

MEMORANDUM OF UNDERSTANDING
School Resource Officer Program
Winchester Police Department - Winchester City Public Schools

PURPOSE

The purpose of this memorandum of understanding is to formalize a mutually beneficial understanding between the Winchester Police Department (“Police Department”) and Winchester City Public Schools (the “School Division”) as a collaboration to help advance and maintain a safe environment for students and school staff; promote a positive relationship among the Police Department, the School Division, students, and community; and establish the protocol for investigations by the Police Department that may involve students and others during school hours.

The success of the School Resource Officer (“SRO”) Program will rely on effective communication among the Police Department, the School Division, and the school principals. A representative from the Police Department and the School Division will review this memorandum regularly and communications will be ongoing.

SUPERVISION

The SRO will be under the immediate supervision of the Chief of the Winchester Police Department (“Chief of Police”) or designee. When necessary, the Chief of Police or designee may direct the SRO to perform other necessary tasks as needed away from the school. SRO personnel assignments will be made at the sole discretion of the Chief of Police.

The Police Department will work in unison with the principals of the School Division to achieve the SRO Program goals. The SRO will consult directly with the school principal (the “Principal”) to coordinate daily activities in support of the SRO program goals. While working closely together, the SRO and the Principal are independent of one another and will not undertake any act on behalf of each other as an agent for one another. This relationship is collaborative and cooperative.

An SRO-related work schedule will be established annually, in accordance with the school calendar, between the Chief of Police or designee and the Division Superintendent or designee. The School Division liaison will be the Student Conduct Coordinator.

SCHOOL RESOURCE OFFICER’S ROLE

The SRO will be an employee and sworn officer of the Police Department. The SRO will serve as an added visible deterrent to crime and project a positive image and influence to students and staff. The following represents general expectations of SROs, although this list may not be all-inclusive of duties that may be required:

1. Serve as a law enforcement representative on various committees involving students and community;
2. Establish an even stronger rapport with students and school staff to allow for ongoing open and effective lines of communications;

3. Ensure ongoing communication with the Principal to exchange information and discuss areas of concern for the schools;
4. Work with student clubs and organizations to further effective communication and a better understanding and respect of law enforcement functions;
5. Participate in classroom activities as requested by teachers, with prior approval by the Principal;
6. Attend and participate in after-school activities, including staff meetings, etc. as the SRO's schedule permits;
7. Provide information of any crime or leads that come to the SRO's attention to the appropriate investigative section of the Police Department;
8. Handle all calls for service from the high school, middle school, and intermediate school as primary officer, when possible, and assist as requested by any of the elementary school principals during normal work hours on an as-needed basis;
9. Maintain a presence and provide coverage during the school day, including bus arrival and departure times when possible;
10. Provide classroom instruction on crime prevention, crisis intervention and response, safety, good citizenship, and the understanding of the law enforcement mission, with prior approval by the Principal;
11. Monitor and report to the Chief of Police or designee about cultural and social influences, activities, and trends to ensure prevention, or at least early intervention, with developing community issues or conditions that relate to criminal law enforcement, the community well-being or the health, morality, and safety of the students;
12. Attend and provide testimony for school student disciplinary hearings upon request of the Principal or Division Superintendent or designee;
13. Be a participant in the school's threat assessment team as provided in §22.1-79.4 of the Code of Virginia;
14. In accordance with §22.1-279.3:1(B) of the Code of Virginia, the SRO shall report to the respective School Principal any of the following involving students enrolled at the school:
 - A. Any offense, wherever committed, which would be a felony if committed by an adult;
 - B. Any offense which would be a violation of the Drug Control Act which occurred on a school bus, on school property, or at a school-sponsored activity;
 - C. Any offense listed under §22.1-279.3:1(A) of the Code of Virginia (also listed in #4(A-F) of the "Principal's Role" section of this Memorandum of Understanding) which would be a misdemeanor if committed by an adult; and,
 - D. Whether the student involved in an offense listed above is released to the custody of his/her parent or, if 18 years of age or more, is released on bond.
15. The SRO will not provide any official police document or juvenile record to the Principal. School officials may request police reports and information through the Police Department records division;
16. Make available any school-related evidence for student disciplinary hearings and other relevant school needs;
17. Be familiar with the School Division's code of conduct and its policies, rules, and regulations;
18. Conduct traffic control as needed;
19. Upon request, assist school officials with the investigation of periodic truant offenses; however, the parties understand that truancy is not a responsibility of the SRO; and
20. Wear a Winchester Police Department-issued uniform during the assignment. (This expectation may be waived by the Chief of Police or designee upon request of the Principal for special events.)

The SRO will be familiar with school rules and regulations; in general, however, rule infractions will not be handled as violations of law but referred to the Principal for appropriate school administrative action.

PRINCIPAL'S ROLE

1. The Principal or designee will help ensure ongoing communication with the SRO to exchange information and discuss areas of concern.
2. Provide access to a work area that has a computer, telephone, and printer. The SRO will not have access to student information, except as set forth in this memorandum of understanding.
3. The Principal or designee will conduct all school-related investigations until such time that the evidence necessitates consideration or requires action by the SRO in accordance with the law to investigate potential criminal offenses. If there is evidence to merit pursuit of a criminal investigation, the SRO will assume responsibility for the criminal investigation. The Principal will attempt to contact the parent unless exigent circumstances make contact at that time with the parent impractical, as determined by the Principal. The Principal or designee may observe the criminal investigation in order to help protect the school environment and the relationship with the student(s) and parent(s) and to inform the Division Superintendent.
4. In accordance with §22.1-279.3:1(D) of the Code of Virginia, the Principal shall immediately report to the SRO, or another law enforcement officer if the SRO is unavailable, any of the following acts that may constitute a criminal offense having occurred on a school bus, a school bus stop, school property, or at a school-sponsored activity:
 - A. Assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, wounding, abduction, or stalking of any person;
 - B. Any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or anabolic steroid;
 - C. Any threats against school personnel or students;
 - D. The carrying of a firearm or other weapon;
 - E. Any conduct involving firebombs, explosive materials or devices, hoax explosive devices, incendiary devices, or chemical bombs;
 - F. Any threats or false threats to bomb made against school personnel or involving school property or school buses.
4. The SRO will be included in in-service programs when appropriate in order to increase the effectiveness of the SRO's ability to accomplish assigned duties.
5. The Principal or designee will provide feedback on the overall performance of the SRO annually and share an assessment with the Chief of Police or designee at the end of each school year.
6. The School Division shall provide exterior key fobs and interior door keys to the SRO for the purpose of routine duties and emergency response.

CRIMINAL INVESTIGATIONS/QUESTIONING

1. The Police Department's criminal investigation and questioning of students during school hours or school events should be limited to situations when the criminal investigation is directly related to the school or, if unrelated, when delays might result in a personal danger to any person (or property), flight from the jurisdiction, destruction of evidence, or other compelling circumstances. Disruption to the educational program and operations should be avoided whenever practical.
2. When a criminal law investigation necessitates the interviewing of students during school hours, the investigating officer will notify the Principal or designee and explain the situation in advance. The Principal or designee will make an effort to notify the parent(s) of the child and inform them of the need for the officer to interview the child for the criminal investigation, so that the parent(s) may be present. If the exigency of the matter or if other circumstances do not allow time for the parent(s) to arrive timely, the SRO will conduct the interview with the student in accordance with legal guidelines; and the Principal, in the exercise of administrative discretion, may be present

unless the Principal's presence is otherwise prohibited by extant law. If the SRO identifies a parent or guardian as the subject of the criminal investigation, especially if the investigation is regarding a child protection services complaint, then an effort to inform the parent(s) will not be made as described above.

3. As allowed by law, the SRO will exchange information with the Principal regarding school staff or students' involvement in potential criminal activity in and around school. The information shared shall be limited to that which is directly related to, or contributes to the safety or potential disruption of the school environment.
4. The SRO will coordinate, when practical, any criminal law enforcement activities with the Principal or designee so that the action between the agencies is cooperative and in the best interest of the school and public safety.
5. Reasonable suspicion stops will remain an option to the SRO and must be conducted by the SRO in compliance with applicable law.
6. Directory information, defined as student names, participation in officially recognized activities and sports, heights and weights of members of athletic teams, dates of attendance, awards and honors received, and student pictures, may be released to the SRO without parent consent. In addition, student addresses and telephone numbers may be released with the permission of the Division Superintendent or designee, and further information may be released consistent with applicable law.
7. In coordination with school administration, the SRO may have access to view video footage for the purposes of criminal investigations and routine monitoring for school safety purposes, provided that the video is not a student record as defined by the Family Educational Rights and Privacy Act. If the circumstances permit the police department to take custody of video evidence, the school division shall be entitled to make a copy of said video footage unless prohibited by law.

ARREST PROCEDURES

1. When making an arrest, the SRO will follow standard criminal law enforcement practices used by the Police Department and authorized by applicable law.
2. The execution of an arrest warrant on a student or a school employee during school hours should be coordinated through the Principal or designee whenever practical. If not, the Principal will be notified by the SRO as soon as practical.
3. Should there be a need to serve a student or school employee with a legal process such as an arrest warrant, the Principal will encourage the process server to make all reasonable attempts to serve such documents off school premises as determined by the Principal; however, if the documents must be served on school premises, when possible, the documents should be served in the Principal's office of the school at which the student attends or the main office of the facility at which the employee is assigned with the goal of reducing disruption to the school day.

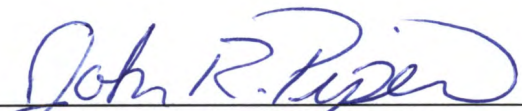
SEARCH/SEIZURE PROCEDURES

1. The Principal or designee may conduct searches of students' property and person under their jurisdiction when individualized 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 on the search by the Principal or designee is individualized reasonable suspicion, not probable cause.

2. The SRO may observe school-related searches as may be requested by the Principal or designee. These searches must be at the direction and control of the Principal or designee. If the Principal or designee has or obtains evidence related to alleged student or employee criminal misconduct, the evidence shall be entrusted to the possession of the SRO, who will promptly safeguard it for future reference or use. A copy or image of the evidence may be retained by the Principal or designee, and the SRO will cooperate with the process for making a copy or image. Such evidence (e.g. electronic files) entrusted to the SRO will be made promptly available to the Principal or Division Superintendent or designee(s) upon request of the Principal or Division Superintendent or designee(s) for school-related or school division-related purposes, with the SRO or other law enforcement custodian also being available as may be necessary or useful to authenticate the evidence and any chain of custody.
 3. The SRO will not request an administrative search for criminal investigation purposes or have the Principal or designee act as an agent in any circumstances.
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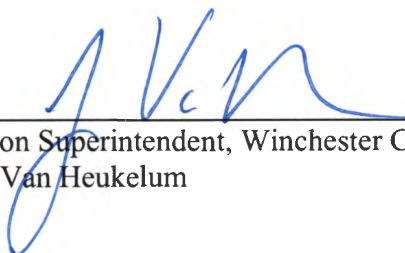
These understandings supersede any prior agreement or memorandum of understanding made between the Winchester Police Department and Winchester City Public Schools and are ongoing unless modified by agreement of both parties.

By and between the Chief of the Winchester Police Department and the Division Superintendent of Winchester City Public Schools:



Chief of Police, Winchester Police Department
John R. Piper

12-5-2019
Date



Division Superintendent, Winchester City Public Schools
Jason Van Heukelum

12-9-19
Date