

MEMORANDUM OF UNDERSTANDING
between
The Alexandria City Public Schools
and
The Alexandria Police Department

November 1, 2018

PREAMBLE

The Alexandria City Public Schools (ACPS) and Alexandria Police Department (APD) hereby enter into the School-Law Enforcement Partnership (SLEP) to foster relations of mutual respect and understanding in order to build a positive and safe school environment. The parties agree 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 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. This document is meant to be an accompaniment to the School and Law Enforcement Partnership Guide. For further details and instructions regarding the Partnership, please see the Guide.

This Memorandum of Understanding (MOU) clarifies the following three items:

1. Roles of key members in the SLEP program:
 - a. School Administrators,
 - b. School Resource Officers (SRO),
 - c. APD Point of Contact - APD Official/School Resource Officer Commander (SROC)
 - d. APD Law Enforcement Officer (Non-SRO)
2. Scope of responsibilities of the ACPS and the APD.
3. Procedures to exchange information among key members and between parties.

PURPOSE

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

GOALS

The primary goals of the SLEP 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 reduce and prevent crime, violence, victimization, and fear in and around schools, and minimize student involvement with the juvenile and criminal justice systems.

EVALUATION OF THE SCHOOL-LAW ENFORCEMENT PARTNERSHIP

Measurable objectives of the SLEP should 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 ACPS and APD designees and shared with the public.

ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS

Police Department Responsibilities

The APD will designate a direct point of contact between APD and the ACPS. 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.

Selection, assignment, scheduling, training, supervision, and evaluation of school resource officers (SROs) will be the responsibility of the APD. However, each of these actions will take into account the input of school personnel, and identified needs and conditions of schools. The SRO shall remain at all times under the control, through the chain of command, of the law enforcement agency.

In developing and implementing law enforcement policies and practices that may affect schools, the APD will consult with and take into consideration the views of the ACPS and the school community.

The APD will ensure the SRO receives relevant training prior to or within 60 days of assignment in a school and ongoing joint training with school administrators. The training should be aligned with the SLEP and DCJS curriculum and in consultation with the ACPS.

APD will provide payment for SROs that attend School staff meetings and for late arrest/investigations.

School Division Responsibilities

The ACPS will designate a primary division-level point of contact to implement the partnership and to maintain ongoing communications with APD officials.

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.

Each school with an assigned SRO will provide work area(s) for the SRO that allow access to technologies, private interviewing of several persons, and locking storage space for securing physical evidence.

The ACPS will handle discipline within the school disciplinary process without involving SROs other than in exceptional circumstances outlined below. ACPS 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. The ACPS is responsible for communicating the goals and role of the SRO to all school administration, staff, and students.

The ACPS 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 SLEP and DCJS curriculum and in consultation with the APD and will include behavioral interventions (ex: Restorative Practices).

ACPS shall provide payment to compensate officers for working school events/activities such as sporting events, social events, plays, and school sponsored programs.

ACPS will continue to utilize a positive behavior intervention strategy (PBIS) system in grades K-8. Additionally, ACPS will utilize restorative practices with grades 8-12. Restorative practices include the use of restorative circles to mediate conflict and disciplinary issues. If during the use of a restorative circle, or discipline investigation, there is information shared that relates to a required reportable offense to the APD, ACPS staff will notify the SRO immediately in compliance with mandated reporting procedures. Restorative practices are also used when a student returns from a suspension.

SRO Roles and Responsibilities

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.

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.

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 regulation uniform and operate a marked police vehicle while on duty unless otherwise authorized by the SRO's supervisor for a specific purpose.

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.

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:

Law enforcement officer

As sworn law enforcement officers, SROs' 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.

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/curricula approved in advance by the SRO Supervisor. In all cases, responding to incidents or conducting investigations will take precedence over delivery of presentations.

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 the schools student support team, known as SST.

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 the SLEP MOU with SROs and establish school-specific operational and communications procedures to support goals of the SLEP.

OPERATIONAL PROCEDURES

Differentiating Disciplinary Misconduct from Criminal Offenses

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 SLEP shall operate in a manner to ensure children with disabilities receive appropriate behavioral interventions and supports.

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.

When appropriate, and to the extent the law allows, the ACPS 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.

Consent access. A law enforcement officer, other than the SRO, 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.

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. Because student records are not law enforcement records, they are subject to the disclosure restrictions of FERPA.

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 officials, whose knowledge of the information is needed to protect the health and safety of a student or another individual.

Disclosure of law enforcement records. SROs or other APD officers or officials may disclose 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. In exceptional circumstances where sufficient other information may not be available to ACPS, SROs or other APD officers or officials, with the approval of APD, may provide information gathered in the course of a police investigation to ACPS for the purposes of a serious student disciplinary matter including, if necessary, testifying at such disciplinary proceeding. In the event APD determines that sharing such information may jeopardize an actual or reasonably probable criminal prosecution, APD may seek review of the proposed release from the Office of the Alexandria City Commonwealth Attorney. Because law enforcement records are not student records, they are not subject to the disclosure restrictions of FERPA. If the SRO is aware of an event in the community that could compromise the safety and security of ACPS students and staff, he/she will notify the school administration.

Investigation and Questioning

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, when it becomes necessary for the SRO to interview a student on school premises, the school principal shall be contacted immediately. The SRO will allow reasonable time for the principal or his/her designee to make a reasonable effort to contact the parent or guardian and have the parent or guardian in attendance for the interview. If the parent or guardian cannot be present for the interview, then the SRO will proceed with the principal or his/ her designee present throughout the interview, per ACPS School Board Policy KNAJ: Relations with Law Enforcement Authorities. 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.

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.

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. 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 his or her knowledge of the facts. If the student wishes to remain silent, to contact his or her parents 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 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 ACPS and APD policies and guidelines, including the principles embodied in this memorandum of understanding.

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.

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.

SROs shall not become involved in administrative (school related) searches unless specifically requested by school administrators 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. The role of police in administrative searches will be limited to providing security or protection, or to handle contraband or weapons found by school staff.

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 of parents and legal guardians upon a school-based arrest of their child.

Physical Intervention by School Resource Officers

As sworn law enforcement officers, SROs may intervene to deescalate situations. However, a 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. 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 fully documented.

Physical intervention by SROs is undertaken in accordance with policies and operational procedures of their local law enforcement agency. 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 Virginia Board of Education's policies and guidelines on seclusion and restraint and related local school board policies 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 their own department's policies and state law regarding physical intervention and use of force.

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

KEY STATUTORY RESPONSIBILITIES

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. School superintendents who receive such reports are required to report the information to the principal of the school in which the students 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 APD/SRO as specified in ACPS policy. No SRO or school administrator shall be required to file delinquency charges. After such notification is made to APD/SRO, the ACPS will ascertain the disposition of the incident made by the APD/SRO in order to complete the School/Law Enforcement Reporting form. 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.

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. The APD will develop policy and procedures to streamline the sharing of criminal history when needed by ACPS in completing a threat assessment.


SROs may serve as members of the school's threat assessment team, know as Safety Team, and assist in monitoring of subject students as well as determining the need, if any, for law enforcement action.


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 conduct 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.

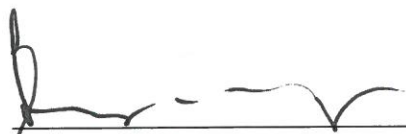
REVIEW OF MOU

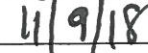
This MOU should be reviewed annually and amended as necessary to meet the needs and enhance the partnership of the two signatory organizations. Quarterly meetings should be conducted throughout the year between the ACPS (designee) and APD (designee) to support successful implementation of the partnership. 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.

Signed: 

Chief of Police


Date



Superintendent of Schools


Date