



Memorandum of Understanding Fact Sheet

School Resource Officer (SRO) programs can play an important role in maintaining and increasing safety at schools and in neighboring communities. In order to effectively implement such programs, law enforcement agencies and schools should develop a Memorandum of Understanding (MOU) to clearly document the roles, responsibilities, and expectations of the individuals and partners involved including SROs, school officials, law enforcement, education departments, students, and parents. At a minimum, a successful MOU documents the program's purpose, partner roles and responsibilities, requirements for information sharing, and supervision of the SRO.

Developing a Memorandum of Understanding

An MOU, also referred to as an interagency agreement or Memorandum of Agreement (MOA), is an instrument used to build mutual respect and trust between partners while delineating specific roles and responsibilities of the partnering agencies. Every jurisdiction with a school and law enforcement partnership should have an MOU that clearly defines the roles and responsibilities of the individual partners involved, including school districts, boards or departments of education, school administration officials, law enforcement agencies (including SROs), and students and parents. As a policy instrument, all parties should sign and abide by the MOU, and it should be considered a living document that operates within the context created by applicable federal and state laws—including, but not limited to, federal civil rights laws and privacy laws.

The MOU must be submitted to the COPS Office within 90 days of the date shown on the award congratulatory letter. Implementation of the COPS Hiring Program (CHP) grant without submission and acceptance of the

required MOU within the 90-day time frame may result in expenditures not being reim-bursed by the COPS Office and/or award deobligation.

Developing Your School-Based Partnership

School and law enforcement partnerships are also built on a foundation of shared goals and objectives, which are approached in a constructive and positive manner and achieved through open communication. When schools, communities, and law enforcement agencies work together to creatively tackle problems, they may be able to achieve a number of positive outcomes, including

- an increased ability of law enforcement agencies, schools, and community groups to gather and analyze useful and timely information about crime and fear of crime in schools in accordance with applicable privacy laws;
- an increased ability of law enforcement agencies, schools, and community groups to work together in developing innovative, systemic, long-term approaches to reducing and preventing different kinds of crime in and around their schools and preventing unnecessary law enforcement involvement in non-criminal student misbehavior. Measurable outcomes may be determined by implementing strategies focused on targeted crimes, thereby improving the quality of life for those affected (students, teachers, school personnel, and parents), promoting a safer environment that is conducive for learning, and decreasing the fear of crime and violence among students, school employees, and the surrounding community;
- an increased understanding of how to effectively interact with youth through coordinated training on topics such as basic childhood and adolescent development

and age-appropriate responses, disability and special education issues, conflict resolution and de-escalation techniques, bias-free policing including implicit bias and cultural competence, restorative justice techniques, and working with specific student groups such as students with disabilities or limited English proficiency and students who are lesbian, gay, bisexual, and transgender (LGBT);

- an increased understanding of an SRO's roles and responsibilities, including an understanding that school code of conduct violations and routine discipline of students remains the responsibility of school administrators and that law enforcement actions (such as arrest, citations, ticketing, or court referrals) are only to be used as a last resort for incidents that involve criminal behavior or when it becomes necessary to protect the safety of students, faculty, and staff from the threat of immediate harm;
- an increased ability through coordinated training for schools and law enforcement agencies to properly train and respond to school safety threats;
- an increased ability to plan for and respond appropriately to emergencies.

Note that the U.S. Departments of Education, Health and Human Services, Homeland Security, and Justice recently released guidance for schools on emergency planning. See *Guide for Developing High-Quality School Emergency Operations Plans* (Washington, DC: U.S. Department of Education, 2013), http://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf.

MOU guidance

The following information must be included within an MOU. The COPS Office strongly encourages law enforcement agencies to work collaboratively with school partners to formulate additional information that will help successfully implement the overall school safety plans.

Under the 2015 COPS Hiring Program, SROs must spend a minimum of 75 percent of their time during the calendar year or 100 percent of their time during the school year—depending on the law enforcement agency's SRO

deployment strategy developed with the school partnership—in and around primary or secondary schools working on youth-related activities. The time commitment of the SROs must be above and beyond the amount of time that the agency devoted to the schools before receiving the grant. There must be an increase in the level of community policing activities performed in and around primary or secondary schools in the agency's jurisdiction as a result of the grant.

A. Purpose of the MOU

The statement of purpose should describe the agencies that are entering into the partnership, the purpose of the partnership, and the effective date of the agreement. This statement may already exist within your ongoing partnership, or it may need to be developed jointly to assist in defining the primary purpose of your agreement. The effective date of the agreement must be within the grant period.

B. Description of partner roles and responsibilities

This description must include the roles and responsibilities of the school, the school district, and the law enforcement agency, and each partner should be specifically listed within the document. **It must clearly indicate that SROs will not be responsible for requests to resolve routine discipline problems involving students.** The administration of student discipline, including student code of conduct violations and student misbehavior, is the responsibility of school administrators unless the violation or misbehavior involves criminal conduct.

The placement of law enforcement officers in schools carries a risk of contributing to a “school-to-prison pipeline” process where students are arrested or cited for minor, nonviolent behavioral violations and then diverted to the juvenile court system. This pipeline wastes community resources and can lead to academic failure and greater recidivism rates for these students. Grantee agrees that any officers deployed while implementing School-based Policing under the COPS Hiring Program grant cannot be involved in the administrative discipline of the students.

The MOU must include the roles and responsibilities of the school partner. These roles may include providing a secure work space for the SRO to conduct interviews and

maintain confidential records; establishing standing meetings; and working with school administrators in identifying problems and evaluating progress under the MOU, including data collection and evaluation. The school administrator should ensure that staff cooperates with police investigations and any subsequent actions related to crime or criminal activity on campus.

The law enforcement partner is responsible for the selection of officer(s) assigned to the school, and these officer(s) should adhere to the principles of community policing. This section of the MOU must define the roles and responsibilities of the SRO and the assigned hours of SRO duty, including arrival and departure times and specifying if after-hour duties may be performed and if time spent in court, attending interagency meetings, and investigating school-related crimes are within the scope of SRO duties.

The MOU should include examples of the activities that the SRO will engage in, such as

- handling requests for calls for service in and around schools;
- conducting comprehensive safety and security assessments;
- developing emergency management and incident response systems based on the National Incident Management System (NIMS) and the four phases of emergency management: mitigation/prevention, preparedness, response, and recovery;
- developing and implementing safety plans or strategies ;
- integrating appropriate security equipment/technology solutions, including incorporating crime prevention through environmental design (CPTED) as appropriate to enhance school safety;
- responding to unauthorized persons on school property;
- serving as liaisons between the school and other police agencies, investigative units, or juvenile justice authorities when necessary and consistent with applicable civil rights laws and privacy laws;
- serving as a member of a multidisciplinary school team to refer students to professional services within both the school (guidance counselors or social workers) and the community (youth and family service organizations);
- building relationships with juvenile justice counselors to help connect youth with needed services;
- developing and expanding crime prevention efforts for students;
- developing and expanding community justice initiatives for students.

C. Information sharing

This section must address the type of and the extent to which information will be shared between the law enforcement agency and school or school district partners. For example, it should define the type of information that the school is permitted or willing to share with law enforcement, as well as information flow from law enforcement to school partner(s). When entering into an MOU, agencies should consider all federal or state laws that govern the collection, use, and dissemination of student records.

Federal privacy laws, including the Family Educational Rights and Privacy Act of 1974 (FERPA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and civil rights and other laws must be considered when developing plans for information sharing that involves personally identifiable information from student education records. For more information on FERPA, see the U.S. Department of Education's FERPA home page at www.ed.gov/policy/gen/guid/fpco/ferpa/index.html; for more information on HIPAA, see the U.S. Department of Health and Human Service's Health information privacy site at www.hhs.gov/ocr/privacy/index.html; and for an overview of FERPA issues relevant to emergency planning and SRO programs, please see the "Closer Look" section of the Guide for Developing High-Quality School Emergency Operations Plans at rems.ed.gov/docs/REMS_K-12_Guide_508.pdf.

D. Supervision responsibility and chain of command for the SRO

This section must clearly establish a definitive chain of command for the SRO, including the individual(s) with the responsibility for the supervision of the SRO. With rare exceptions, this responsibility lies with the law enforcement executive or his or her law enforcement designee.

E. Signatures

The MOU must be signed and dated by both the highest ranking law enforcement executive (i.e., police chief or sheriff) and the school official(s) who will have general educational oversight and decision-making authority (i.e., board of education chairperson, superintendent, or school principal). The MOU should be developed with participation from school administrators and officers assigned to the school(s) so that staff members who are impacted by the agreement clearly understand their roles and responsibilities. Successful MOUs are often developed by teams that include students, parents, and other community members committed to keeping schools safe, in addition to school and law enforcement members. The MOU should be publicly available to members of the school community.

Supplemental Information

In addition to the required information set forth in the MOU guidance, training requirements and performance monitoring should be addressed in the MOU. The COPS Office recommends including a section that describes training requirements prior to placing SROs in educational settings, as well as specific in-service training requirements throughout their deployment in the schools. The COPS Office also recommends a section that establishes a process to closely monitor the SRO program, including comprehensive disaggregated data collection on school-based arrests, citations, searches, and referrals to court or juvenile justice programs consistent with applicable federal, state, and local privacy laws.

ADDITIONAL RESOURCES

Atkinson, Anne J. 2002. *Fostering School-Law Enforcement Partnerships*. No. 5 of Safe and Secure: Guides to Creating Safer Schools. Portland, OR: Northwest Regional Educational Laboratory.

<https://www.ncjrs.gov/pdffiles1/ojdp/book5.pdf>.

Canady, M., B. James, and J. Nease. 2012. *To Protect & Educate: The School Resource Officer and the Prevention of Violence in Schools*. Hoover, AL: National Association of School Resource Officers.

http://www.nasro.org/sites/default/files/pdf_files/NASRO_Protect_and_Educate.pdf.

ADDITIONAL COPS OFFICE RESOURCES

The Beat, the COPS Office monthly podcast series on issues related to youth safety.

<http://www.cops.usdoj.gov/Default.asp?Item=2370>.

COPS Office. 2013. *School Safety CD-ROM*. Washington, DC: U.S. Department of Justice.

<http://ric-zai-inc.com/ric.php?page=detail&id=COPS-CD010>.

Crowley, Kathleen. 2012. *Executive Summary: Secure Our Schools Program Assessment*. Washington, DC: U.S. Department of Justice.

<http://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0696>.

Newman, Graeme R. 2005. *Bomb Threats in Schools*. Washington, DC: Office of Community Oriented Policing Services.

<http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P069>.

Raymond, Barbara. 2010. *Assigning Police Officers to Schools*. Washington, DC: Office of Community Oriented Policing Services.

<http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P182>.

Rosiak, John. 2013. "A Day in the Life of a School Resource Officer," *The Beat* 6, no. 4 (April).

http://cops.usdoj.gov/html/dispatch/04-2013/a_day_in_the_life.asp.

Sampson, Rana. 2002. *Bullying in Schools*. Washington, DC: Office of Community Oriented Policing Services.

<http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P029>.