

**ORDINANCE NO. 646-2023**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A  
MEMORANDUM OF UNDERSTANDING BETWEEN THE BALDWIN  
COUNTY COMMISSION, BALDWIN COUNTY SHERIFF'S OFFICE,  
BALDWIN COUNTY PUBLIC SCHOOLS AND THE CITY OF SPANISH FORT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH  
FORT, ALABAMA, AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Spanish Fort, Alabama, hereby authorizes the Mayor to execute a Memorandum of Understanding between the Baldwin County Commission, Baldwin County Sheriff's Office, Baldwin County Schools and the City of Spanish Fort regarding funding for School Resource Officers. A copy of the proposed Agreement is attached hereto as Exhibit A.

**SECTION 2.** The Agreement shall be executed by the Mayor on behalf of the City, and the City Clerk shall attest the same and affix the Seal of the City thereto.

**SECTION 3.** This Ordinance shall become effective upon adoption.

***ADOPTED and APPROVED this 2nd day of October, 2023.***

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Michael M. McMillan  
Mayor

ATTEST:

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Rebecca A. Gaines  
City Clerk

**Memorandum  
of  
Understanding**

between

Baldwin County Commission  
Baldwin County Sheriff's Office  
and  
City of Spanish Fort

**THIS MEMORANDUM OF UNDERSTANDING** ("MOU") is executed between the Baldwin County Commission (the "Commission"), the Baldwin County Sheriff's Office (the "BCSO"), and the City of Spanish Fort (the "Municipality").

The agencies enter this MOU for the purpose of operating a unified School Resource Officer Program within Baldwin County, which is intended to facilitate a cooperative effort by the participating agencies to effectively satisfy the requirements of the various roles to provide School Resource Officers as defined by the National Association of School Resource Officers and to comply with certain provisions of the School Resource Program MOU between the Baldwin County Sheriff's Office and the Baldwin County Public Schools (See **Exhibit "A"** for details), subject to the terms and conditions set forth herein.

## **I. Purpose**

- A. Effective schooling requires a safe and orderly environment where teachers feel safe to teach and students feel safe to learn. It also requires that parents feel safe in sending their children to our schools. Consequently, law enforcement will provide school administrators and staff with law enforcement resources and the expertise they need to maintain safety, order, and discipline in the school environment.
- B. The School Resource Officer ("SRO") performs various roles while operating inside public schools as defined by National Association of School Resource Officers (NASRO). Their first duty is to protect the campus, the students, staff, and facilities. They also perform the duties of an APOST certified law enforcement officer, an informal counselor, and an instructor of law related and safety classes (hereinafter "SRO services").
- C. The School Resource Officer Program involves the assignment of a police officer from their respective law enforcement agencies to a public school as an SRO. In accordance with staffing availability and the demonstrated needs of the school, each law enforcement agency will select and assign an SRO to campuses within Baldwin County. SROs will maintain a presence at all public schools within the BCPSS.
- D. The SRO Program is intended to help ensure that no student's right to receive a safe and appropriate education is abridged by violence or disruption. This is achieved, in part, by the assignment of SROs to work within the public schools to be present on every campus every day when regular school is in session. Additionally, it is important to establish, maintain, and update specific guidelines and procedures to be followed by the SRO and individual school administrators. This MOU clarifies the roles of the SROs and School Administrators, their scope of their authority, and the responsibilities of the Parties in this collaboration. The success of the program relies on effective communication between the SRO, the principal, and other key staff members of each organization.

## **II. Goals**

The primary goals of the School Resource Officer Program are to:

- Promote positive and supportive school climates.
- Create and maintain safe and secure school environments.

- Additionally, the Parties intend to foster the perception that schools are safe places in which students can learn, and teachers and ancillary personnel can teach and work.

These primary goals are further broken down to include:

- A. Maintaining the presence of highly trained, armed, and sworn Baldwin County Sheriffs Deputies and Municipal Law Enforcement Officers (collectively "SROs") who can immediately engage and mitigate any outside threat or internal threat to our schools. SROs will also be able to immediately engage and contain a threat until additional law enforcement resources arrive and deploy to mitigate a threat. The SRO will take law enforcement action as required against intruders and unwanted guest(s) who may appear at the school, to the extent that the SRO may do so under the law.
- B. Decreasing the number of major disciplinary incidents on campus. This includes but is not limited to threats of harm to students and faculty/terroristic threats, drug possession/distribution, gang membership, alcohol and tobacco possession and use, theft, vandalism, weapons possession, fighting, harassment, truancy, and sexual offenses. The reduction of these incidents will, in part, be the result of the SROs promoting self-discipline and respect for the law. Also, these incidents will be decreased in part through direct intervention and enforcement activities.
- C. Providing a deterrent to unacceptable behavior through the SRO's presence, visibility, and accessibility.
- D. Aiding in reviewing and maintaining the school's Emergency Operation Plans and/or Safety Plans and implementing them into situations requiring their use.
- E. Aiding in his/her capacity as a sworn law enforcement officer to assist school personnel in any law enforcement matter.
- F. Providing educational instruction in the areas of crime prevention, safety, conflict, resolution, and/or crime awareness. This information would encourage students to become more self-disciplined, voluntarily obey the laws of the State of Alabama, and the rules of the Baldwin County Public Schools.
- G. Reducing or preventing juvenile delinquency events.
- H. Mentoring students and encouraging students to show greater respect for one another with the additional goal of reducing serious disciplinary incidents, violent incidents, threats, and intimidation of other students.
- I. Fostering an environment that allows students to develop positive attitudes toward law enforcement officers, teachers, parents, and all authority figures.
- J. Encouraging students to be more proficient in setting appropriate internal and external boundaries in interpersonal and group relationships.
- K. Improving trust, communication, collaboration and mutual understanding between school officials, staff, students, parents, the SRO, and other Baldwin County Sheriffs Office Deputies and municipal law enforcement agencies hereafter referred to as law enforcement agencies to create an atmosphere in which:
  1. Students, parents, and school officials will feel free to utilize the services of the SRO and the law enforcement agencies.
  2. Students, school officials, parents, and other family members will contact the SRO or law enforcement agencies when there are situations that require crime intervention or prevention.

3. Understanding and a cooperative spirit toward law enforcement will be increased and will filter outward into the community.
  4. The School Resource Officer Unit will be able to rely on the increased assistance and cooperation of citizens in preventing or intervening in criminal activity in the community.
  5. The SRO may contribute with input towards further development of school policies that address crime and recommendations to possible procedural changes to enhance school safety.
  6. The SRO Unit working with other SRO/Community Outreach Units to help network and keep all of our schools as safe as possible.
  7. The SRO Unit Supervisors will work in partnership with the Baldwin County Public Schools Assistant Superintendent over Safety and Student Services to help maintain and foster a cooperative effort by all parties and promote a uniform approach for safety.
- L. Responding to school misconduct in a way that is reasonable, consistent, and fair, with appropriate consideration of mitigating factors and of the nature and severity of the incident.

### **III. Baldwin County Sheriff's Office Responsibilities**

1. The BCSO will as the primary agency and authority responsible for overseeing and coordinating the administration and salary reimbursement of the SRO for the BCPSS.
2. The BCSO will review and make recommendations regarding any SRO Program operational and administrative issues within the BCPSS and will serve as a consultant to the BCPSS regarding school safety and security issues including but not limited to overseeing safety assessments, SRO training(s), and critical incident response planning and training events in partnership with the municipal law enforcement agencies for those schools within the corporate limits of a city or town.
3. The BCSO will provide primary SRO services to the schools which fall within the unincorporated areas of Baldwin County and the BCPSS' CTE and the alternative school.
4. For all other BCPSS schools located within a municipal jurisdiction, BCSO will engage the respective municipality to provide SRO services to schools which fall within the municipality's incorporated area. The BCSO will provide assistance and guidance regarding the provision of SRO services with all outside municipal law enforcement agencies.
5. In the event that a municipality is not subcontracted by BCSO to provide SRO services, the BCSO will provide SRO services to those schools.
6. The BCSO will provide assistance to all events that require an emergency law enforcement response as it relates to the BCPSS.
7. The BCSO will provide SRO services for any Board meetings or other public meetings as requested by the Superintendent or his or her designee.
8. The BCSO will serve as a point of contact and representative for the BCPSS with regards to all responses or threats to school safety while working within the Incident Command System for school responses within city/town limits.
9. The BCSO will provide payment and accounting of all salary contribution payments to the respective municipalities who enter into a memorandum of understanding with BCSO and that incorporates all terms and conditions outlined within this MOU.
10. The BCSO will provide coordination and assistance of any necessary and offered SRO

specific training, that should include annual active shooter and tactical response training for all SROs.

11. The BCSO will provide mutual aid to the municipal law enforcement agency for all events that require an emergency law enforcement response for the BCPSS.
12. The BCSO will identify a direct point of contact(s) between the BCPSS, the BCSO, and the other municipal law enforcement agencies (BCSO POCs). The BCSO POCs will maintain a working knowledge of school rules, regulations, and laws regarding student safety and conduct. The BCSO POCs will establish and maintain effective relationships with school personnel and the other municipal law enforcement agencies.
13. The BCSO will employ the BCSO SROs under this Memorandum. The BCSO will pay the remaining percentage of the BCSO SRO salaries. The BCSO SROs shall be the employees of the BCSO and shall be subject to the administration, supervision, and control of the BCSO, except as such supervision and control is subject to the terms and conditions of this Memorandum, including but not limited to those terms regarding the employment of BCSO SROs.
14. The BCSO agrees to provide pay and employment benefits to each assigned BCSO SRO in accordance with the applicable salary schedules and employment practices of the BCSO, including but not necessarily limited to sick leave, annual leave, retirement compensation, and all other applicable employment benefits. The BCSO SROs shall be subject to all other personnel policies and practices of the BCSO except as such policies or practices may have to be modified to comply with the terms of this Memorandum.
15. The BCSO, in its sole discretion, shall have the power and authority to hire, discharge and discipline BCSO SROs.
16. The BCSO is responsible for assigning and supervising the BCSO SROs hours and schedule in compliance with all applicable state and federal laws. Specific BCSO SRO duty hours at a particular school should be set by mutual agreement between the BCPSS, at the direction of the principal of the school to which the officer is assigned, and the BCSO, by the POC for the SRO program. Generally, the BCSO or municipal SRO's duty schedule will be arranged to provide coverage throughout the school day including peak arrival and departure times before and after school, to include whenever possible, being visible patrolling the exterior and interior grounds during the opening and closing of school and during lunch periods.
17. Selection of the BCSO SRO and municipal SRO (collectively SROs):

The selection of the SRO is the most critical aspect of the program. Supervisors should select officers who have demonstrated the ability, interest, and skills necessary to work with youth, school staff, and the public. The following criteria should be considered by commanders when selecting officers for the program and can be used as a guideline for municipal law enforcement agencies:

- a. Ability to work with diverse groups;
- b. Ability to work cooperatively in a non-law enforcement environment with limited direct supervision;
- c. Knowledge of policies that pertain to juveniles and schools;
- d. Knowledge and familiarity with available law enforcement resources;
- e. Creative problem solver;
- f. Conflict resolution skills;
- g. Knowledge of the Juvenile Code and Juvenile Court procedures;

- h. Ability to effectively provide instruction to youths;
- i. Ability to communicate professionally and deliver presentations effectively to various groups including parents, educators, and community members;
- j. Organization and communication skills;
- k. Completion of Instructor Development Training before or after selection; and
- l. Supervisory recommendation.

#### **IV. Municipal Law Enforcement Agency's Responsibilities**

See **EXHIBIT "A"** for details regarding the municipal law enforcement agency's responsibilities under the following sections of that certain Memorandum of Understanding between the Baldwin County Sheriff's Office, Baldwin County Public Schools and the Baldwin County Commission: Part IV-SRO and School Administration Specific Duties and Responsibilities; Part V-Operational Procedures; Part VI-Release of Law Enforcement Information; and Part VII-Miscellaneous, subject to the limitations and provisions set forth below.

A. For purposes of this MOU, Part IV-SRO and School Administration Specific Duties and Responsibilities, Section A.12. is hereby amended to read in its entirety as follows:

12. SROs will be responsible for lesson plans to be presented to the immediate supervisor. The plans will be approved by the chain of command and in the school before implementation. Topics of instruction will include crime prevention and safety, conflict resolution, restorative justice, and crime awareness as well as others decided upon.

B. For purposes of this MOU, Part IV-SRO and School Administration Specific Duties and Responsibilities, Section A.19.a. and b. is hereby amended to read in its entirety as follows:

a. Law Enforcement Officer:

- SROs' primary role in schools is to protect the students and staff and to serve as a law enforcement officer. SROs assume primary responsibility for responding to requests for assistance from administrators and coordinating the response of other law enforcement resources to the school. SROs should work with school administrators in problem solving to prevent crime and promote safety in the school environment. SROs should also collaborate with school personnel to reduce student engagement with the juvenile justice systems and divert students from the courts when possible. Although SRO's coordinate day-to-day with BCPSS staff, SROs are not school administrators. The BCSO or the respective municipal law enforcement agency should ensure through policies and training, that an arrest of a student is the last resort and that all reasonable efforts are made to divert the student from entry into the justice system. However, it is recognized that victims of crimes committed by students have legal rights to pursue justice. Additionally, certain crimes (i.e., assaults with serious bodily injury) are not appropriate for restorative justice alternatives.

- As a law enforcement officer, the SROs should:

- i. Adhere to federal, state and department guidelines to protect the school against violence.
- ii. Provide a course of training for school personnel in handling crisis situations, which may arise at the school.
- iii. Apply alternative means to resolving conflict in lieu of arrest, when appropriate. Develop positive relationships with students to reduce the risk of criminal behavior. Document any activity of a criminal nature.

b. Law-Related Educator:

- As resources permit, SROs should strive to assist with presentations for school personnel on law-related topics such as law enforcement practices, changes in relevant laws, crime trends, crime prevention, school safety strategies, and crisis response procedures. SROs may also deliver law-related education with students using lessons/curricula approved in advance by the SRO Supervisor. In all cases, responding to incidents or conducting investigations will take precedence over delivery of presentations.
- As coordinated through the BCSO POC or the respective municipal SRO Supervisor, the BCPSS POC, and approved by the principal, SROs may become involved in the school's curriculum as a guest lecturer through an elective course of instruction that may enhance the students' understanding of legal concepts and information about law enforcement. However, responding to incidents or conducting investigations will always take precedence over instructing in the classroom. Lesson plans for all formal organized presentations should be forwarded to the BCSO POC or the respective municipal SRO Supervisor and the BCPSS POC for review and approval prior to presentation.
- SROs should make formal presentations to, or participate in, school and community- based organization meetings such as Parent Teacher Association meetings or School Community Coalitions on an as-needed basis. All such participation must be approved by the SRO's Supervisor. Similar requests to participate in focus groups, panel discussions, camps, mentoring programs, must be approved by the SRO's Supervisor. The BCSO POC, the BCPSS POC, and the SRO's supervisor should be kept informed of any such approved additional activities.
- Programs conducted in schools by other sections of the BCSO or law enforcement agencies should be coordinated with the BCPSS POC to avoid redundant services and ensure equitable distribution of such programs. The SRO should be notified in advance of any BCSO or other law enforcement activities scheduled for his or her assigned school.

C. For purposes of this MOU, Part IV-SRO and School Administration Specific Duties and Responsibilities, Section B.11. is hereby amended to read in its entirety as follows:

11. Undergo training in trauma-engagement, restorative justice, cultural competence, mental health, and disability awareness. This training will be provided by BCSO staff or the respective municipal law enforcement agency.

D. For purposes of this MOU, Part V. Operational Procedures, Section D.1. is hereby amended to read in its entirety as follows:



1. All searches should be conducted in accordance with the United States Constitution, state laws, and applicable BCPSS and BCSO or the respective municipal law enforcement agency's policies and guidelines.

E. For purposes of this MOU, Part V. Operational Procedures, Section E.4. is hereby amended to read in its entirety as follows:

4. Physical intervention by SROs should be undertaken in accordance with policies and operational procedures of the BCSO or the respective municipal law enforcement agency and state law regarding physical intervention and use of force by a law enforcement officer.

F. For purposes of this MOU, Part V. Operational Procedures, Section E.6. is hereby amended to read in its entirety as follows:

6. SROs should be aware of the ALSDE's policies and guidelines on seclusion and restraint and related local school board policies and may attend training offered by the local school system on their use of seclusion and restraint by school personnel. However, SROs should continue to operate by the policies and operational procedures of the BCSO or their respective law enforcement agencies and state law regarding physical intervention and use of force by a law enforcement officer.

G. For purposes of this MOU, no amendments or modifications to that certain Memorandum of Understanding between the Baldwin County Sheriff's Office, Baldwin County Public Schools and the Baldwin County Commission attached hereto as **EXHIBIT "A"**) shall be effective or applicable to this MOU unless all signatory parties to this MOU agree to the amendments or modifications in writing.

## **V. Supervision**

The responsibility for the assignment, activity, and conduct of personnel participating in the School Resource Officers Program remains with the respective agency heads or their command staff.

## **VI. MISCELLANEOUS.**

A. This Memorandum of Understanding remains in force for a term of two years, unless either any of the signatory parties terminates or withdraws from the MOU by delivering ninety days written notification of such termination or withdrawal to the other signatory parties. It should be reviewed annually and amended at least once every two years, or at any time upon the request of any party and as necessary to meet the needs of the signatory agencies. This Memorandum of Understanding shall not be construed to create or substantiate any right or claim on the part of any person or entity which is not party hereto.

B. Nothing in this MOU shall be construed as a limitation on the powers, rights, authority, duty, and

responsibilities conferred upon either party under Alabama law.

C. Each party is solely responsible for the act(s) and omission(s) of its own officers, employees, officials, agents, and representatives and each party maintains all defenses and affirmative defenses afforded under State and Federal law concerning immunity.

D. In the event any provision of this MOU is held by a court to be illegal, void, or otherwise unenforceable, all other provisions of this MOU shall continue in full force and effect to the maximum extent permitted by law.

E. The failure of either party to enforce one or more provisions of this MOU with respect to any particular breach shall not be deemed or construed to constitute a waiver of any other breach of this MOU.

F. This MOU constitutes the entire understanding of the parties with respect to the subject matter contained herein and supersedes all prior memorandums of understanding and/or agreements concerning the same subject matter, whether written or oral. This MOU may be modified only by a writing signed by both parties.

G. The parties may execute this MOU in counterparts. The parties represent and warrant that each respective signatory is fully authorized to enter into and to execute this MOU on behalf of the named party.

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Charles F. Gruber, Chairman  
Baldwin County Commission

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Date

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Sheriff Huey Hoss Mack  
Baldwin County Sheriffs Office

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Date

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Mayor Michael M. McMillan  
City of Spanish Fort

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Date

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Chief John Barber  
City of Spanish Fort

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Date

# EXHIBIT “A”

# MEMORANDUM OF UNDERSTANDING

## BALDWIN COUNTY SHERIFF'S OFFICE



## BALDWIN COUNTY PUBLIC SCHOOLS



## BALDWIN COUNTY COMMISSION



**WHEREAS**, the Baldwin County Sheriff's Office (BCSO), the Baldwin County Commission (the "Commission"), and the Baldwin County Board of Education (the "Board" or "BCPSS"), (collectively referred to as "the Parties"), entered into a Memorandum of Understanding ("MOU") in 2017 in order to establish a mutually beneficial partnership known as the School Resource Officer Program;

**WHEREAS**, the Parties agree that students are generally less mature and responsible than adults; they often lack the maturity, experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them; and they are more susceptible to outside pressures than adults;

**WHEREAS**, the Parties agree the vast majority of student misconduct can be best addressed through classroom and in-school strategies.

**WHEREAS**, the Parties, share a mutual desire of ensuring a learning environment that is free from the fear of crime, violence, and victimization.

**WHEREAS**, the Parties recognize the potential public safety benefits that the School Resource Officer Program has provided the students, teachers, and staff of the BCPSS and all the citizens of Baldwin County;

**WHEREAS**, the Parties desire to continue building and maintaining a positive relationship between law enforcement and the youth of Baldwin County;

**WHEREAS**, recent nationwide school safety and SRO issues and responses have necessitated a need to reassess the structure and understandings between the Parties;

**WHEREAS**, the Parties have determined that it is in the best interest of students, teachers, and personnel for the Parties to streamline an organizational structure within the School Resource Officer Program so that safety measures and crisis response are consistent and designed to minimize loss of life in the event of a crisis or emergency situation;

**WHEREAS**, the Parties find that cooperation by all law enforcement in the matters contained in this Agreement will increase the efficiency and effectiveness of providing the governmental function of law enforcement protection on the BCPSS campuses to the benefit of all the taxpaying citizens of Baldwin County.

**WHEREAS**, the Parties hereby enter into this newly proposed MOU setting forth the respective roles and responsibilities of the Parties regarding the use of SROs in the BCPSS. The purpose of this MOU is to continue the mutually beneficial partnership and task force known as the "Partnership" or the "School Resource Officer Program" in which that both the Board and law enforcement can continue to work

together and within to achieve shared goals. The purpose of this Partnership is to foster relations of mutual respect and understanding in order to build a positive and safe school environment and to facilitate effective and timely communication and coordination of efforts between and among all Parties;

**WHEREAS**, this MOU is intended only to outline expectations between the Parties, and it is not intended to create contractual or equitable obligations on the part of the Parties toward particular municipalities, students, parents, third parties, and/or any of the Parties' employees.

**NOW THEREFORE**, the Parties hereby deem it expedient to the accomplishment of the mission of the School Resource Officer Program to adopt this Memorandum of Understanding on the \_\_\_\_ day of \_\_\_\_\_, 2023 and identify the following as their purpose, goals, objectives, and procedures:

**THE PARTIES AGREE AS FOLLOWS:**

**PART I. PURPOSE**

- E. Effective schooling requires a safe and orderly environment where teachers feel safe to teach and students feel safe to learn. It also requires that parents feel safe in sending their children to our schools. Consequently, law enforcement will provide school administrators and staff with law enforcement resources and the expertise they need to maintain safety, order, and discipline in the school environment.
- F. The SRO performs various roles while operating inside public schools as defined by National Association of School Resource Officers (NASRO). Their first duty is to protect the campus, the students, staff, and facilities. They also perform the duties of an APOST certified law enforcement officer, an informal counselor, and an instructor of law related and safety classes (hereinafter "SRO services").
- G. The School Resource Officer Program involves the assignment of a police officer from their respective law enforcement agencies to a public school as an SRO. In accordance with staffing availability and the demonstrated needs of the school, each law enforcement agency, in coordination with and under the mutual approval of the BCSO and the BCPSS, will select and assign an SRO to campuses within Baldwin County. SROs will maintain a presence at all public schools within the BCPSS.
- H. The SRO Program is intended to help ensure that no student's right to receive a safe and appropriate education is abridged by violence or disruption. This is achieved, in part, by the assignment of SROs to work within the public schools to be present on every campus on every day when regular school is in session. Additionally, it is important to establish, maintain, and update specific guidelines and procedures to be followed by the SRO and individual school administrators. This MOU clarifies the roles of the SROs and School Administrators, their scope of their authority, and the responsibilities of the Parties in this collaboration. The success of the program relies on effective communication between the SRO, the principal, and other key staff members of each organization.

**PART II. GOALS**

The primary goals of the School Resource Officer Program are to:

- Promote positive and supportive school climates, and

- Create and maintain safe and secure school environments.
- Additionally, the Parties intend to foster the perception that schools are safe places in which students can learn, and teachers and ancillary personnel can teach and work.

These primary goals are further broken down to include:

- A. Maintaining the presence of highly trained, armed, and sworn Baldwin County Sheriff's Deputies and Municipal Law Enforcement Officers (collectively "SROs") who can immediately engage and mitigate any outside threat or internal threat to our schools. SROs will also be able to immediately engage and contain a threat until additional law enforcement resources arrive and deploy to mitigate a threat. The SRO will take law enforcement action as required against intruders and unwanted guest(s) who may appear at the school, to the extent that the SRO may do so under the law.
- B. Decreasing the number of major disciplinary incidents on campus. This includes but is not limited to: threats of harm to students and faculty/terroristic threats, drug possession/distribution, gang membership, alcohol and tobacco possession and use, theft, vandalism, weapons possession, fighting, harassment, truancy, and sexual offenses. The reduction of these incidents will, in part, be the result of the SROs promoting self-discipline and respect for the law. Also, these incidents will be decreased in part through direct intervention and enforcement activities.
- C. Providing a deterrent to unacceptable behavior through the SRO's presence, visibility, and accessibility.
- D. Aiding in reviewing and maintaining the school's Emergency Operation Plans and/or Safety Plans, and implementing them into situations requiring their use.
- E. Aiding in his/her capacity as a sworn law enforcement officer to assist school personnel in Any law enforcement matter.
- F. Providing educational instruction in the areas of crime prevention, safety, conflict, resolution, restorative justice, and/or crime awareness. This information would encourage students to become more self-disciplined, voluntarily obey the laws of the State of Alabama, and the rules of the Baldwin County Public Schools.
- G. Reducing or preventing juvenile delinquency events.
- H. Mentoring students and encouraging students to show greater respect for one another with the additional goal of reducing serious disciplinary incidents, violent incidents, threats, and intimidation of other students.
- I. Fostering an environment that allows students to develop positive attitudes toward law enforcement officers, teachers, parents, and all authority figures.
- J. Encouraging students to be more proficient in setting appropriate internal and external boundaries in interpersonal and group relationships.
- K. Improving trust, communication, collaboration and mutual understanding between school officials, staff, students, parents, the SRO, and other Baldwin County Sheriff's Office Deputies and municipal law enforcement agencies to create an atmosphere in which:
  1. Students, parents, and school officials will feel free to utilize the services of the SRO and the BCSO.
  2. Students, school officials, parents, and other family members will contact the SRO or other Baldwin County Sheriff's Deputies when there are situations that require crime intervention or prevention.
  3. Understanding and a cooperative spirit toward law enforcement will be increased and will filter outward into the community as a whole.



4. The School Resource Officer Unit will be able to rely on the increased assistance and cooperation of citizens in preventing or intervening in criminal activity in the community.
  5. The SRO may contribute with input towards further development of school policies that address crime and recommendations to possible procedural changes to enhance school safety.
  6. The SRO Unit working with other SRO/Community Outreach Units to help network and keep all of our schools as safe as possible.
  7. The SRO Unit Supervisors working in partnership with the Baldwin County Public Schools Assistant Superintendent over Safety and Student Services to help maintain and foster a cooperative effort by all parties and promote a uniform approach for safety.
- L. Responding to school misconduct in a way that is reasonable, consistent, and fair, with appropriate consideration of mitigating factors and of the nature and severity of the incident.

### **PART III. PARTIES' REPRESENTATIONS, WARRANTIES, AND RESPONSIBILITIES**

#### **A. BCPSS RESPONSIBILITIES**

1. BCPSS has designated the Assistant Superintendent of Safety and Student Services as a primary point of contact (BCPSS POC) to implement the SRO Program at the school system level. The BCPSS POC will be responsible for maintaining ongoing communications with law enforcement personnel, including but not limited to the Sheriff, BCSO SRO commanders and supervisors, and each municipal SRO supervisor when necessary.
2. The BCPSS will pay \$60,000 for the salary of each SRO assigned to a school within the BCPSS, including three BCSO SRO supervisors who serve as substitute SROs (hereinafter "salary contribution funds"). These salary contribution funds will be allocated and transferred to the BCSO after receiving a list of all assigned SROs, BCSO SRO supervisors, and those SROs employed by municipal law enforcement agencies. BCPSS will pay these funds in advance of each fiscal quarter to the Commission who will then transfer the funds to the BCSO and/or the respective municipality upon approval by the Sheriff. In addition, BCPSS shall pay the BCSO \$80,000 to cover costs for the administration of this agreement.
3. The BCPSS will ensure that each assigned SRO will be provided a designated work area to allow the SRO to access technologies and to have any locked storage space for securing evidence and safety equipment and technology.
4. The BCPSS will be primarily responsible for handling student discipline within the confines of the school disciplinary process and Student Code of Conduct.
5. The BCPSS is responsible for ensuring that administrators are aware and receive training regarding the disciplinary process and law enforcement involvement in school discipline.
6. The BCPSS is responsible for communicating the role and responsibilities of the SRO to all school administration and staff.
7. The BCPSS shall provide and/or contribute up to \$5,000 dollars each year for in-service training and/or professional development attendance in order for the SROs to receive training in relevant topical areas in order to increase the effectiveness of the officers and their ability carry out their duties and responsibilities within the public school system.

#### **B. BCSO RESPONSIBILITIES**

18. The BCSO will as the primary agency and authority responsible for overseeing and coordinating the SRO program for the BCPSS.
19. The BCSO will oversee and address any SRO Program operational and administrative issues within the BCPSS and will serve as a consultant to the BCPSS regarding school safety and security issues including but not limited to overseeing safety assessments, SRO training(s), and critical incident response planning and training events.
20. The BCSO will provide primary SRO services to the schools which fall within the unincorporated areas of Baldwin County and the BCPSS' CTE and the alternative school.
21. For all other BCPSS schools located within a municipal jurisdiction, BCSO will engage the respective municipality to provide SRO services to schools which fall within the municipality's incorporated area. The BCSO will provide oversight and guidance regarding the provision of SRO services with all outside municipal law enforcement agencies.
22. In the event that a municipality is not subcontracted by BCSO to provide SRO services, the BCSO will provide SRO services to those schools.
23. The BCSO will provide oversight and as a central point of contact and response to all events that require a law enforcement response as it relates to the BCPSS.
24. The BCSO will provide SRO services for any Board meetings or other public meetings as requested by the Superintendent or his or her designee.
25. The BCSO will serve as a point of contact and representative for the BCPSS with regards to all responses or threats to school safety.
26. The BCSO will provide payment and accounting of all salary contribution payments to the respective municipalities who enter into an agreement with BCSO and that incorporates all terms and conditions outlined within this MOU.
27. The BCSO will provide coordination and oversight of any necessary SRO specific trainings, that should include annual active shooter and tactical response training for all SROs.
28. The BCSO will respond to all events that require a law enforcement response for the BCPSS.
29. The BCSO will identify a direct point of contact(s) between the BCPSS, the BCSO, and the other municipal law enforcement agencies (BCSO POCs). The BCSO POCs will maintain a working knowledge of school rules, regulations, and laws regarding student safety and conduct. The BCSO POCs will establish and maintain effective relationships with school personnel and the other municipal law enforcement agencies.
30. The BCSO will employ the BCSO SROs under this Memorandum. The BCSO will pay the remaining percentage of the BCSO SRO salaries. The BCSO SROs shall be the employees of the BCSO and shall be subject to the administration, supervision, and control of the BCSO, except as such supervision and control is subject to the terms and conditions of this Memorandum, including but not limited to those terms regarding the employment of SROs.
31. The BCSO agrees to provide pay and employment benefits to each assigned BCSO SRO in accordance with the applicable salary schedules and employment practices of the BCSO, including but not necessarily limited to sick leave, annual leave, retirement compensation, and all other applicable employment benefits. The BCSO SROs shall be subject to all other personnel policies and practices of the BCSO except as such policies or practices may have to be modified to comply with the terms of this Memorandum.
32. The BCSO, in its sole discretion, shall have the power and authority to hire, discharge and discipline BCSO SROs. The BCSO shall hold the BCPSS free, harmless, and indemnified from and against any and all claims, suits or causes of action arising out of allegations of unfair or unlawful employment practices brought by SROs.
33. The BCSO is responsible for assigning and supervising the BCSO SROs hours and schedule in compliance with all applicable state and federal laws. Specific SRO duty hours at a particular

school should be set by mutual agreement between the BCPSS, at the direction of the principal of the school to which the officer is assigned, and the BCSO, by the POC for the SRO program. Generally, the SRO's duty schedule will be arranged to provide coverage throughout the school day including peak arrival and departure times before and after school, to include whenever possible, being visible patrolling the exterior and interior grounds during the opening and closing of school and during lunch periods.

34. Selection of the BCSO SRO and municipal SRO (collectively SROs):

The selection of the SRO is the most critical aspect of the program. Supervisors should select officers who have demonstrated the ability, interest, and skills necessary to work with youth, school staff, and the public. The following criteria should be considered by commanders when selecting officers for the program:

- m. Ability to work with diverse groups;
- n. Ability to work cooperatively in a non-law enforcement environment with limited direct supervision
- o. Knowledge of BCSO's policies that pertain to juveniles and schools;
- p. Knowledge and familiarity with available BCSO resources;
- q. Creative problem solver;
- r. Conflict resolution skills;
- s. Knowledge of the Juvenile Code and Juvenile Court procedures;
- t. Ability to effectively provide instruction to youths;
- u. Ability to communicate professionally and deliver presentations effectively to various groups including parents, educators, and community members;
- v. Organization and communication skills;
- w. Completion of Instructor Development Training before or after selection, and;
- x. Supervisory recommendation

35. Initial Training of SRO:

All officers selected for the SRO program shall, within the first 6 months after receiving their assignments, and at least once every two years thereafter, receive the following training after being selected for the program:

- a. Mental Health Specific Training and Crisis Intervention Training in accordance with established and certified state standards.
- b. Disability awareness training.
- c. Trauma-Engaged and Restorative Justice techniques.
- d. Cultural Competency Training that is provided to BCSO staff.

**PART IV. SRO AND SCHOOL ADMINISTRATION SPECIFIC DUTIES AND RESPONSIBILITIES**

A. SRO

- 1. The SRO is a sworn BCSO officer or sworn municipal law enforcement officer assigned to provide the law enforcement expertise and resources to assist school staff(s) in maintaining

safety, order, and discipline within their assigned school(s). To be an SRO, an officer must first meet all the following basic qualifications:

- a. Shall be a commissioned officer, certified by the Alabama Peace Officers, Standards and Training Commissions as a law enforcement officer whose certification is in good standing and who has successfully completed active shooter training approved by the Alabama State Law Enforcement Agency;
  - b. Should possess a sufficient knowledge of the applicable Federal and State laws, City and County ordinances, and Board of Education policies and regulations;
  - c. Should be capable of conducting in depth criminal investigations;
  - d. Should possess even temperament and set a good example for students; and
  - e. Should possess communication skills which would enable the officer to function effectively within the school environment;
2. The SRO should not become involved in routine school matters such as administrative actions or actions not directly related to the safety of the students and staff. The SRO should refrain from functioning as a school disciplinarian and should not intervene in school discipline matters. The discipline of students will remain the responsibility of the school faculty and administrators. At any time, the SRO may become involved when a school administrator has a safety concern that cannot be addressed by the school's safety and security staff.
  3. As a general practice, unless there is a clear and imminent threat to safety, requests from school staff for SRO or other law enforcement assistance are to be channeled through a school administrator.
  4. The SRO will maintain office space as space becomes available at each school, will stay highly visible throughout the campus of each school, and will respond to law enforcement needs of each school as needed. The SRO should not spend all day in the SRO's office space.
  5. The SRO's assigned school buildings, grounds, and surroundings will be the equivalent of the SRO's patrol area, and he or she assumes primary responsibility for handling all calls for service and coordinating the response of other police resources to the school. All criminal activity that comes to the attention of the principal or school staff should be reported immediately to the Police Department. In an emergency situation, the school should call 911 and also notify the SRO. In a non-emergency situation, the school should notify the SRO or call the non-emergency BCSO number if the SRO is not available. Information that is not of an emergency nature may be held for action by the SRO upon his or her return to duty.
  6. The SRO will provide educational instruction and serve as mentor and role model in matters pertaining to behavioral issues and the criminal justice system.
  7. SROs' duty schedules should be organized to provide coverage throughout the school day, which may vary by school. SROs provide a visible deterrent to crime and should be visible patrolling the exterior and interior grounds.
  8. The SRO should wear the regulation uniform and operate a marked police vehicle while on duty unless otherwise authorized by the SRO's supervisor for a specific purpose.
  9. SROs should be present and available to respond on campus every day that school is in session. In the event an SRO is absent or needs to be absent from work, the SRO shall notify both his or her SRO Supervisor and the principal of the school to which the SRO is assigned. The BCSO (or the applicable municipal law enforcement agency) agrees to assign another SRO for the SRO who is absent. In the event an SRO is absent due to illness or disability for a period of ten (10) consecutive workdays, the BCSO (or the applicable municipal law enforcement agency) agrees to employ and/or assign a substitute SRO to assume and perform the duties of the SRO who is absent from work. In the event that a local municipal law enforcement agency is unable to supply a substitute SRO to be on campus in the assigned SRO's absence, the SRO supervisor should inform the BCSO POC so that the BCSO can supply a substitute SRO during the absence.
  10. The SROs should assist school administrators in developing school crisis, emergency

management, and response plans. These plans should be shared with the BCPSS POC and the BCSO POC.

11. The SROs will work with administrators in problem-solving to prevent crime and promote safety in the school environment. SROs are expected to collaborate with school administrators and other school personnel to support positive school climates that focus on resolving conflicts, reducing student engagement with the juvenile and criminal justice systems, and diverting youth from courts when possible.
12. SROs will be responsible for lesson plans to be presented to the immediate supervisor. The plans will be approved by the chain of command and in the school before implementation. Topics of instruction will include crime prevention and safety, conflict resolution, restorative justice, and crime awareness as well as others decided upon. Any brochures or other materials that will go out for dissemination to the public about the SRO program should be approved by the SRO supervisor and the BCSO POC and the BCPSS POC.
13. A Patrol Deputy or Deputies will respond to school related law enforcement calls when the SRO is unavailable due to teaching a class or any other unavailability. Investigators should attempt to coordinate with the SRO before contact is made with suspect students.
14. The SRO will work closely with the administrative staff on the enforcement of criminal laws broken by students. This will be pursued in a fair and consistent manner. The teamwork approach between the schools and the SRO will be used, but the final decision to arrest is that of the SRO.
15. Communication and cooperation will occur between the schools, school system, and the BCSO or municipal law enforcement agency. However, the SRO's chain of command and ultimate supervision is always within the BCSO or the respective law enforcement agency.
16. Each SRO is responsible for maintaining his or her law enforcement officer certification in good standing and annually completing and passing the firearm requalification required of all law enforcement officers by the Alabama Peace Officers' Standards and Training Commission. The BCSO or the respective municipal law enforcement agency is responsible for overseeing and ensuring compliance with the above
17. Each SRO must carry a non-lethal weapon and must be trained in the appropriate use of that non-lethal weapon. The BCSO is responsible for overseeing and ensuring compliance *with* such training.
18. The BCSO will administer, supervise, and evaluate the SRO position with input from the Superintendent and the Administration of prescribed schools.
19. As previously described, SROs serve multiple roles in schools. The roles are interrelated, but all are carried out with the aim to contribute to school safety and security and to promote positive and supportive school climates. The SRO is expected to serve in the following roles:

- a. Law Enforcement Officer:

- SROs' primary role in schools is to protect the students and staff and to serve as a law enforcement officer. SROs assume primary responsibility for responding to requests for assistance from administrators and coordinating the response of other law enforcement resources to the school. SROs should work with school administrators in problem solving to prevent crime and promote safety in the school environment. SROs should also collaborate with school personnel to reduce student engagement with the juvenile justice systems and divert students from the courts when possible. Although SRO's coordinate day-to-day with BCPSS staff, SROs are not school administrators. The BCSO should ensure through policies and training, that an arrest of a student is the last resort and that all reasonable efforts are made to divert the student from entry into the justice system. However, it is recognized that victims of crimes committed by students have legal rights to pursue justice. Additionally, certain crimes (i.e., assaults with serious bodily injury) are not

appropriate for restorative justice alternatives.

- As a law enforcement officer, the SROs should:
  - i. Adhere to federal, state and department guidelines to protect the school against violence.
  - ii. Provide a course of training for school personnel in handling crisis situations, which may arise at the school.
  - iii. Apply alternative means to resolving conflict in lieu of arrest, when appropriate. Develop positive relationships with students to reduce the risk of criminal behavior. Document any activity of a criminal nature.

b. Law-Related Educator:

- As resources permit, SROs should strive to assist with presentations for school personnel on law-related topics such as law enforcement practices, changes in relevant laws, crime trends, crime prevention, school safety strategies, and crisis response procedures. SROs may also deliver law-related education with students using lessons/curricula approved in advance by the SRO Supervisor. In all cases, responding to incidents or conducting investigations will take precedence over delivery of presentations.
- As coordinated through the BCSO POC, the BCPSS POC, and approved by the principal, SROs may become involved in the school's curriculum as a guest lecturer through an elective course of instruction that may enhance the students' understanding of legal concepts and information about law enforcement. However, responding to incidents or conducting investigations will always take precedence over instructing in the classroom. Lesson plans for all formal organized presentations should be forwarded to the BCSO POC and the BCPSS POC for review and approval prior to presentation.
- SROs should make formal presentations to, or participate in, school and community-based organization meetings such as Parent Teacher Association meetings or School Community Coalitions on an as-needed basis. All such participation must be approved by the SRO's Supervisor. Similar requests to participate in focus groups, panel discussions, camps, mentoring programs, must be approved by the SRO's Supervisor. The BCSO POC, the BCPSS POC, and the SRO's supervisor should be kept informed of any such approved additional activities.
- Programs conducted in schools by other sections of the BCSO or law enforcement agencies should be coordinated with the BCPSS POC to avoid redundant services and ensure equitable distribution of such programs. The SRO should be notified in advance of any BCSO or other law enforcement activities scheduled for his or her assigned school.

c. Informal Mentor and Role Model

- Students often seek approval, direction, and guidance from adults in the school setting about various problems. Through formal and informal interaction with students, SROs serve as informal mentors and role models. SROs are expected to communicate clearly to students about acceptable and unacceptable behavior, to set a positive example in handling stressful situations and resolving conflicts, to show respect and consideration of others, and to express high expectations for student behavior. Students who may need additional assistance should be referred to a school-based resource.

## B. SRO SUPERVISORS

SRO Supervisors provide first line leadership and are tasked with specific duties, which include, but are not limited to:

1. Provide timely notifications to the BCSO POC and the BCPSS POC regarding matters related to BCPSS building safety and student safety.
2. At the request of a school principal, SRO supervisors should attend Parent Teacher Association meetings, on a case-by-case basis to discuss significant issues affecting the school community.
3. Provide supervision and assistance with problem solving and development opportunities for SROs.
4. Provide planning, budget, management, and agency leadership for the SRO Program.
5. Meet with their SROs on a continual basis at their schools to observe their performance of duty.
6. Meet with school principals before the start of, and throughout the school year.
7. Mitigate conflicts and/or clarify expectations in situations where there are ambiguous or overlapping policies or practices.
8. Ensure that their assigned SROs receive initial and relevant recurrent training.
9. Act as a resource to the BCSO and the BCPSS consistent with the BCPSS District-Wide Emergency Response Plan.
10. Ensure staffing for each school is provided in the event that the assigned SRO is absent.
11. Undergo training in trauma-engagement, restorative justice, cultural competence, mental health, and disability awareness. This training will be provided by BCSO staff.
12. Coordinate and collaborate with the BCSO POC and the BCPSS POC regarding all aspects of the SRO program.

## C. ASSISTANT SUPERINTENDENT OF SAFETY AND STUDENT SERVICES (BCPSS POC) AND SCHOOL PRINCIPALS' UNDERSTANDINGS AND DUTIES

1. The School Principal in conjunction with the BCPSS POC will serve as a POC for their individual campus. The BCPSS POC, as previously mentioned, will serve as the District point of contact. Both the school principal and the BCPSS POC will ensure the coordination of resources, responses, and effective information sharing/notification between all entities.
2. The School Principal and BCPSS POC will establish and maintain a working knowledge of, and adhere to, all laws, ordinances, and regulations of all appropriate government agencies, general orders, report writing manual, applicable personnel regulations, written policies, and procedural directives, as well as possess knowledge of school rules, regulations, and laws regarding student safety and conduct.
3. The School Principal and BCPSS POC will establish and maintain effective relationships with school personnel and appropriate agencies to ensure a continued commitment to keep schools safe for all students to reach their learning potential.
4. The School Principal and BCPSS POC will assist in developing policies, procedures, and training programs to enhance the professional development of the SROs and other school personnel.
5. It is the responsibility of the Principal to facilitate effective communication between the SRO and the school staff.
6. The Principal of the school should meet regularly with the assigned SRO. This meeting shall

- not be delegated to other administrative staff on a regular basis.
7. The School Principal and BCPSS POC should compile real-time data on all SRO actions to include but not be limited to arrests, field contacts, and all use of force events.
  8. School principals should review the SRO Program MOU annually and make sure that all staff are aware of school-specific operational and communication procedures that support the goals of the SRO program.
  9. The School Principal and BCPSS POC should understand that the SRO's assigned school buildings, grounds, and surroundings will be the equivalent of the police officer's patrol area, and he or she assumes primary responsibility for handling all calls for service and coordinating the response of other police resources to the school. All *criminal activity*, including but not limited to terroristic threats of violence or harm to the school or individuals at the school and firearm possession, that comes to the attention of the principal or school staff should be reported immediately to the SRO and the corresponding law enforcement agency.
  10. In an emergency situation, the school should call 911 and also notify the SRO. In a non-emergency situation, the school should notify the SRO or call the non-emergency law enforcement agency number if the SRO is not available. Information that is not of an emergency nature may be held for action by the SRO upon his or her return to duty.
  11. Any criminal enforcement action taken by the SRO which results in the charging of a student with a crime should be supported by the principal and/or school employees by their appearance in court, when necessary, to provide testimony essential to the case. Consistent with the Release of Student Information provisions of this MOU, a subpoena or legal equivalent may be required and should be provided to the principal and/or school employee for any testimony requiring the disclosure of student records of the information contained therein.
  12. The school principal should provide a work area for the SRO that is equipped with a telephone. It is recommended that the area have a locked storage area for securing contraband and/or safety equipment. The SRO will be responsible for arranging for the destruction of any illegal substances that will not be used for prosecution.
  13. Any computer provided and/or assigned to the SRO should be capable of running software applicable to the SRO's duties. School principals, or their school administrator designees, should furnish student record information to SROs only to the extent that school record information is: (1) Directly relevant to a criminal investigation in a matter that cannot be resolved through school disciplinary procedures, or (2) the SRO requires the information to protect the health or safety of a student or other person in an emergency situation, as described in the MOU under Health and Safety Emergency, or its equivalent replacement application; (3) any other applicable reason outlined and allowed under federal or state law. The BCPSS POC's should understand that the SRO may have access to other student record information only when needed in accordance with FERPA and in order to carry out their duties in the school environment and only as approved by the school principal.

## **PART V. OPERATIONAL PROCEDURES**

### **A. DIFFERENTIATING DISCIPLINARY MISCONDUCT FROM CRIMINAL OFFENSES**

1. School administrators and personnel are responsible for school discipline. Although SROs are expected to be familiar with the school code of student conduct, the rules of individual schools, and their application in day-to-day practice, SROs should generally not be involved with the enforcement of school rules or disciplinary infractions that are not violations of law. The consequences of student misconduct should be effective, developmentally appropriate, and fair.



Interventions and school sanctions should help students learn from their mistakes and address root causes of misconduct. School administrators should consider alternatives to suspensions and expulsions, and law enforcement officials should consider alternatives to involvement with the juvenile and criminal justice systems for student violations of law.

2. The principal or principal's designee and the SRO should use their reasoned professional judgment and discretion to determine whether SRO involvement is appropriate for addressing student conduct. In such instances the guiding principle is whether conduct rises to the level of criminal and delinquent conduct that (1) poses substantial harm to the physical well-being of another person or (2) is willful and malicious and causes substantial harm to the property of the school or (3) constitutes the taking of property of substantial value belonging to another with intent to permanently deprive the property owner of the property. The Parties acknowledge that it may be appropriate for school administrators, rather than the SRO, to deal with low-level offenses including but not limited to misdemeanor allegations of threats, assault and battery, larceny, receiving stolen property, and willful, malicious, or wanton destruction or injury to personal property. School staff should not ask an SRO to serve as a school disciplinarian or enforcer of school regulations.

## B. POLICE INVESTIGATION AND QUESTIONING

1. The SRO, like any other law enforcement officer, has the authority to stop, question, interview, and take law enforcement action with students who may have information about criminal activity. However, the investigation and questioning of students, in a law enforcement capacity, during school hours or at school events regarding criminal activity in the community should be avoided unless immediate action is required to prevent an act of violence.
2. The interviewing of students, whether as suspects, victims, or witnesses, should be conducted privately in an office setting. SROs should take steps to ensure minimal intrusion into the educational experience of students being questioned in the school setting. SROs are responsible for leading the investigation and questioning of students related to suspected violations of criminal law. SROs should generally not be included in the investigation and questioning of students about student code of conduct violations that do not involve any criminal activity or risk of harm to self or others. School administrators are responsible for the investigation and questioning of students about violations of the code of conduct.
3. The SRO should comply with all applicable laws and regulations in regard to investigations involving criminal activity and the questioning of students.
4. In addition, the Parties acknowledge that BCPSS staff have the right to be present during *any* questioning of students, and each SRO should inform school administration before any such questioning takes place.
5. The principal or his designee should be notified as soon as practical of any significant enforcement events. SROs should coordinate activities so that action between the agencies is cooperative and in the best interest of the school and public safety.
6. The SRO should inform the SRO Supervisor and the building Principal of any crime(s) or leads that come to the attention of the SRO. Likewise, the SRO should be kept advised of all investigations that involve students from his/her assigned schools.

## C. ARREST PROCEDURES

SROs are expected to be familiar with the school rules and their application with school. Routinely, rule infractions will not be handled as violations of law, but instead referred to the principal for action. Any questions related to the enforcement of rules versus law violations within the school should be discussed with the principal, the SRO Supervisor, the BCSO POC, and the BCPSS POC. This specifically

applies to general standards of conduct. The following procedures will be adhered to where arrest of students or staff becomes necessary:

1. Whenever practical, arrests of a student or staff member should be accomplished outside of school hours in order to not disrupt the educational process or school setting. Arrests that must occur during school hours or on school grounds should be compliant with all applicable laws and should be coordinated through the school administrator to minimize potential disruption. When circumstances do not allow for prior coordination through the school administrator, arrests will be reported to the school administrator as soon as possible.
2. Persons whose presence on school grounds has been restricted or forbidden, or whose presence is in violation of the law, should be arrested for trespassing.
3. The arrest of a student or member of the staff during school hours or on school grounds should be reported to the school principal as soon as practical if the principal is not present for the arrest.
4. After an arrest, the SRO will be responsible in the handling of arrest paperwork and transporting the arrestee (juvenile or adult).
5. Notification to Parents: the SRO, in conjunction with the principal, should take immediate steps to notify the juvenile's parent, guardian, or a responsible adult that the juvenile is in custody. SROs are expected to be familiar with school rules and their application within the school system.
6. Routine rules that can be handled administratively through the disciplinary process should not be handled as violations of law, but rather be referred to the principal for administrative action. Any questions related to the enforcement of rules versus laws within schools should be discussed with the principal, the SRO Supervisor, the BCSO POC and the BCPSS POC.

#### D. SEARCH AND SEIZURE

1. All searches should be conducted in accordance with the United States Constitution, state laws, and applicable BCPSS and BCSO policies and guidelines.
2. School officials may conduct searches of student's property and person under their jurisdiction when reasonable suspicion exists that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. The standard for the search is reasonable suspicion, which is less than probable cause. (*New Jersey v. T.L.O.*, 469 U.S. 325 (1985)).
3. The SRO should not become involved in administrative (school related) searches unless specifically requested by the school to provide security, protection, or for handling of contraband. These searches should be at the direction and control of the school official.
4. All searches should occur outside the presence of students and school staff, with the exception of school administrators present, unless there is a clear and immediate threat to physical safety.
5. Prior to entering the alternative school, all students and parents are required to complete an orientation session which includes an overview of the school rules and policies. Students are required to sign a contract which includes an agreement to be searched at the school with or without notice. Notice of the routine search requirement reduces the alternative school student's expectation of privacy and is an exception to the administrative search policy.

#### E. PHYSICAL INTERVENTION BY SRO

1. An SRO should not be involved in the physical restraint or seclusion of a student initiated by school staff unless there is imminent danger of serious physical harm to self or others as defined by Baldwin County School Board Policy and Procedures on the Use of Physical Restraint and Seclusion.
2. SROs may intervene to deescalate situations to prevent an act of violence.
3. Any physical restraint of a student by an SRO or school security officer should also be administered

- in accordance with that SRO's department policies and should be documented appropriately.
4. Physical intervention by SROs should be undertaken in accordance with policies and operational procedures of the BCSO and state law regarding physical intervention and use of force by a law enforcement officer.
  5. If an SRO is involved in the use of restraint or physical intervention, the action should be reported to the school administrator and the SRO's supervisor and the rationale for the action should be fully documented.
  6. SROs should be aware of the ALSDE's policies and guidelines on seclusion and restraint and related local school board policies and may attend training offered by the local school system on their use of seclusion and restraint by school personnel. However, SROs should continue to operate by the policies and operational procedures of the BCSO, their respective law enforcement agencies, and state law regarding physical intervention and use of force by a law enforcement officer.
  7. Additionally, if the SRO physically intervenes with a student, BCPSS and the BCSO or the respective law enforcement agency should coordinate to ensure that reasonable effort is made to inform the parents or legal guardians of such student on the same day as the occurrence of the physical intervention.

#### F. ADMINISTRATIVE HEARINGS

1. The SRO should attend suspension and/or expulsion hearings upon the request of the school principal. The officer should be prepared to provide testimony on any actions that were taken by the SRO and any personally observed conduct witnessed by the SRO. The SRO should make available any physical evidence that is available. Unless otherwise arranged, it will be the responsibility of the SRO to transport and safeguard any physical evidence, such as weapons that are needed at the disciplinary hearing.
2. The SRO should not provide any official law enforcement document or juvenile record to the school or expulsion officer. As a general rule, release of such information is prohibited by law unless such documents are subpoenaed by the school through the appropriate court.
3. When a subpoena for official records, reports, or documents, for an administrative school hearing are received from a parent or outside third party by the BCSO or any other law enforcement agency that provides an SRO to the BCPSS, any action should be coordinated with the SRO supervisor, who will be prepared to brief the chain of command and Sheriff of the related case.

#### G. INFORMATION SHARING AND RELEASE OF STUDENT INFORMATION

1. A critical element of the SRO program is an open relationship and strong communication between the school principal and the SRO. Each SRO should meet regularly with the assigned school principal(s) for the purpose of exchanging information about current crime trends, problem areas, cultural conflicts, or other areas of concern that may cause disruption at the school(s), or within the community. SROs should share reports of certain acts to school authorities when allowed and when it may impact the school day and school safety.
2. The release and sharing of student records is governed by Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, and its implementing regulations, 34 C.F.R. Part 99. Specifically, this is to include the following:
  - a. SROs will be provided access to records concerning any pupil enrolled in a school in accordance with all applicable State and Federal laws and regulations including, but not limited to FERPA. "School officials" may access and disclose student records only as authorized by FERPA.
  - b. Consent access. An SRO or other law enforcement officer may have access to a student's education records with written consent of the student's parent or legal

- guardian or of the student if the student is 18 years or age or older.
- c. SRO access. For purposes of access to student records, SROs may be considered “school officials with a legitimate educational interest” in reviewing information from student education records covered by FERPA, and may be provided student information as needed to carry out their duties related to the school environment, provided such SROs perform a function or service for which the school would otherwise use employees (e.g., maintaining the physical safety and security of the school) and comply with the use and re-disclosure requirements set forth in 34 C.F.R. § 99.33.
    - i. SROs may have access to (i) information on students in their assigned schools that include directory information and additional items needed to carry out their duties, such as class schedules, as approved by the school administrator, and (ii) directory information for all students in the school division.
    - ii. While, as noted above, SROs are always under the control of the BCSO or their respective municipal law enforcement agency, in carrying out their law enforcement duties, SROs will respect the confidentiality of student education records as other school officials would.
    - iii. BCSO understands that unless a FERPA exception applies that would permit disclosure to law enforcement by any school official (e.g., in the context of a health or safety emergency or in response to a subpoena), SROs will not share protected student record information with their respective law enforcement agency.
  - d. Health or Safety Emergency Exception. Pursuant to 34 C.F.R. § 99.36, in the event of an articulable and significant threat to the health or safety of a student or other individuals, school officials may disclose any information from student records to appropriate parties, including law enforcement officials, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. Law enforcement officials seeking access to records under the health and safety emergency exception should contact the student's school principal and must present sufficient information for the principal or their designee to make the determination that a health and safety emergency exists, within the requirements of FERPA. If the request is made outside of school hours when the school principal is not available, the request may be directed to BCPSS POCs, to coordinate a response. If student information is disclosed under this exception, the student's file should contain a description of the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed.
  - e. SRO disclosure of law enforcement records. For purposes of access to student records, SROs may be provided student information as needed to carry out their duties related to the school environment. SROs may disclose law enforcement records created and maintained by the SRO for the purpose of maintaining the physical security and safety of the school or the enforcement of laws. Because law enforcement records are not student records, they are not subject to the disclosure requirements of FERPA.
3. Baldwin County Sheriff's Office access to BCPSS Information. BCSO officials who are not part of the SRO Program may have access to student record information without parent permission and consent only if the following conditions are met, and the BCPSS has reviewed and approved the request(s) for information:
- i. BCPSS has designated the information as "directory information", and the parent or eligible student has not opted out of the disclosure; or
  - ii. The knowledge of student record information is needed to protect the health and safety of a student or other person in an emergency situation; or
  - iii. The BCPSS is presented with a search warrant or subpoena;
  - iv. Other valid court order requiring the release of student records; and/or

- v. Any other legally valid and applicable reason.
4. Directory Information items designated as "directory information" are determined by the BCPSS and are published in its Annual Notification each year. The information of students whose parents have opted out of the disclosure of such student information will be withheld. Directory information that may be disclosed to an SRO may include:
  - The student's name, including nickname(s)
  - Participation in officially recognized activities and sports
  - Height and weight if a member of an athletic team
  - Birth date
  - Attendance record, defined as beginning and end dates of enrollment, not daily record of attendance
  - Degrees, awards, and honors received
  - School and grade
  - Photographs and other images
  - Name of parent/guardian/individual with whom student lives
5. When appropriate, and to the extent allowable by law, BCPSS should notify SROs of any special needs of a student involved in a school-based infraction that is not routine discipline in order to assist the SRO in recognizing and accommodating behaviors that may be manifestations of the student's disability.

#### **PART VI. RELEASE OF LAW ENFORCEMENT INFORMATION**

Consistent with the basic tenants of relationship between the school principal and the SRO, open communication is essential to effectiveness. SROs should exchange information with the school principal regarding students' involvement in criminal activity in and around the school. This should be limited to that which directly relates to and contributes to the safety of the school environment. SROs should not make any official documents, reports, or records available to the school or its staff unless in compliance with applicable law.

#### **PART VII. MISCELLANEOUS**

- A. This policy represents mutually agreed goals and objectives of the Baldwin County Sheriff's Office and the Baldwin County Public School System for the School Resource Officer Program. 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. Regular meetings should be conducted between the BCSO, the BCPSS POC, the Legal Counsel's Office, and the Communications Department to support this partnership.
- B. This Memorandum of Understanding 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 should be reviewed annually and amended at least once every two years, or at any time upon the request of any party and as necessary to meet the needs of the signatory agencies. This Memorandum of Understanding shall not be construed to create or substantiate any right or claim on the part of any person or entity which is not party hereto.
- C. Nothing in this Agreement shall be construed as a limitation on the powers, rights, authority, duty, and responsibilities conferred upon either Party under Alabama law.
- D. Liability. Each party is solely responsible for the act(s) and omission(s) of its own officers, employees, officials, agents, and representatives and each party maintains all defenses and affirmative defenses afforded under State and Federal law concerning immunity.

- E. In the event any provision of this Agreement is held by a court to be illegal, void, or otherwise unenforceable, all other provisions of this Agreement shall continue in full force and effect to the maximum extent permitted by law.
- F. The failure of either party to enforce one or more provisions of this Agreement with respect to any particular breach shall not be deemed or construed to constitute a waiver of any other breach of this Agreement.
- G. This Agreement constitutes the entire understanding and agreement of the parties with respect to the subject matter contained herein and supersedes all prior agreements concerning the same subject matter, whether written or oral. This Agreement may be modified only by a writing signed by both parties.
- H. The parties may execute this Agreement in counterparts. The parties represent and warrant that each respective signatory is fully authorized to enter into and to execute this Agreement on behalf of the named party.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties have caused this agreement to be executed as of the day and year first stated hereinabove.

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Huey Hoss Mack, Sherriff  
Baldwin County Sherriff's Office

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Eddie Tyler, Superintendent  
Baldwin County Board of Education

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Charles F. Gruber, Chairman  
Baldwin County Commission