

MEMORANDUM OF UNDERSTANDING  
between  
THE LOUDOUN COUNTY SCHOOL BOARD  
and  
THE LOUDOUN COUNTY SHERIFF’S OFFICE AND THE LEESBURG  
POLICE DEPARTMENT

July 2020

**PREAMBLE**

The School Board and Loudoun County Sheriff’s Office and Leesburg Police Department hereby enter into this School-Law Enforcement Partnership to promote a positive relationship between students, staff and law enforcement and to maintain safe, supportive and secure school environments. The School Board policies are designated to assist and encourage students to achieve self-discipline, become responsible citizens, and discourage conduct that adversely impacts the health, safety, and welfare of the students, staff and community.

School-law enforcement are best understood from a community policing perspective.

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

The parties agree the clear majority of student misconduct can be best addressed through classroom and in-school strategies, outlined in the Student Rights and Responsibilities (SR&R) without law enforcement involvement. The parties acknowledge children are generally less mature and responsible than adults; they often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them; and they are more susceptible to outside pressures than adults.

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

**PURPOSE**

The School-Law Enforcement Partnership (SLEP) is intended to facilitate effective, timely communication and coordination of efforts for all parties- the School Division and Loudoun County Sheriff's Office/Leesburg Police Department. The purpose of this Memorandum of Understanding is to establish a mutually beneficial framework that schools, community and law enforcement can work within to achieve shared goals. This Memorandum of Understanding clarifies the role of the School Resource Officers (SRO), School Administration and teachers, and the scope of their authority. It further defines the responsibility of the Loudoun County Public Schools (LCPS) and the Loudoun County Sheriff's Office (LCSO) as well as the Leesburg Police Department (LPD) in this collaboration.

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

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

## **ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS**

### **School Resource Officer**

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

### **Loudoun County Sheriff's/Leesburg Police Roles and Responsibilities**

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

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

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

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

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

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

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

### **School Division Responsibilities**

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

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

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

### School Security Officer (SSO) Responsibilities

SSOs work for the school division to promote a culture of safety, security, and inclusion within our schools. SSOs work with school administration to help implement LCPS Division of Safety and Security best practices and serve as vital members of school based threat assessment teams. SSOs also serve as trusted advisors, mentors, and confidants to LCPS students and staff.

### **SRO Roles and Responsibilities**

SROs will be considered active members of their assigned schools. The SRO facilitates the effective delivery of law enforcement services and assists with matters related to safety, security, and the exchange of information with School Administrators and School Security Officers. SROs are expected to be familiar with the Student Rights and Responsibilities (SR&R) the rules of individual schools, and their application in day-to-day practice. Additionally, issues that do not present “clear and imminent” threat of serious physical injury to a student, teacher, or other member of the school community, or are not a violation of the law, should be handled by school personnel and not by SROs, police, other law enforcement. SROs should not be involved with the enforcement of school rules or disciplinary infractions that are not violations of law.

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

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

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

#### **Law enforcement officer**

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

#### **Law-related educator**

As resources permit, SROs should strive to assist with presentations for school personnel on law-related topics such as law enforcement practices, changes in relevant laws, crime trends, crime

prevention, school safety strategies, and crisis response procedures. SROs may also deliver law-related education with students using lessons/curricula approved in advance by the SRO Supervisor. In all cases, responding to incidents or conducting investigations will take precedence over delivery of presentations.

### **Informal mentor and role model**

SROs serve as informal mentors and role models. SROs are not formal counselors; however, it is recognized that students often seek approval, direction, and guidance about problems through formal and informal interaction with SROs. SROs are expected to communicate clearly about acceptable and unacceptable behavior, to set a positive example in handling stressful situations and resolving conflicts, to show respect and consideration of others, and to express high expectations for students. Students who may need additional assistance shall be encouraged to seek the help of available school- and community-based resources. Additionally, SROs shall assist school administrators in developing school crisis, emergency management, and response plans and in problem-solving to prevent and address crime and disorder in the school environment. SROs are expected to collaborate with school administrators and other school personnel to support positive school climates that focus on resolving conflicts, conducting threat assessments (including maintaining confidentiality of background criminal checks that may be obtained under state law), diverting youth from courts when appropriate, and intervening with students to address factors contributing to misconduct.

### **Supporting Students with Disabilities**

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

### **School Administrator Roles and Responsibilities**

Consistent with Virginia Standards of Accreditation (2000), [Section 8 VAC 20-131-210](#), the school administrator is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources. The school administrator also ensures the school division's student code of conduct is enforced and seeks to maintain a safe and secure school environment. Additionally, consistent with [Section 8 VAC 20-131-260. D.3.](#), the school administration ensures "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 shall review with SROs the School-Law Enforcement Partnership MOU and establish school-specific operational and communications procedures to support goals of the School-Law Enforcement Partnership.

All reportable offenses including information reported through digital monitoring should directly be reported as it is received to the SRO. Further, misdemeanor offenses should also be shared and discussed with the SRO to ensure an accurate overall picture of the school climate. The SRO will proceed with notifications within the law enforcement chain of command in coordination with school administrations. Reportable offenses discovered or occurring after school hours will be reported through the Security Operation Center (SOC), which will then notify law enforcement.

## **OPERATIONAL PROCEDURES**

School officials have a direct responsibility for student behavior as well as school safety and security on a school bus, school property or at a school sponsored activity or event. With the exception of reportable offenses to law enforcement, that responsibility allows school officials the latitude to question students in an effort to maintain safe schools. Section [22.1-279.3:1](#) of the Code of Virginia lists certain offenses that school officials are required to report to local law enforcement agencies. As soon as it becomes evident that a reportable offense may have occurred, school officials should immediately stop their inquiry and report the potential offense to law enforcement. Any non-emergency and non-reportable situation may be addressed by the principal or designee. Nothing below should pre-empt reporting to law enforcement personnel any incident that has “past occurred or within the community” off school campus. A list of reportable student and staff offenses are as follows:

1. Assault and battery that results in bodily injury, sexual abuse as defined in § [18.2-67.10](#), death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in § [18.2-47](#) or [18.2-48](#), or stalking of any person as described in § [18.2-60.3](#), on a school bus, on school property, or at a school-sponsored activity.
2. Any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications.
3. Any threats against school personnel while on a school bus, on school property or at a school-sponsored activity.
4. Possession or selling a firearm or any weapon, or destructive device as defined in § [22.1-277.07](#) includes the possession of a stun weapon (defined as any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person); a knife, except a pocket knife having a folding metal blade of less than 3 inches; any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metals knuckles or blackjack; any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely; and any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled (such as a throwing star or oriental dart).

Note, however, that the provisions of this section shall not apply to:

- (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities;
- (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose;
- (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises."

Nothing contained herein shall prohibit a Junior Reserve Officers Training Corps (JROTC) program from conducting marksmanship training when such training is a normal element of such programs; such programs may include training in the use of pneumatic guns. Such marksmanship training shall occur only at a location or locations approved by the Division Superintendent.)

- 5. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § [18.2-85](#), or explosive or incendiary devices, as defined in § [18.2-433.1](#), or chemical bombs, as described in § [18.2-87.1](#), on a school bus, on school property, or at a school-sponsored activity.
- 6. Any threats or false threats to bomb, as described in § [18.2-83](#), made against school personnel or involving school property or school buses.
- 7. Any instances of sexually explicit material transmitted on a cellular or computer device transmission.
- 8. Attempting to set, aiding in setting, or setting a fire.
- 9. Any assault/battery against a staff member when no injury is caused.
- 10. Any threat of violence against school students, or LCPS personnel which includes digital reporting. All reported Threats must also comply with School Board [Policy 8290](#) Threat Assessment for the Protection of Schools, and Section [22.1-79.4](#) of the Code of Virginia.

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

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

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

The SRO Supervisor shall also inform the principal, or designee, as well as the Division of Safety and Security of any felony or violation of the Drug Control Act for which an arrest occurs

impacting the school division that involves staff or students as soon as is practical without compromising the existing investigation.

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

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

LCPS Administrators should immediately report all “Reportable Offenses” as described in the “operational procedures” section of this document. When conflict arises between students and /or staff that does not rise to the level of a reportable offense, Administrators should engage resources adopted and approved by LCPS for conflict resolution and student discipline, acknowledging that in some cases, managed conflict has the potential to reoccur or escalate. Administrators should advise Safety and Security as well as the SRO during weekly meetings of information they believe will benefit the team moving forward, including information regarding conflicts that don’t rise to the level of a reportable offense.

## **Information Sharing**

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

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

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

- a. Health or Safety Emergency.

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

In making this determination, the custodian may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other

individuals. If the custodian determines that there is an articulable and significant threat to the health or safety of a student or other individuals, the custodian may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

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

- b. **School Reports of Child Abuse or Neglect.** When the school makes a report of child abuse or neglect it shall disclose all of the records related to the report to law enforcement and/or Child Protective Services.
- c. **Court Orders.** When a school is presented with a subpoena, search warrant or other court order, it will disclose the records in accordance with the subpoena, search warrant or court order, except that the school must make reasonable efforts to notify the parents or guardian in advances and in accordance with FERPA.
- d. **Information Not Contained In Educational Records.** FERPA does not apply to information outside of educational records. For example, a principal's unrecorded observations may be disclosed to law enforcement.
- e. **Directory Information.** For students whose parents or guardians have not opted out of the disclosure of directory information as defined in School Board policies, a principal may release this information except that under § [22.1-287.1](#) of the Code of Virginia, no student address, telephone number or email address may be disclosed unless the disclosure is to school employees for educational purposes or school business. Directory information is defined as names and addresses of a student or parent, e-mail address of parent(s), yearbook photograph, telephone number, date and place of birth, dates of attendance, participation in officially recognized activities and sports, height and weight of members of athletic teams, awards and honors received and student rosters.
- f. [Title 34, Code of Federal Regulations § 99.31](#), provides the list of exceptions which may authorize a disclosure of educational records without parental consent.
- g. **Surveillance Video/Audio.** When hallway, outdoor or bus surveillance audio or video would constitute an educational record under FERPA, then law enforcement shall present a subpoena, search warrant or court order and the school shall generally notify the parent(s) or guardian(s) in advance, prior to providing a copy of the audio/video unless the parents of the students involved provide written consents to the release or unless there is an immediate health or safety emergency as determined above. A copy of all other audio/video not protected by FERPA may be released to law enforcement upon request.

To obtain surveillance recordings, law enforcement will coordinate with the custodian of school bus and school surveillance records, who will make a copy of the video before giving the original to law enforcement, provided that a lawfully issued subpoena or search warrant has been presented. The custodian of the surveillance records will also make reasonable efforts to notify the student's

parent or guardian of its intent to comply with the subpoena in advance with the exception of cases involving suspected parents/guardians.

At this time, LCPS has not designated those managing and controlling its surveillance video/audio as a law enforcement unit which would otherwise exempt such records from the FERPA restrictions on disclosure due to not being maintained by an educational entity but rather would have made them LCPS law enforcement unit records maintained for law enforcement purposes and subject only to the Virginia Freedom of Information Act.

Live Feed Video. Law enforcement shall have access to live feed surveillance video during normal school hours or sanctioned afterschool events.

Consent access. An SRO or other law enforcement officer may have access to a student's education records with written consent of the student's parent/guardian or of the student if the student is age 18 or older. A record of the disclosure is required to be maintained in the student's records in accordance with FERPA.

SRO disclosure of law enforcement records. SROs may disclose only law enforcement records created and maintained by the SRO for the purpose of ensuring the physical safety and security of people and property in schools and/or enforcement of laws. Because law enforcement records are not student records, they are not subject to the disclosure restrictions of FERPA.

## **Investigation and Questioning**

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

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

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

Principals conducting an administrative student investigation are not bound by the above requirements, particularly the warning against self-incrimination. SROs take the lead in investigation and questioning related to criminal activity. School administrators take the lead in questioning students about violations of the code of conduct and SROs shall not in any way

direct the questioning of students in this situation. When a school administrator has reasonable grounds for concern about the safety of those present during the questioning, the administrator may request the SRO to be present solely to provide security and protection, but the administrator must remain in full control of the questioning at all times.

**Specific Examples:**

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

- Questioning of students at the school by law enforcement personnel should be limited to those instances where delay may increase the risk of danger to any person, destruction of evidence, or flight of a suspect. Prior to questioning a juvenile suspect on school property in these matters, the SRO will attempt to obtain permission from the parent or legal guardian. If the parent or legal guardian cannot be reached, a school administrator may be present during the interview to act in loco parentis to the student. All questioning on school property by LCPS employees must be consistent with School Board policy and Department General Orders. If the parent or legal guardian of the juvenile suspect grants permission for a law enforcement interview outside of their presence, the interview may be completed without a school administrator being present. The exception is questioning associated with child abuse cases pursuant to Va. Code § [63.2-1518](#). No contact should be made with any parent/guardian when either parent/guardian is suspected of being involved in the child abuse. A school administrator is NOT required to act in loco parentis.

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

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

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

## **Searches and Seizure**

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

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

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

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

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

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

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

## **Arrests**

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

### **Physical Intervention by School Resource Officers**

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

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

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

### Crime Scene Control

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

## **KEY STATUTORY RESPONSIBILITIES**

### **Crime Reporting**

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

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

### **Threat Assessment**

School Threat Assessment Team Member

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

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

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

### **School Safety Audits**

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

### **Incident Management**

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

- **Evacuate**
- **Secure the Building**
- **Lockdown** or;
- **Shelter in Place**

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

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

- The reported incident's proximity to the school grounds.
- The likelihood that the incident could impact students or staff safety in or around school property.
- The probability that people involved in the event would seek refuge or concealment from law enforcement on school property.
- The public safety response of resources could prevent normal egress of school transportation vehicles, thus presenting a hazard to school children leaving school property (i.e., established perimeters, roadblocks, and checkpoints restrict normal traffic flow around school property).
- The action supports an active criminal investigation, to interview witnesses or coordinate additional security to maintain order.

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

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

In all criminal matters, law enforcement officials assume ownership of the school and will act in accordance with associated polices and protocols in place to respond to an active violent incident

in a school. Law enforcement as soon as practical will establish a “unified command” in support of the National Incident Management System for Incident Command. As soon as is practical, the school administrator, designee and safety and security will support the Command Structure and remain until the event is concluded.

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

### Event Notification Procedure

Event notification will occur in the following manner;

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

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

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

\_\_\_\_\_  
Brenda L. Sheridan  
Chair – Loudoun County School Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date