

1 MEMORANDUM OF UNDERSTANDING
2 between
3 THE LOUDOUN COUNTY SCHOOL BOARD
4 and
5 THE LOUDOUN COUNTY SHERIFF’S OFFICE AND THE LEESBURG
6 POLICE DEPARTMENT
7

8 November 2019
9

10
11 **PREAMBLE**
12

13 The School Board and Loudoun County Sheriff’s Office and Leesburg Police Department
14 hereby enter into this School-Law Enforcement Partnership to provide law enforcement
15 access to schools to assist in maintaining safe and secure schools. School-law enforcement
16 partnerships are best understood from a community policing perspective. The parties agree
17 the clear majority of student misconduct can be best addressed through classroom and in-
18 school strategies, outlined in the Student Rights and Responsibilities (SR&R) without law
19 enforcement involvement. The parties acknowledge children are generally less mature and
20 responsible than adults; they often lack the experience, perspective, and judgment to
21 recognize and avoid choices that could be detrimental to them; and they are more susceptible
22 to outside pressures than adults.
23

24 Community policing is a philosophy that promotes organizational strategies that support the
25 systematic use of partnerships and problem-solving techniques to proactively address the
26 immediate conditions that give rise to public safety issues such as crime, social disorder, and
27 fear of crime. Officers also fill critical roles as mentors and educators – teaching students
28 about public safety and the criminal justice system, as well as how to keep themselves and
29 their families safe. Finally, and perhaps most important, officers can serve as role models for
30 students and as law enforcement educators.
31

32 Students should be held accountable for their actions through an unbiased, graduated response
33 to misconduct that provides a continuum of services and increasingly more severe
34 disciplinary measures for continued misbehavior unless the behavior is egregious. This
35 document is meant to be an accompaniment to the School-Law Enforcement Partnership
36 Guide. For further details and instructions regarding the Partnership, please see the Guide.
37 [Virginia School-Law Enforcement Partnership Guide, May 2017.](#)
38

39 **PURPOSE**
40

41 The School-Law Enforcement Partnership (SLEP) is intended to facilitate effective, timely
42 communication and coordination of efforts for all parties- the School Division and Loudoun
43 County Sheriff’s Office/Leesburg Police Department. The purpose of this Memorandum of
44 Understanding is to establish a mutually beneficial framework that both schools and law
45 enforcement can work within to achieve shared goals. This Memorandum of Understanding

46 clarifies the role of the School Resource Officers (SRO), School Administration and teachers,
47 and the scope of their authority. It further defines the responsibility of the Loudoun County
48 Public Schools (LCPS) and the Loudoun County Sheriff’s Office (LCSO) as well as the
49 Leesburg Police Department (LPD) in this collaboration.

50

51 The partnership provides school administrators with immediate and accessible contact with a
52 specific resource officer to encourage lawful information sharing and referral between
53 agencies. Each SRO is assigned to a specific school(s), and as time constraints allow, they
54 will participate in educational and/or mentoring programs within the schools. Time and
55 staffing constraints may require the SROs to prioritize their duties, with the highest priority
56 being to monitor student activity and provide a law enforcement presence for building and
57 grounds for law enforcement purposes.

58

59 A critical element of the partnership is the relationship and communication between the
60 school principal or designee and the SRO. Each SRO shall meet weekly, if possible, with the
61 assigned school principal(s) or designee(s) for the purpose of exchanging information
62 regarding current crime trends (throughout the County in general and the area surrounding the
63 school), identify problems and areas for concern and any recommendations for action. The
64 goal is to ensure a safe, positive learning environment at the school(s) and in the community.

65

66 **SCHOOL RESOURCE OFFICER DEFINITION**

67

68 School Resource Officers (SRO) is defined in § [9.1- 101](#) of the Code of Virginia as “a
69 certified law enforcement officer hired by the local law enforcement agency to provide law
70 enforcement and security services to Virginia public elementary and secondary schools.”
71 SROs who are assigned to schools should operate under this Memorandum of Understanding
72 (MOU) that outlines the roles and responsibilities of the law enforcement agency, the school
73 division, and personnel from both.

74

75 **ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS**

76

77 **Loudoun County Sheriff’s/Leesburg Police Roles and Responsibilities**

78

79 In developing and implementing law enforcement policies and practices that may affect
80 schools, the Loudoun County Sheriff’s Office/Leesburg Police Department will consult with
81 and take into consideration the views of the School Division and the school community.

82

83 The Loudoun County Sheriff’s Office/ Leesburg Police Department will ensure that all the
84 SROs receives the below listed training prior to or within 60 days of assignment in a school
85 whenever feasible.

86

87

88

89

90

1. A DCJS approved basic SRO course
2. LCSO/LPD approved training in crisis intervention techniques
3. LCSO/LPD approved training that includes cultural competence
4. LCSO/LPD approved training that includes implicit bias awareness

91 Loudoun County Public School and law enforcement shall collaborate to provide relevant in-
92 service training to the SROs in areas that will increase their effectiveness and ability to
93 accomplish their duties and responsibilities. In particular, SROs should be invited to attend
94 Seclusion and Restraint training under School Board Policy so SROs are aware of the school
95 staff's capabilities, but they are not expected to participate in an actual restraint or seclusion
96 under the policy unless they, in the exercise of their law enforcement authority, determine that
97 they must intervene for law enforcement purposes. If intervention is necessary, the SRO
98 exclusively will determine if a student should be handcuffed in accordance with law enforcement
99 training and policies.

100
101 The SRO Supervisor will ensure that day-to-day coverage is maintained in both the High
102 School and Middle Schools, if feasible. If an SRO assigned to a high school will be absent
103 from the assigned school for more than one consecutive day, the SRO Supervisor shall
104 assign a middle school SRO to cover the high school on a full-time basis for that period.

105
106 The SRO shall also be responsible for training school administration in issues related to law
107 enforcement and other relevant topics concerning the school.

108
109 When it is in the best interest of law enforcement agencies and the school, SROs may
110 make presentations to, or participate in, community organized meetings. These meetings may
111 include, but are not limited to, PTA meetings, panel discussions, and focus groups. The SRO
112 Leadership in coordination with appropriate school level director shall approve all such
113 involvement prior to participation.

114 115 **School Division Responsibilities**

116
117 It is the responsibility of school administrators to facilitate effective communication between
118 the SRO and school staff and to support the goals of the partnership.

119
120 Each school with an assigned SRO will provide a private and secure work area(s) for the SRO
121 that allow access to technologies, private interviewing of several persons, and locking storage
122 space that contains a log to ensure chain of custody requirement are met. The office shall be
123 equipped with a telephone and a data drop to facilitate computer network access.

124
125 School administrators and teachers will handle discipline within the school disciplinary
126 process without involving SROs. The School Division is responsible for communicating the
127 goals and role of the SRO to all school administration, staff, and students.

128 129 **SRO Roles and Responsibilities**

130
131 SROs will be considered active members of their assigned schools. The SRO facilitates the
132 effective delivery of law enforcement services and assists with matters related to safety,
133 security, and the exchange of information with School Administrators and School Security
134 Officers. SROs are expected to be familiar with the Student Rights and Responsibilities
135 (SR&R) the rules of individual schools, and their application in day-to-day practice.
136 Additionally, issues that do not present "clear and imminent" threat of serious physical injury

137 to a student, teacher, or other member of the school community, or are not a violation of the
138 law, should be handled by school personnel and not by SROs, police, other law enforcement.
139 SROs should not be involved with the enforcement of school rules or disciplinary infractions
140 that are not violations of law.

141

142 As a general practice, unless there is a clear and imminent threat to safety, any requests from
143 a school for an SRO or other law enforcement assistance are to be channeled through a school
144 administrator in coordination with Safety and Security and the Assistant Superintendent of
145 Support Services.

146

147 The SROs' duty schedule should be organized to provide coverage throughout the school day,
148 which may vary by school. SROs provide a visible deterrent to crime and shall be visible
149 patrolling the exterior and interior grounds. The SRO shall wear the regulation uniform and
150 operate a marked police vehicle while on duty unless otherwise authorized by the SROs'
151 supervisor for a specific purpose.

152

153 SROs serve multiple roles in schools. The roles are interrelated, but all are carried out with
154 the aim to create and maintain safe and secure schools and to promote positive school
155 climates. Key roles are:

156

157 **Law enforcement officer**

158 As sworn law enforcement officers, SROs primary role in schools is as a law enforcement
159 officer. SROs assume primary responsibility for responding to requests for assistance from
160 administrators and coordinating the response of other law enforcement resources to the
161 school.

162

163 **Law-related educator**

164 As resources permit, SROs should strive to assist with presentations for school personnel on
165 law-related topics such as law enforcement practices, changes in relevant laws, crime trends,
166 crime prevention, school safety strategies, and crisis response procedures. SROs may also
167 deliver law-related education with students using lessons/curricula approved in advance by
168 the SRO Supervisor. In all cases, responding to incidents or conducting investigations will
169 take precedence over delivery of presentations.

170

171 **Informal mentor and role model**

172 SROs serve as informal mentors and role models. SROs are not formal counselors; however,
173 it is recognized that students often seek approval, direction, and guidance about problems
174 through formal and informal interaction with SROs. SROs are expected to communicate
175 clearly about acceptable and unacceptable behavior, to set a positive example in handling
176 stressful situations and resolving conflicts, to show respect and consideration of others, and to
177 express high expectations for students. Students who may need additional assistance shall be
178 encouraged to seek the help of available school- and community-based resources.

179 Additionally, SROs shall assist school administrators in developing school crisis, emergency
180 management, and response plans and in problem-solving to prevent and address crime and
181 disorder in the school environment. SROs are expected to collaborate with school
182 administrators and other school personnel to support positive school climates that focus on

183 resolving conflicts, conducting threat assessments (including maintaining confidentiality of
184 background criminal checks that may be obtained under state law), diverting youth from
185 courts when appropriate, and intervening with students to address factors contributing to
186 misconduct.

187

188 **Supporting Students with Disabilities**

189 As referenced in the Virginia School-Law Enforcement Partnership Guide, SROs will interact
190 with students with disabilities on a daily basis. Some disabilities are visible while others are
191 invisible, not signaling to the SRO that they are interacting with a student with a disability.
192 When compared to their non-disabled peers, students with disabilities may interact differently
193 with SROs. It is critical for SROs to become familiar with the various types of disabilities and
194 their implications for law enforcement interaction. SROs may learn about types of disabilities
195 by attending training provided by their employer, the LCPS Office of Special Education, and
196 by talking with school staff and administration.

197

198 **School Administrator Roles and Responsibilities**

199

200 Consistent with Virginia Standards of Accreditation (2000), [Section 8 VAC 20-131-210](#), the
201 school administrator is recognized as the instructional leader of the school and is responsible
202 for effective school management that promotes positive student achievement, a safe and
203 secure environment in which to teach and learn, and efficient use of resources. The school
204 administrator also ensures the school division's student code of conduct is enforced and seeks
205 to maintain a safe and secure school environment. Additionally, consistent with [Section 8](#)
206 [VAC 20-131-260. D.3.](#), the school administration ensures "a written procedure, in accordance
207 with guidelines established by the local board, for responding to violent, disruptive or illegal
208 activities by students on school property or during a school-sponsored activity."

209

210 School administrators shall review with SROs the School-Law Enforcement Partnership
211 MOU and establish school-specific operational and communications procedures to support
212 goals of the School-Law Enforcement Partnership.

213

214 All reportable offenses including information reported through digital monitoring should
215 directly be reported as it is received to the SRO. The SRO will proceed with notifications
216 within the law enforcement chain of command in coordination with school administrations.
217 Reportable offenses discovered or occurring after school hours will be reported through the
218 Security Operation Center (SOC), which will then notify law enforcement.

219

220 **OPERATIONAL PROCEDURES**

221

222 School officials have a direct responsibility for student behavior as well as school safety and
223 security on a school bus, school property or at a school sponsored activity or event. With the
224 exception of reportable offenses to law enforcement, that responsibility allows school
225 officials the latitude to question students in an effort to maintain safe schools. Section [22.1-](#)
226 [279.3:1](#) of the Code of Virginia lists certain offenses that school officials are required to
227 report to local law enforcement agencies. As soon as it becomes evident that a reportable
228 offense may have occurred, school officials should immediately stop their inquiry and report

229 the potential offense to law enforcement. Any non-emergency and non-reportable situation
230 may be addressed by the principal or designee. Nothing below should pre-empt reporting to
231 law enforcement personnel any incident that has “past occurred or within the community” off
232 school campus. A list of reportable student and staff offenses are as follows:

- 233
- 234 1. Assault and battery that results in bodily injury, sexual abuse as defined in § [18.2-](#)
235 [67.10](#), death, shooting, stabbing, cutting, or wounding of any person, abduction of
236 any person as described in § [18.2-47](#) or [18.2-48](#), or stalking of any person as
237 described in § [18.2-60.3](#), on a school bus, on school property, or at a school-
238 sponsored activity.
- 239 2. Any conduct involving alcohol, marijuana, a controlled substance, imitation
240 controlled substance, or an anabolic steroid on a school bus, on school property, or
241 at a school-sponsored activity, including the theft or attempted theft of student
242 prescription medications.
- 243 3. Any threats against school personnel while on a school bus, on school property or
244 at a school-sponsored activity.
- 245 4. Possession or selling a firearm or any weapon, or destructive device as defined in
246 § [22.1-277.07](#) includes the possession of a stun weapon (defined as any device that
247 emits a momentary or pulsed output, which is electrical, audible, optical or
248 electromagnetic in nature and which is designed to temporarily incapacitate a
249 person); a knife, except a pocket knife having a folding metal blade of less than 3
250 inches; any pistol, revolver, or other weapon designed or intended to propel a
251 missile of any kind by action of an explosion of any combustible material; any
252 dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot,
253 spring stick, metals knuckles or blackjack; any flailing instrument consisting of
254 two or more rigid parts connected in such a manner as to allow them to swing
255 freely; and any disc, of whatever configuration, having at least two points or
256 pointed blades which is designed to be thrown or propelled (such as a throwing
257 star or oriental dart).
258 Note, however, that the provisions of this section shall not apply to:
259 (i) persons who possess such weapon or weapons as a part of the school's
260 curriculum or activities;
261 (ii) a person possessing a knife customarily used for food preparation or service
262 and using it for such purpose;
263 (iii) persons who possess such weapon or weapons as a part of any program
264 sponsored or facilitated by either the school or any organization authorized by the
265 school to conduct its programs either on or off the school premises."
266 Nothing contained herein shall prohibit a Junior Reserve Officers Training Corps
267 (JROTC) program from conducting marksmanship training when such training is a
268 normal element of such programs; such programs may include training in the use
269 of pneumatic guns. Such marksmanship training shall occur only at a location or
270 locations approved by the Division Superintendent.)
- 271 5. Any illegal conduct involving firebombs, explosive materials or devices, or hoax
272 explosive devices, as defined in § [18.2-85](#), or explosive or incendiary devices, as
273 defined in § [18.2-433.1](#), or chemical bombs, as described in § [18.2-87.1](#), on a
274 school bus, on school property, or at a school-sponsored activity.

- 275 6. Any threats or false threats to bomb, as described in § [18.2-83](#), made against
276 school personnel or involving school property or school buses.
277 7. Any instances of sexually explicit material transmitted on a cellular or computer
278 device transmission.
279 8. Attempting to set, aiding in setting, or setting a fire.
280 9. Any assault/battery against a staff member when no injury is caused.
281 10. Any threat of violence against school students, or LCPS personnel which includes
282 digital reporting. All reported Threats must also comply with School Board [Policy](#)
283 [8290](#) Threat Assessment for the Protection of Schools, and Section [22.1-79.4](#) of
284 the Code of Virginia.
285

286 When LCPS administrative personnel have a reasonable suspicion that a student or staff has
287 violated a reportable criminal offense on a school bus, school property, or sponsored
288 activity/event, or through digital monitoring, the administrator should not advance any
289 questioning of students or staff for verification but rather in all such matters, it should be referred
290 immediately to the SRO or appropriate law enforcement entity. This procedure is in place to
291 protect the integrity of criminal cases as well as potential victims.
292

293 Except as may otherwise be required by federal law, regulation, or jurisprudence, the school
294 administrator shall also immediately report any offenses listed in the operational procedure
295 section of this document that may constitute a criminal offense to the parents of any minor
296 student who is the specific object of such act (§ [22.1-279.3:1D](#) Code of Virginia).
297

298 School personnel should cooperate with law enforcement authorities to the extent permitted by
299 law in further investigating all criminal offenses which occur on a school bus, on school
300 property or at a school-sponsored activity/event or digitally.
301

302 The SRO Supervisor shall also inform the principal, or designee, as well as the Division of
303 Safety and Security of any felony or violation of the Drug Control Act for which an arrest
304 occurs impacting the school division that involves staff or students as soon as is practical
305 without compromising the existing investigation.
306

307 In an emergency where the SRO is not available, including after hours, the principal or staff
308 member shall call the Emergency Communications Center (911).
309

310 Any criminal investigative action conducted by the SRO that results in an arrest may
311 require the principal and/or school employees to appear in court to provide testimony
312 essential to the case.
313

314 LCPS Administrators should immediately report all “Reportable Offenses” as described in the
315 “operational procedures” section of this document. When conflict arises between students and
316 /or staff that does not rise to the level of a reportable offense, Administrators should engage
317 resources adopted and approved by LCPS for conflict resolution and student discipline,
318 acknowledging that in some cases, managed conflict has the potential to reoccur or escalate.
319 Administrators should advise Safety and Security as well as the SRO during weekly meetings

320 of information they believe will benefit the team moving forward, including information
321 regarding conflicts that don't rise to the level of a reportable offense.

322

323

324 **Information Sharing**

325

326 The release of student records is governed by the Family Educational Rights and Privacy Act
327 (FERPA), [20 U.S.C. § 1232g](#). "School officials" may access and disclose student records
328 only as authorized by FERPA for legitimate educational reasons.

329

330 As long as the Student Rights & Responsibilities Handbook continues to annually notify
331 parents and guardians that SROs are deemed "school officials", SROs may access educational
332 records when not performing a law enforcement function and when they have a legitimate
333 educational reason, e.g. while serving in the role of a mentor, or a law enforcement educator.

334

335 When performing a law enforcement function, SROs may access educational records with the
336 written consent of the parent or guardian unless one or more of the following applies:

337

338

a. Health or Safety Emergency.

339

340

Before releasing records, the school records custodian must take into account the
341 seriousness of the threat to the health or safety of the student or others. The custodian
342 will assess the need for the requested records to meet the emergency, the position and
343 responsibility of the person to whom records are released, and the extent to which
344 time is critical in defusing the emergency. Principals are the records custodian of
345 school educational records and will make the decision on disclosure under this
346 exception.

347

348

In making this determination, the custodian may take into account the totality of the
349 circumstances pertaining to a threat to the health or safety of a student or other
350 individuals. If the custodian determines that there is an articulable and significant
351 threat to the health or safety of a student or other individuals, the custodian may
352 disclose information from education records to any person whose knowledge of the
353 information is necessary to protect the health or safety of the student or other
354 individuals.

355

356

A rational basis for the determination is required. The following information must be
357 recorded and maintained with the record of disclosures when making a release of
358 information for health or safety reasons: (i) The articulable and significant threat to
359 the health or safety of a student or other individuals that formed the basis for the
360 disclosure; and (ii) The entities to whom the custodian disclosed the information.

361

362

b. School Reports of Child Abuse or Neglect. When the school makes a report of child
363 abuse or neglect it shall disclose all of the records related to the report to law
364 enforcement and/or Child Protective Services.

365

366

c. Court Orders. When a school is presented with a subpoena, search warrant or other
367 court order, it will disclose the records in accordance with the subpoena, search
368 warrant or court order, except that the school must make reasonable efforts to notify

369 the parents or guardian in advances and in accordance with FERPA.

- 370
- 371 d. Information Not Contained In Educational Records. FERPA does not apply to
- 372 information outside of educational records. For example, a principal's unrecorded
- 373 observations may be disclosed to law enforcement.
- 374
- 375 e. Directory Information. For students whose parents or guardians have not opted out of
- 376 the disclosure of directory information as defined in School Board policies, a principal
- 377 may release this information except that under § [22.1-287.1](#) of the Code of Virginia,
- 378 no student address, telephone number or email address may be disclosed unless the
- 379 disclosure is to school employees for educational purposes or school business.
- 380 Directory information is defined as names and addresses of a student or parent, e-
- 381 mail address of parent(s), yearbook photograph, telephone number, date and place
- 382 of birth, dates of attendance, participation in officially recognized activities and
- 383 sports, height and weight of members of athletic teams, awards and honors received
- 384 and student rosters.
- 385
- 386 f. [Title 34, Code of Federal Regulations § 99.31](#), provides the list of exceptions which
- 387 may authorize a disclosure of educational records without parental consent.
- 388
- 389 g. Surveillance Video/Audio. When hallway, outdoor or bus surveillance audio or video
- 390 would constitute an educational record under FERPA, then law enforcement shall
- 391 present a subpoena, search warrant or court order and the school shall generally notify
- 392 the parent(s) or guardian(s) in advance, prior to providing a copy of the audio/video
- 393 unless the parents of the students involved provide written consents to the release or
- 394 unless there is an immediate health or safety emergency as determined above. A copy
- 395 of all other audio/video not protected by FERPA may be released to law enforcement
- 396 upon request.

397

398 To obtain surveillance recordings, law enforcement will coordinate with the

399 custodian of school bus and school surveillance records, who will make a

400 copy of the video before giving the original to law enforcement, provided

401 that a lawfully issued subpoena or search warrant has been presented. The

402 custodian of the surveillance records will also make reasonable efforts to notify

403 the student's parent or guardian of its intent to comply with the subpoena in

404 advance.

405

406 At this time, LCPS has not designated those managing and controlling its

407 surveillance video/audio as a law enforcement unit which would otherwise

408 exempt such records from the FERPA restrictions on disclosure due to not

409 being maintained by an educational entity but rather would have made them

410 LCPS law enforcement unit records maintained for law enforcement purposes

411 and subject only to the Virginia Freedom of Information Act.

412

413 Live Feed Video. Law enforcement shall have access to live feed surveillance

414 video during normal school hours or sanctioned afterschool events.

415

416 Consent access. An SRO or other law enforcement officer may have access to a student's

417 education records with written consent of the student's parent/guardian or of the student if the

418 student is age 18 or older. A record of the disclosure is required to be maintained in the
419 student's records in accordance with FERPA.

420

421 SRO disclosure of law enforcement records. SROs may disclose only law enforcement
422 records created and maintained by the SRO for the purpose of ensuring the physical safety
423 and security of people and property in schools and/or enforcement of laws. Because law
424 enforcement records are not student records, they are not subject to the disclosure restrictions
425 of FERPA. However, records created by the SRO exclusively for the purpose of possible
426 school disciplinary action against a student would fall outside the definition of law
427 enforcement records and would be subject to the disclosure restrictions of FERPA.

428

429 **Investigation and Questioning**

430

431 SROs have authority to question students or staff who may have information about criminal
432 activity. SROs have authority to stop, question, interview, and take law enforcement action
433 without prior authorization of the school administrator or contacting parents. However, the
434 investigation and questioning of students during school hours or at school events should be
435 limited to situations where the investigation is related to suspected criminal activity.
436 Investigations and questioning of students for offenses not related to the operation of or
437 occurring at the school should take place at school only when delay might result in danger to
438 any person, destruction of evidence, or flight from the jurisdiction by the person suspected of
439 a crime.

440

441 Excluding emergency situations, law enforcement shall notify the principal or his/her designee
442 prior to questioning a juvenile suspect or witness on school property.

443

444 The interviewing of students -- whether suspects, victims, or witnesses -- should be conducted
445 privately in an office setting. SROs will take steps to ensure minimal intrusion into the
446 educational experience of students being questioned in the school setting.

447

448 Principals conducting an administrative student investigation are not bound by the above
449 requirements, particularly the warning against self-incrimination. SROs take the lead in
450 investigation and questioning related to criminal activity. School administrators take the lead
451 in questioning students about violations of the code of conduct and SROs shall not in any way
452 direct the questioning of students in this situation. When a school administrator has
453 reasonable grounds for concern about the safety of those present during the questioning, the
454 administrator may request the SRO to be present solely to provide security and protection, but
455 the administrator must remain in full control of the questioning at all times.

456

457 **Specific Examples:**

458

459 Offenses that have NOT occurred on a school bus, property or at a school-related function:

460

- 461 • Questioning of students at the school by law enforcement personnel should be
462 limited to those instances where delay may increase the risk of danger to any person,
463 destruction of evidence, or flight of a suspect. Prior to questioning a juvenile suspect

464 on school property in these matters, the SRO will attempt to obtain permission from
465 the parent or legal guardian. If the parent or legal guardian cannot be reached, a
466 school administrator may be present during the interview to act in loco parentis to
467 the student. All questioning on school property by LCPS employees must be consistent
468 with School Board policy and Department General Orders. If the parent or legal
469 guardian of the juvenile suspect grants permission for a law enforcement interview
470 outside of their presence, the interview may be completed without a school
471 administrator being present. The exception is questioning associated with child
472 abuse cases pursuant to Va. Code § [63.2-1518](#). Law enforcement must obtain parental
473 permission to interview any student at school in child abuse cases where the parent is not
474 a part of the investigation. A school administrator is NOT required to act in loco
475 parentis.

476
477 Investigations and questioning of students at the school for offenses that have occurred on a
478 school bus, on school property, or at a school-sponsored activity:

- 479
480 • The school official or the SRO shall attempt to notify a parent or legal guardian of
481 the juvenile suspect as a courtesy and advise them of the type of violation/crime and
482 their child's involvement in such matter.
483
- 484 • Law enforcement may interview victims and/or witnesses of crimes in middle and
485 high schools in the school building, without parental permission, in furtherance of
486 criminal investigations of incidents that occurred on a school bus, on school property,
487 or at a school-sponsored activity, and not related to child abuse/neglect. The SRO
488 shall keep the principal apprised of these interviews as appropriate
489
- 490 • In these circumstances, a school administrator is not required to act in loco parentis.
491 If law enforcement determines that an elementary school student is a potential
492 victim or witness of a crime that occurred on a school bus, on school property, or
493 at a school-sponsored activity, and needs to be interviewed at school, parental consent
494 must be obtained prior to the interview by personnel or the SRO.
495
- 496 • For interviews of victims and/or witnesses regarding criminal incidents that did not
497 occur on a school bus, on school property, or at a school-sponsored activity/event or
498 digital, the school administrator is not required to act in loco parentis in these
499 circumstances.

500
501 The principal shall be notified of any enforcement actions by the SRO as soon as is practical.
502 An SRO should coordinate his/her activities so that action between the agencies is
503 cooperative and in the best interests of the school and public safety.
504

505 **Searches and Seizure**

506

507 All searches shall be conducted in accordance with federal and state laws, and applicable
508 Sheriff's Department and Police Department/Sheriff's Office policies and guidelines,
509 including the principles embodied in this memorandum of understanding.

510

511 School administrator searches. School officials may conduct searches of student's property
512 and person under their jurisdiction when reasonable suspicion exists that the search will
513 reveal evidence that the student has violated or is violating either the law or the rules of the
514 school. The standard for search by a school official is reasonable suspicion and it must be
515 limited in scope to the reason for the search from its inception. If possible, administrators
516 should ask for consent from the student whose property is about to be searched prior to
517 conducting a "reasonable suspicion" based search. Administrative searches must be at the
518 direction and control of the school official and not the SRO.

519

520 The Supreme Court ruling cited in [New Jersey v. T.L.O. 469 U.S. 325](#) instructs that school
521 administrators need only reasonable suspicion of a violation of law or policy, based on the
522 totality of the circumstances, to conduct searches and to question students.

523

524 SRO searches. Any search initiated by SROs or other law enforcement officer shall be in
525 accordance with federal and state law and their respective agency's policies. All searches
526 should occur outside the presence of students and school staff, except for school
527 administrators, unless there is a clear and immediate threat to physical safety.

528

529 In circumstances, involving contraband, the SRO should be contacted immediately to take
530 custody of any illegal contraband. It is also recommended that the principal have a locked
531 storage area for situations when the SRO is not available to hold the contraband. However, if
532 the SRO is not on duty, the principal or staff member shall contact the appropriate law
533 enforcement entity and request assistance to surrender the contraband. School officials will
534 photograph any items seized as evidence that may be used in any disciplinary proceeding
535 instituted by school officials against the student. SROs will be responsible for
536 photographing any items seized as evidence that may be used in criminal proceedings.
537 School officials and SROs will share these photographs with each other as necessary and
538 appropriate. The SRO shall be responsible for arranging for the destruction of any illegal
539 substances that will not be used for prosecution.

540

541 SROs shall not become involved in administrative (school related) searches and at no time
542 shall SROs request that an administrative search be conducted for law enforcement purposes
543 or have the administrator act as his or her agent. When a school administrator has reasonable
544 grounds for concern about the safety of those present during a search, the administrator may
545 request the SRO to be present to provide security and protection.

546

547 Canine searches shall be in accordance with School Board [Policy 8-2](#), Investigations and
548 Searches.

549

550

551 **Arrests**

552

553 Whenever practical, arrests of a student or staff member should be accomplished outside of
554 school hours as to not disrupt the educational process. Arrests that must occur during school
555 hours or on school grounds should be coordinated through the school administrator to
556 minimize potential disruption. When circumstances do not allow for prior coordination
557 through the school administrator, arrests shall be reported to the school administrator as soon
558 as possible. In addition to any required notification of parents and legal guardians by the SRO
559 taking a student into custody, school administrators or their designees are also responsible for
560 an additional notification of parents and legal guardians upon a school-based arrest of their
561 child.

562

563 **Physical Intervention by School Resource Officers**

564

565 If physical intervention is necessary, the action should be reported promptly to the school
566 administrator and SRO supervisor and the rationale for the action must be fully documented
567 in the incident report. Additionally, the School Administrator and law enforcement shall
568 coordinate to ensure the student's parents are notified as soon as practical.

569

570 School Board [Policy 5345](#) Restraint and Seclusion of Students defines authorized and
571 prohibited practices related to the restraint and seclusion of students. Although [Policy 5345](#)
572 does not apply to School Resource Officers (SROs) who are performing law enforcement
573 duties, the use of handcuffs without an arrest is considered a mechanical restraint and is
574 reported to the U.S. Department of Education Office of Civil Rights. Physical restraint and
575 seclusion are last resort emergency procedures that apply to all students when the student is
576 an imminent danger to self or others. Mechanical restraint is the use of any material or
577 equipment to restrict a student's freedom of movement. The use of mechanical restraints,
578 except devices used by a trained school professional, or those prescribed by a medical or
579 related services professional, used with parental consent, is prohibited, noting the exception
580 above related to SROs performing law enforcement duties.

581 It is expected that SROs review [Policy 5345](#) and recognize restrictive emergency
582 procedures are used as a last resort and that every effort shall be taken to eliminate the
583 use of restraint and seclusion

584 Crime Scene Control

585

586 The parties recognize that many schools have Virginia licensed registered nurses on campus.
587 While the parties agree that law enforcement officers and/or the SRO in the performance of a
588 law enforcement function have control of any crime scene occurring on school property, the
589 parties further agree both parties will take all reasonable efforts to save lives or render aid to
590 victim(s) at the crime scene and neither party will interfere with the rendering of such aid by
591 medical personnel of the other.

592

593

594 **KEY STATUTORY RESPONSIBILITIES**

595

596 **Crime Reporting**

597

598 Pursuant to § [22.1-279.3:1](#). B, Code of Virginia, law enforcement agencies are required to
599 notify a division superintendent, a principal, or a designee when a student in their school
600 commits certain offenses that would be a felony if committed by an adult and the release
601 status of the student. School superintendents who receive such reports are required to report
602 the information to the principal of the school in which the students are enrolled. As a general
603 practice, SROs should notify the principal as soon as practical of any significant law
604 enforcement events occurring at or in association with the school (e.g., at a school bus stop or
605 off-campus activity, during or outside school hours) if the offense would be a felony if
606 committed by an adult.

607

608 Pursuant to § [22.1-279.3:1](#). D, Code of Virginia, certain types of criminal activity that come
609 to the attention of the principal or school staff shall be reported immediately to the Police
610 Department/Sheriff's Office as specified in School Division policy. No SRO or school
611 administrator shall be required to file delinquency charges. Schools and SROs shall be
612 encouraged to deal with school-based offenses through graduated sanctions or educational
613 programming before a delinquency charge is filed with the juvenile court.

614

615 **Threat Assessment**

616

617 School Threat Assessment Team Member

618

619 An SRO is a required member of the school's threat assessment team under School Board
620 [Policy 8290](#), Threat Assessment for the Protection of Schools, and Section [22.1-79.4](#) of the
621 Code of Virginia.

622

623 When circumstances permit the obtaining of criminal history information and health records,
624 no member of the team shall redisclose any criminal history record information or health
625 information obtained under Section [22.1-79.4](#) or otherwise use the record beyond the purpose
626 for which disclosure was made to the team.

627

628 SROs may assist in monitoring of subject students as well as determining the need, if any, for
629 law enforcement action. SROs serving as team members are subject to the non-disclosure
630 requirement regarding criminal background and health histories referred to herein.

631

632 **School Safety Audits**

633

634 LCPS will conduct annual school safety audits and will meet all DCJS requirements to
635 support school safety practices and conditions. SROs may participate as appropriate in
636 collaboration with school administrators to support school emergency management and
637 response planning and preparation.

638

639

640 **Incident Management**

641

642 When considering the safety of school staff and students during a law enforcement event
643 which has implications for school operations, law enforcement officials should share relevant
644 information and offer appropriate guidance. The principal and or designee has the authority to
645 render a decision to:

646

647 • **Evacuate**

648

649 • **Secure the Building**

650

651 • **Lockdown** or;

652

653 • **Shelter in Place**

654

655 during an EXTERNAL law enforcement or emergency event impacting school operations.

656

657 Whenever possible, the principal should consult with law enforcement prior to making the
658 decision. The following should be considered when a decision must be rendered:

659

660 • The reported incident's proximity to the school grounds.

661

662 • The likelihood that the incident could impact students or staff safety in or around
663 school property.

664

665 • The probability that people involved in the event would seek refuge or concealment
666 from law enforcement on school property.

667

668 • The public safety response of resources could prevent normal egress of school
669 transportation vehicles, thus presenting a hazard to school children leaving school
670 property (i.e., established perimeters, roadblocks, and checkpoints restrict normal
671 traffic flow around school property).

672

673 • The action supports an active criminal investigation, to interview witnesses or
674 coordinate additional security to maintain order.

675

676 During such an event, law enforcement officials will provide notice to that affected school's
677 administrative staff as soon as possible and practical.

678

679 In the event of an active violent incident in schools, school decision makers may elect to "Run
680 (Evacuate), "Hide", (Lockdown) or "Fight" (defend themselves accordingly to survive) as
681 supported by the Department of Homeland Security. Should such a situation arise, law
682 enforcement officials should recognize a schools' varied responses in dynamic and individual
683 decision-making where staff and students may elect to respond differently thus creating
684 significant variations in the school population's response. Law enforcement should make every
685 effort to safeguard and protect lives while working to engage and subdue the violent actor.

686 In all criminal matters, law enforcement officials assume ownership of the school and will act in
687 accordance with associated policies and protocols in place to respond to an active violent incident
688 in a school. Law enforcement as soon as practical will establish a “unified command” in support
689 of the National Incident Management System for Incident Command. As soon as is practical,
690 the school administrator, designee and safety and security will support the Command Structure
691 and remain until the event is concluded.

692
693 Law enforcement officials will assume all responsibility for issuing notifications related to any
694 criminal matter and will provide basic information about the event, to include information
695 about suspect descriptions, timeframe of the incident, expected duration of the event and how it
696 will affect school staff and children as soon as practical. School Administrators will work with
697 LCPS Public Information in the issuance of all messages related to such matters.

698
699 Event Notification Procedure

700
701 Event notification will occur in the following manner;

- 702 – Law enforcement dispatch and the LCPS Security Operations Center (SOC) 703/779-8833
- 703 – On-duty Community Resource or SRO supervisor
- 704 – SROs, School Administration Directors, Safety and Security
- 705 – Supervisor(s) controlling the incident and school administration
- 706 – Law enforcement responding to the incident and school administration
- 707 – Other communication as law enforcement and school administration deem necessary
- 708 given the circumstances

709
710 A law enforcement supervisor, i.e., Incident Commander, will be responsible for maintaining
711 effective communication with the relevant school staff during the event. This includes
712 providing updates about the expected duration of the event, further protective postures the
713 school may need to implement, and other information the incident commander determines is
714 pertinent for the school staff.

715
716 The incident commander through unified command will notify the school’s representatives
717 as soon as possible after the event has concluded or when the event has evolved to a point
718 where students and staff are no longer at risk, thus allowing schools staff to return to normal
719 operating protocols.

APPENDIX

Definitions

Evacuate - Evacuate is used to describe situations where the building has become uninhabitable and must be evacuated. A fire, chemical spill, or bomb threat are just three examples. During this scenario all personnel will relocate to a pre-determined location outside of the school. Once at that location a decision will be made on a potential evacuation to a secondary location further from the source of the problem.

Secure the Building - Secure the Building is used to prevent unauthorized entry if the potential threat is outside and in the vicinity of the school. An armed robbery, police foot pursuit, and irate parent/visitor are just three examples. Outside activities are cancelled and anyone outside at activation is instructed to move inside; all exterior doors are secured while staff and students are free to move about inside the school. All visitors and deliveries are turned away during this scenario and dismissals would also be delayed if warranted. If appropriate, 911 should be utilized to notify law enforcement and the LCPS SOC should be contacted as soon as possible.

Lockdown - Lockdown is used to describe enhanced security measures taken to protect against potentially violent intruders that may be inside the school or on the school campus. The response secures students and staff, usually in classrooms, to prevent access or harm to the occupants of the school. This may also involve quickly moving students and staff from unsecured locations to secure locations or outside and away from the threat. School staff will notify law enforcement through 911 and contact the LCPS SOC when practical. Only a law enforcement officer can release a school from a lockdown, or;

Shelter in Place - Shelter-in-Place procedures are used to temporarily shelter people from a hazardous outdoor atmosphere, such as weather or a chemical, biological, or radiological incident. During this scenario all exterior doors should be locked and measures should be taken to shut down the intake of outside air if warranted. No one is allowed to enter the school until public safety officials declare the area clear. If appropriate, 911 should be utilized to notify law enforcement/fire rescue and the LCPS SOC should be contacted as soon as possible.

Run, Hide, Fight Protocol

In the unlikely event of a violent intruder, LCPS teachers and administrators have received training in the concepts of “RUN HIDE FIGHT”, the fundamentals of critical tactical thinking, and factors to consider in the decision-making process.

Cellular Telephones/Technology Devices/ Digital Reports

The transmission of sexually explicit photographs by electronic means includes the production, publication, sale, possession with intent to distribute, financing, etc., of sexually explicit items involving children under the age of 18. Sexually explicit visual material means a picture, photograph, drawing, sculpture, motion picture film, digital image or similar visual representation which depicts sexual bestiality, a lewd exhibition of nudity, sexual excitement, sexual conduct or sadomasochistic abuse.

LAW ENFORCEMENT INTERVIEWS OF STUDENTS AT SCHOOL

(Not Applicable to Child Abuse/Neglect Investigations)

PERMISSION/NOTIFICATION TABLE

STUDENT	ON CAMPUS OFFENSE*	OFF CAMPUS OFFENSE*
JUVENILE SUSPECT	School of SRO shall attempt to NOTIFY parent of violation and child's involvement as a courtesy. SRO will notify principal or designee of interview prior to questioning.	SRO will attempt to obtain parental permission and will notify principal. *
		If parent cannot be reached, administrator or designee may be present in loco parentis for law enforcement interview.
		If parent grants permission for interview, then Administrator or designee need not be present.
JUVENILE WITNESS OR VICTIM	Parental permission not needed for Middle School and High School students. SRO must obtain permission for all elementary students.	SRO must obtain parental permission when appropriate.
	Administrator or designee presence not needed in loco parentis, but SRO must notify a school administrator of law enforcement interviews.	School Administrator or designee is not required to be present for law enforcement interview.

*On Campus means the offense occurred on school property, on a school bus, or at a school-sponsored activity/event. Off Campus means the converse.

** Generally, interviews should be limited to when delay may increase imminent risk of danger to person, destruction of evidence, or flight of suspect.

EVALUATION OF THE SCHOOL-LAW ENFORCEMENT PARTNERSHIP

The School-Law Enforcement Partnership shall be established and jointly reviewed on an annual basis by School Division and Police Department/Sheriff's Office designees using school discipline, crime, and violence data, school climate survey data, and other data deemed to be relevant in assessing progress achieving partnership goals.

REVIEW OF MOU

This MOU shall be reviewed annually and amended as necessary to meet the needs of the partnership formed between the signatory organizations. Quarterly meetings shall be conducted throughout the year between the School Division (designee) and Police Department/Sheriff's Office (designee) to support successful implementation of the partnership. While continuous updates and refinements may be required to this agreement in the future, they shall not be implemented without the written concurrence of all parties. This MOU remains in force until either party, with 45-day notice, withdraws from the agreement by delivering a written notification of such rescission to the other party.

Signed:

Michael L. Chapman
Sheriff, Loudoun County

Eric Williams, Ed.D.
Superintendent, Loudoun County Public
Schools

Date

Date

Gregory C. Brown
Chief of Police, Leesburg Police Department

Date