

MEMORANDUM OF UNDERSTANDING

Between

The Charlottesville City School Board

And

The Charlottesville Police Department

School Law Enforcement Partnership

July 1, 2026 - June 30, 2028

PREAMBLE

The Partnership:

This MOU is entered into by and between the Charlottesville City School Board (CCS) and the Charlottesville Police Department (CPD):

1. Recognizing that collaboration is required between law enforcement and school administrators to ensure compliance with the Code of Virginia and provide other benefits for school safety and security;
2. Recognizing the Charlottesville Police Department staff as professional, sworn law enforcement partners can best provide services to CCS with dedicated and specially trained officers;
3. Whereas the Virginia Board of Education, under VA Ann. Code 22.1-280.2:3 requires school boards who employ School Resource Officers (SROs) to establish a memorandum of understanding (MOU) with a local law enforcement agency;
4. Whereas, CCS makes an enduring commitment to ensure that students and staff are respected for their diversity, dignity and self-worth, and this commitment is affirmed in the CCS Strategic Plan which identifies a culture of safety, wellness and belonging for all students, and support for staff as strategic imperatives;
5. Recognizing that CCS and CPD share a common goal to maintain specially trained youth focused professional law enforcement services for the benefit of the school community and for the benefit of Charlottesville City generally.

RESOLVE and affirm this MOU to benefit the safety and security of our students and staff.

Overview:

The Charlottesville City School Board, known hereafter as the Charlottesville City Schools (CCS) and Charlottesville Police Department (CPD) hereby enter into this Memorandum of Understanding (MOU) of School Law Enforcement Partnership (SLEP) to foster relations of mutual respect, collaboration, and understanding in order to maintain a positive and safe school community. The parties agree that most challenges posed by students' behavior are best supported through proactive classroom and in-school strategies that promote students' learning and growth. The parties recognize that students are in a critical stage of

development, building the maturity, experience, perspective, and judgment needed to make thoughtful decisions and avoid choices that could be detrimental to them and others. They are also navigating a range of influences, and benefit from supportive environments that help them build resilience, responsibility, and self-awareness

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 will receive appropriate redirection and support from in-school community resources prior to the consideration of suspension, expulsion, involvement of law enforcement, or referral to court. This document is in compliance with relevant Code of Virginia statutes and is based on best practices as established by the Virginia Department of Criminal Justice Services (DCJS) Virginia Center for School and Campus Safety's School-Law Enforcement Partnership (SLEP) Guide and Model MOU.

This MOU clarifies the following three items:

1. Departmental-level scope of responsibilities of CCS and CPD.
2. Roles and responsibilities of key stakeholders of the MOU program:
 - a. CCS:
 - i. CCS School Administrators
 - ii. Care & Safety Assistants/School Security Officers (CSA/SSO)
 - b. CPD:
 - i. CPD Official/School Resource Officer (SRO) Program Liaison
 - ii. CPD School Resource Officers and SRO Supervisor (SRO Unit)
 - iii. CPD Law Enforcement Officer (Non-SRO law enforcement such as off-duty officers who support athletic events)
3. Procedures to exchange information between CCS and CPD.

Either the Charlottesville City School Board or CPD may terminate or pause this agreement at any time to remove SROs if local conditions or actions beyond local control create circumstances that conflict with the goals of this MOU. This agreement may also be terminated or paused if CCS and CPD are not able to identify mutually approved candidates to serve as SROs. This MOU will be made publicly available on the CPD and CCS websites, as required by Virginia Ann. Code § 22.1-280.2:3. The CCS website will also provide Frequently Asked Questions (FAQ) information to support families and other stakeholders in understanding the program. The FAQ will also highlight updates made to the MOU.

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1. AUTHORITY

VA Ann. Code § 22.1-280.2:3. *School boards; local law enforcement agencies; memorandums of understanding. "The school board in each school division in which the local law enforcement agency employs school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such local law enforcement agency that sets forth the powers and duties of such school resource officers. The provisions of such memorandum of understanding shall be based on the model memorandum of understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A 12 of VA Ann. Code § 9.1-184, which may be modified by the parties in accordance with their particular needs.*

Each such school board and local law enforcement agency shall review and amend or affirm such memorandum at least once every two years or at any time upon the request of either party. Each school board shall ensure the current division memorandum of understanding is conspicuously published on the division website and provide notice and opportunity for public input during each memorandum of understanding review period."

2. PURPOSE

Charlottesville City Schools must be safe, caring, inclusive, and equitable places for students and staff. The environment must support teaching and learning through the continuous development and reinforcement of respect, responsibility and other positive behaviors. The purpose of this document is to establish the protocols and supporting procedures that will define the working relationship between the Charlottesville City Schools (CCS) and Charlottesville Police Department (CPD) to ensure that actions of all parties promote and reinforce this environment. The partnership is intended to facilitate effective, timely communication and coordination of efforts for both parties to establish a mutually beneficial framework that both schools and law enforcement can work within to achieve shared goals.

3. GOALS

The primary goals of the MOU are:

1. To ensure that school personnel and SROs have clearly defined roles in responding to student conduct. School administrators are responsible for addressing disciplinary violations as outlined in the Student Rights & Responsibilities.
2. To establish a framework for principled conversation and decision-making by school and police personnel regarding student conduct and students in need of services.
3. To foster a positive, safe, supportive and secure school climate by building relationships with Charlottesville City Schools students on and off campus.
4. To establish metrics that clearly measure the effectiveness of the partnership, including an SRO assessment form to be completed annually by CCS Principals.

To ensure understanding of the roles of the two parties, this MOU clarifies the respective responsibilities ensuring that CPD manages the operational employment of the officers, while CCS retains administrative control when they are operating in the performance of their duties as

SROs. Regardless of their role, as CPD employees SROs are subject to CPD policy and procedure at all times.

Building on our commitment to maintaining welcoming, safe, and secure school environments; the partnership will foster continued collaboration to further reduce and prevent crime, violence, victimization, and fear in and around schools

1. The CCS Student Rights and Responsibilities provides guidance to students, parents/guardians and caregivers; and provides administrators with guidance for managing behaviors, including interventions designed to assist administrators and minimize involvement of law enforcement in school discipline matters. Administrators use tiered strategies that help students build skills through Positive Behavioral Interventions and Supports (PBIS), and Social Emotional Learning (SEL). Respect for the rights of all individuals is fundamental. CCS and CPD will work together to uphold and promote both rights and responsibilities of all members of the community at all times.
2. The CCS Departments of Instruction and Student Services provide support to administrators through coaching and consultation to promote restorative practices where applicable and to implement and monitor equitable disciplinary practices. Students require different supports than adults, and any intervention with students should be developmentally appropriate.

To foster a positive and supportive school climate, the partnership will collaborate to increase law-related education, expand school safety and crime prevention efforts, reduce conflict, and support effective police interventions as a last resort for staff and student safety.

4. EVALUATION OF THE SCHOOL LAW ENFORCEMENT PARTNERSHIP (SLEP)

Ongoing evaluation of the SLEP is part of the continuous refinement of the CCS safety model overall, and performance of the law enforcement officers on assignment in CCS will be monitored. This continuous assessment process must include:

- Qualitative and quantitative measures
- Perspectives of various stakeholders from within CCS and CPD, and from families
- A focus on youth perceptions
- Measures of assessing collective impacts on school climate

Approaches to evaluation will be developed and refined to ensure they accurately and usefully represent stakeholders' views. The paragraphs that follow detail specific annual assessments and measurable objectives:

Climate Surveys

The Code of Virginia requires school divisions to complete an annual School Safety Survey in order to assess school safety conditions. As a means for collecting individual school safety audit information, the Virginia Center for School and Campus Safety (VCSCS) annually administers the Virginia School Safety Survey. This web-based survey provides all public schools (K-12)

with a standardized reporting format for conducting and submitting their audit information. This process includes a school climate survey that is administered per the DCJS schedule to assess middle and high school level students' views of school safety.

Measurable objective: School climate surveys will be compiled by the Safety & Security Coordinator and made available for stakeholder analysis to identify positive and/or negative trends.

Student Behavior and Administrative Response (SBAR) Reporting

Virginia law (Ann. Code §22.1-279.3:1) requires school divisions statewide to submit data annually to the Virginia Department of Education (VDOE) on events of student behavior and administrators' responses to the behavior. These events shall include those that occurred on school property, on a school bus, or at a school-sponsored activity. Unlike the Discipline, Crime and Violence data collection (DCV) that was retired after the 2020-2021 school year, SBAR captures all the behaviors of each student in each event. This reporting requirement corresponds with school board policy CLA "Reporting Acts of Violence and Substance Abuse." The reporting required by the Department of Education is the responsibility of the Principal or their designee. The report shall include whether CCS disciplinary action was taken against a student. Proper reporting will include whether action required a police enforcement action.

Measurable objective: How many incidents are reported each school year and how many resulted in law enforcement action? Analysis will differentiate between incidents of administrative discipline and law enforcement actions.

Law Enforcement Reporting and Data Collection

The CPD will provide data regarding youth involvement with law enforcement quarterly to the CCS Coordinator of Safety & Security, unless otherwise requested by CCS. Information sharing between CCS and CPD will be essential for providing the quantitative data required for overall program evaluation. In addition to CPD juvenile offender data, all occurrences in which an SRO makes "official contact" with a student(s) on school property must be logged by SROs and regularly reviewed by CCS Administrators as outlined in the Standard Operating Procedures (SOP) for the SRO program.

As defined above, for the purposes of this MOU, "official contact" is defined as:

- I. Questioning a student(s) for law enforcement purposes
- II. Detainment of a student(s), and
- III. Apprehension, citation, or arrest of a student(s)
- IV. Other contacts between SROs and students deemed necessary to support student safety & well-being as determined by the SRO, SRO Supervisor or CCS Administrator

This logging of official contact is in addition to the reporting required by School Board Policy or by statutory requirement (reference section 6. KEY STATUTORY RESPONSIBILITIES subsection a. Crime Reporting in this MOU). The CCS Law Enforcement Official Contact Report is a form available online to be completed by the SRO any time there is law enforcement official contact with a student(s) at a school. This may include assisting administrators as requested, investigations, referrals, arrests, and other actions. Entries in this form will generate a notification to CCS administration responsible for reviewing the entry for accuracy and

completeness, and adding any additional information needed from the student information system.

Measurable objective: Collection of comprehensive, accurate and complete data for CCS Safety & Security, Student Services and Strategic Initiatives Administrators' further review and comparisons to measurable discipline data.

Educational Activities with Students and Staff

Principals will permit SROs to provide safety educational activities at their assigned school with a goal of one activity per quarter. Educational activities may include classroom or student group/club/council briefings. Activity materials and topics must be relevant, age appropriate, and pre-approved by school administration.

School administrators may request law enforcement participation in briefings, seminars or training at any time regarding various school safety, educational or education law topics. CCS will support CPD sponsored community activities when requested as resources are available, and CCS and CPD will collaborate to develop and deliver joint training as needs are identified.

Measurable objective: All educational and training activities involving SROs will be reported on the quarterly performance reports.

Quarterly Performance Review Meetings & Reports.

CCS will meet with CPD in August, November, February, and May of each school year to review SRO performance and discuss reporting data. The quarterly performance review will include data such as daily SRO attendance, calls for assistance, incident reporting, educational activities with students, and all other activities in support of school safety and security. The CCS Coordinator of Safety and Security will gather feedback from the school principals where SROs are assigned and from the SROs in preparation for each quarterly meeting. SROs will work with the Coordinator of Safety of Security to ensure all relevant data is compiled in support of these meetings.

Measurable objective: Quarterly review with summary of findings provided in a report to the Superintendent.

Progress towards achieving or improving the objectives shall be jointly reviewed at least annually by the Superintendent and Chief of Police and/or their designees. Information from the quarterly reviews will be prepared in a semiannual report to be shared with the School Board and the public on CPD and CCS websites.

5. ROLES AND RESPONSIBILITIES OF THE PARTNER ORGANIZATIONS

a. School Division Responsibilities

CCS will designate a primary division-level point of contact to implement the partnership and to maintain ongoing communications with CPD officials. The Chief Operations Officer or designee will serve as this point of contact.

It is the responsibility of school administrators (Principal or designee) to facilitate effective communication between the SRO and students and school staff, and to support the goals of the partnership. All CCS staff requests for assistance from an SRO must go through school administration in alignment with the goal of minimizing student involvement with the juvenile and criminal justice systems, as well as Virginia statutes. School personnel must be well informed by school administration how requests for SRO assistance are to be directed and will be provided with guidance pertaining to the operational criteria for differentiating disciplinary misconduct from potential criminal offenses.

School Principals' Role in Discipline & Involvement of SROs

School administrators are responsible for the clear communication of the roles and responsibilities of SROs to school personnel, parents and students.

Each school with an assigned SRO will provide work area(s) for the SRO that allow access to technologies (computer systems), private interview of several persons, and locking storage space for securing physical evidence. Access to technology allows officers to access databases required for the performance of basic law enforcement duties. The private interview space also serves as the SROs private office space. SROs may use this space for securing evidence only when necessary and when initial investigations do not occur at a police station.

CCS will handle discipline within the school disciplinary process without involving SROs other than in exceptional circumstances outlined below. This corresponds with policy JFC "Student Conduct". CCS 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. CCS is responsible for communicating the goals and role of the SRO to all school administration, staff and students.

The following sequence is considered an ideal disciplinary process:

1. School administrators, student support teams, and staff engage the student
2. School administrators, student support teams, and staff resolve the event with the assistance of the appropriate Division Administration (Student Services, Family Engagement and/or Safety & Security)
3. Student responds positively to agreed intervention.

CCS will ensure that school administrators with an assigned SRO receive relevant training on the role and responsibilities of SROs. For the purpose of this MOU, a school administrator is a principal, assistant principal, or their designee. The training should be aligned with the MOU and DCJS curriculum in consultation with the CPD and will include behavioral interventions (ex: Restorative Practices).

CCS shall provide payment to compensate officers for working school-sponsored events/activities such as athletic competitions or school social events. The officers who are available and accept these extra off-duty assignments may or may not be CPD SROs.

CCS will continue to utilize a Positive Behavior Interventions and Supports (PBIS) system for all students and offer opportunities for restorative support where applicable. The aim of restorative practices is to develop community and to manage conflict and tensions by repairing harm and restoring relationships. If during the use of a restorative process, or discipline investigation, there is information shared that relates to a required reportable offense to the CPD, CCS administration or designee will notify the CPD/SRO immediately in compliance with mandated reporting procedures. Additional behavioral intervention strategies may be appropriate for some students, including those with Individual Education Plans (IEPs). CCS staff such as special education teachers and/or mental health professionals will provide guidance to SROs so that responses can align with IEPs and/or Behavioral Intervention Plans (BIPs).

b. Police Department Responsibilities

The CPD will deploy sworn officers to serve as school resource officers in the Charlottesville City Schools. Officers assuming this position continue to report to their supervisors at the CPD while serving under the daily direction of CCS administration. The CPD will ensure that officers are trained in accordance with Virginia law, and aware of relevant policies and directives.

The CPD will designate a liaison between CPD and CCS. The liaison will complete the Virginia DCJS SRO and School Administrator Basic School training course, and will work in partnership with CCS to address any operational or administrative issues and to ensure effectiveness of operational protocols. The liaison 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 liaison will establish and maintain effective working relationships with school personnel at the division and all school levels, provide relevant information on community safety issues, and seek opportunities to build positive relationships with parents and students through informal meet-and-greets and other means. The liaison will also ensure that SROs are meeting CPD requirements as noted within the MOU.

Candidate identification, selection, assignment, scheduling, training, supervision, and evaluation of school resource officers (SROs) will be the responsibility of CPD with the input of school personnel, and taking into account identified needs and conditions of schools. SROs shall remain at all times subject to the chain of command of the law enforcement agency. DCJS SRO certification training is required, and CCS requires that this training be completed by SROs before any work in a school is allowed. CCS shall provide input in SRO evaluations and training/development plans.

In developing and implementing law enforcement policies and procedures that will affect the school community, the CPD liaison and SROs will consult with CCS administration. Best practices and the needs of the school community at large will be incorporated into the decision making process. Final approval of CPD policies and procedures resides with the Chief of Police.

The CPD will ensure the SRO meets the training standards for SROs established by the Virginia Department of Criminal Justice Services (DCJS) pursuant to Virginia Code § 9.1-102(54) and §9.1-114.1.

The Code of Virginia § 9.1-102(54) establishes compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include:

- Relevant state and federal laws;
- school and personal liability issues;
- security awareness in the school environment;
- mediation and conflict resolution, including de-escalation techniques;
- disaster and emergency response;
- awareness of systemic and individual racism, cultural diversity, and implicit bias;
- working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and
- student behavioral dynamics, including current child and adolescent development and brain research.

In addition to ensuring the SRO receives the required DCJS training prior to any assignment in a school, CPD will support ongoing DCJS training and joint training with CCS staff. All training for SROs provided through DCJS and in conjunction with CCS should help SROs acquire knowledge and skills to support positive interactions with youth and be aligned with the MOU and DCJS curriculum. SROs will be certified in traffic control to assist with training crossing guards and other CCS staff as needed.

CPD will support safety inspections, audits and school crisis, emergency management and medical emergency response planning as required by the Code of Virginia § 22.1-279.8.

SROs are paid by CPD, and CPD will compensate SROs for certain school meetings and police investigations after-hours. Each year, CPD will determine the estimated cost for the SRO program and will submit the necessary budget request for City Council funding.

CCS will collaborate with CPD in evaluating grant opportunities in support of the SRO program.

CPD will provide a system for CCS to requisition off-duty officer support for school events. Off-duty officers providing security services for school events will take direction from CCS personnel for specific duty posts during the event. Charges for off-duty officer event support are billed separately to CCS.

c. School Resource Officer (SRO) Role

The SRO is a sworn Law Enforcement Officer who works in the school community in concert with school administration. Pursuant to Virginia law, the SRO is tasked with providing immediate

law enforcement assistance in the event of serious physical violence, or criminal activity which poses a risk to the safety of students, faculty, or visitors to City Schools.

As a sworn Law Enforcement Officer, the SRO is armed in accordance with Charlottesville Police Department Policy 1024.7.

As a law enforcement representative dedicated to serving the schools, the SRO is an active member of the school and division-level security team. As such, under the direction of CCS administration, SROs support compliance with all Code of Virginia, Virginia Department of Education (VDOE) and Department of Criminal Justice Services (DCJS) school safety requirements. This includes supporting threat assessments (VA Ann. Code § 22.1-79.4) and school crisis planning, safety audits and inspections (VA Ann. Code § 22.1-279.8).

As a law enforcement officer, SROs are mandated reporters for child abuse and/or neglect, just as educators are mandated reporters. In their role, the SRO is expected to build and maintain relationships within the school community. As such SROs may become aware of circumstances which require them to disclose information related to abuse, neglect or mental health as defined in Virginia Code §63.2-1509.

As a general practice, unless there is a clear and imminent threat to safety, the SRO should act only upon request of school administrators. Requests for SRO law enforcement assistance are to be channeled through a school administrator. Guiding principles for conduct representing a clear and imminent threat to safety include:

1. poses substantial harm to the physical well-being of another person
2. is willful and malicious and causes substantial harm to the property of the school
3. constitutes the permanent taking of property of substantial value.

To support this specialized unit and ensure its effective implementation and fidelity of operations under this MOU, an SRO Liaison and SRO Supervisor will be assigned by CPD. These positions will be filled by sworn law enforcement officers who hold the rank of Lieutenant and Sergeant respectively. Both the SRO Liaison and Supervisor are subject to the same training requirements as the SRO.

When practical, the SRO will defer to CCS disciplinary procedures in lieu of pursuing criminal charges against students. SROs will work collaboratively with CCS administration with the understanding that some student conduct may contain all the necessary elements of a criminal offense (e.g. assault) but are best handled through the school's disciplinary process. For instances where charges may be necessary, the SRO will consult with the SRO Supervisor and Liaison prior to obtaining them, and will work with the juvenile justice system to pursue diversion options when practical and appropriate.

In addition to law enforcement officer, other key roles of the SRO are:

- Law-related and safety educator - As resources permit, SROs should strive to assist with presentations to 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 and safety related education to students using lessons/curricula approved in advance by school administration.

- Role model / informal mentor - 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 role models and informal mentors both in our schools and in the broader Charlottesville community. SROs are expected to communicate clearly to students about acceptable and unacceptable behavior, set a positive example in handling stressful situations and resolving conflicts, show respect and consideration of others, and express high expectations for student behavior. Students who may need additional assistance shall be referred to a school-based resource.

Additional information regarding the SRO role is available on the CCS website to support families and other stakeholders in understanding the SRO program.

d. School Principal and Administrators Role

In collaboration with the CCS Coordinator of Safety and Security, the school principal exercises operational control over the SRO's work assignment location in or around the school building and grounds. This authority is consistent with the Virginia Administrative Code for Standards of Accreditation, 8VAC20-132-200, which states: "The school administrator is recognized as the instructional leader and manager of the school and is responsible for: Fostering the success of all students by developing, advocating, and sustaining an academically rigorous, positive, and safe school climate for all stakeholders..." (Section A.2). This code section also states, "As the instructional leader, the principal is responsible for ensuring that students are provided an opportunity to learn and shall: Involve students, staff, parents, and the community to create and sustain a positive, safe, and healthy learning environment that enforces state, division, and local rules, policies, and procedures and consistently models and collaboratively promotes high expectations, mutual respect, care, and concern for students, staff, parents, and the community..."(Section B.6).

This scope of authority is also consistent with Administrative Code 8VAC20-132-240 regarding School Facilities and Safety, which states the school administration ensures that the school has: "Written procedures to follow in emergencies such as fire, injury, illness, allergic reactions, and violent or threatening behavior." (Section D.1)

In collaboration with the CCS Coordinator of Safety and Security, the school principal and administrators will review the MOU with SROs and establish school-specific operational and communications procedures to support the appropriate use of law enforcement in the schools, only as needed. Such operational and communications procedures shall not supersede or substitute this MOU. School-specific operational and communication procedures must be formally written and approved by the CCS Chief Operations Officer, and will be available to the public upon request as allowed under the Freedom of Information Act (FOIA). Reports of

concerns or complaints about SRO actions shall be directed to school administrators and the CCS Chief Operations Officer, who shall work directly with the CPD liaison and CPD leadership to address any concerns.

e. Care & Safety Assistants (CSAs) Role

CSAs are unarmed DCJS certified School Security Officers (SSO) employed by CCS. They serve as an extension of their respective school administration with the purpose of maintaining order and assisting school administrators in promoting safety, security, and a positive school climate. CSAs support the welfare of all students, faculty, staff, and visitors to CCS schools and physically intervene in both physical and verbal altercations as needed to assist administration in restoring order and safety.

CSAs assist administrators with enforcement and reinforcement of Student Rights and Responsibilities, in addition to performing assigned security monitoring duties in assigned areas. Security duties may include screening of visitors, exterior and interior patrols and door checks, CCTV monitoring, activating emergency protocols, and other duties as assigned.

The CSA program is managed by the CCS Coordinator of Safety & Security and they report directly to their school's principal. CSAs are required to obtain state DCJS certification within 60 days of hire (or as soon as possible when a DCJS certification course is not reasonably available within 60 days, and DCJS is notified accordingly by the CCS Coordinator of Safety & Security). CSAs are not law enforcement personnel, as their responsibility and authority are in effect only while on duty at an assigned CCS property. CSAs have no authority off school property, unless they are assigned by CCS to an off-site function.

The SROs supplement and support the role and responsibilities of the CSAs, but their presence does not supplant or lessen the CSA duties and assignments. CSA requests for SRO assistance are to be directed through school administration, in alignment with this same expectation for all other school staff.

6. OPERATIONAL PROCEDURES

a. Differentiating Disciplinary Misconduct from Criminal Offenses

School administrators and teachers are responsible for school discipline. Although SROs are expected to be familiar with the CCS Student Rights & Responsibilities, 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.

As a general practice, unless there is a clear and imminent threat to safety, the SRO should act only upon request of school administrators. Requests for SRO law enforcement assistance are to be channeled through a school administrator. Guiding principles as to whether conduct rises to the level of a clear and imminent threat to safety include:

1. poses substantial harm to the physical well-being of another person

2. is willful and malicious and causes substantial harm to the property of the school
3. constitutes the permanent taking of property of substantial value.

SROs will work collaboratively with CCS administration with the understanding that some student conduct may contain all the necessary elements of a criminal offense (e.g. assault) but are best handled through the school's disciplinary process.

All parties to this MOU agree that 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.

In accordance with School Board Policy JJBB, JBA and JBB, any action taken in response to disciplinary misconduct and/or criminal offense will be administered fairly and without regard to race, national origin, disability, religion, gender identity, gender expression, sexual orientation or marital or parental status.

The MOU shall operate in a manner to ensure children with disabilities receive appropriate behavioral interventions and support.

b. Information Sharing

The release of student records is governed by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §12329 and Code of Virginia § 22.1-287. Limitations on access to records.

When appropriate, and to the extent the law allows, CCS 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. For purposes of access to student records, SROs may be considered "school officials with a legitimate educational interest" in reviewing information from student educational records covered by FERPA, and may be provided student information as needed to carry out their duties related to the school environment, provided such SROs perform a function or service for which the school would otherwise use employees (e.g., maintaining the physical safety and security of the school) and comply with the use and re-disclosure requirements set forth in 34 C.F.R. § 99.33. An SRO's investigation of potential criminal activity in the capacity of a law enforcement officer is not a service for which the school would otherwise use employees; therefore, SROs do not have unrestricted access to student records for criminal investigation purposes

Consent Access

A law enforcement officer or SRO acting in the capacity of a law enforcement officer, may have access to a student's education records only with written consent of the student's parent/guardian and in accordance with FERPA. Please see Section "c" for additional guidance (below).

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 CPD Information on CCS Students

In accordance with the law, SROs or other CPD 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. CPD may provide CCS with information gathered about students in the course of a police investigation. If a member of the SRO team is aware of an event that could compromise the safety and security of the CCS school community, they will ensure that school administration is notified.

c. Police Investigation and Questioning of Students

The investigation and questioning of students during school hours or at school events regarding criminal activity in the community should be limited to situations where the investigation is related to suspected criminal activity related to the operation of, or occurring at, the school, and should be avoided unless immediate action is required to prevent an act of violence.

As sworn law enforcement officers, SROs have authority to stop, question, interview, and take law enforcement action without prior authorization of the school administrator in exigent circumstances where immediate action by law enforcement is required to prevent an act of violence. For non-exigent circumstances, when it becomes necessary for the SRO or law enforcement officer to interview a student on school premises, the school principal or their designee shall be contacted immediately.

Custodial interrogation of a minor must be conducted in accordance with § 16.1-247.1 of the Code of Virginia.

Unless exigent circumstances exist (e.g. crime of active violence which threatens lives), the SRO shall take immediate steps to contact parent(s) or guardian(s) before any questioning of a student about possible involvement in criminal activity. The SRO shall fully inform both the student and legal guardian of the entitlement of *Miranda* warnings before any questioning takes place. SROs shall seek the consent authorization (approval or denial) of the legal guardian before conducting any interview of the student. The SRO shall make reasonable attempts to have the legal guardian present when fully informing them of their *Miranda* warnings. Additionally, the SRO shall, through conversation with the legal guardian, determine if the student has the cognitive ability to understand *Miranda* warnings and to knowingly, voluntarily, and intelligently submit to questioning. SROs shall document these steps in their police report.

If the parent or guardian cannot be present for the interview or allows it to proceed, then the SRO may proceed with the principal or principal's designee present throughout the interview,

per CCS 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 the school or not 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. No questioning of a student will take place without the presence of a school administrator(s).

SROs are responsible for leading 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.

d. Searches of Students by CCS Administrators & SROs

All searches shall be conducted in accordance with federal and state laws, and applicable CCS and CPD policies and guidelines including the principles embodied in this memorandum of understanding, as well as Virginia statutes and common law. The below sections correspond with school board policy JFG "Search and Seizure".

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 officers shall be based upon a higher threshold, **probable cause**. In all cases where initial consent was not obtained and probable cause exists that a crime has been committed, when required, a search warrant should be obtained by the SRO prior to conducting the search. All searches should be reasonable in scope. All searches should occur outside the presence of other 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. 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.

e. Arrests

Whenever practical, arrests of students or staff members, whether related to an in-school incident, or on an outstanding juvenile petition or arrest warrant, should be accomplished outside of school hours and off school property 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 or their designee to minimize potential disruption and uphold dignity of all involved as much as possible. In the event the SRO feels they must affect an arrest on school property during school hours they will carefully weigh the effect this action could have on the school community and the need to ensure its safety. 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. If questioning or investigatory interviews must occur, the SRO must refer to the "[Investigation and Questioning](#)" section of this document.

f. Physical Intervention by School Resource Officers

As sworn law enforcement officers, SROs may intervene to de-escalate situations. However, 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.

School staff will act to de-escalate situations that are, or have the potential to cause, disruptions to the school environment and are violations of the student rights & responsibilities.

If an SRO is involved in the use of restraint or physical intervention, the action and the rationale must be reported to the school administration and must be fully documented using the CCS Law Enforcement Occurrence Report online form. Additionally, school administration and the SRO will coordinate to ensure that reasonable effort is made to inform the parents on the day of the incident, and before the end of the school day.

Physical intervention by SROs is undertaken in accordance with policies and operational procedures of the local law enforcement agency. SROs should be aware of the Virginia Board of Education's policies and guidelines on seclusion and restraint and related local school board policies (e.g., policy JM "Restraint and Seclusion of Students"); however, SROs operate by their own department's policies and state law regarding when to resort to physical intervention and use of force.

g. Use of Shared Technology Resources

In an effort to continuously improve security posture at school facilities, the school division utilizes various notification platforms to send email and text alerts to families, school administration, staff, and first responders (to include CPD) when emergencies occur. The SRO Supervisor/Sergeant will be the direct point of contact to receive, respond, and deploy the appropriate police response to the threat level and/or anonymous report that poses a life/safety concern during and after school hours.

CPD and CCS will collaborate in evaluating any technology resources CPD may recommend implementing that could impact school operations in order to understand the technology, assist with process development from a school lens, and minimize any potential negative impacts to students and/or school operations.

7. KEY STATUTORY RESPONSIBILITIES

a. Crime Reporting

Pursuant to VA Ann. Code §22.1-279.3:1, law enforcement agencies are required to notify a division superintendent, a principal, or a designee when a student in their school commits certain offenses that would be a felony if committed by an adult and the release status of the student. School superintendents who receive such reports are required to report the information to the principal of the school in which the student is enrolled. As a general practice and in compliance with the law, 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 VA Ann. Code §22.1-279.3:1, certain types of criminal activity that come to the attention of the principal or school staff shall be reported immediately to CPD/SRO as specified in CCS policy. Enumerated acts that may constitute a misdemeanor are no longer required to be reported. No SRO or school administrator shall be required to file delinquency charges. 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. The Principal or their designee is required to notify the parent, guardian, or legal custodian of an incident that was reported to law enforcement. This section corresponds to school board policy CLA "Reporting Acts of Violence and Substance Abuse".

b. Threat Assessments

Threat assessments shall be conducted in accordance with local school board policies (e.g., CCS Policy EBB "Threat Assessment Teams"), adopted as required by VA Ann. Code §22.1-79.4 and consistent with model procedures and guidelines published by the Virginia Department Of Criminal Justice Services. CPD will develop policy and procedures to streamline the sharing of students' history when needed by CCS in completing a threat assessment.

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

c. School Safety Audits

School safety audits will be conducted annually as required by law to assess school safety conditions in schools. The Virginia School Safety Audit Program is managed by the Department of Criminal Justice Services (DCJS) and is a written assessment of the safety conditions in each public school. The audits are designed to identify physical security concerns, and identify and evaluate any patterns of student safety conduct that raises concerns.

SROs, in collaboration with school administrators, may conduct school inspection walkthroughs and shall participate in other school safety audit mandates, including school crisis and emergency management and response planning and preparation.

8. APPROVAL AND REVIEW

In accordance with Code of Virginia § 22.1-280.2:3, this MOU will be reviewed annually, or at any time upon the request of either party. This MOU remains in force until such time as either party withdraws from the agreement by delivering a written notification of such withdrawal to the other party at least 45 days prior to the date of withdrawal.

< INSERT SIGNATURE BLOCKS >

GLOSSARY OF TERMS & ABBREVIATIONS

CCS - Charlottesville City Schools

CPD - Charlottesville Police Department

CSA - Care & Safety Assistant. This is the term CCS adopted for the DCJS certified School Security Officers (SSOs) serving CCS middle and high school level campuses.

DCJS - Department of Criminal Justice Services. Public Safety Training and the Virginia Center for School and Campus Safety under DCJS provide the State mandated certification program for SROs, as well as numerous other training and resources to support school safety.

MOU - Memorandum of Understanding. An agreement that outlines the intentions, roles, and objectives of two or more parties working together.

SOP - Standard Operating Procedures. A document that provides more detailed guidance for specific tasks or processes to support efficiency, consistency, quality and compliance.

SRO - School Resource Officer. A specially trained sworn law enforcement officer employed by local law enforcement who is assigned to work with schools in support of student safety.