

Background

In July 2018 the Fairfax County Board of Supervisors and School Board approved a revised Memorandum of Understanding (MOU) between the Fairfax County Police Department (FCPD) and Fairfax County Public Schools (FCPS). In this document, the two organizations formed a School and Law Enforcement Partnership (SLEP) to establish a mutually beneficial framework so that both the FCPS and the FCPD can provide a safe learning environment for all members of the school community. The MOU clarifies the roles of key members in the program – including school administrators, FCPS counselors, school resource officers (SRO), school liaison commander (SLC), and FCPS special education staff – and addresses the scope of responsibilities of the FCPS and the FCPD as well as information exchange.

The revised MOU established a clear division between the role of the SRO in criminal matters and FCPS administrative staff on student discipline matters, clarifying that SROs are not involved in determining student discipline under the FCPS Student Rights and Responsibilities regulation. It ensured that SROs shall not be involved with the enforcement of school rules or disciplinary infractions that are not violations of law. It added SRO training focused on implicit bias, disability awareness, crisis intervention training, restorative justice techniques, and cultural competency. Finally, it established an annual review process, to include reporting on the following elements:

1. Success of established goals and objectives as defined by this MOU.
2. Accomplishment of tasks agreed upon as part of any work plan written in conjunction with a principal.
3. All available data related to student discipline and contacts with the justice system. This shall include student demographics, all police data and reports, restorative justice program data, and all other available data to study police-student contact trends.
4. Input from identified stakeholders such as students, parents, and formal school-community organizations.

The sections below contain the results of the study of the second year of the revised MOU, school year 2019-20.

Section One: Success of Goals and Objectives

The MOU states that the primary goals of the School and Law Enforcement Partnership are:

1. To provide a safe and positive learning environment and
2. To promote mutual respect between law enforcement, school security staff, school administrative staff, students and their families.

SROs are considered active members of their assigned school's community. The SROs assist with matters related to safety, security, and the exchange of information while providing law enforcement services. SROs assist school administrators in developing school crisis, emergency management, and response plans. They work with administrators in problem-solving to prevent crime and promote safety in the school environment. SROs 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. SROs are not considered members of the administrative team.

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 while promoting positive and supportive school climates. The primary role of an SRO in schools is that of a law enforcement officer. SROs assume primary responsibility for requests for assistance from administrators and for coordinating the response of other law enforcement resources to the school.

As resources permit, SROs 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 also deliver law-related education with students using lessons and curricula approved in advance by their SRO Supervisor.

Students often seek approval, direction, and guidance from adults in the school setting regarding problems on a variety of issues. Through interaction with students, both formal and informal, SROs serve as mentors and role models. SROs are expected to clearly communicate to students standards of acceptable and unacceptable behavior, to set a positive example for how to handle stressful situations and resolve conflicts, show respect and consideration of others, and express high expectations for student behavior. As another set of eyes and ears in the school community SROs also help guide students to FCPS services including mental health services.

SROs are selected after applying to a competitive panel interview process composed of FCPD and FCPS representatives. Upon selection as an SRO, they are required to complete SRO and Crisis Intervention Training (CIT).

In accordance with the SRO MOU, all school administrators attended initial training on the contents of the MOU, as well as the appropriate role of the SRO in handling school discipline. That training specifically stated that SROs “will not become involved in routine school matters unrelated to law enforcement.” Additionally, all school administrators have received required training on safety and security processes and procedures, which included basic information on the revised MOU related to SRO operations. This training is provided annually. Attendees included principals, assistant principals, directors of student services/activities, school resource officers, security specialists/assistants, and hearings officers. Finally, the Office of Safety and Security conducted safety and security training during the 2019 *Leaders Need to Know* sessions that included some SRO MOU requirement reminders.

The Memorandum of Understanding (MOU) requires that officers selected for the SRO program shall, within the first 6 months after receiving their assignments, and at least every two years thereafter, receive the following training:

- Mental Health Specific Training and Crisis Intervention Training in accordance with established and certified state standards
- Disability awareness training
- Implicit bias/racial bias training outlining attitudes and stereotypes that affect our understanding, actions, and decisions in an unconscious manner
- Restorative justice techniques and the Alternative Accountability Program as outlined in General Order 605, Juvenile Procedures
- Cultural Competency Training that is provided to FCPS staff

FCPD has exceeded the MOU requirements by conducting training more often than required. Every year FCPD has conducted a 40-hour SRO course covering the topics required in the MOU and beyond for all SROs. Most years FCPD conducts an additional 24-hour SRO course mid-year to accentuate the topics covered in the 40-hour course. Despite the pandemic, FCPD successfully completed the 40-hour course in August of 2020. To abide by social distancing requirements, the recent course allowed students and instructors to attend either virtually or in-person. All topics highlighted in the MOU were covered.

In October of 2020, principals were surveyed regarding the success of the MOU. As of October 5, 2020, responses were collected from 43 of the 50 schools. Of the responses gathered, 100% of principals responded affirmatively to the statement “I confirm that during SY 2019-20, I did not ask or agree to allow my SRO to provide assistance with administrative functions outside the scope of the SRO assistance authorized by the MOU.”

The SRO Program was reported as effective or highly effective in meeting its primary goals of providing a safe and positive learning environment and promoting mutual respect between law enforcement and the school community by 91% of principals. Approximately 91% of principals rated the MOU as effective or highly effective in establishing a mutually beneficial framework between FCPS and FCPD. SROs were considered consistently respectful when interacting with staff, students, and families.

Overall, principals were very supportive of the SRO program and their SRO. Some principals voiced concerns that the MOU limited an SRO’s role and ability to fully ensure student and school safety.

Section Two: Accomplishment of Tasks

The majority of the school principals (95%) established school-specific operational and communications procedures to support the goals of the MOU. In instances where the work plan was used, 88% of principals stated that the objectives of the work plan were accomplished to a large extent. No principals reported that the tasks were not accomplished. Principals reported that the large majority of SROs very consistently focused on:

- Intervening when there was a threat to staff or student safety
- Patrolling hallways and school grounds
- Building positive relationships with students (including acting as an informal mentor to students)
- Applying alternative means to resolving issues in lieu of arrest when appropriate
- Maintaining safety, including cases involving possession of illegal substances
- Getting involved in cases of possession of illegal substances
- Assisting in school emergency/crisis planning
- Referring violations of routine rules to school administrators

Section Three: Data related to Student Discipline and Contacts with the Justice System

The statistics presented in the Fairfax County Police Department (FCPD) School Resource Officer (SRO) Scorecard represent the entirety of the 2019-2020 FCPS school year to include qualifying incidents and arrests that occurred after the global pandemic forced Fairfax County Public Schools (FCPS) to transition to virtual school. Undoubtedly, the pandemic has had an impact on the number of qualifying statistics recorded by SROs. For the sake of consistency, the 2019-2020 FCPD SRO Scorecard used the same time frame as the 2018-2019 FCPD SRO scorecard. This decision was guided by the fact that after FCPS went virtual, SROs continued to field reports from FCPS, concluded investigations initiated prior to the pandemic and, in some cases, referred cases to the juvenile justice system. Additionally, virtual school generated several events resulting in reports to FCPD SROs.

Upon FCPS' decision to transition (March 2020) to a virtual school environment, SROs were re-assigned to bolster FCPD patrol operations. Notwithstanding the reassignment to patrol, SROs maintained relationships with their schools and in some cases continued to handle cases generated via virtual school. In preparation for the 2020-2021 school year, a small group of SROs and an SRO supervisor were detailed to handle reports of criminal misconduct occurring in the FCPS virtual learning environment. SROs detailed to this assignment were provided with specific cyber investigations training from the National White-Collar Crime Center. Another small group of SROs have been re-assigned to the Major Crimes Bureau to assist with serious criminal investigations including crimes against children. Most SROs have remained assigned to patrol operations. All SROs have been given guidance to continue to maintain relationships with their assigned school as their new patrol schedule allows. FCPD and FCPS have also prioritized student mental health while children are not physically in school. When appropriate FCPD officers can guide FCPS students to FCPS mental health resources after a police encounter.

The data from the second year of the SRO MOU continues to show that the MOU is achieving its intended aim. The year prior to the authorization of the MOU, 572 individuals were arrested by SROs. Over the two year period the MOU has been in place, arrests have decreased by 56.8%, with 247 people arrested in the 2019-20 school year. The largest decrease in arrests occurred in the first year of the

MOU's inception, which is to be expected. However, arrests continued to decrease in 2019-20, with a decrease in arrests of 19% from 2018-19. Arrests decreased in all racial and ethnic categories, with the exception of Asian/Pacific Islander students. That number increased from 10 students to 16 students, a 60% increase.

Incidents referred to SROs declined in 2019-20 over the last year, with a 22% decrease in referrals. SROs continued to initiate a small percentage of these incidents. In 2019-20, SROs generated 5.7% of these incidents.

The use of diversion programs has increased since the inception of the MOU. Fairfax County has several diversion options available for juveniles involved in the criminal justice system. Per the SRO MOU, all responses to school misconduct shall be reasonable, consistent, and fair, with appropriate consideration given to mitigating factors and of the nature or severity of the incident. Furthermore, the FCPD will emphasize Restorative Justice programs (e.g. Alternative Accountability Program) to avoid arrest situations while balancing the right of victims.

The Alternative Accountability Program (AAP) is offered as an alternative to referring juvenile offenders to the juvenile courts/criminal justice system. It provides restorative justice and shoplifter offender education programming. The AAP MOU defines restorative justice as a process that is a victim-centered response to crime and wrongdoing. Restorative Justice brings together juvenile offenders with the people and communities that have been harmed by their actions in a safe, confidential process to understand what happened, who has been harmed, and what can be done to repair the harm. In Fairfax County the AAP is a voluntary program. To participate, offenders must first acknowledge involvement in the incident. Additionally, during the conference they must be willing to engage the victim and explore repairing the harm in terms that meet the victim's needs. Victim and offender participation are is voluntary, and the parent or guardian of each juvenile must consent in writing to the juvenile's participation. The SRO MOU Annual Report for 2019-20 shows an increase in the use of AAP by 27.9% over the previous year.

According to Court data, between August 26, 2019 and March 20, 2020, SROs filed a variety of complaints against 232 youths. Some individual youth received multiple complaints by SROs, resulting in 242 intakes. Out of 242 intakes filed during the 2019-2020 academic year, 70% were eligible for diversion programming with the Juvenile and Domestic Relations District Court (JDRDC). Some youth

eligible for diversion were petitioned to court. This occurred for various reasons such as: youth not willing to accept responsibility, parent or youth choosing to go to court, or upon further investigation the presence of aggravating factors allowing the intake officer to send the youth to court after staffing the case with a supervisor. Of the intakes eligible for diversion, 9% were petitioned to court (see JDRDC Annual Report for more data).

During the 2019-2020 school year, SROs reported four use of force incidents involving students. This was an increase of one incident from the prior year. FCPD policy (General Order 540) requires officers to report any and all levels of use of force to include non-physical encounters. Redacted versions of the reports detailing the use of force incidents have been provided to FCPS by FCPD. Each incident involved a student displaying behavior of active or aggressive resistance. In the four incidents, officers responded with empty handed tactics, which are defined in FCPD Policy (General Order 540). In two of the incidents, charges for assault on a law enforcement officer (Virginia Code 18.2-57 (c)) were placed. Injuries to officers were reported in those same two incidents as a result of the assaultive behavior.

Section Four: Input from Identified Stakeholders

The stated purpose of the SRO MOU is to build a positive and safe school environment. FCPS' Strategic Plan has metrics that measure the extent to which students, staff, and parents feel their schools provide a positive environment. The FCPS Strategic Plan and the School Climate Survey include stakeholder input on perceptions of school safety. The FCPS Family Engagement Survey includes information on families' perceptions of school safety. The results of those surveys will be reported in FCPS Strategic Plan Goal Reports in the fall of 2020.

School-level safety training continues to be expanded and enhanced. The frequency of tabletop exercises, where school team members act out various safety scenarios and ensure they are prepared to respond, are now conducted annually. These exercises allow for specific input from school staff members on how to increase their levels of safety.

Section Five: Future Steps

Data from the second year of the SRO MOU continued to demonstrate its effectiveness. The data included in these annual reports has been used by FCPS and FCPD to inform data dialogues with principals in schools where necessary. This targeted outreach to school communities will continue to be informed by the data provided by the FCPD and the perceptions of school environment and safety gathered by FCPS. This program will allow for the expansion of outreach to schools most impacted by the revised MOU. The results of this outreach will be reported in future annual reviews.

The Office of Safety and Security (OSS) will continue its outreach to schools on their safety programs. OSS reviews all security plans (Crisis Management Plans) for applicability, compliance, necessity and standardization. In future years, consistent templates for security plans will be developed and implemented. Any changes related to security plans will result in training for SROs and school based security and administrative staff if needed. This will ensure that safety plans are carried out with fidelity.

The second year of the MOU has continued to have a significant impact on student outcomes. FCPS and FCPD will continue to collaborate on staff training to ensure the fidelity of its implementation. Currently, the MOU is under review for minor changes related to the passing of Virginia legislation.