

**SCHOOL RESOURCE OFFICER MEMORANDUM OF UNDERSTANDING
AND THE GUIDANCE FOR THE ENFORCEMENT OF
CRIMINAL LAW ON SCHOOL PROPERTY
(7/24/2023)**

The Commonwealth of Virginia has established through statute, the Standards of Quality (§ 22.1-253.13.7. D.3.) which require standards and procedures "designed to provide that public education be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights."

To that end, Section 22.1-279.3:1.B. of the *Code of Virginia* requires law enforcement agencies 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 or a violation of the Drug Control Act, or an adult misdemeanor as listed in § 22.1-279.3:1.A. and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. It further requires that any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection § 16.1260 to report the information to the principal of the school in which the juvenile is enrolled. Requirements for law enforcement agencies to report the release status of the student and for school superintendents to inform principals were added by the 2006 General Assembly. Furthermore, Section 22.1-279.3:1. A. of the *Code of Virginia* lists certain offenses that school officials are required to report to local law-enforcement agencies.

In order to meet these legal responsibilities, Culpeper County Public Schools and the Culpeper County Sheriff's Office have established the guidance procedures and regulations herein.

RESPONSIBILITIES

A. SCHOOL RESPONSIBILITIES

- 1) Pursuant to Virginia Code Section 22.1-279.3:1, Code of Virginia (1950) and school board policy KNAJ, suspected criminal acts occurring on school property, a school bus, or at a school sponsored activity that comes to the attention of the principal or designee shall be reported immediately to the School Resource Officer (SRO) when on duty. If an emergency exists and the SRO is not on duty, the principal or designee shall notify dispatch. Dispatch shall notify the SRO supervisor, or if he or she is not available, the on-duty patrol shift supervisor.
- 2) Suspected criminal acts as listed in School Board policy KNAJ or other information that is not of an emergency nature may be held for the SRO. The SRO in cooperation and coordination with the principal or designee will determine if the suspected criminal act will result in charges or will be handled within the Culpeper County Public Schools' authority.
- 3) Culpeper County Public Schools regulations requires incidents of suspected criminal activity on school property be reported immediately to the principal or designee by staff, students, parents, and community members. The principal or designee will conduct a preliminary investigation and if sufficient evidence supports the allegation, he or she will report such acts to local law enforcement (LE). The principal or designee will notify the Division Superintendent or designee about the alleged act and that law enforcement has been notified.
- 4) The following acts shall always be considered reportable incidents and shall be reported to the SRO by the principal or designee. Dispatch may be called in cases of an emergency.
 - Assault and battery in which bodily injury occurs. If there is a question, the principal and SRO shall decide if it is a reportable assault and battery.
 - Sexual Assault
 - Shooting, stabbing, cutting, or wounding of any person

- Any conduct involving, marijuana, alcohol, a controlled substance, an imitation controlled substance, or an anabolic steroid
 - Credible threats, attempts, or acts to inflict bodily harm upon school personnel in which significant injury is likely or occurs
 - Carrying of a firearm, knife, or any object intended for use as a weapon
 - Death or serious bodily injury to any person
 - Child abuse or neglect
 - Threats to include the burning, bombing, or destroying of any building or property and/or killing of its occupants
 - Suspicions of criminal gang activity
 - Thefts of items of value of \$100 or more
 - Vandalism of school property valued at \$100 or more
- 5) The SRO shall be immediately notified of any illegal substances or contraband and will handle these according to Culpeper Sheriff's Office policy regarding property handling.
 - 6) The school shall provide a personal work area for the SRO that is equipped with a telephone and code for phone usage. The school division will also provide keys, key cards, or access codes for the schools so that the SROs can gain entry to any school at any time.
 - 7) The School Division will provide all SROs with access to its student management databases and the internet using the school division computer system. Access to student records is based on applicable federal and state law. This access will be for law enforcement investigative and security purposes only. Unless an immediate safety emergency exists, SRO's access to staff and student records to include school emails, surveillance video or audio will be made through the Superintendent or designee.
 - 8) When on duty, the School Division will provide the SRO's access to the School Division's surveillance cameras at all locations. The Superintendent or designee shall retain the authority to deny a SRO access to the surveillance camera system at any time.
 - 9) The oral exchange of information between school personnel and law enforcement shall be allowed when said information is directly related to a threat of the safety of any person(s).
 - 10) The principal of each school will schedule meetings with the SRO as needed. It will be the responsibility of the principal and SRO to ensure that regular effective communication exists between the SRO and school staff.
 - 11) The principal and SRO Unit Supervisor shall meet upon request of either party. The school administration shall provide information to the supervisor to assist in the personnel evaluation of the SRO. Any concerns regarding the performance of the SRO by the principal shall be addressed to the SRO Unit Supervisor.
 - 12) The school administration shall seek to develop in cooperation with law enforcement, Juvenile and Domestic Relations Court judges, juvenile probation officers, social workers, parents, and the community at large, programs and procedures to prevent violence and crime on school property and at school-sponsored events.
 - 13) The school administration shall obtain and use sex offender registry information in accordance with Policy KN.
 - 14) School division employees will appear in court as requested to testify in criminal cases to support the administration of justice in cases involving students, staff, volunteers, or visitors of the school division.

- 15) The School Division will provide the Sheriff's Office with building access identification badges for the Sheriff and designated deputies and officers to enable their entry into the building in an emergency. Unless an emergency exists, these persons are to use the main entrance of school or department and acknowledge their presence to the office staff or administrator. The Superintendent or designee shall retain the authority to deny the issuance of an access badge or deactivate an access badge at any time to any person or persons.

B. LAW ENFORCEMENT RESPONSIBILITIES

1) The Sheriff

- a) The Culpeper County Sheriff's Office shall provide for the employment, supervision, and evaluation of SRO's.
- b) The Sheriff or his designee shall be responsible for the investigation of crimes committed in the public schools of the county.
- c) The Sheriff or his designee shall exercise the functions and fulfill the responsibilities assigned to "law enforcement" or "SRO's" in this memorandum.
- d) The Sheriff or his designee shall consult with and seek the counsel and advice of the Commonwealth in cases involving the prosecution of alleged crimes committed in the public schools.
- e) The Sheriff or his designee shall ensure that SRO's, dispatch, and other employees of the Sheriff perform their responsibilities pursuant to this memorandum.
- f) The Sheriff or designee should consult with the Superintendent or designee on the long-term assignment of a SRO to a school prior to the assignment taking place to ensure the affected school's administration is prepared for a transition.
- g) The Sheriff or designee will seek authorization from the Superintendent or designee prior to conducting any exercises or trainings on school property. Such requests should be made within no less than thirty (30) days to promote proper preparation on part of the School Division.
- h) The Sheriff will ensure only designated deputies and officers have building access identification badges, and that any lost badge is immediately reported to the Superintendent or designee. Furthermore, the Sheriff will collect all building access identification badges when a person leaves the employment of the Sheriff's Office.

2) The School Resource Officer (SRO)

- a) The SRO assumes primary responsibility in handling all calls for service from the school and coordinates the response of other law enforcement resources with the school principal or designee.
- b) The SRO shall be advised by the school administration of all situations where law enforcement and other departmental agencies are providing investigative and law enforcement services to the school. Notification to the SRO should be timely to prevent duplication of services and ensure proper coordination of law enforcement services.
- c) The SRO shall provide information to the appropriate investigative entity of any crime or leads that come to the attention of the SRO. The SRO will be advised of all criminal investigations that involve students, staff, volunteers, and visitors from his/her assigned school.
- d) The SRO shall wear a regulation uniform unless otherwise authorized for specific purpose by the SRO supervisor.
- e) The SRO shall be a visible deterrent and patrol the interior of the school and the exterior grounds. The appearance of the SRO should be emphasized during the opening and closing of school, class changes, and other times when the students are mobile in large numbers.
- f) The SRO shall maintain familiarity with the school division's Code of Conduct and other regulations regarding student responsibilities and ' rights.
- g) The SRO will brief the school administration daily regarding significant events occurring on

- school property or off-school property to include the suspicion of criminal activity by or arrest of any person employed or volunteering at the school, any student attending the school, or other person whose presence at the school that may constitute a disruption to the school's operations or the safety of person(s) at the school. The SRO supervisor will notify the Superintendent or designee in cases of emergency or in the likelihood an event will result in notification to the public of the event.
- h) Incident reports involving students, staff, volunteers or visitors on school property will be filed by the SRO with the Sheriff's Office and the incident will be communicated to the principal or designee.
 - i) The SRO is given the authority to take law enforcement action without the prior notification and consultation with the school principal or designee when a suspected crime is in progress and/or any delay caused by such notification would result in the loss of evidence, the flight of suspects or witnesses, or endangers the safety of any person(s). The principal or his designee shall be notified as soon as practical of any information pertaining to a crime that is discovered by the SRO.
 - j) The issuing of a school safety response order of: "Lockdown", "Stay in Place", "Remain Indoors" shall be the decision of the principal or designee in consultation with the SRO or Sheriff's designee, if time allows for a consultation. If a delay in the issuing of a school safety response order would result in the loss of life or significant bodily harm to a person(s) then such an order may be issued by the SRO without consultation with the principal.
 - k) Investigations and questioning of students for criminal offenses *not related* to the operation of or occurring on school property will be limited to those circumstances in which delay might result in danger to any person, flight from the jurisdiction by a person suspected of a crime, or destruction of evidence. Parents and legal guardians will be notified by the Sheriff's Office in accordance with applicable federal and state law.
 - l) The SRO (or unit supervisor) will be a member of the *Threat Assessment Team* for the school(s) they are assigned. The Principal or designee will convene the Threat Assessment Team in accordance with the policies and regulations of the Culpeper County School Board and directives from the Superintendent or designee.
 - m) The SRO shall coordinate their activities so that action between the SRO, school, and other agencies is cooperative and in the best interest of the school and public safety.
 - n) As permitted by the Superintendent or designee, the SRO will be responsible for instructing students on topics that may include: the dangers and illegality of the use of drugs, the abuse of prescription drugs or other products; underage tobacco and alcohol use; the danger of misuse of firearms and weapons; vehicular, cycling, and pedestrian safety; criminal gangs; law enforcement's legal authority and procedures; the civil rights of persons accused of crimes.
 - o) The SRO or designee of the Sheriff will provide training to school division staff related to workplace violence prevention, active shooter preparedness, threats to personal safety or another topic as requested by the principal or Superintendent or his or her designee.
- 3) Training of SRO's and Deputies assigned to Work School Events
- a) Deputies assigned to the schools as a School Resource Officer shall be trained in School and Law Enforcement Partnerships by the Department of Criminal Justice Services prior to taking assignment in a long-term position
 - b) SRO's and other deputies working school events shall be trained on the use of physical or mechanical restraints policies and regulations of the Sheriff's Office prior to taking a duty position on school property or at a school event.
 - c) SRO's and other deputies working school events shall be trained on verbal de-escalation techniques prior to taking a duty position on school property or at a school event.
 - d) SRO's and other deputies working school events shall be trained on the "use of force" policies and regulations of the Sheriff's Department prior to taking a duty position on school property or at a school

event.

- 4) Any search by an officer shall be based upon "probable cause" and in accordance with applicable constitutional laws. "Stop and frisk" will remain an option when there is a reasonable suspicion that a criminal offense has been committed, is about to be committed, or the suspect may be armed.
- 5) Any pre-planned search for illegal substances, stolen property, firearms, weapons, or explosives on school division property will have the prior authorization of the Superintendent or designee except in circumstances when such evidence would be lost or compromised by a delay.
- 6) The seclusion (seclusion as defined by the Virginia Department of Education) of a student alone in a locked room will not be used by the SRO or other deputy while a student is under the jurisdiction of the School Board.

C. LAW ENFORCEMENT INVESTIGATIONS INVOLVING STUDENTS

- 1) When it becomes necessary for any law enforcement officer to interview a student who is a person of interest on school premises, the principal shall be contacted immediately. The principal or SRO shall make reasonable effort to contact the parent or guardian and have the parent or guardian in attendance for this type of interview. If the parent or guardian cannot be present, the principal or his designee shall be present throughout interrogation this type of interview. Person of interest is defined a person that is reasonably suspected of a crime for the purpose of developing probable cause.
- 2) Interviews of students as witnesses or victims of alleged crimes may be conducted by law enforcement at any time, but shall be coordinated through school staff and the SRO. Interview is defined as a question and answer (fact-finding) session with victims, witnesses and other possibly involved persons. The SRO would not need to make parental contact; although it is routinely done afterwards as a courtesy. When a potential witness transitions into a person of interest, the SRO would then stop (pending any specific circumstance) and make the reasonable attempt to notify a parent or guardian.
- 3) Nothing contained in this memorandum or this section shall prevent law enforcement from taking immediate action if delay might result in danger to any person, flight from the jurisdiction by a person suspected of a crime, or destruction of evidence.

D. ARREST PROCEPURES ON SCHOOL PROPERTY

- 1) SROs are expected to be familiar with the school rules and their application within the school division. Routinely, rule infractions will not be handled as violations of law, but rather referred to the principal for disciplinary action. Any questions related to the enforcement of rules versus laws within schools shall be discussed with the principal or designee.
- 2) On premises the arrest of students, staff, volunteers, or visitors is to be avoided whenever practicable. Should an arrest be necessary on school property, it shall be discrete to the extent possible. The following procedures shall be followed whenever the arrest of students, staff, volunteers, or visitors is necessary:
 - a) The arrest by warrant of a student, staff, volunteer, or visitor of the school shall be coordinated through the SRO and the principal, and Superintendent or designee, except in exigent circumstances.
 - b) Arrest of students, staff, volunteers, or visitors occurring during school hours shall be reported fully to the principal and Superintendent or designee as a soon as practicable.
 - c) Arrests of students, staff, volunteers, or visitors occurring after school hours for acts committed upon school property, shall be reported fully to the principal and Superintendent or designee as a soon as practicable.
 - d) Persons, including suspended students, whose presence on school property has been restricted

or forbidden, shall be arrested for trespassing. This action shall be supported by the principal or designee or the Superintendent or designee, at the time of the arrest and by court appearance when necessary.

E. SERVING OF COURT PAPERS AT SCHOOL

- 1) The serving of civil documents should be made at the residence of the student. The service of civil documents, shall be made at the main office of the school where a student attends only when the circumstances require it.
- 2) The service of civil documents for school personnel shall be made at the main office of the school or department in which they work.

TRAINING AND EQUIPPING of ARMED SCHOOL SECURITY OFFICERS

WHEREAS the Culpeper County School Board has approved the employment of School Security Officers pursuant to Virginia Code §22.1-280.2:1 and promulgated regulations regarding the employment, training, and equipping of said School Security Officers: and

WHEREAS the Culpeper County Sheriff's Office has agreed to provide training, equipment, and support for said School Security Officers, as provided for under the provisions of Virginia Code §22.1-280.2.1 and the applicable statutory provisions referenced therein.

NOW THEREFORE to memorialize the understanding between the two parties regarding the training and equipping of School Security Officers for the Culpeper County School Division, the Culpeper County Sheriff's Office agrees to perform the following functions:

- 1) Issue the following equipment to each School Security Officer employed by the school division:
 - a) One Culpeper County Sheriff's Office standard issue pistol with three magazines;
 - b) One level three (3) safety holster and magazine pouch for the standard issue pistol; and
 - c) Standard issue ammunition for normal carry and training purposes.
- 2) Provide and supervise training of said School Security Officers, consistent with Department of Criminal Justice Services (DCJS) requirements, to include the DCJS TAC 50 firearms course (see attachment.)
- 3) Provide training on "use of force" consistent with other sworn personnel of the Sheriff's Office.
- 4) Provide consultation to the Culpeper County Public Schools regarding the qualifications of School Security Officers considered for employment by the Culpeper County School Board.
- 5) As provided for in Virginia Code §22.1-280.2.1, provide verification to the School Board, before a School Security Officer is to commence employment in that capacity, that the School Security Officer is not prohibited by state or federal law from possessing, purchasing, or transporting a firearm.
- 6) It is expressly understood that the firearms, ammunition, and related equipment described above shall remain the property of the Culpeper County Sheriff's Office and shall be returned to said Office once the School Security Officer is no longer employed by or acting in that capacity for Culpeper County Public Schools.





RATIFICATION AND RENEWAL

- 1) It is expressly understood that this Memorandum of Understanding (MOU) requires both parties to review the MOU within 60 days of any anticipated changes to relevant state or federal law. Additionally, either party may request a review of the MOU with 30 days written notice to the other party.
- 2) The parties agree that regardless of any other reviews referenced herein, this MOU will be reviewed

by the parties on a biennial basis from the date of implementation.

- 3) Either party may withdraw from this MOU after providing written notice to the other party, delivered no later than 30 days from the intended date of termination. The parties may waive this requirement but said waiver must be agreed to by both parties.

WHEREFORE in execution of the above described MOU, the Sheriff of Culpeper County and the Culpeper County School Division Superintendent have affixed their signatures.

			
Division Superintendent	Date	Sheriff	Date