

POLICE AUTHORITIES RELATIONS WITH LAW ENFORCEMENT AUTHORITIES

Investigations by Law Enforcement Officers at School

When it becomes necessary for any law enforcement officer to interrogate a student on school premises, the principal shall be contacted immediately. The principal or his/her designee shall make a reasonable effort to contact the parent or guardian and have the parent or guardian in attendance for the conference. If the parent or guardian cannot be present for the conference, then the principal or his/her designee should be present throughout the investigation/interrogation.

In accordance with Section 63.1-248.102-1518 of the Code of Virginia, 1950, as amended, a child protective services worker or a police officer may talk to any child suspected of being abused or neglected or to any of his siblings without the consent of and outside the presence of the parent, legal guardian, or school personnel. In cases of interviews of children on school grounds, the child protective services worker or police officer will furnish proper identification and make appropriate arrangements for the interview with the principal or the principal's designee.

Service of Process at School

Should there be a need to serve student or school employee with any "legal process," the School Board ~~requests~~ encourages that the process server make all reasonable attempts to serve such documents off of school premises; however, if the documents must be served on school premises, they shall be served at the principal's office of the school at which the student is in attendance or the main office of the facility at which the employee is assigned.

In any case in which custody or visitation of a minor child is at issue and a summons is issued for the attendance and testimony of a teacher or other school employee who is not a party to the proceeding, if such summons is served on school property, it may be served only by a sheriff or his deputy.

Development of Programs

The Superintendent shall seek to develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs and procedures to prevent violence and crime on school property and at school-sponsored events. The Superintendent shall obtain and use Sex Offender Registry information in accordance with Policy KN.

Report to Law Enforcement Officials

Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to local law-enforcement officials all incidents listed below

that may constitute a criminal offense:

1. assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person or stalking of any person as described in Va. Code section 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; or
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 of or attempted theft of student prescription medications; or
3. any threats against school personnel while on a school bus, on school property, or at school-sponsored activity; or
4. the illegal carrying of a firearm, as defined by Va. Code section 22.1-277.07, onto school property;
5. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code section 18.2-433.1, or chemical bombs, as described in Va. Code section 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; or
6. any threats or false threats to bomb, as described in Va. Code section 18.2-83, made against school personnel or involving school property or school buses.

The principal may report to local law enforcement officials any incident involving the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity.

Additional information concerning the Division's protocols for working with the Albemarle County Police Department may be found in the enclosed *Joint Protocol for the Albemarle County Public Schools and the Albemarle County Police Department Regarding the School Resource Officer Program.*

Adopted: July 1, 1993
Amended:

Legal Ref: Code of Virginia, 1950, as amended, §§8.01-47, 8.01-293, 9.1-101, 16.1-264, 22.1-279.3:1, 22.1-280.2:1, 22.1-293 (B-D)

Cross Ref.: CLA, Reporting Acts of Violence and Substance Abuse
JFC, Student Conduct
JGD/JGE, Student Suspension/Expulsion
KN, Sex Offender Registry Information
KNAJ, Relations With Police Authorities



**JOINT PROTOCOL FOR
THE ALBEMARLE COUNTY PUBLIC SCHOOLS
AND THE ALBEMARLE COUNTY POLICE DEPARTMENT
REGARDING
THE SCHOOL RESOURCE OFFICER PROGRAM**

I. PURPOSE

1.1. Mission. This Joint Protocol was developed by the Albemarle County Public Schools (the "School Division") and Albemarle County Police Department ("Police") for the purpose of strengthening their partnership and establishing joint procedures on matters relating to the School Resource Officer ("SRO") program and criminal investigations. The School Division and Police are committed to the goal of enhancing the safety, well-being and education of students attending Albemarle County Public Schools. To that end, the parties agree to strive to build a partnership based on trust, cooperation and understanding.

1.2. Scope of SRO Program. The SRO Program is designed to provide law enforcement services to Albemarle County high school and middle schools. These services shall take the form of:

1. Promoting safety within the school building(s), grounds and surrounding roadways;
2. Providing guidance, counseling and role modeling to students;
3. Engaging in educational programs that help promote an understanding of the law and how it applies to the well-being of the school, students and community;
4. Taking enforcement action when it becomes necessary to ensure the safety and well-being of students, staff and visitors;
5. Preventing and intervening to stop acts of violence toward students, staff and visitors; and
6. Reporting and investigating criminal activity within the school.

1.3. Services of SROs. The School Resource Officer shall work with the principal and school staff to provide effective police services within the school. Officers will meet with the principal at least once each year prior to the commencement of the school year and work out an acceptable work plan. SROs will:

1. Patrol the building(s) and grounds of the school. Officers shall not be assigned solely to monitoring halls, grounds, restrooms and cafeterias, however, as patrolling is only one part of the SRO's duties.
2. Provide guidance, information and referral to students when necessary.
3. Provide and participate in educational activities within the school as feasible. Topical areas might include: Virginia laws; mediation and conflict resolution; drug avoidance and awareness; safe driving and laws pertaining to motor vehicle safety; laws relating to alcoholic beverages; personal safety and self defense; good citizenship; the police, the citizenry and the U. S. Constitution; Search & Seizure; and any other educational or athletic support as feasible.
4. Officers shall not enforce civil laws, except when related to the care and handling of mentally or emotionally disturbed students under emergency custody situations. Officers will not serve subpoenas at school unless necessary, in which case they will serve the principal's office in accordance with School Board Policy KNAJ.

II. COMMUNICATION

2.1. General. An atmosphere of open and honest communication between the Schools and the School Resource Officers is critical to the success of this partnership. School staff and SROs shall work to promote a positive and productive relationship. Problems arising between the school and police personnel shall be handled in a calm, courteous and professional manner. SROs shall strive to develop positive relationships between students, parents, visitors and school officials.

2.2. Resolution of Concerns. Issues concerning school policy shall be directed to the principal of the school from where the matter originated. Matters falling within the responsibility of the police needing guidance for resolution shall be directed to the School Resource Officer or his or her supervisor.

In the event of a criminal investigation regarding any student, school employee or volunteer, the SRO Commander (lieutenant) and the Superintendent's Designee for student behavior management will serve as the official liasons between the School Division and Police Department. Any concerns or questions about the interaction between the agencies during a pending investigation should be directed to the liasons for immediate discussion and resolution.

2.3. Routine Communications. SROs and School Officials shall inform each other about any matter coming to their attention that:

1. Threatens the safety of the student(s), staff or the police;
2. Concerns any criminal activity within the school or affecting the school;
3. Involves any act of violence within or around the school involving students, staff or police;
4. May constitute a sexual assault; or
5. Involves physically unsafe or environmental concerns.

School staff will call the ECC at 911 when they are unable to locate an SRO for everyday problems occurring within their school that need a police response. School personnel shall request that the ECC have an officer respond to the school.

2.4. Media Releases. Matters that are deemed newsworthy will be released only after the school principal, Superintendent's office and the Police via appropriate channels have been notified and had an opportunity to review and comment on the content of the materials to be released. Names of students under the age of 18 as well as victims' names, address, etc. shall not be released. Only the necessary information needed to make the release shall be provided.

2.5. SCHOOL STAFF REPORTING TO POLICE

2.5.1. Mandatory Reporting of Potential Crimes. Principals or their designees shall immediately report to the SRO any act that may constitute a criminal offense falling within the categories below in accordance with Virginia Code §22.1-279.3:1(D):

1. the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, 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. the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property (this includes other weapons, such as a knife with a blade of 3 inches or more);

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; or

The principal *may* report any assault to the SRO, regardless of whether it causes any bodily injury.

(Virginia Code provisions may be searched on the General Assembly's website at the following URL: <http://leg1.state.va.us/000/src.htm>. Type just the numerical citation, i.e. "18.2-433.1," to pull up the statute.)

2.5.2 Procedure for School Staff Reporting. If the SRO or the SRO Unit Supervisor cannot be located, the reporting school official should call the Emergency Communication Center (911) to report the incident and have a police officer respond, and report the incident to the Superintendent or her designee.

School staff shall exercise their best judgment to determine whether an incident is a potentially criminal offense requiring a report to the SRO. If an act *reasonably could be* a criminal offense, staff will report the act to the SRO and allow the SRO to exercise his law-enforcement judgment regarding the act.

In the event of any questions concerning whether the act must be reported to the SRO, school staff shall contact the Superintendent's Designee responsible for student behavior management or, if he or she cannot be reached, the School Board Attorney. School staff shall also follow, whenever possible, the guidance concerning interviews and investigations in Section 3.1.2 below in order to minimize impairment of a subsequent criminal investigation or prosecution.

2.5.3. Reporting Child Abuse or Neglect. School staff shall report any potential child abuse or neglect that is mandated by Virginia Code §63.2-1509 to the Department of Social Services, Child Protective Services unit ("CPS"). See Section 3.1.2. Police shall coordinate with CPS, as needed, to investigate any criminal matter arising from such incidents.

2.6. SRO REPORTING TO SCHOOL STAFF

2.6.1. Mandatory Reporting of Criminal Offenses. SROs shall, in accordance with Va. Code §22.1-279.3:1(B), immediately report to the principal offenses, wherever

committed, by students enrolled at the school if the offense would be:

1. a felony if committed by an adult;
2. a violation of the Drug Control Act, Va. Code §§ 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity; or
3. an adult misdemeanor involving any incidents listed in Section 2.5.1 (pp. 3-4) as an offense for mandatory or optional reporting.

2.6.2. Additional Reporting of Criminal Offenses. In accordance with Va. Code §16.1-301(B), SROs may, for the protection of the juvenile, his fellow students and school personnel, report to the school principal that a juvenile is a suspect in or has been charged with:

1. a violent juvenile felony, as specified in subsections B and C of § 16.1-269.1;
2. a violation of any of the provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; or
3. a violation of law involving any weapon as described in subsection A of § 18.2-308.

If the SRO has disclosed to a principal pursuant to this section that a juvenile is a suspect in or has been charged with a crime listed above, upon a court disposition of a proceeding regarding such crime in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, he shall, within 15 days of the expiration of the appeal period, if there is no notice of appeal, provide notice of the disposition ordered by the court to the school principal to whom disclosure was made.

2.6.3. Serving as a Resource on Criminal Charges & Cases. While SROs are not permitted by law to share certain information concerning criminal investigations and prosecutions with school staff, SROs shall assist school staff on inquiries for charge or case information concerning students enrolled in their school in the following manner:

1. Referring the staff member to another appropriate entity if one exists, such as the clerk of court, intake office, detention center or the Commonwealth's Attorney.
2. Directing the staff member to the appropriate Virginia Code section(s) for the applicable charges.
3. Answering questions about the criminal investigative and/or prosecutive process.

At no time shall SROs divulge any information that is prohibited from disclosure by Virginia Code §16.1-301 or by any other law.

2.6.4. Gang Activity and Participation. Given the increasing concerns presented by gang related activity in the schools, school staff and SROs will cooperate to the fullest extent possible to promote a school environment free of visible gang activity, recruitment and participation. School staff shall adhere to School Board Policy JFCE – Gang Activity or Association.

In addition, school staff shall engage in ongoing and open communications with SROs about their observations of gang signs, graffiti or vandalism and any acts of gang initiation, hazing, recruitment or violence. SROs shall attempt, whenever appropriate and not contrary to the interests of public safety, to utilize educational and restorative justice interventions to aid students who may be gang members.

III. PROCEDURES IN CRIMINAL INVESTIGATIONS & CHARGES

3.1 INTERVIEWS OF STUDENTS

3.1.1. Interviews by Police. School Resource Officers shall make reasonable attempts to contact parents whenever they intend to interview a student about their involvement in a criminal matter. If a parent cannot be located or refuses to come to the school, a school official shall be asked to sit in on the interview. Officers will adhere to Police policies concerning the conduct of interviews, including policy 4-17. During an emergency situation, or if required by investigative needs, officers are not required to contact or have a parent or school official present for the interview before proceeding. Once a situation has been normalized, every effort should be made to comply with the school's policy concerning the questioning of students.

If an officer must interview a person of the opposite sex, then another adult (preferably of the same sex as the person being interviewed) must be present. The only exception to this would be where an officer is dealing with a life-threatening situation. If a student requests legal counsel during an interview, then all questioning must cease. It is important to note that school officials are not held to the same standard as a police officer in questioning. Although school officials may conduct interviews with Police present, they must never act as agents of the Police in obtaining information for a criminal case.

3.1.2. School Staff Interviews in Potential Child Abuse or Neglect, and Sexual Crime Circumstances. During the course of casual conversations or disciplinary meetings with students, school staff may learn that a student has been the victim of child abuse or neglect, rape, sexual assaults or sexual abuse. The role of school staff is not to investigate

the report, but to learn whether a crime may have occurred and refer the matter to CPS/Police. Upon learning this information, staff should:

1. Refrain from asking any questions unless they are necessary to understand what the student is saying. Any questions should be neutral and non-suggestive, such as: "what do you mean by that?" or "can you explain that to me?"
2. Separate students if more than one student is in the room. Interviews should not be conducted with multiple students at the same time.
3. Refrain from making judgmental statements. It is appropriate to respond to the student's statements with comments to provide emotional support, such as "thank you for sharing that with me," or "I'll make sure I let the proper people know so that we can help you."
4. Do not ask students to give a written statement.
5. Terminate the conversation as soon as possible under the circumstances.
6. Immediately after the conversation, write down everything that can be recalled about the conversation, including staff questions/comments and the student's statements.

See Section 2.4.3.

3.1.3. School Staff Interviews of Students in Other Potentially Criminal Circumstances. If school staff receive information during the course of their interview that a crime has been committed, they shall take the following steps:

1. Call the SRO prior to continuing the interview.
2. If the SRO or another officer cannot arrive within a reasonable period of time, and the crime(s) involved is not a serious, violent crime and does not pose an immediate safety threat, conclude the interview prior to an officer's arrival and handle any contraband or evidence in accordance with Search procedures of Section 3.2.
3. If the crime(s) involved is a serious, violent crime or poses an immediate safety threat, staff should not continue the interview until an officer arrives. "Serious, violent crime" includes, for example, homicide, rape, shooting or stabbing a person, and burning an occupied building.
4. Immediately after the interview, document what was said.

3.2. SEARCHES

3.2.1. Searches of Students by Police. Police searches of people, personal belongings, lockers and cars will be based on probable cause. Searches of students shall take place only when incidental to a custodial situation (arrest or investigative detention), an administrative search by the school official, or during an emergency situation. Police officers shall not use school officials as their agents to conduct searches. Searches of lockers, vehicles and parking lots by the Police and K-9 dogs require prior approval from the Superintendent and the Chief of Police. Police shall give reasonable notice to the principal before a search is conducted at his school whenever possible. Searches will be conducted so as to cause minimal interference with the life of the school.

3.2.2. Searches by School Staff. School officials may search based on reasonable suspicion. Searches of students, personal belongings, lockers and cars will be conducted in accordance with applicable School Board policies and regulations.

When school staff are faced with conducting a search for objects that could endanger staff or students, such as firearms and explosive devices, staff will take the following actions unless safety concerns require a different, emergency response:

1. Secure the general area in which the dangerous object is located.
2. Immediately contact your SRO or call 911, if the SRO is not on-site or available.
3. Refrain from conducting any search until Police arrive on scene.

In other, non-emergency situations when school staff recover contraband that may become evidence in a criminal case, such as marijuana or alcohol, staff shall take the following actions:

1. When needed, use the precautionary supplies provided in Division-issued kits for staff safety.
2. Place the contraband in a container if possible, such as a clear plastic bag or box, and keep it in a secure location, such as a locked file cabinet.
3. Contact your SRO so that he or she may take custody of the contraband.
4. If possible, stay in the same room or area as the contraband until the SRO arrives. This increases the chance that a criminal charge will not be dismissed based on failure to maintain custody and control over the contraband.

3.3. Custody and Detention of Students. The taking of a student into custody by the police on school grounds can be a traumatic experience. Officers and school officials shall attempt to take a student into custody with minimum embarrassment when at all possible. Care should be taken to have a student discreetly leave a classroom for police matters. When a child is to be taken into custody, a parent(s) or guardian will be notified if at all possible. When possible, the student should be asked to report to the office without revealing the nature of the visit, so as not to embarrass them. In matters where the student must be detained and transported to a juvenile court or intake office, the student should be handcuffed in accordance with the Police Department's policy on this matter. Again, care shall be taken not to purposely humiliate or embarrass the student. Students taken into custody shall be searched to ensure that they are not carrying any weapons or illegal substance. School officials shall not interfere with a lawful custody procedure.

Should a parent or school officials have a complaint or concern about a student being taken into custody, a police report will be prepared and the SRO Unit Supervisor will be notified. Should the school official or Principal not be aware of the matter, the SRO shall inform them as soon as possible.

3.4. Criminal Enforcement and Alternate Resolution. Officers shall take appropriate enforcement action when violations of criminal law take place on the school property. Discretion may be used when deciding whether a charge is to be placed or to use an alternative method of addressing the matter. The SRO may consult with the school principal and the SRO Unit Supervisor prior to taking any action. Ideally, the action taken should be mutually agreed upon. The final decision, whether to place a charge or not rests with the SRO, the SRO Unit Supervisor and Commonwealth's Attorney. Alternative resolutions should be based on the student's past history, severity of the offense, and the response and actions of the student. It is important that parents or guardians are included in the decision when considering alternative methods rather than making formal charges. The following alternatives may be suggested by the SRO:

1. A warning.
2. Counseling.
3. Having the student complete a written assignment or study concerning the situation they were involved in and what they would do to avoid a similar mistake. This will only become an option, when the parents, school and officer agree to this. This will only be done for minor incidents.
4. An intake counseling session through the Juvenile Court.
5. Officer, student, school and family counseling session.
6. Mediation.

IV. CRISIS MANAGEMENT

4.1. General Procedure. In the event of a crisis at school such as a fire, natural disaster, or act of extreme violence, school staff shall not wait to locate an SRO, but will phone "911" to the Emergency Communications Center (ECC) and inform them of the nature of the incident. The school will request a response from the on-duty Patrol Division even though an SRO may be involved in responding to the crisis.

Some examples for which the school shall phone the ECC (911) *immediately* are:

1. A shooting or stabbing incident;
2. Any extreme act of violence;
3. When an SRO is in danger of harm or has been injured;
4. A bomb threat and no SRO is available to assist;
5. A natural disaster of any type; and
6. The death of a student, teacher, visitor or SRO on school property.

School officials should consult their Crisis Manuals for additional information that is specific to the necessary steps to take within their school during a specific crisis.

4.2. SRO Reporting. The SRO shall report via channels on the standard Incident Report Form a detailed account of any crisis occurring within their assigned school. If the SRO is not available, then the responding officer shall be responsible for this report. The SRO Unit Supervisor shall inform via channels the Community Policing Division Commander, Operations Bureau Commander and the School Superintendent's office of the nature of any such crisis.

V. ADMINISTRATION OF THE PROGRAM

5.1. Supervision and Control. The SRO is an employee of the Albemarle County Police Department. As an employee of the Police Department, the SRO reports directly to the School Resource Officer Unit Supervisor and to other supervisory members directly in his or her chain of command. The SRO is assigned to particular schools but is not an employee of that school. SROs and School Officials will attempt to work in harmony on all matters. They will make every effort to develop a mutually acceptable work plan that satisfies the needs of the school and the objectives of the police presence within the school. The work plan must take into account, among other things:

1. Absences due to case development and court appearances;

2. Annual or emergency leave;
3. Taking of compensatory leave for additional hours previously worked;
4. Training need;
5. Police Department, Division or SRO Unit meetings;
6. Special Operations approved by the Chief of Police or his/her designee;
7. Temporary reassignment of personnel to meet the needs of the Police Department;
8. When or when not to make an arrest for a criminal violation of the law; and
9. Matters pertaining to internal investigations or disciplinary action.

The SRO will work with the school towards having some flexibility when possible. The school principal and staff are encouraged to provide input and feedback on how to handle less serious matters.

5.2. Absences from School. The Police Department will make every effort to maximize the SRO's presence in the assigned school(s). However, absences may be required due to the following reasons, among others:

1. The SRO is is entitled to take annual leave when approved by the SRO Unit Supervisor. School officials shall work with the SRO Commander regarding any concerns with the SRO Unit Supervisor's responsibilities to manage leave and compensatory time balances. The SRO Unit Supervisor shall attempt when possible to be flexible with the taking of compensatory leave balance. However, efforts to eliminate compensatory leave balances must be attempted during the officer's current pay cycle.
2. SROs must be allowed to do case preparation and make court appearances as required.
3. The SRO will be required to leave the school to assist with a crisis situation or a serious matter elsewhere.
4. The SRO Unit Supervisor will attempt to schedule the bulk of an officer's yearly training during the summer vacation. Attendance at some training may be necessary during the school year. Firearms training must be attended by the SROs along with other officers throughout the course of the year.

5. The SRO must be able to attend work-related meetings as scheduled. When possible, the SRO Unit Supervisor or another SRO will check in on the school from which the SRO is absent.

If an SRO is absent from school and police services are needed, then school personnel should contact the Emergency Communication Center (911), describe the problem, and request a police response.

5.3. Review and Revision of Joint Protocol. This Joint Protocol on the School Resource Officer program is a revision of previous agreements in terms of expected performance. This Joint Protocol does not cover or revise previous agreement on shared expenses between the Schools and the Police. These shall carry on as previously agreed to unless otherwise revised. This document is subject to review and revision on an ongoing basis and may be added to or revised at any time based on the mutual agreement of the Chief of Police and the Superintendent.

Agreed to this day:

Date June 10, 2008

Pamela Moran

Dr. Pamela R. Moran
Superintendent of Schools
Albemarle County, Virginia

Date June 10, 2008

John F. Miller

John F. Miller
Chief of Police
Albemarle County, Virginia