, violence, victimization, and fear in and around schools, and minimize, if possible, the need for student involvement with the juvenile and criminal justice systems.

EVALUATION OF THE SCHOOL-LAW ENFORCEMENT PARTNERSHIP

Measurable objectives of the MOU will be developed jointly 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 LCS and LPD designees and shared with the public and the School Board.

ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS

I. POLICE DEPARTMENT RESPONSIBILITIES

LPD will designate a direct point of contact between LPD and LCS. 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 maintain a working knowledge of school rules, regulations, and laws regarding student safety and conduct. The designee will establish and maintain effective relationships with school personnel at the division and school levels. In developing and implementing law enforcement policies and practices that directly affect schools, LPD will consult with and take into consideration the views of school officials and the school community.

A. Assignment, Reassignment, Removal and Absence. Selection, assignment, scheduling, training, supervision, and evaluation of SROs will be the responsibility of LPD. However, each of these actions will be conducted through a collaborative process between LPD and LCS administration and will take into account the input of school personnel and identified needs and conditions of schools. SROs will be assigned, on a full-time basis, to all LCS high schools and middle schools during the school year and for all additional days and all hours in which school is in session. The SRO shall remain at all times under the control, through the chain of command, of the LPD.

While LPD is committed to the full-time assignment of SROs to all LCS high schools and middle schools, unusual circumstances, conditions, or incidents may require the reassignment of those officers to other duties for brief or extended periods of time. Should such reassignment be required, LPD shall notify the principal(s) of the affected school(s).

LPD reserves the right to remove or reassign any SRO, as long as LPD provides LCS with prior notification. LCS reserves the right to request the removal or reassignment of any SRO for any reasonable cause LCS provides in writing to LPD, and after other attempts to correct any alleged problem have been explored. LPD shall consider the Division's input when determining the removal or reassignment of any SRO, but LPD reserves the final decision-making authority for any such removal or reassignment. LCS and LPD jointly recognize the need to balance stability in the assignment of individual SROs within LCS schools with the need to provide professional development opportunities to LPD officers. LPD will make efforts to provide multi-year assignments to the SROs, but makes no guarantee that will occur based on the operational needs of the department and an officer's pursuit of other opportunities such as promotion.

On occasion, SROs may be required to be away from their assigned school for training and other police-related duties. When such absences will extend a full day or longer, the SRO Sergeant will provide the school principal with as much advance notice as possible. Should LPD need to reassign an SRO for short periods of time, all efforts will be made to provide a temporary replacement (such as the SRO sergeant) that will serve in the building in the primary SRO's absence.

B. Salary. LCS agrees to pay the annual salary and benefits for the two high school's SROs, and \$50,000.00 per year, for the three middle schools' SROs. Payment to the City of Lynchburg by LCS will be on a quarterly basis, or as otherwise agreed to by the City of Lynchburg Finance Department and LCS. If an officer is reassigned for any period longer than one day from required duties at an LCS high school, no charge for salary and benefits will be made to LCS for the time period the officer is reassigned. LCS is bound to make such payments only to the extent it receives sufficient appropriations for this purpose and to satisfy its obligations hereunder.

C. Supervision and Performance Evaluations, Employment Relationship and Training. LPD shall provide for the employment, equipment, supervision, and evaluation of SROs. Performance levels of SROs will be evaluated by a variety of sources including School Administration officials, who will provide a supplemental evaluation form. However, the primary performance evaluation and related performance records will be conducted and maintained by LPD and the City of Lynchburg.

SROs remain employees of LPD while operating under this MOU, and are not deemed employees or agents of the Lynchburg City School Board (the School Board). SROs shall be supervised, evaluated, and serve LCS under the direction of the Chief of Police for the City of Lynchburg and the Department's chain-of-command established by LPD policy. SROs operating under this MOU will at no time have their employee rights abridged as a result of serving as SROs, and will remain governed by the policies and procedures established by LPD and the City of Lynchburg.

LPD shall provide any training required of SROs by applicable Virginia law and Virginia Department of Criminal Justice Services (DCJS) standards. LPD will also offer SROs additional training, as funding allows, that will increase their effectiveness under this MOU. Such training may include but not be limited to child and adolescent development and psychology; age-appropriate responses; cultural competence; restorative justice techniques; the needs of and accommodations for students with disabilities; implicit bias, de-escalation, anti-bullying, conflict resolution; trauma-informed practices; and practices proven to improve school climate. LPD will ensure the SRO receives relevant training in compliance with DCJS standards and ongoing joint training with school administrators. The training should be aligned with the MOU and Department of Criminal Justice Services (DCJS) curriculum and in consultation with LCS.

D. Liability and Insurance. In the event that any claims or lawsuits are filed against any party to the MOU or against the individual employees of any party to this MOU for acts performed pursuant to this MOU, each party will be responsible for providing legal representation for itself and its employees. Each party to this MOU hereby waives all claims against the other parties for compensation and for any loss, damages, injury, or death occurring as a consequence of the performance of this MOU.

The City of Lynchburg shall maintain all appropriate liability insurance coverage for the SROs, including Workers' Compensation. The City of Lynchburg is self-insured and any claims or lawsuits filed against the City or its employees for acts performed pursuant to this Agreement shall be covered under the City's self-insurance program.

II. SCHOOL DIVISION/BUILDING RESPONSIBILITIES

LCS will designate a primary division-level point of contact to implement the partnership and to maintain ongoing communications with LPD. It is the responsibility of school administrators to facilitate effective communication between the SRO and school staff and to support the goals of the partnership.

LCS will handle discipline within the school disciplinary process without involving SROs. LCS 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.

LCS is responsible for communicating the goals and role of the SRO to all school administration, staff, and students.

A. Work Area. Each LCS school will provide a work area for the SRO that is equipped with a telephone and a computer. The work area should allow for private and confidential meetings between SROs, LCS staff, parents, and students.

B. Training. The school division shall provide in-service training to the SROs to support their ability to accomplish their respective duties and responsibilities under this MOU. Such training will include a review of the MOU and the School Board's student discipline policies, and the SROs' role and responsibilities under the MOU and those policies, and as well as the Division's responsibilities under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and how the FERPA affects the SRO's operations under the MOU. LCS will ensure that school administrators with an assigned SRO will receive relevant training prior to or within 60 days of the SRO's assignment in a school and ongoing joint training with SROs. The training should be aligned with the MOU and DCJS curriculum and in consultation with LPD.

C. Effort to Minimize Law Enforcement Interventions. LCS administrators and employees shall make every effort to handle routine student discipline (violations of the code of student conduct) within the school without involving the SRO in a law enforcement capacity, unless necessary for the safe operation of the school or as required by law.

D. LPD Investigations. LCS will cooperate with LPD-initiated investigations and activities without hindering or interfering with LPD's or the SRO's official duties.

E. Feedback Regarding the SRO Program. LCS shall provide feedback to LPD for the evaluation and improvement of the SRO program.

F. Duty to Report. LCS administration shall report violations of law as required by applicable Virginia law.

III. SCHOOL PRINCIPAL 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.” This is found in School Board Policy KNAJ – Relations with Law Enforcement Authorities. School administrators should review the MOU with SROs and establish school-specific operational and communications procedures to support the goals of the MOU.

The principal of each school shall ensure that a weekly meeting with the SRO is conducted, in order to maintain open lines of communication. The principal will not delegate this meeting to other administrative staff on a regular basis.

Unless mandated to report student misconduct under Virginia law, the principal may use their discretion in notifying the SRO if they believe that an incident of alleged student misconduct is a violation of the law, and the SRO will determine whether law enforcement actions are appropriate, as set forth below. The SRO should not be engaged in routine classroom management, and whenever possible should use alternatives to arrest for students’ minor offenses that can be appropriately addressed through the school’s discipline system and/or mental health services. If an immediate police response is necessary (i.e. recovered drugs, weapons or other evidence or immediate police assistance is needed) and the SRO is not available, the principal will request police service by calling 911. If an immediate police response is not necessary, the principal may hold the information until that school’s assigned SRO returns.

IV. SCHOOL RESOURCE OFFICER RESPONSIBILITIES

A. Overview of Responsibilities. The primary mission of SROs under this MOU is to promote a safe school environment that is conducive to learning. SROs will be considered active members of their assigned schools. The SROs will strive to act as a positive role model for LCS students and provide a positive impression of police in a non-confrontational setting, while serving as a visible deterrent to crime.

SROs shall differentiate between school disciplinary issues and criminal activity and respond accordingly as set forth herein; assist school administration in de-escalating school-based incidents; and be familiar with and support the school administration’s implementation of a discipline policy that emphasizes restorative approaches to address behaviors. 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.

Additionally, SROs should assist school administrators in developing school crisis, emergency management, and response plans. They 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.

B. Role in Student Disciplinary Matters. School administrators 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. The MOU shall operate in a manner to ensure children with disabilities receive appropriate behavioral interventions and supports.

SROs will become and remain familiar with the School Board Policy relating to students, particularly the Student Code of Conduct. SROs should not handle a student's possible violation of School Board Policy as a violation of the law, but instead refer the student to the principal for action. If the SRO has any question related to the enforcement of School Board Policy versus laws within the schools, they should discuss it with the principal and the SRO Sergeant. At no time should the SRO recommend or make decisions about student discipline or otherwise involve himself/herself directly or indirectly in disciplining a student. The SROs will also not discuss matters of student discipline with parents/guardians; all such questions will be referred to a school administrator.

When requested to intervene by school personnel in a matter involving student alleged misconduct, the SRO may decline to intervene, if the SRO determines that the situation does not present a significant risk of harm or safety concern, and is more appropriately handled by school administration.

- C. Administrative Hearings.** SROs shall not attend student discipline, suspension, and/or expulsion hearings, unless requested to do so by the principal or their designee in order to maintain safety and order, or because the SRO was a witness to the conduct giving rise to the proposed discipline. If requested by the principal, SROs will be prepared to provide testimony on any actions they took and/or conduct that they personally witnessed. SROs shall also make available any physical evidence related to the hearing. SROs shall make information contained within official documents, police reports, or other incident-related records held by the Lynchburg Police Department available to the school or expulsion hearing officer, within the scope permitted by applicable Virginia law and LPD policies.
- D. Response to Student Violations of Law.** It is the intention of LPD and LCS to limit the use of law enforcement interventions where possible, to situations in which a violation of law has occurred or the safety of the persons and school is at risk. 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 appropriate.

If an SRO observes a student violating the law or is notified by a principal regarding an incident of alleged student misconduct that the principal suspects is a violation of the law, the SRO shall use their discretion in determining whether law enforcement actions are appropriate. In making this determination, the SRO will consider such factors as the age of the student in question, the circumstances surrounding the alleged misconduct, prior incidents involving the same student, whether the misconduct would be more appropriately handled through the LCS disciplinary process, mental health services, or the criminal justice system, and the SRO's primary mission under the MOU.

- E. Teaching.** SROs will, upon request by the applicable principal, become involved in the school's curriculum, by providing instruction to LCS students that will enhance their understanding of local and state law enforcement practices, changes in relevant laws, crime trends, crime prevention, school safety strategies, crisis response procedures, and the police philosophy and mission. SROs may also deliver law-related education with students using lessons/curricula approved in advance by the SRO Sergeant. In all cases, responding to incidents or conducting investigations will take precedence over delivery of presentations. SROs will, whenever possible, include the Virginia Rules curriculum as part of their instruction.

- F. Informal Mentoring.** 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.
- G. Training and Crime Prevention Assistance.** SRO shall be responsible for assisting in providing training for the school division administration and the school building administration and staff in law enforcement and related areas. SROs will disseminate crime trend information, crime prevention information, and city and state code update information as a means to assist the school staff in effectively providing a safe school environment.
- H. Visibility.** SROs should be visible in and around the school, particularly during the beginning and end of the day and during lunch periods, whenever possible. The SROs shall wear class "B" uniforms (standard police uniform) while on duty in the schools, unless otherwise authorized.
- I. Traffic Control.** If requested to do so by LCS administration, SROs may assist with traffic control for the safe and efficient afternoon dismissal of school buses on school property. The decision to direct traffic on a city street adjacent to school property will be at the sole discretion of the SRO.
- J. Responsibility for Calls for Law Enforcement Services.** The SROs assume primary responsibility in handling all calls to law enforcement for service from the school and coordinating the response of other police resources to the school with school principals.
- K. 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 may 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.
- L. School Safety Audit and Crisis Management Plan.** School safety audits will be conducted annually as required by law to assess school safety conditions in schools. The SROs will assist in the completion of the annual School Safety Audit and Crisis Management Plan. Plans will also be reviewed by appropriate Lynchburg Police Department command staff members.
- M. Assistance with Governmental Reviews and Investigations.** If requested by LCS administration, SROs (or other appropriate LPD personnel, as determined by the Chief of Police) will assist the division in its response to any review or investigation conducted by any governmental agency or entity, including, but not limited to, any inquiry made by the Office of Civil Rights, the Virginia Department of Education, and/or the United States Department of Education, if such review or investigation is in any way related to the services provided by SROs under this MOU.

COMMUNICATION

Good communications and a collaborative relationship between the SRO and the school principal and their staff at the school to which the SRO is assigned, as well as between LCS administration and the

SRO Sergeant and LPD administration are critical to the development of a cooperative, proactive, problem-solving relationship, and to the development of the SRO's understanding of the culture of the school to which they are assigned.

To promote and foster the development of good communications and a collaborative relationship, the following meeting will take place:

- SROs and their school principals will meet weekly, preferably at a pre-set time, for the purpose of exchanging information regarding any criminal activity/investigation, problem areas, persons or groups, or school and/or the community, as well as other areas of interest or concern. A record of these weekly dates will be kept and submitted to the Chief of Police and the Division superintendent on a quarterly basis.
- The SRO Sergeant will meet weekly with each SRO to ensure that open lines of communication are in place between the SROs and the school division, and to keep abreast of ongoing SRO activities and programs.
- The SRO Sergeant will meet with each school principal, as necessary, to review ongoing SRO activities and programs and to address any issues of concern.
- The SRO Sergeant will meet at least once each school year with the Division superintendent (or designee) and the principals of schools to which SROs are assigned. The purpose of this meeting will be to evaluate the SRO program, the performance of assigned officers, and to address any areas of concern.
- The Chief of Police and the division superintendent shall meet at least once, annually, to ensure that the purposes of this MOU are being achieved and to discuss its continuing implementation.

STUDENT INFORMATION SHARING

The release of student records is governed by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g. "School officials" may access and disclose student records only as authorized by FERPA.

- A. 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.
- B. SRO access.** For purposes of access to student records, SROs are considered "school officials" and may be provided student information as needed to carry out their duties related to the school environment. SROs may have access to directory information for all students in the school division. SROs may have access to information on students in their assigned schools that include directory information and additional items needed to carry out their duties, such as class schedules, as approved by the school administrator.
- C. Special Needs.** Where appropriate and legally permissible, LCS shall notify SROs of any student who has a disability and/or an Individualized Education Plan (IEP) who is involved in a school-based infraction and may require special treatment or accommodations, in order to assist the SRO in recognizing and accommodating behaviors that may be manifestations of the student's disability.
- D. Health and Safety Emergency Exception.** LCS may release information from Student Education Records to police officials, including SROs, without permission or consent in connection with an

emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons and there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances.

SROs seeking access to records under the health and safety emergency exception, should contact the student's principal and present sufficient information for the principal to make a determination that a health and safety emergency exists under the requirements of FERPA. If student information is disclosed under this exception, the principal must document in the student's file a description of the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed.

- E. Release of Information by SROs.** In order to maintain a safe school environment, SROs will share information with the school principal regarding students' involvement in criminal activity in and around the school. 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. SROs shall make official documents, police reports, or other records held by the Lynchburg Police Department available to the school or its staff, within the scope permitted by applicable Virginia law and LPD policies. This shall be limited to information that directly relates and contributes to the safety of the school environment. Because law enforcement records are not student records, they are not subject to the disclosure restrictions of FERPA.

The Chief of Police, or designee, shall comply with the reporting requirements of Virginia Code §22.1-279.3:1(B) and report to the principal, or his designee, and the division superintendent, all offenses committed by students specified in §22.1-279.3:1.

- F. Crime Reporting.** 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. Division 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.

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 the LPD/SRO as specified in LCS policy. No SRO or school administrator shall be required to file delinquency charges after such notification is made to LPD/SRO. Schools and SROs shall be encouraged to deal with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court, when appropriate.

INVESTIGATION AND QUESTIONING

In order to promote a safe school environment, SROs have the authority to question students who may have information about criminal activity. As sworn law enforcement officers, SROs have the authority to stop, question, interview, and take law enforcement action involving students (and other persons present on school property) without the prior authorization of their principal or contacting parents/guardians, when necessary and where consistent with applicable constitutional law. However, any investigation and questioning of students or faculty/staff during school hours or at school events should be limited to situations where the investigation is related to suspected criminal activity related to school activities.

Investigations and questioning of students for offenses not related to the operation of or occurring at the school may only occur in limited situations, where delay might result in danger to any person, flight from the jurisdiction by a person suspected of a crime, destruction of evidence, or based on the seriousness of the crime.

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. Such investigation/questioning of students or faculty/staff during school hours or at school events should be done in conjunction with the principal or an administrative team member, when appropriate. The SROs will also take steps to ensure minimal intrusion into the educational experience of the students being questioned in the school setting. In addition, and consistent with School Board policy, reasonable efforts shall be made to notify the parents or guardians of the student(s) being interviewed by telephone or in person before any such interview occurs. Notwithstanding this provision, the Parties understand that law enforcement officers may take legal actions that they deem necessary in accordance with City, State and Federal law, as well as LPD policies and procedures.

Recognizing that a reasonable child subjected to police questioning will sometimes feel pressured to submit when a reasonable adult would feel free to go, as a general rule, the student should not be arrested or placed in custody during the initial interview or interrogation, unless necessary for safety reasons and/or to carry out lawful police objectives. The student will be informed generally of the purpose of the investigation, warned against self-incrimination in a developmentally appropriate manner, and given an opportunity to present informally their knowledge of the facts. If the student wishes to remain silent, to contact their parents/guardians or an attorney, or to end the interview, the questioning should cease and the student's request should be granted unless detaining the student is lawful and reasonable under the circumstances.

SROs or other sworn law enforcement officers are responsible to lead the investigation and questioning of students related to suspected violations of criminal law. 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.

SEARCHES

All searches shall be conducted in accordance with federal and state laws, and applicable LCS and LPD policies and guidelines, including the principles embodied in this memorandum of understanding.

- A. **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.

SROs shall not become involved in administrative (school-related) searches unless specifically requested by the school official to provide security and/or protection, or for handling contraband, and as permitted by applicable law. At no time shall SROs request that an administrative search be conducted for law enforcement purposes or have the administrator act as their agent. This shall not preclude the SROs from providing school officials with the information they have received regarding students or staff of the school.

- B. **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 be reasonable in scope. 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.
- C. **K-9 Unit Searches.** The Superintendent or Deputy Superintendents may work collaboratively with LPD to solicit the use of trained and certified police canines to conduct random scans on school property primarily for preventative and deterrent purposes. Canines will be under the supervision of their trained handlers and used to scan property and facilities. Canines will not be used to conduct scans of any individuals. The detection of drugs, drug paraphernalia, weapons, explosives, and other contraband will assist in creating a safe and secure learning environment. LCS and LPD will implement agreed upon procedures for the use of police canines at schools that also take in consideration any student allergies, fears, or other factors that may impact individual students.

USE OF PHYSICAL RESTRAINT

An SRO should not be involved in the physical restraint of a student unless there is imminent danger of serious physical harm to self or others, or the SRO is affecting a lawful police objective such as, but not limited to, an arrest. As sworn law enforcement officers, SROs may intervene to de-escalate situations.

Physical intervention by SROs is undertaken in accordance with policies and operational procedures of the LPD. If an SRO is involved in the use of restraint or physical intervention, the action must be reported to the school principal and the SRO's supervisor and the rationale for the action must be fully documented.

SROs should be aware of the LCS and Virginia Board of Education's policies and guidelines on seclusion and restraint and will attend training offered by the local school system on their use of seclusion and restraint by school employees. SROs, however, must continue to operate by LPD policies and state law regarding physical intervention and use of force.

Additionally, LCS and LPD/SRO will coordinate to ensure that reasonable effort is made to inform the parents on the day of the incident.

CRIMINAL ENFORCEMENT PROCEDURES AND ARRESTS

- A. **Interventions when Risk of Harm Exists.** SROs do not have the primary responsibility of removing students from classrooms; the removal of students is the responsibility of the teacher. However, if the SRO determines a student poses a threat to themselves and/or others, the SRO, in their discretion, may take appropriate actions as necessary to perform their lawful duties and ensure the safety of students, staff and themselves, including, but not limited to, removing a student from the classroom. SROs may accompany school administrators to classes, if requested by the administrators, when the probability for violence exists.
- B. **Alternatives to Prosecution.** While prosecution of an LCS student may be the necessary consequence of the activities outlined in this MOU, counseling, deferment and/or school administration action may be used as an alternative to prosecution in those instances in which such

approaches appear to be the best solution and are permissible under applicable law, as determined by the principal and/or SRO acting in their respective capacities.

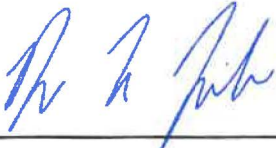
- C. Support of Administrative Process.** While any criminal investigation or arrest that occurs on school property will take precedence, to the extent possible, the SRO will cooperate and assist with the division's efforts to address the accompanying school policy violation and investigation or other action to be taken by school officials.
- D. Procedures for and Limitations on Criminal Enforcement.** The following procedures will be adhered to when criminal enforcement action in the school becomes necessary:
1. The SRO will notify the principal as soon as practical of any significant criminal enforcement action (to include arrest) in the school or related to the school. Any such notification shall be made within a reasonable time, not to exceed any mandates established by applicable law.
 2. Students under 13 years of age will not be arrested during school operation unless the arrest situation is related to illegal possession or use of weapons, illegal drug use or distribution, or threat of harm to any person. 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. When practical, arrests that must occur during school hours or on school grounds should be coordinated through the school administrator to minimize potential disruption. In addition to any required notification of parents/guardians by the SRO taking a student into custody, school administrators or their designees are also responsible for an additional notification to parents/guardians upon a school-based arrest of their child.
 3. Warrant-based arrests of a student or staff member of the school during school operation will be effected only in situations in which the nature of the warrant charge indicates that failing to remove the suspect from the school environment poses a threat of harm to any person. Such warrant service situations will include, but not be limited to charges involving physical assault, sex offenses, illegal possession or use of weapons, illegal drug use or distribution, and Child in Need of Services (CHINS) petitions. In these cases, warrant service will be discussed and coordinated, in advance of service, with the division superintendent or designee, when practical.
 4. SROs will not serve students with court papers on non-school related matters during school operation without the permission of the division superintendent.
 5. Nothing in this Memorandum of Understanding is intended to prevent or delay the following law enforcement functions: a) service of civil Emergency Custody Orders (ECOs) or Temporary Detention Orders (TDOs) for mental health issues; b) response to a person experiencing mental health or physical health crises; c) response to public safety emergency situations.

PARTNERSHIP

This MOU is a partnership between education and law enforcement, which supports a collaborative, proactive approach to providing a safe school environment for the Lynchburg community, and represents the mutually agreed goals and objectives of the LCS and LPD for the School Resource Officer program.

This MOU should be reviewed biannually and amended as necessary to meet the needs and enhance the partnership of the two signatory organizations. Quarterly meetings should be conducted throughout the year between LCS (designee) and LPD (designee) to support the successful implementation of the partnership. This MOU remains in force until such time as either party, with 45 days' notice, withdraws from the agreement by delivering a written notification of such rescission to the other party.

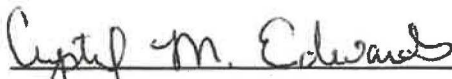
This MOU Agreement shall not be construed to create or substantiate any right or claim on the part of any person or entity that is not a party hereto.



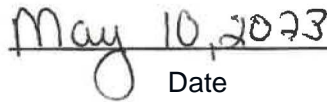
Ryan M. Zuidema
Chief of Police
Lynchburg Police Department



Date



Dr. Crystal M. Edwards
Superintendent of Lynchburg City Schools



Date