

**MEMORANDUM OF UNDERSTANDING
BETWEEN HANOVER COUNTY PUBLIC SCHOOLS
AND THE HANOVER COUNTY SHERIFF'S OFFICE**

GENERAL PROCEDURES

This Memorandum of Understanding (MOU) is between Hanover County Public Schools (Schools) and the Hanover County Sheriff's Office (Sheriff's Office) to continue a partnership of mutual respect and understanding and to maintain a positive and safe school environment. The primary goals of this MOU are 1) to promote positive and supportive school climates, 2) to create and maintain safe and secure school environments, and 3) facilitate timely communication and coordination of efforts for both the Schools and the Sheriff's Office.

This MOU also addresses the respective roles and responsibilities of both parties regarding the use of sworn deputies of the Sheriff's Office who have been assigned to provide law enforcement and security services to individual school buildings operated by the Schools.

This MOU is intended only to outline expectations between the Schools and the Sheriff's Office. It is not intended to create contractual or equitable obligations on the part of the Schools or the Sheriff's Office toward particular students, parents, Schools or Sheriff's Office employees, or any other third parties.

I. Communication

A critical element of this partnership is an open relationship and strong communication between the school principal and his or her staff and the assigned deputy and his or her Sheriff's Office supervisor. This partnership will allow for effective, timely communication and coordination efforts for both the Sheriff's Office and the Schools.

The assigned deputy and the school principal and/or the assistant principal will meet once a week, preferably at a designated time, for the purpose of exchanging information about current crime trends, problem areas, cultural conflicts, or any other areas of concern that may cause disruption at the school and/or within the community. Data such as the Student Behavior Administrative Response (SBAR) Report, and School Climate Survey (generated by the Schools), as well as the Safety Inspection Checklist (conducted annually by the Sheriff's Office) should be reviewed. Information shall be shared with the Sheriff's Office in accordance with *Virginia Code § 22.1-279.3:1*.

The assigned deputy will meet, at a minimum, weekly with his or her immediate Sheriff's Office supervisor to ensure the open lines of communication are in place

between the Sheriff's Office and the Schools and to keep abreast of ongoing activities and programs.

The Lieutenant of Youth Services will meet at least once each semester with the Superintendent of Schools (or the primary division-level point of contact) and school principals. The purpose of this meeting will be to evaluate this partnership and the assigned officers, to remain aware of current trends and strategies, and to address any issues of concern.

II. Sheriff's Office Responsibilities

The Sheriff's Office will designate a primary law enforcement point of contact to maintain ongoing communications with the Schools. The law enforcement point of contact will address any operational and administrative issues and will serve as a resource for school safety and security issues including assessments and critical incident response planning.

The designee will maintain general 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 assigned deputies will be the responsibility of the Sheriff's Office. Although the Sheriff's Office welcomes the input of the Schools, assigned deputies shall remain at all times under the control, through the chain of command, of the Sheriff's Office. The Sheriff's Office will ensure all assigned deputies meet the training standards established by the Virginia Department of Criminal Justice Services (DCJS) pursuant to *Virginia Code* § 9.1-101 and § 9.1-114.1.

III. School Division Responsibilities

The Schools will designate a primary division-level point of contact to maintain ongoing communications with the Sheriff's Office.

The Schools will handle discipline within the school disciplinary process without involving assigned deputies. School policies, administrative guidance, training, and ongoing oversight will clearly communicate that school personnel are responsible for school discipline and that the Sheriff's Office is not to be involved with disciplinary action, except as may be requested by the Schools (e.g. if factual information gathered or observations by the assigned deputy are relevant to a disciplinary matter). Assigned deputies may assist school administrators in addressing pressing administrative violations involving the safety of students. Assigned deputies will not be assigned administrative functions as they pertain to school rules and regulations, unless a probability of violence exists. The Schools

are responsible for communicating the goals and role of the assigned deputy to all school administration, personnel, and students.

Each school with an assigned deputy shall provide a work area for the deputy equipped with a telephone, internet service, and printing abilities. The work area should, if at all possible, allow for private and confidential meetings between the assigned deputy and faculty, parents, staff, students, etc.

The Schools shall ensure that school administrators meet the training requirements set forth in *Virginia Code* § 22.1-279.8(E).

IV. School Principal Responsibilities

The principal 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. The principal also ensures that the school division's student code of conduct is enforced and seeks to maintain a safe and secure school environment. School administration ensures there is 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 this MOU annually with assigned deputies and establish school-specific operational and communications procedures. School administrators will be responsible for facilitating effective communication between the assigned deputy and school personnel, and for supporting the goals of this MOU.

Unless there is a clear and imminent threat to safety, requests from school staff for an assigned deputy or other law enforcement assistance shall be channeled through a school administrator. All criminal activity that comes to the attention of the principal or school staff shall be reported immediately to the assigned deputy, pursuant to *Virginia Code* § 22.1-279.3:1. If an immediate law enforcement response is necessary (i.e., crime in progress, recovered drugs, weapons or other evidence of law enforcement assistance is needed) and the assigned deputy is not present or available, a school representative shall notify the neighboring school's assigned deputy, the assigned deputy's immediate supervisor, the Sheriff's Office at 365-6140, or contact 911 if an emergency exists. If an immediate law enforcement response is not necessary, the principal may provide the information to the assigned deputy when he or she is available. Delayed notification should be used only with respect to matters where criminal activity is not presently occurring.

V. Assigned Deputy's Responsibilities

Assigned deputies are considered valued members of their assigned schools. The assigned deputy facilitates the effective delivery of law enforcement services and assists with matters related to safety, security, and the exchange of information between the Schools and the Sheriff's Office.

The assigned deputy's primary responsibility is to handle all calls for law enforcement support from his or her assigned school. The need for additional resources from the Sheriff's Office will be coordinated by the assigned deputy with the school principal. The assigned deputy is responsible for coordinating the activities leading to the prosecution of any criminal offenses that occur on school property.

When feasible, Sheriff's Office personnel will advise the assigned deputy of investigations that involve students from his or her assigned school. Because of the assigned deputy's physical presence in the school environment and the relationships he or she establishes with students and school staff, the assigned deputy has the ability to receive a great amount of intelligence. It is the assigned deputy's responsibility to forward to the appropriate divisions within the Sheriff's Office any information the assigned deputy receives that is criminal in nature.

Sheriff's Office personnel are expected to advise the assigned deputy of all situations where other Sheriff's Office personnel are providing services to the assigned deputy's assigned school. Notification is expected to be given in advance to the assigned deputy to prevent duplication and to ensure proper coordination of those services.

When absent from the school campus, the assigned deputy will notify the principal or the assistant principals of the assigned school. In addition, the assigned deputy will notify his or her supervisor and the neighboring school's assigned deputy.

The assigned deputy provides a visible deterrent to crime and should be visible in and around the school, particularly during the beginning and end of the day, and during lunch periods, wearing the regulation uniform and operating a marked patrol vehicle while on duty unless otherwise authorized by the Sheriff's Office or the assigned deputy's supervisor for a specific purpose. The assigned deputy will patrol school buildings, parking lots and areas in close proximity to the school, which could be frequented by truant students or unauthorized visitors.

Additionally, assigned deputies may assist school administrators in developing school crisis, emergency management, and response plans. Assigned deputies should work with administrators in problem-solving to prevent crime and promote safety in the school environment.

Assigned deputies serve multiple roles within the 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. These roles include:

- Provide a safe and secure environment for each school facility.
- Provide a positive role model for the students.
- Provide strict enforcement by investigating violations of the law that occur on school property.
- Provide education to students regarding the law through various academic programs. During such periods of instruction, the teacher will remain in the classroom. The assigned deputy will keep his or her supervisor apprised of the status of these classes or programs.
- Provide the Sheriff's Office with the resource of intelligence regarding law violations that may be occurring in the community.
- Upon request, make formal presentations to, or participate in, school-based community organization meetings, as approved in advance by the deputy's supervisor. The assigned deputy will keep his or her supervisor apprised of the status of these classes or programs.
- Provide testimony for school disciplinary and expulsion hearings when school administrators request the assigned deputy to do so.
- Assist in completing the School Safety Audit.

VI. Law Enforcement Investigation and Questioning

As sworn law enforcement officers, the assigned deputy has the authority to stop, question, interview, and take appropriate law enforcement action within the school, on school grounds, or with students, school staff, or other persons present in the school without the prior authorization of the principal or contacting parents or legal guardians. Assigned deputies have the authority to question students who may have information about criminal activity.

When appropriate, the assigned deputy shall notify the principal or his or her designee prior to questioning a student. It is the principal or the designee's responsibility to notify parents when necessary. Notification to parents or guardians may not be possible if the notification could compromise an investigation. All parental notifications should be coordinated with the investigating officer.

Investigations and questioning of students or faculty/staff during school hours or at school-sponsored activities should ordinarily be limited to situations where the investigation of the suspected criminal activity is related to the operation of or occurring at the school. 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, flight from the jurisdiction by the suspect or destruction of evidence.

The interviewing of students – whether suspects, victims, or witnesses – should be conducted privately. Assigned deputies shall take steps to ensure minimal intrusion into the educational experience of students being questioned in the school setting.

Sheriff's Office personnel are responsible for leading the investigation and questioning of students related to suspected violations of criminal law. Assigned deputies 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.

VII. Arrest

The assigned deputy is expected to be familiar with the School Board policies relating to personnel and students and student policy handbooks. The assigned deputy will not address violations of school policy not otherwise defined as crimes. The following procedures will be adhered to when criminal enforcement action in the school becomes necessary.

Whenever practical, arrests of a student or staff member should be accomplished outside of school hours in order to prevent a disruption to the educational process or school setting. Arrests that must occur during school hours or on school grounds should be coordinated through the principal to minimize potential disruption.

When circumstances do not allow for prior coordination through the principal, arrests, or any significant criminal enforcement action, will be reported to the principal as soon as practical.

In addition to any required notification of parents and legal guardians by the assigned deputy taking a student into custody (Virginia Code § 16.1-247), school principals, or their designees are responsible for an additional notification to parents and legal guardians upon a school-based arrest of a child.

Any criminal investigation or arrest that occurs in the school will take precedence over the accompanying school policy violation and the investigation or action to be taken by school officials.

VIII. Searches

All searches shall be conducted in accordance with federal and state laws, and applicable Sheriff's Office and School policy and guidelines.

School administrator searches. School administrators may conduct searches of students' persons and their property under their jurisdiction in accordance with guidelines developed as contemplated by *Virginia Code § 22.1-279.7*, and the

advice of the Schools' legal counsel. The standard for search by a school administrator is reasonable suspicion.

Searches by assigned deputy. The assigned deputy is not a school official for the purposes of conducting searches. Any search initiated by an assigned deputy should be conducted in accordance with constitutional search and seizure requirements. 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 public safety.

The assigned deputy shall not become involved in administrative searches conducted by school officials unless specifically requested by the school official to provide security or protection or for the handling of contraband when recovered. If the assigned deputy becomes involved in this type of search, it will be done at the direction and control of the school official.

At no time shall the assigned deputy request that a school search be conducted for criminal investigation purposes or allow the school official act as the assigned deputy's agent. This does not preclude the assigned deputy from providing school officials with information he or she has received regarding students or staff of the school.

IX. Information Sharing

In accordance with the Family Educational Rights and Privacy Act (FERPA), the written consent of a minor student's parents or guardians (or written consent of the student, if the student is over the age of 18) is generally required for the release of the student's education record. However, the School Board has designated the following types of student information as "Directory Information," which may be made available without written consent, if the parents or guardians have not opted out of the disclosure of Directory Information:

- Student's name, gender, date and place of birth, and dates of attendance
- Student's participation in officially recognized activities and sports
- Student's height and weight if he or she is a member of an athletic team
- Awards and honors or degrees received by a student
- Yearbook photographs of the student
- Student's name and honors received to members of the Virginia General Assembly (for the purposes of congratulatory communication only)

Sheriff's Office personnel may have access to a student's education records with written consent of the student's parent or guardian or of the student if the student is age 18 or older.

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

Sheriff's Office personnel, whose knowledge of the information is needed to protect the health and safety of a student or other individuals. The Schools will only disclose information under the exception while there is an actual, impending or imminent threat to someone. If this exception is used, the Schools will document it in the student's record.

The Schools may disclose student records without consent to Sheriff's Office personnel when the Schools receive a judicial order or lawfully issued subpoena directing disclosure of the record. Unless the court order specifically directs otherwise, the Schools will make a reasonable effort to notify the parents (or adult student) that the record has been subpoenaed or that a court order has directed the release.

The availability of this type of information for official law enforcement use in criminal cases eliminates a potential barrier to the investigative capacities of the Sheriff's Office and also safeguards the privacy of students.

X. Physical Restraint by School Personnel

Physical restraint refers to restricting a student's ability to freely move his or her torso, arms, legs, or head. The term physical restraint does not include physical escort, such as temporary touching of the arm, or other body part for the purpose of inducing a student who is acting out to walk to a safe location.

Physical restraint by school personnel is used in accordance with Virginia Board of Education policies and guidelines on seclusion and restraint and related local school board policies. Every effort should be made by school personnel to prevent the need for the use of restraint. Physical restraint should not be used except by school personnel trained in the use of physical restraint required by the school division.

School personnel should act to deescalate situations that are, or have the potential to cause, disruptions to the school environment and/or are violations of the student code of conduct. If physical intervention is necessary, the action should be reported promptly to the school principal and the rationale for the action must be fully documented.

XI. Physical Intervention by Assigned Deputies

Sheriff's Office personnel should not be involved in the physical restraint of a student unless they are affecting a custodial arrest, during the course of a lawful detention, or there is a clear and imminent threat to safety. As sworn law enforcement officers, Sheriff's Office personnel may intervene to deescalate situations.

Physical intervention by Sheriff's Office personnel shall be in accordance with policies and operational procedures of the Sheriff's Office and state law regarding physical intervention and use of force by a law enforcement officer. If an assigned deputy is involved in the use of restraint or physical intervention, the action must be reported to the school administration and the deputy's supervisor and the circumstances of the action must be fully documented by the Schools or the Sheriff's Office.

Assigned deputies should be aware of the Virginia Board of Education's policies and guidelines on seclusion and restraint and related local school board policies. Additionally, if Sheriff's Office personnel physically intervene with a student while on school property or during a school sponsored event, the Sheriff's Office and the Schools will coordinate to ensure that reasonable effort is made to inform the parents or legal guardians of such student on the same day as the occurrence of the physical intervention.

XII. Crime Reporting

Pursuant to *Virginia Code* § 22.1-279.3:1(C), law enforcement agencies are required to notify the division superintendent and the principal or the principal's designee when a student in their school commits (i) any offense, wherever committed, that would be a felony if committed by an adult, (ii) an offense that would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or (iii) any offense listed in § 22.1-279.3:1(A) that would be a misdemeanor if committed by an adult if such offense was committed on a school bus, on school property, or at a school-sponsored activity and whether the student is released to the custody of his or her parents or legal guardian or released on bond.

Pursuant to *Virginia Code* § 16.1-301(B), law enforcement agencies shall disclose, for the protection of the juvenile, his fellow students and school personnel, to the school principal that a juvenile has been charged with (i) a violent juvenile felony, as specified in subsections B and C of § 16.1-269.1; (ii) a violation of any of the provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; (iii) a violation of law involving any weapon as described in subsection A of § 18.2-308; or (iv) a violation of law as described in subsection G of § 16.1-260.

Pursuant to *Virginia Code* § 19.2-83.1(B), law enforcement agencies are required to notify the division superintendent if a student aged 18 years or older is arrested for certain offenses.

As a general practice, the Sheriff's Office should notify the appropriate principal as soon as practical of any significant law enforcement events occurring at or in association with their respective school (i.e., school bus stop, off-campus activity, during outside school hours).

Pursuant to *Virginia Code* § 22.1-279.3:1(B), certain types of criminal activity committed on a school bus, on school property, or at a school-sponsored activity that come to the attention of the principal or school staff shall be reported immediately to the Sheriff's Office as specified in Schools policy.

Pursuant to *Virginia Code* § 18.2-415(D), the Schools will address disorderly conduct by a student as a school violation. Sheriff's Office personnel will respond if requested by School personnel but will not take action unless a criminal offense is observed.

Nothing in this section shall require delinquency charges to be filed by Sheriff's Office personnel or an administrator or prevent the Schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

XIII. Threat Assessment

Threat assessments shall be conducted in accordance with local school board policies adopted as required by *Virginia Code* § 22.1-79.4 and consistent with model procedures and guidelines published by the DCJS Virginia Center for School and Campus Safety and other appropriate practices.

Assigned deputies shall serve as members of their assigned school's threat assessment team and assist in determining the need, if any, for law enforcement action.

The Lieutenant of Youth Services shall serve as a member of the Division Threat Assessment Team.

XIV. School Safety Audits

School safety audits will be conducted annually as required by *Virginia Code* § 22.1-279.8 to assess school safety conditions in schools. While the Crime Prevention Unit of the Sheriff's Office conducts the School Inspection Checklist, each school's assigned deputy will assist. Assigned deputies should collaborate in other school safety audit mandates set forth in *Virginia Code* § 22.1-279.8, including school crisis and emergency management and response planning and preparation, and as part of each audit, the school board shall create a detailed and accurate floor plan for each public school building in the local school division or shall certify that the existing floor plan for each such school is sufficiently detailed and accurate.

XV. Conclusion


It is expressly understood and agreed that enforcement of the terms and conditions of this MOU and all rights of action relating to such enforcement shall be strictly

reserved to the Parties hereto. Nothing contained in this MOU shall give or allow any such claim or right of action by any third person or entity. Any third party receiving services or benefit under this MOU shall be deemed to be incidental beneficiaries only.

Pursuant to *Virginia Code* § 22.1-280.2:3, this MOU shall be reviewed by the Schools and the Sheriff's Office every two years.

This endeavor is a partnership between the Hanover County Public Schools and the Hanover County Sheriff's Office, which supports a collaborative, proactive approach to providing a safe school environment.

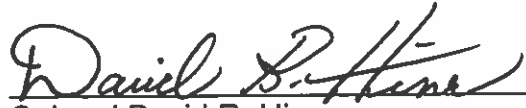
This MOU will remain in effect until such time as either party withdraws from the Agreement.



Michael B. Gill, Ed.D.
Superintendent of Schools
Hanover County Public Schools

04/14/2023

Date



Colonel David R. Hines
Sheriff
Hanover County Sheriff's Office

4/14/23

Date