

## APPENDIX C: MODEL MOU

### MEMORANDUM OF UNDERSTANDING

#### Introduction

This memorandum of understanding (“MOU”) is effective as of July 1, 2016 and concerns the relationship between the Anywhere City Police Department (“ACPD”) and the Anywhere City Public Schools (“ACPS”).

#### **I. GOVERNING PRINCIPLES**

ACPS, ACPD, and this MOU are guided by the following principles:

- A. Excellent public education is essential to the well-being of individuals, communities, and the Commonwealth of Virginia.
- B. To provide an excellent education for all students, schools must be safe.
- C. Preventing misbehavior is paramount in maintaining safe schools.
- D. Positive relationship-building and a supportive school culture are crucial methods of preventing misbehavior.
- E. Students who misbehave should face consequences that are effective, developmentally appropriate, and fair; that help them learn from their mistakes; that minimize loss of instruction time, and that address the root causes of their misbehavior. Whenever possible, alternatives to arrests and court referrals – *e.g.*, referrals to restorative justice, community service, mental health, mentoring, restitution, and substance abuse programs – are best.
- F. Searching and interrogating students, and arresting and referring students to court, unless absolutely necessary, is counterproductive to the role of schools.
- G. Meaningful engagement of all stakeholders – including students, parents, and teachers – is essential to school safety and positive school climate.

#### **II. PURPOSES**

This MOU aims to:

- A. Promote school safety and positive school climate;
- B. Promote effectiveness and accountability;
- C. Minimize the number of students unnecessarily out of the classroom, arrested at school, and court-involved; and
- D. Create a common understanding among ACPS board members, staff, parents, and students; ACPD officers and staff; local court system actors; and the broader community:

- i. That school administrators and teachers are ultimately responsible for school discipline and culture;
- ii. That law enforcement should not be involved in the enforcement of school rules; and
- iii. That clear delineation of the roles and responsibilities of law enforcement, with regular review by all stakeholders, is essential.

### III. DEFINITIONS

- A. Firearm: “any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon” (Va. Code § 22.1-277.07(E))
- B. Parent: “any parent, guardian, legal custodian, or other person having control or charge of a child” (Va. Code § 22.1-1)
- C. School administrator: a principal, assistant principal, dean of students, or other senior administrator of an ACPS school
- D. School Resource Officer (“SRO”): “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” (Va. Code § 9.1-101)
- E. School Security Officer (“SSO”): “an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school” (Va. Code § 9.1-101)
- F. Student: an individual enrolled as a student in the ACPS
- G. Stop and frisk searches: when a law enforcement officer: (i) has a reasonable belief, based on specific and articulable facts, that a specific individual possesses something illegal; (ii) stops the individual; and (iii) “pats down” the individual to determine if the individual has something illegal
- H. Weapon: “(i) 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; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart” (Va. Code § 18.2-308)

## All Law Enforcement Officers

This section applies to all ACPD officers, including school resource officers (“SROs”), at all times and on all ACPS property. Sections applicable to school safety officers (“SSOs”) are noted. The intent of this section is to give clear guidance to law enforcement officers and school officials, and to ensure law enforcement is involved in only the prevention and investigation of crime, and not in the enforcement of school rules and policies. This section is not intended to be a recitation of existing law. Instead, it spells out heightened protections for students and parents that are more consistent with the unique setting of schools, the mission of ACPS, and the special characteristics of young people.

### **IV. SEARCHES**

- A. Prior to searching a student, a student’s possessions, or a student’s locker, officers shall:
  - i. Have probable cause to believe the student possesses:
    - 1. A weapon;
    - 2. Illegal drugs or alcohol;
    - 3. Stolen property; or
    - 4. Evidence needed to prevent physical harm;
  - ii. Notify a school administrator of the impending search, unless there is a clear and immediate threat to physical safety; and
  - iii. Provide the school administrator with an opportunity to be present during the impending search, unless there is a clear and immediate threat to physical safety.
- B. Probable cause, as it is used in this section, means all of the circumstances would lead a reasonable person to believe the student possesses a weapon, drugs, alcohol, stolen property, or evidence needed to prevent imminent physical harm to a person.
- C. An officer may search a student without probable cause, only if, prior to the search, the officer has voluntary, clear, written consent from the student’s parent or the student, if the student is in high school.
  - i. Consent from elementary and middle school students is invalid.
- D. All searches shall:
  - i. Occur outside of the presence of staff (except school administrators) and other students, unless there is a clear and immediate threat to physical safety; and
  - ii. Be reasonable in scope.
- E. As soon as practicable, the student’s parent shall be notified of the search via telephone or email, or in-person.
- F. Officers shall not:
  - i. Use metal detectors without first meeting the probable cause threshold in Parts A and B of this section;

- ii. Conduct strip searches;
  - iii. Conduct stop and frisk searches; or
  - iv. Participate in searches conducted by school staff, unless the principal or assistant principal requests the officer be present for safety reasons.
- G. Officers shall make a record of each search of a student.<sup>1</sup>
- H. This section also applies to SSOs.

## V. QUESTIONING

- A. Unless there is a clear and immediate threat to physical safety, officers shall, prior to any questioning of a student about his or her involvement in a delinquent or criminal offense:
- i. Possess probable cause to believe the student has committed, or will commit in the foreseeable future, an offense that poses a clear threat to physical safety;
  - ii. Communicate heightened, developmentally appropriate warnings against self-incrimination to the student in the student's primary language;
  - iii. Notify the student's parent of the impending questioning, and provide the parent with a reasonable opportunity to be present during the questioning; and
  - iv. Notify a school administrator of the impending questioning, and provide him or her with an opportunity to be present during the questioning.
- B. Heightened, developmentally appropriate warnings against self-incrimination shall include the following:
- i. "You have the right to remain silent. You do not have to talk to me."
  - ii. "Anything you say to me can be used against you in court or for suspension or expulsion from school."
  - iii. "You have the right to have a parent, guardian, or lawyer here while I question you. If you want one of them here, you do not have to talk to me until he or she arrives."
  - iv. "If you go to court for delinquency or criminal charges, you will have a lawyer."
- C. If the student exercises his or her right to remain silent, the officer shall immediately end the questioning.
- D. Officers shall make a record of each questioning of a student.<sup>2</sup>
- E. This section also applies to SSOs.

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<sup>1</sup> See Appendix D for a model form.

<sup>2</sup> See Appendix D for a model form.

## VI. USE OF FORCE

- A. Officers shall not unholster a firearm on ACPS property, unless there is a reasonable basis to believe someone on the property may use a firearm or other weapon to cause death.
- B. Officers, including SROs and SSOs, shall not use physical force unless there is a clear and immediate threat of serious bodily injury.
- C. Physical force includes, but is not limited to, the use of:
  - i. Physical restraint (*e.g.*, putting a student's arm behind his or her back);
  - ii. Handcuffs and other restraint devices;
  - iii. Pepper spray and mace;
  - iv. TASERs and stun guns; and
  - v. Firearms.
- D. If physical force is used, officers, including SROs and SSOs, shall:
  - i. Complete "Use of Force Reporting Form"; and
  - ii. Provide a copy of the form to:
    - 1. His or her supervisor;
    - 2. The school principal; and
    - 3. The student's parent in his or her primary language.<sup>3</sup>
- E. The officer's supervisor and the school principal shall maintain a record of the forms.
- F. SSOs shall not possess or use:
  - i. Restraint devices;
  - ii. Pepper spray or mace;
  - iii. TASERs or stun guns;
  - iv. Firearms; or
  - v. Other weapons.

## VII. ARRESTS AND COMPLAINTS

- A. Officers shall have the authority to arrest non-students on ACPS property when there is probable cause to believe the non-student committed or is committing a criminal offense.
- B. Neither officers nor ACPS employees shall file a delinquency complaint (also known as a "referral" to the local court service unit) or a criminal complaint against a student, or contact a student's probation officer, for:
  - i. Minor offenses that occur while the student is lawfully on ACPS property or at an ACPS sponsored-event; or
  - ii. Obstructing justice with respect to minor offenses (Va. Code § 18.2-460).
- C. SROs shall not arrest students for minor offenses.
- D. For purposes of this section, "minor offenses," include:

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<sup>3</sup> See Appendix D for a model form.

- i. Abusive language (Va. Code § 18.2-416);
  - ii. Assault or assault and battery, without bodily injury (Va. Code § 22.1-279.3:1);
  - iii. Disorderly conduct (Va. Code § 18.2-415);
  - iv. Gambling (Va. Code § 18.2-326);
  - v. Petit larceny (Va. Code § 18.2-96);
  - vi. Possession of tobacco (Va. Code § 18.2-371.2); and
  - vii. Trespassing (Va. Code § 18.2-128).
- E. Unless aggravating factors are present and documented in writing, neither officers nor ACPS employees shall file a delinquency or criminal complaint against a student, for:
  - i. Grand larceny (Va. Code § 18.2-95);
  - ii. Injuring property (Va. Code § 18.2-137);
  - iii. Obstructing justice with respect to offenses not listed part D of this section (Va. Code § 18.2-460);
  - iv. Possession of marijuana (Va. Code § 18.2-250.1);
  - v. Possession of alcohol (Va. Code § 4.1-305); and
  - vi. Threats to school employees (Va. Code § 18.2-60(B)).
    - 1. Examples of aggravating factors include:
      - a. A documented history of similar behavior;
      - b. Involvement of a weapon;
      - c. Especially egregious facts (*e.g.*, stolen property worth over \$1,000, possession of more than an ounce of marijuana, etc.); or
      - d. Refusal to participate in a reasonable alternative consequence.
- F. Officers and school administrators shall consider using alternative consequences for the offenses listed in Parts D and E of this section, including, but not limited to:
  - i. A behavioral intervention plan;
  - ii. Parent notification;
  - iii. Community service;
  - iv. Restorative justice or mediation;
  - v. Counseling;
  - vi. Substance abuse treatment; or
  - vii. Saturday school.
- G. Unless there is a clear and immediate threat to physical safety, officers shall, prior to arresting a student on campus:
  - i. Notify a school administrator of the impending arrest; and
  - ii. Provide the school administrator with an opportunity to be present during the arrest.
- H. Unless there is a clear and immediate threat to physical safety, all arrests shall occur outside of the presence of school staff and other students.

- I. As soon as practicable after arresting a student, an officer shall notify, by phone or in-person, the student's parent of:
  - i. The arrest;
  - ii. The basis for the arrest; and
  - iii. The location at which the parent can meet the student.
- J. An officer or ACPS employee who files a complaint against a student shall provide a copy of the complaint to the student's parent within two business days of filing the complaint.
- K. Nothing in this MOU shall prohibit:
  - i. Officers from lawfully arresting a student off of ACPS property for an offense that is committed off of ACPS property; or
  - ii. Officers and school staff from filing a complaint against a student for an offense that occurred off of ACPS property and/or during non-school hours.
- L. Nothing in this MOU shall limit the right of private individuals (*i.e.*, non-ACPD and non-ACPS employees) to file complaints against other private individuals.
- M. SSOs shall not have the authority to arrest anyone.

## **VIII. TRANSPORTING STUDENTS**

- A. Officers shall not transport students anywhere off of ACPS property unless:
  - i. The student is under arrest and the student's continued presence on ACPS property poses a threat to physical safety or a substantial disruption to the school environment; or
  - ii. The officer is transporting the student for purposes of positive relationship-building and has express permission from the student's parent.
- B. If transporting a student is necessary and permissible under this section, the officer shall notify a school administrator and the student's parent, as soon as practicable, of:
  - i. The reason for the transport; and
  - ii. The destination of the student.

## **IX. DATA**

- A. The ACPD and ACPS shall work together to collect data on all of the following that occur on ACPS property:
  - i. Uses of force;
  - ii. Searches;
  - iii. Questioning;
  - iv. Arrests; and

- v. Complaints (*i.e.*, referrals to court).<sup>4</sup>
- B. The data shall be disaggregated by:
  - i. Action taken (*i.e.*, use of force, search, arrest, or court referral);
  - ii. Officer's name;
  - iii. Officer's position (*e.g.*, SRO, SSO, etc.);
  - iv. Location (*e.g.*, school name);
  - v. Student's name;
  - vi. Student's age;
  - vii. Student's grade;
  - viii. Student's race;
  - ix. Student's gender;
  - x. Student's disability status (*i.e.*, Individualized Education Program or 504 Plan vs. no plan);
  - xi. Student's limited English proficiency status (*i.e.*, limited English proficient or not limited English proficient);
  - xii. Student's offense(s); and
  - xiii. Offense(s) with which student was charged (if applicable).
- C. By September 1<sup>st</sup> of each year, the ACPS shall make available on its website a detailed summary of the data from the previous school year.
- D. The ACPD and ACPS shall also comply with any statewide and federal (*e.g.*, Civil Rights Data Collection) reporting requirements.

## School Resource Officers and School Security Officers

### **X. QUALIFICATIONS**

- A. Prerequisites to being selected as an SRO or SSO shall include:
  - i. A desire to work with students, parents, and ACPS personnel;
  - ii. Experience working well with children and youth;
  - iii. Personality traits that are necessary for working successfully with children and youth (*e.g.*, approachable, friendly, empathetic, flexible, patient, mature, able to work with people from different racial, ethnic, and cultural backgrounds, etc.); and
  - iv. A work history free of any substantiated complaints of excessive force, racial profiling, harassment, or discrimination.
- B. SROs must fulfill all requirements necessary to become a certified law enforcement officer.
- C. SSOs must:
  - i. Be at least 22 years of age;
  - ii. Possess a high school diploma; and
  - iii. Pass a criminal background check.

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<sup>4</sup> See Appendix D for a model form.

## XI. SELECTION

All SROs and SSOs shall be selected by a committee that includes at least one individual from each of the following groups:

- A. Students;
- B. Parents;
- C. School instructional and student support staff (*e.g.*, teachers, counselors, psychologists, and social workers);
- D. School administrators (*e.g.*, principals and assistant principals); and
- E. Law enforcement.

## XII. TRAINING

- A. Prior to becoming an SRO or SSO, one must have received training in the following areas within the previous three years:
  - i. Contents of the this MOU;
  - ii. Child and adolescent development and psychology;
  - iii. Working with students who have disabilities, mental health issues, or a history of abuse and trauma;
  - iv. Methods schools use to provide extra support to individual students (*e.g.*, 504 Plans, Individualized Education Programs (IEPs), Behavioral Intervention Plans (BIPs), Child Study Intervention Teams, etc.);
  - v. Students' rights with respect to special education, searches and seizures, interrogations, excessive force, harassment and bullying, and discrimination;
  - vi. Students' privacy rights under state and federal law;
  - vii. Safe restraint and de-escalation techniques;
  - viii. Implicit bias and cultural competency;
  - ix. Positive Behavioral Interventions and Supports (PBIS) and other evidence-based practices that have been proven to improve school climate;
  - x. Bullying and harassment;
  - xi. Conflict resolution techniques, including mediation and restorative justice;
  - xii. Short- and long-term consequences for students of involvement with the justice system; and
  - xiii. Utilizing local school division and community resources, including their use as alternatives to arrests and court referrals (*e.g.*, mediation, substance abuse counseling, mental health services, and community service).

- B. All SROs and SSOs shall receive training in all of the aforementioned on at least a triennial basis (*i.e.*, every three years).
- C. All trainings must be:
  - i. Conducted by a qualified trainer; and
  - ii. Approved in advance by the SRO's or SSO's supervisor.

### **XIII. RESPONSIBILITIES**

SROs and SSOs shall be familiar with and comply with:

- A. The contents of this MOU;
- B. Relevant ACPS school board policies and regulations;
- C. Relevant ACPD policies and regulations;
- D. Relevant ACPS emergency management plans; and
- E. Relevant state and federal laws and regulations, including those related to special education, suspension and expulsion, search and seizure, interrogation, seclusion and restraint, use of force, discrimination, and student privacy.

### **XIV. DUTIES**

- A. *Communication, Relationship-Building, and Education* – SROs and SSOs shall:
  - i. Promptly respond to communications from students, parents, staff, and community members;
  - ii. Meet with the school principal (and other staff, as necessary) at least monthly to discuss:
    - 1. Programming;
    - 2. Current crime trends; and/or
    - 3. Areas of concern;
  - iii. Act as a mentor and role model for students;
  - iv. When possible, build positive relationships with the community by attending:
    - 1. School staff meetings;
    - 2. School events; and
    - 3. Community events involving the students of the school to which the officer is assigned;
  - v. Meet with students, parents, staff, and other community members at least twice a year – in September and January – to:
    - 1. Provide training on public safety topics (using a training curriculum that is approved, in writing, by the officer's supervisor);
    - 2. Review data that must be collected pursuant to this MOU;
    - 3. Receive feedback on school climate issues and his or her performance; and

4. Discuss possible improvements to this MOU, the officer's activities, safety protocols at the school, etc.;
  - vi. Teach classes about public safety issues upon request by the principal (using a class curriculum that is approved, in writing, by the officer's supervisor and the school principal); and
  - vii. Be knowledgeable about resources in the school, school division, and community that support students – *e.g.*, afterschool and summer programs, mentoring programs, mental health services, and substance abuse treatment – and, when appropriate, share this information with students, parents, and staff.
- B. At the end of each month, each SRO and SSO shall submit, to his or her supervisor, a report accounting for their activities under Part A of this section.<sup>5</sup>
- C. *Safety Activities*
- i. SROs and SSOs may:
    1. Intervene in incidents involving weapons, drugs, or a clear and imminent risk of serious physical injury to a person on ACPS property;
    2. Request assistance from law enforcement officers only when necessary to prevent an imminent, serious physical injury on ACPS property;
    3. Inspect security equipment and request repairs when necessary;
    4. Regularly patrol interior and exterior school grounds, except classrooms, computer labs, libraries, and other areas where instruction takes place;
    5. Work with ACPS staff to:
      - a. Develop an emergency management plan; and
      - b. Conduct emergency drills; and
    6. Comply with all provisions set forth in Sections III through IX above.
  - ii. SROs may also:
    1. Take custody of and process drugs and weapons found on ACPS property; and
    2. Intervene when non-students engage in delinquent or criminal activities on ACPS property.
  - iii. SSOs may also assist school staff with:
    1. Student arrival, class change, lunch, and dismissal;
    2. Maintaining safety and order; and
    3. Carrying out other duties upon request by the school principal.
- D. *Duty Hours*
- i. The workday for SROs and SSOs begins 15 minutes prior to the time students begin to arrive and ends 15 minutes after student dismissal.

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<sup>5</sup> See Appendix D for a model form.

- ii. In the event that an SRO or SSO must be away from campus during the school day, the SRO or SSO will notify his or her supervisor and the principal of the school to which he or she is assigned.

## **XV. ASSIGNMENT AND COVERAGE**

To facilitate relationship-building:

- A. SROs and SSOs shall be assigned to one school on a full-time basis, rather than on a part-time basis and/or to multiple schools; and
- B. Whenever possible and appropriate, SROs and SSOs shall be assigned to a school for a minimum of three years.

## **XVI. CALLS FOR SERVICE**

- A. For purposes of this section, a call for service is a request for the SRO or another law enforcement officer to provide assistance with school discipline or law enforcement matters on ACPS property.
- B. Only school administrators may request assistance from the SRO or another law enforcement officer, unless there is a clear and imminent threat to physical safety, in which case, others (*e.g.*, students, parents, and teachers) may request assistance.
- C. The school administration and the SRO shall maintain a written record of all calls for service.<sup>6</sup>

## **XVII. STUDENT RECORDS AND INFORMATION**

- A. All records created or maintained by SROs and SSOs shall remain confidential, unless release of the records is allowed by law.
- B. SROs shall not:
  - i. Have access to students' education records, unless the student's parent (or the student, if he or she is age 18 or older), provides written consent for ACPS to release the records; or
  - ii. Provide any official ACPD document or juvenile court record to school division personnel, unless otherwise required by law.

## **XVIII. OFFICE SPACE AND EQUIPMENT**

- A. ACPS shall provide SROs with office space and furniture.
- B. ACPD shall provide SROs with all other necessities, including a uniform, office supplies, a phone, a laptop, and a vehicle.

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<sup>6</sup> See Appendix D for a model form.

- C. At all times while on school campuses, SROs and SSOs shall carry a radio with which to communicate with school administrators.

## **XIX. GRIEVANCES**

- A. Any student, parent, ACPS employee, or ACPD employee who believes an SRO has violated a law, policy, or this MOU may file a grievance with the SRO's ACPD supervisor.
- B. Any student, parent, ACPS employee, or ACPD employee who believes an SSO has violated a law, policy, or this MOU may file a grievance with the principal of the school to which the SSO is assigned.
- C. A standard grievance form shall be available in English and Spanish, and to the extent possible, in each of the other primary languages spoken by students and parents in the division.<sup>7</sup>
- D. Grievance forms shall be available:
  - i. On the ACPD website;
  - ii. On the ACPS website;
  - iii. On each ACPS school's website;
  - iv. At each ACPS school; and
  - v. At the ACPS central office.
- E. Grievances shall be filed within 30 calendar days of the date on which the grievant (*i.e.*, the person who is filing the grievance) knew or should have known about the officer's alleged misconduct. Exceptions to the timeframe may be granted if just cause is shown.
  - i. Grievances must be signed.
  - ii. Grievances may be submitted in writing or orally.
    - 1. If the grievance is submitted in writing, a standard complaint form shall be used.
    - 2. If the grievance is submitted orally, the grievant shall sign the grievance after it is transcribed.
  - iii. Grievances may be submitted anonymously.
  - iv. Grievances may be submitted in the grievant's native language;
  - v. Grievances may be submitted via:
    - 1. The ACPS website (for SSOs) or ACPD website (for SROs);
    - 2. Email;
    - 3. Mail; or
    - 4. Hand-delivery.
- F. Within two work days of receiving the grievance, the supervisor or principal shall:
  - i. Provide a copy of the grievance to the officer; and
  - ii. Acknowledge, in writing, receipt of the grievance to the grievant.

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<sup>7</sup> See Appendix D for a model form.

- G. If a grievance is filed against an SRO, the supervisor shall provide a copy of the grievance, within two business days of receiving the grievance, to the principal of the school to which the SRO is assigned.
- H. If allegations of serious misconduct by an officer are pending, that officer shall not be on ACPS property and shall not interact with students.
- I. The officer who is the subject of the grievance shall be allowed to submit a written response.
  - i. The response shall be submitted to the supervisor or principal within 10 calendar days of the officer receiving notice of the grievance.
  - ii. The response, if submitted in a timely manner, shall be:
    - 1. Considered as part of the investigation; and
    - 2. Attached to the written findings.
- J. Within 30 calendar days of the filing of a grievance, the supervisor or principal shall:
  - i. Conduct a thorough and impartial investigation of the allegation(s) in the grievance; and
  - ii. Issue a written report.<sup>8</sup>
- K. If additional time is required to complete the investigation and report, the 30-calendar day period may be extended for 15 calendar days, but only with the written consent of the grievant.
- L. An investigation may include, but is not limited to:
  - i. Interviewing and obtaining written statements from the grievant and witnesses;
  - ii. Reviewing photographic evidence and/or video footage; and
  - iii. Reviewing documentary evidence submitted by witnesses, the grievant, and/or the officer.
- M. The written report must include:
  - i. The written grievance;
  - ii. The officer's written response, if one is submitted in a timely manner;
  - iii. A description of the investigation;
  - iv. Findings of fact (*i.e.*, a detailed description of what the investigator believes occurred and what, if any, laws, policies, or MOU provisions were violated);
  - v. If a violation occurred, what remedies must be effectuated (*i.e.*, what has to be done to make up for the harm caused by the violation(s));
  - vi. The signature of the supervisor or principal;
  - vii. The date the report was completed;
  - viii. The date the report was issued; and
  - ix. An appeal form with the option to request an in-person hearing.
- N. The supervisor or principal must issue a copy of the written report to:
  - i. The grievant; and
  - ii. The officer.

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<sup>8</sup> See Appendix D for a model form.

1. If a grievance is filed against an SRO, the supervisor must issue a copy of the written report to the principal of the school to which the SRO is assigned.
- O. The grievant and/or officer may appeal the supervisor's or principal's report within five calendar days of receiving the report by submitting an appeal form to the supervisor or principal via:
    - i. The ACPS website (for SSOs) or ACPD website (for SROs);
    - ii. Email;
    - iii. Mail; or
    - iv. Hand-delivery.<sup>9</sup>
  - P. Bases for appeal include, but are not limited to:
    - i. Procedural violations (*i.e.*, the supervisor or principal did not follow the procedures described in this section);
    - ii. Inadequate investigation;
    - iii. Inaccurate, incomplete, or unsupported findings of fact; or
    - iv. Inadequate or excessive remedies.
  - Q. Within three work days of receiving the appeal form, the supervisor or principal shall forward the form and report to the school board clerk.
  - R. A panel, including one representative from each of the following groups, shall review and rule on appeals:
    - i. ACPS school board;
    - ii. ACPD personnel; and
    - iii. ACPS students and parents.
  - S. None of the panel members may have a conflict of interest, such as:
    - i. Having a pre-existing relationship with the student, officer, or their families; or
    - ii. Being a witness to the incident that led to the complaint.
  - T. If the appellant (*i.e.*, person who filed the appeal) makes a timely and proper request for a hearing on the appeal form, the hearing shall take place within 10 business days of the submission of the appeal form.
  - U. At the hearing, which shall be closed to the public:
    - i. The grievant and officer shall each have up to 15 minutes to present his or her case;
    - ii. The grievant and officer may be represented by an attorney or non-attorney advocate; and
    - iii. An audio recording of the hearing shall be made.
  - V. Within 20 calendar days of the appeal being submitted, the panel shall issue a written report.<sup>10</sup>
    - i. The report shall contain:
      1. Findings of fact;

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<sup>9</sup> See Appendix D for a model form.

<sup>10</sup> See Appendix D for a model form.

2. If a violation occurred, what remedy or remedies must be effectuated;
    3. The signature of each panelist;
    4. The date the report was completed; and
    5. The date the report was issued.
  - ii. The written decision shall be issued to:
    1. The grievant;
    2. The officer;
    3. The officer's supervisor; and
    4. The principal of the school to which the officer is assigned.
- W. If allegations of serious misconduct by an officer are substantiated, that officer shall be permanently prohibited from being on ACPS property.
- X. All documents and information related to the complaint shall remain confidential, unless:
  - i. Subject to a subpoena issued by a judge; or
  - ii. The allegation of the officer's misconduct is substantiated, in which case, the report(s) shall become part of the officer's personnel file.
- Y. For purposes of this section, "serious misconduct" includes, but is not limited to:
  - i. Excessive force resulting in physical injury;
  - ii. Sexual harassment; or
  - iii. Using racial or homophobic slurs.
- Z. Nothing in this policy shall limit:
  - i. Legally mandated due process for students, ACPS employees, or ACPD employees; or
  - ii. The right of a private party to pursue legal action in a court of law.

## **XX. OTHER PROVISIONS FOR SROs**

- A. The cost of SROs shall be paid by ACPS and ACPD as set forth in a separate contract, which shall be attached to this MOU.

## **Additional Provisions**

### **XXI. MISCELLANEOUS PROVISIONS**

- A. A copy of this MOU and each of the forms mention herein, shall be:
  - i. Provided to all students and parents during the first week of each school year in English or Spanish, and to the extent possible, in each of the other primary languages spoken by students' parents in the division;
  - ii. Posted on the ACPD website, the ACPS website, and the websites of all ACPS schools; and
  - iii. Provided to the Anywhere City:
    1. Juvenile and Domestic Relations Court judges;

2. Public Defender's office;
  3. Commonwealth Attorney's office; and
  4. Court Service Unit.
- B. ACPS and ACPD shall comply with any mandatory data reporting requirements in state law.
  - C. Any ACPS employee who violates the provisions of this MOU shall be subject to appropriate discipline as determined by the ACPS school board.
  - D. ACPD and ACPS personnel shall not contact, or threaten to contact, immigration officials about an undocumented student or parent.

## **XXII. TERMS OF AGREEMENT**

- A. This MOU shall be reviewed and revised, as necessary, by ACPS's school board and ACPD's leadership on an annual basis.
- B. This MOU remains in force until such time as either party, with 60 days notice, withdraws from the agreement by delivering a written notification of such rescission to the other party.

The ACPS and ACPD agree to follow the policies and procedures contained in this MOU.

**For ACPS:**

**For ACPD:**

\_\_\_\_\_  
Chair, School Board of Anywhere City

\_\_\_\_\_  
Chief, Anywhere City Police Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date