

AGREEMENT BETWEEN
THE COUNTY SCHOOL BOARD OF YORK COUNTY, VA
AND
THE YORK-POQUOSON
SHERIFF'S OFFICE

This Agreement is made as of the 1st day of July, 2023, by and between the COUNTY SCHOOL BOARD OF YORK COUNTY, VIRGINIA ("the BOARD"), and the YORK-POQUOSON SHERIFF'S OFFICE, YORK COUNTY, VIRGINIA ("the SHERIFF").

I. PURPOSE

The BOARD, with an expressed desire to maintain safety, order and discipline in the York County, Virginia middle and high schools, hereby enters into the following Agreement with the SHERIFF. The BOARD, desiring to provide school administrators and staff with law enforcement resources and the expertise they need to maintain safety, order and discipline on the grounds and in the buildings of the York County, Virginia middle and high schools, has requested the SHERIFF to provide a total of nine (9) deputies: eight (8) full-time deputies to patrol the campuses of the high and middle schools owned by the BOARD on such days as school is in regular session and one (1) SRO Supervisor. Four of the (4) full-time deputies will patrol the campuses of the middle schools owned by the BOARD on such days as school is in regular session, and the other four (4) full-time deputies will patrol the campuses of the high schools owned by the BOARD on such days as school is in regular session. The one (1) SRO Supervisor will supervise the eight (8) full-time deputies, and serve as a substitute in the high schools and middle schools as needed on the terms and conditions set out herein. The deputies assigned to the high schools and middle schools shall be designated as School Resource Officers (SRO). The SHERIFF agrees to provide the SROs and the BOARD agrees to reimburse the SHERIFF for certain limited costs associated with the employment of six (6) of the eight (8) deputies, and one (1) SRO Supervisor, for the aforementioned services.

With interaction between the school's administration and the SHERIFF/SRO, it is important to establish, maintain, and update specific guidelines and procedures to be followed by the SHERIFF/SRO and individual school administrators. This Agreement clarifies the roles of the SHERIFF/SRO and the school administrators, the scope of their authority, and the responsibilities of the BOARD and the SHERIFF in this collaboration. The success of this collaboration relies on the effective communication between the SHERIFF/SRO, the school administration, and other key staff members of each organization.

II. SHERIFF'S OBLIGATIONS PERTAINING TO SROs

1. Upon approval and execution of this Agreement by the BOARD and by the SHERIFF, the SHERIFF shall assign a total of nine (9) deputies: eight (8) full time deputies, to patrol the campuses of the high schools and middle schools owned by the BOARD on such days as school is in regular session and one (1) SRO Supervisor to supervise the eight (8) other deputies, and to substitute in the high schools and middle schools as needed. Prior to being assigned to duties with the BOARD, each deputy will have been certified as a Law Enforcement Officer through the Virginia Department of Criminal Justice Services (DCJS) for a minimum of two (2) years. The assigned deputy shall have obtained such other training as is usual and customary for deputies of the SHERIFF. Any additional training required to maintain DCJS certification will be carried out during times when school is not in its regular session, whenever possible.

2. The SHERIFF shall bear all costs associated with the eight (8) deputies and one (1) SRO Supervisor's, weapons, law enforcement equipment, training, and uniforms.

3. The SHERIFF shall equip each deputy's vehicle with lights, siren, radios, and other equipment normally affixed to a vehicle assigned to a sheriff's deputy in the performance of patrol duties.

4. The SHERIFF shall affix to the exteriors of the vehicles, insignias which identify the vehicles as being law enforcement vehicles of the SHERIFF.

5. Each deputy shall patrol campuses on days when schools are in session during the regular academic school term and during the summer school term at only those schools offering summer school. During the regular academic school term the high school deputies shall be on site at 6:30 a.m. and depart at 2:30 p.m. and the middle school deputies shall be on site at 7:30 a.m. and depart at 3:30 p.m. on each day school is in operation. The deputy shall not take lunch breaks which coincide with lunch periods at the school where they are on patrol. During the summer school term the SHERIFF shall provide one (1) deputy who shall split their time between the various school locations hosting both elementary and secondary summer school programs during the hours of operation for the summer school term.

6. On days when school is not in session and the SRO is available, the SHERIFF may be free to assign the deputies to regular law enforcement duties.

7. The SHERIFF, in its sole discretion, shall have the power and authority to hire, discharge and discipline the deputies serving as SROs. However, the DIVISION SUPERINTENDENT, has the right to request that the SHERIFF assign an alternative deputy to serve as an SRO should the DIVISION SUPERINTENDENT have concerns as to a SRO's competence, fitness and/or moralities, in accordance with Section III, subsection 1. below.

8. As employees of the SHERIFF, SROs shall follow the chain of command as set forth in the SHERIFF'S Policies and Procedure Manual.

9. The SRO Supervisor will meet with each principal prior to the start of the school year to review school/Sheriff's Office expectations and clarify any operational procedures. The SRO Supervisor will meet with each principal at least once each semester and involve a preliminary evaluation of the SRO's performance as well as the identification and resolution of any developing issues, and at other times, when requested by either party to ensure adequate communication between the school and the SHERIFF.

III. DUTIES AND RESPONSIBILITIES

School Resource Officer

1. The SRO is a sworn deputy of the SHERIFF assigned to provide the law enforcement expertise and resources to assist school staff(s) in maintaining safety, order and discipline within their assigned school. The SRO will be considered an active member of the administrative team in his/her assigned school and as such shall be aware of and abide by all laws, School Board policies and administrative regulations which affect their work in the School Division. The SRO shall practice exemplary conduct in all personal, social and professional affairs, conducting themselves in a professional and ethical manner.

2. The SRO's assigned school, including building interiors, grounds, and surroundings (CAMPUS), will be the equivalent of the SRO's patrol area. He/she assumes primary responsibility

for handling all calls for service and coordinating the response of other law enforcement resources to the school to restore and/or maintain order if he/she deems necessary.

3. The SRO assigned to Yorktown Middle School shall also be responsible for handling all emergency calls for service and coordinating the response of other law enforcement resources to the Center for Autism, a regional public school, located on the Yorktown Middle School campus.

4. The SRO shall wear the regulation uniform and operate a marked cruiser while on duty unless otherwise authorized by the SRO Supervisor for a specific purpose. The SRO provides a visible deterrent to crime and a positive representative of the SHERIFF to the school and community.

5. The SRO Supervisor/SROs may also assist with training for the school administration in law enforcement and related matters, i.e., staff meetings. Information about crime trends and changes in laws relevant to schools shall be disseminated to the school administrative staff to assist them in effectively establishing and maintaining safe school environments.

6. The SRO may also become involved with the school's curriculum and provide instruction that will enhance the student's understanding of the laws in the Commonwealth of Virginia and the responsibilities of good citizenship. However, responding to incidents or conducting investigations will always take precedence over instructing in the classroom.

7. When in the best interest of the SHERIFF and/or BOARD, SRO Supervisor/SROs may make formal presentations to Parent Teacher Association and at School Advisory meetings.

8. Upon the request of the principal, an SRO can assist in the enforcement of the BOARD rules and student code of conduct.

9. A critical element of the SRO is an open relationship and strong communication between the school administration and the SRO. Each SRO shall meet weekly, or more frequently, if necessary, with the assigned school principal or designee for the purpose of exchanging information about current crime trends, problem areas, or other areas of concern which have potential for disruption in school or within the community.

10. In the event an SRO is absent from work for sick leave or emergency leave, the SRO shall notify the SRO Supervisor and the principal of the school to which the SRO is assigned. The SRO Supervisor will substitute for the absent SRO; however, in the event that the SRO Supervisor cannot substitute for the absent SRO, the additional compensation for a substitute deputy shall be at that deputy's current time and one-half rate for the Sheriff's Office in accordance with Section X. c. herein.

11. It is agreed that SROs will not transport students in their law enforcement vehicles except:

a. When students are a victim of a crime, under arrest, or some other emergency circumstances exist; and/or

b. As requested by school administrators when students are suspended and sent home from school pursuant to school disciplinary actions and if the student's parent or guardian is unable to pick up the child within a reasonable time period and the student is disruptive/disorderly and his continued presence on campus is a threat to the safety and welfare of other students and school personnel. Students shall not be transported to any location unless it is determined that the student's parent, guardian or custodian is at the destination to which the student is being transported or upon contacting the parent/guardian and a verbal permission is given to the school, SRO or deputy assigned to

another school to take a student home even though the parent is unable to be there.

c. When returning truant students to school.

12. SROs and deputies assigned to other schools shall not transport students in their personal vehicles.

13. To prevent juvenile delinquency through close contact with students and school personnel.

14. To establish liaison with school administration, faculty and students.

15. To establish and maintain liaison with school security personnel and other SROs assigned to school campuses within the Division and also with surrounding jurisdictions.

16. To participate in campus activities, student organizations, and athletic events when invited and feasible.

17. To be familiar with all community agencies which offer assistance to youths and their families such as mental health clinics, drug treatment centers, etc..., and make referrals when appropriate.

18. To complete those online training modules as required of all Division staff through the Division via Vector Solutions Training (Safe Schools).

School Administration

1. It is the responsibility of the principal to facilitate effective communications between the SRO and the school staff. The principal or designee of the school shall meet on a weekly basis with the assigned SRO. This meeting shall not be delegated to another administrative staff member on a regular basis.

2. Criminal activity that comes to the attention of the principal or school staff shall be reported immediately to the SRO or, in their absence, the SHERIFF in accordance with Virginia law. The following lists certain incidents, with reporting requirements, in accordance with Virginia Code § 22.1-279.3:1.:

a. conduct involving alcohol, marijuana, a controlled substance, an 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 – shall be immediately reported to law enforcement if it could constitute a felony offense, may report to law enforcement if it could constitute a misdemeanor offense

b. the assault and battery that results in bodily injury of any person on a school bus, on school property, or at a school sponsored activity – may be reported regardless of offense level;

c. the sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in Virginia Code § 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- shall be immediately reported to law enforcement;

- d. any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity- shall be immediately reported to law enforcement, except a principal is not required to (but may) report an incident under this subsection committed by a student who has a disability;
- e. the illegal carrying of a firearm, as defined in Virginia Code § 22.1-277.07, onto school property - shall be immediately reported to law enforcement;
- f. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Virginia Code § 18.2-85, or explosive or incendiary devices, as defined in Virginia Code § 18.2-433.1, or chemical bombs, as described in Virginia Code § 18.2-87.1, on a school bus, on school property, or at a school sponsored activity - shall be immediately reported to law enforcement;
- g. any threats or false threats to bomb, as described in Virginia Code § 18.2-83, made against school personnel or involving school property or school buses- shall be immediately reported to law enforcement;

School Administration shall report the theft of student, school personnel or BOARD property to law enforcement when the offense could result in a felony charge or when such notification is in accordance with the YCSD Student Handbook and Conduct Code.

Assault is a threat of bodily injury.

Battery is any bodily hurt, however slight, done to another in an angry, rude or vengeful manner.

3. Any criminal enforcement action taken by the SHERIFF/SRO which results in the charging of a student with a crime may require the principal and/or school employees to appear in court to provide testimony essential to the case.

4. The school shall provide a work area for the SRO that is equipped with a telephone and computer. This area shall also be used for interviewing students should the need arise.

IV. INVESTIGATION AND QUESTIONING

With certain exceptions, the investigation and questioning of students during school hours or at school events by the SHERIFF/SRO should be limited to situations where the investigation is related to the school. Investigations and questioning of students for offenses not related to the operation of or occurring at the school would occur in such situations where, for example, delay might result in danger to any person, flight from the jurisdiction by the person suspected of a crime or destruction of evidence or in other emergency situations.

In the event there is an immediate need to interview a school student or staff member on school property or during school hours the following procedures shall be followed:

1. The need for such interview shall be approved by the respective Division Commander of the deputy needing to conduct the interview.

2. The time of the interview shall be coordinated through the SRO supervisor who shall coordinate the time and location of the interview with the school's principal or his/her designee.

3. Parents or guardians will normally be notified by the school administrators of requests to interview students during school hours or at school events to allow parents to be present, unless otherwise requested by SHERIFF/SRO. If a student is questioned at school or at a school event, a school administrator may be present, in a supportive and non-advisory role, at the request of the student, parent/guardian or SHERIFF/SRO.

4. The school administration shall be notified as soon as practical of any significant law enforcement events impacting the safe operation of a school. SHERIFF/SROs will coordinate such actions in the best interest of the school and public safety.

V. SEARCH PROCEDURES

1. School officials may conduct searches of students' 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 rules of the school. The standard of this search is reasonable suspicion.

2. The SHERIFF/SRO shall not become involved in administrative searches unless specifically requested by the school to provide security, protection, or for handling of contraband. These searches must be at the direction and control of the school official.

3. At no time shall the SHERIFF/SRO request that an administrative search be conducted for law enforcement purposes or have the administrator act as his or her agent.

4. Any search conducted by the SHERIFF/SRO shall be based upon probable cause and when required, a search warrant should be obtained.

VI. ARREST PROCEDURES

1. When the SHERIFF/SRO arrests or takes a juvenile under the age of 18 into custody, he/she may elect to release the juvenile to the parents and file a petition request for the crime, or in certain cases the juvenile will be transported to a Juvenile Intake Officer for processing.

2. If a student is 18 years old or older, the SHERIFF/SRO may elect to release the offender and obtain a warrant at a later time, or in certain cases the offender will be transported to see a Magistrate where a warrant will be obtained and executed on the offender.

3. The arrest of a student or BOARD employee on school property should be after school hours whenever practical, unless extenuating circumstances exist and only with the SRO Supervisor's prior approval. An after school hours arrest on school property shall be coordinated through the school's SRO and be reported to the school principal or, in their absence, the assistant principal as soon as practical.

4. Arrest of a student or BOARD employee during school hours and on school grounds or at a school sponsored activity shall be coordinated through the SRO supervisor and the principal or, in their absence, the assistant principal as soon as practical.

5. The arrest of a BOARD employee not on school grounds shall be reported to school administration as soon as practical.

6. When a student is arrested on school property at any time, the deputy making the arrest shall have the detention order or arrest warrant in hand and shall confirm the identity of the person to be arrested with the principal or assistant principal prior to the arrest.

VII. ADMINISTRATIVE HEARINGS

The SHERIFF/SRO may attend suspension and/or expulsion hearings upon request of the school principal or the Department of Student Services. The SHERIFF/SRO shall be prepared to provide testimony on any actions that were taken by the SHERIFF/SRO and any personally-observed conduct witnessed by the SHERIFF/SRO. The SHERIFF/SRO shall make available any physical evidence in his/her custody and control. Unless otherwise arranged, it will be the responsibility of the SHERIFF/SRO to transport and safeguard any physical evidence, such as a weapon, that is needed at the disciplinary hearing.

The SHERIFF/SRO shall not provide any official Sheriff's Office document or juvenile record to the school. As a general rule, release of any such information is prohibited by law unless such documents are subpoenaed by the BOARD through the appropriate court.

When a request for official records, reports, or documents for an administrative school hearing is received by the Sheriff's Office, any action will be coordinated by the SRO Supervisor and the appropriate Sheriff's Office official.

VIII. RELEASE OF STUDENT INFORMATION

Virginia Code § 22.1-287 (A)(5), grants full access to any records concerning any student enrolled in a school to law enforcement officers seeking information in the course of their official duties.

IX. RELEASE OF POLICE INFORMATION

1. SHERIFF/SROs should exchange information with the school principal or their designee regarding students' involvement in criminal activity in and around the school.

2. Virginia Code § 16.1-301, states that the sheriff of a jurisdiction or his designee may disclose, for the protection of the juvenile, his fellow students and school personnel, to the school principal that a juvenile is a suspect in or has been charged with:

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

If the sheriff or a designee so discloses to a school principal pursuant to Virginia Code § 16.1-301, the sheriff or a designee shall provide notice of the disposition ordered by the court to the school principal within 15 days of the expiration of the appeal period if no notice of appeal is filed. Such notice shall include whether such juvenile was adjudicated delinquent, convicted, found not guilty or the charges were reduced or if the court deferred disposition or if charges were withdrawn, dismissed or nolle prosequi. If charges are withdrawn in intake or handled informally without a court disposition or if charges are not filed within 90 days of the initial disclosure, the sheriff or a designee shall so notify the school principal to whom disclosure was made.

3. SROs and deputies assigned to other schools shall not make official documents, incident reports, or records available to the school or its staff unless such release has been approved by the SHERIFF or his designee.

4. Virginia Code § 16.1-260(G) states the Intake Officer notifies the DIVISION SUPERINTENDENT of any petitions against school students for selected offenses. The DIVISION SUPERINTENDENT, or his designee, in turn notifies the appropriate school principal in each case.

5. Virginia Code § 16.1-305.1 states the clerk of court in which the disposition is entered shall provide written notice of the disposition ordered by the court to the DIVISION SUPERINTENDENT within 15 days of the expiration of the appeal period if there has been no notice of an appeal.

6. The SHERIFF shall provide to the principal and the DIVISION SUPERINTENDENT crime information when such crime is committed by a student enrolled at a school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, would be an adult misdemeanor involving any incidents listed in Virginia Code § 22.1-279.3:1(A)(i) – viii) and whether the student is released to the custody of his parent or released on bond.

X. BOARD RESPONSIBILITIES

1. The Board shall reimburse the SHERIFF quarterly for the following costs related to the employment of six (6) of the eight (8) deputies and one SRO Supervisor:

a. The salary, including any necessary overtime as requested by the BOARD, for six (6) deputies on step 4 in accordance with the York County personnel pay schedule for Grade 20 but including normal pay raises from time to time as contemplated by the York County pay schedule as it may be amended by the York County Board of Supervisors from time to time. All other portions of the salaries for the six (6) deputies will be paid by the Sheriff's Office.

b. The fixed amount of \$18,450.00 (inclusive of benefits) for the SRO Supervisor. All other portions of the SRO Supervisor's salary will be paid by the Sheriff's Office.

c. The employer's cost of the following fringe benefits paid to the six (6) deputies pursuant to the York County personnel pay schedule:

- (i) the employee's medical care plan;
- (ii) the employer's contributions to the employee's pension plan operated through the Virginia Retirement System;
- (iii) the employee's life insurance policy premiums;
- (iv) worker's compensation policy premiums;
- (v) unemployment insurance premiums;
- (vi) the applicable federal security (FICA) tax.

d. The compensation for substitute deputies called to the CAMPUS to replace a regularly assigned deputy absent on sick leave or emergency leave.

2. The BOARD will provide the eight (8) deputies and the SRO Supervisor with radios to allow the deputies to communicate with school administration officials.

3. The BOARD shall pay for the fuel used by six (6) of the eight (8) deputies' assigned vehicles.
4. The BOARD shall pay the actual insurance costs of the vehicles used by six (6) of the eight (8) deputies assigned to the schools,
5. The BOARD shall reimburse the SHERIFF quarterly upon receipt of the Sheriff's bill.
6. The BOARD shall pay 75% of the replacement cost, pro-rated over a 6-year period, for the eight (8) vehicles used by the deputies.

XI. CONCLUSION


This Agreement represents mutually agreed goals and objectives of the SHERIFF and the BOARD.

This endeavor is a partnership between education and law enforcement to support a collaborative, problem solving approach to the epidemic growth of violence in schools.


This Agreement remains in force until such time as either party withdraws from the Agreement by delivering a written notification of such rescission to the other party. It shall be reviewed annually and amended as necessary to meet the needs of the signatory agencies. Notwithstanding anything in this Agreement to the contrary, this Agreement automatically terminates in the event that, in any fiscal year, the BOARD shall fail to appropriate funds sufficient to meet the costs of the BOARD'S obligations here under.

COUNTY SCHOOL BOARD OF YORK COUNTY, VA

YORK-POQUOSON SHERIFF'S OFFICE
YORK COUNTY, VIRGINIA

By: 

Victor D. Shandor, Ed.D.
Division Superintendent

By: 

R.G. Montgomery
Sheriff

Approved as to form:



Melanie B. Berry
School Board Attorney