

MEMORANDUM OF UNDERSTANDING
SCHOOL RESOURCE DEPUTY (SRD) PROGRAM
Worcester County, MD

THIS MEMORANDUM OF UNDERSTANDING (MOU) is between the Worcester County Board of Education, Worcester County Public Schools, (hereinafter WCPS), Worcester County Sheriff's Office, (hereinafter WCSO) and the Worcester County Commissioners; collectively the "Parties". WHEREAS the Parties have agreed to work collaboratively to provide a School Resource Deputy program for the benefit of WCPS, its students, staff, parents, and citizens of Worcester County, and in compliance with the Maryland Safe to Learn Act of 2018. NOW, THEREFORE, the Parties agree as follows:

I. MISSION STATEMENT

The School Resource Deputy (SRD) program provides the WCPS with valuable law enforcement resources to ensure the safety and security of students, staff, and visitors in schools and on school premises. The partnership between WCPS and WCSO promotes an environment where Education, student and staff well-being are the primary focus every day.

II. INNOVATIVE APPROACHES TO CHANGING SCHOOL ENVIRONMENTS

The experience of SRDs as Deputy Sheriffs, combined with their specialized training focused on working in a school setting, puts them in a unique position to enhance safety and security of WCPS by engaging with students and staff on a regular basis. As sworn law enforcement officers, SRDs serve as mentors for students and a resource for school staff.

The WCPS Student Code of Conduct is the primary means for addressing student conduct, and it is the responsibility of the School Administrator to administratively resolve any violations of the Student Code of Conduct of the WCPS.

The WCSO and its SRD's retain lawful authority to investigate crimes and delinquent acts, effect arrests and employ other alternative interventions for criminal violations and delinquent acts.

III DEFINITIONS

A. WCPS Staff: Any individual(s) working on a full-time, part-time, or contractual basis for the WCPS to contribute to the functioning of its school system. These individuals include but are not limited to administrators, principals, teachers, **counselors, nurses, support staff, bus drivers, coaches, and maintenance personnel.**

B. School Resource Deputy: A Deputy Sheriff of the Worcester County Sheriff's Office who has received specialized training in school resource duties and has been assigned to those duties by the WCSO. SRD may also include other Deputy Sheriffs of the WCSO who respond to calls for service and become involved in investigations arising out of events at WCPS.

IV. SRD SELECTION & ASSIGNMENT

A. SRDs are employees of the WCSO, and the selection of the SRD's by the Sheriff is a critical aspect of the program. The WCSO will determine SRD assignments taking into consideration the unique needs of each school. The WCSO will have sole discretion in the selection and assignment of SRD's and will attempt, to the extent possible, to select Deputy Sheriffs who have demonstrated the skills necessary to work with youth, school staff and the public.

B. SRDs will be assigned to all Worcester County public schools while in session and during WCSO approved after-hours school activities and events. In the event an SRD cannot be at his/her assigned school due to vacation, training, illness, etc., reasonable efforts will be made by the WCSO to staff that school for that day.

C. All SRDs must be certified through the Maryland Center for School Safety (MCSS) training program as required by Maryland law.

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V. ROLES & RESPONSIBILITIES

A. School Resource Deputy (SRD)

1. Collaborate with WCPS staff working in WCPS facilities.
2. Facilitate positive interactions with students and staff.
3. Serve as the liaison between the WCSO and students, parents, staff, and the school community.
4. Set a positive example for acceptable behavior by showing respect and consideration of others and modeling methods for handling stressful situations and resolving conflicts.
5. Develop positive, mentoring relationships with students to help reduce the risk of criminal behavior.
6. Serve as a resource for classroom instruction and school activities, e.g., event planning, law enforcement education.
7. Maintain competency in assigned duties by attending training relevant to his/her assignment as an SRD.
8. Engage in proactive law enforcement measures designed to deter and prevent crime and delinquent acts committed by students.
9. Attend meetings with WCPS Staff concerning matters of safety, to include, but not be limited to:
 - a. Threat Assessments to include both initial and return to school assessments
 - b. Safety Plans
 - c. Reports of code of conduct violations per the "required external notifications" as outlined in the WCPS Administrator's Guide to Offense Codes.
 - d. Daily Check-Ins
 - e. Matter(s) involving referrals to outside services such as Departments of Social Services or Juvenile Services
 - f. Matters that have impacted or could potentially impact school and student safety.
10. Participate in the planning process for all large events at the school.
11. Participate in the planning and administration of emergency drills at the school.
12. Respond to health and safety emergencies on school premises.
13. Investigate all crime and delinquent acts occurring on school premises or committed by a student and serve as the main point of contact for calls for law enforcement service that originate from WCPS.
14. Witness unscheduled administrative searches conducted by WCPS staff.
15. Perform searches and seizures only as permitted by Maryland law.

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16. Participate in all WCPS threat assessments.
17. Appear in court when notified.
18. Act as an advisor to WCPS staff in matters of safety, violence reduction strategies, legal aspects of student activities and facilities physical security matters.
19. Maintain high visibility by actively patrolling Worcester County public schools.
20. Provide training to WCPS staff on matters of law enforcement and safety.
21. Confer with WCPS staff a minimum of two (2) times per day to share information and discuss any issues that have occurred as described in this memorandum of understanding.

B. WCPS Staff

1. Provide a safe, supportive learning environment where students are encouraged to grow emotionally, socially, and intellectually.
2. Ensure that the WCPS Student Code of Conduct is disseminated to students and parents at the start of every school year.
3. Promptly report to SRD's all crimes, delinquent acts, and violations of the WCPS Code of Conduct as outlined in the WCPS Administrator's Guide to Offense Codes "required external notifications" coming to their attention whether occurring on or away from the school premises.
4. Communicate the role and responsibilities of the SRD to all WCPS staff, and students.
5. Confer with SRD's a minimum of two (2) times per day to share information and discuss any issues that have occurred as described in this memorandum of understanding.
6. As needed, meet with the SRD Supervisor to facilitate communications between WCPS staff and the WCSO.
7. Provide feedback to the SRD Supervisor(s) regarding the SRD's performance.
8. Lead all WCPS threat assessments.
9. Request the presence of an SRD to act as a witness during all unscheduled administrative searches.
10. Provide the SRD with appropriate workspace, furniture, telephone, computer equipment, printer, and location for secure firearms storage at each school, and when possible, in a secure area to maintain confidentiality.
11. Appear in court when notified.
12. Provide statements as requested and cooperate with law enforcement during investigations.

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C. SRD Supervisor(s)

1. Assign, schedule, train, supervise, and evaluate SRD performance.
2. Ensure that each SRD completes mandated School Resource Officer training as prescribed by Maryland law.
3. Implement and enforce WCSO policies and procedures.
4. Meet with their SRDs regularly at schools to observe their performance of duty.
5. Ensure that appropriate staffing for each school is provided, when possible, if an assigned SRD is absent.
6. Assist in resolving conflicts between the SRD and WCPS Administration in circumstances where there is disagreement regarding policy, procedures, or terms of this memorandum of understanding.

VI. PERSONNEL COMPLAINTS

A. All complaints concerning SRD job performance shall be directed to the Sheriff or the designee of the Sheriff. The WCSO will investigate all complaints made against an SRD in accordance with WCSO policy and Maryland law.

B. All complaints concerning WCPS staff job performance shall be directed to the WCPS Chief Operations Officer. The WCPS Chief Operations Officer will investigate all complaints made against WCPS staff in accordance with WCPS policy and Maryland law.

C. All personnel complaints shall be submitted in writing.

VII. STUDENT DATA ACCESS

The Family Education Rights and Privacy Act (FERPA) allows schools to disclose "directory" information as defined in 34 CFR Part 99 without parental consent and allows schools to disclose information without parental consent in cases where it has been determined that disclosing that information is necessary to address health and safety emergencies in accordance with FERPA.

A. WCPS shall provide student information without parental permission and consent to SRD's if:

1. The information is considered "directory information"
2. Access to that information is necessary to protect the health or safety of a student or another person in an emergency situation, or
3. The WCSO presents WCPS with a search warrant, subpoena, or other valid court order requiring the release of student records.

B. WCPS shall NOT make notification to parents/guardians when student information is shared with law enforcement if:

1. Law enforcement determines it necessary to protect children in cases of alleged child abuse or neglect, or
2. When dictated by a judicial order.

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VIII. LAW ENFORCEMENT ACCESS TO WCPS SECURITY CAMERAS

- A. WCPS will grant SRD's access to the security cameras, stored video images and recordings through computer systems maintained by the WCPS with the ability to view live streaming from cameras.
- B. WCPS will grant law enforcement access to stored video images and recordings through computer systems maintained by the WCPS.
- C. All video images and recordings are the property of WCPS, and only WCPS personnel may download images and recordings or make copies of the images and recordings.
- D. Whenever law enforcement requires a copy of the images/recordings, a request must be made to the WCPS Coordinator of Safety. The WCPS Coordinator of Safety shall fulfill the request in a timely manner.

IX. BODY WORN CAMERAS (BWC)

- A. Maryland law requires the WCSO to deploy body-worn cameras to be worn by Deputy Sheriffs who regularly interact with citizens. SRDs shall utilize issued BWCs as required by, and in compliance with Maryland law and applicable WCSO policies.
- B. Upon request from the WCPS School Safety Manager, WCSO **will** allow WCPS staff, for administrative purposes, to view audio/video recordings of incidents/events that occurred in WCPS facilities or on WCPS property.

X. QUESTIONING of STUDENTS

- A. SRD's **will** conduct questioning of students in accordance with Maryland law. A school official should be present during any questioning of students when the questioning by Law enforcement is being conducted on WCPS property.
- B. Questioning of students will not be conducted on school premises unless:
 - 1. In connection with a crime or delinquent act committed on the premises, or
 - 2. In connection with a law enforcement investigation which, if not immediately permitted, would compromise the success of that investigation, as determined by law enforcement or
 - 3. In connection with a law enforcement investigation which, if not immediately permitted, would endanger the lives or safety of the students or other persons as determined by law enforcement.
 - 4. In connection with an investigation involving suspected child neglect or suspected child abuse under Maryland law, in which case WCPS shall permit personnel from the local department of social services and/or law enforcement to question a student on school premises during the school day.
- C. Except as provided in "D" below in this section, whenever investigative questioning of students is permitted on the premises, WCPS staff shall promptly advise the parent or guardians and the Superintendent of the nature of the investigation and such other details as may be required.

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D. WCPS staff shall NOT notify parent(s) or guardian(s) of investigations or questioning of students:

1. When the parent(s) / guardian(s) are suspects in allegations of child neglect and/or child abuse of a student, or
2. When the parent(s) / guardian(s) are suspects in any criminal investigation.

E. In the absence of an arrest, WCPS staff may not authorize the removal of a student from school for the purpose of investigative questioning without the consent of the parent or guardians, except as provided below:

1. A student may be removed from school premises if that student is a suspected victim of child abuse or neglect and the local department of social services has guardianship of the child or a court order to remove the child;
2. The Superintendent or the Superintendent's designee shall ensure that prompt notification of a student's removal from school under this section is made to the student's parent(s) or guardian(s).

XI. SRD INTERVENTIONS

As a result of a criminal investigation, the SRD shall utilize appropriate law enforcement interventions to include custodial arrest, non-custodial interventions, and referrals to outside resources, and mental health services. SRD's shall comply with the criminal charging guidelines found within the WCSO policies and procedures.

A. Non-Custodial Intervention

SRD's have the ability to use other resources for juveniles below the age of criminality. These intervention options may be used at any age level, or in combination with custodial arrest situations and include:

1. CI NS referral
2. Emergency Petition
3. Peace Order
4. Extreme Risk Protective Order
5. Juvenile Referral to Department of Juvenile Services (WCSO Form 87 - Request for Juvenile Charges)
6. Referral to the Worcester County Bureau of Investigation (WCBI)
7. Referral to Children's Advocacy Center (CAC)
8. Referral to Office of the State's Attorney

B. Custodial Arrest

1. Arrests on school premises for offenses that did not occur on school grounds or during school hours must be coordinated with the WCPS Coordinator of Safety. Arrests will be made consistent with WCSO policy and Maryland law.
2. When possible and appropriate, arrests should be made during non-school hours and away from the school premises. Arrests on school premises during school hours shall be effectuated in such a manner as to avoid both

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embarrassment to the student being arrested and without jeopardizing the safety and welfare of other students.

3. School Administrators may not permit questioning of a student under arrest on the school premises and shall request the arresting SRD to remove the student from the premises as soon as practicable after the arrest is made. This excludes matters of exigency or threats to public safety as determined by the SRD.

4. When an arrest on school premises during school hours is necessary, the School Administrator shall ascertain the facts from the arresting SRD which will enable the School Administrator to fully advise the parent or guardians and other school officials of the nature of the charge, the identity of the arresting SRD, and the location of the student.

5. When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the parent(s) or guardian(s) immediately and thereafter promptly to advise the WCPS Superintendent.

XII. REPORTS

A. The WCSO will submit reports to the Board of Education detailing statistics of all SRD Investigations, arrests, referrals for charges, and citations. These reports will be submitted annually or upon request.

B. The WCP.S will submit the "Monthly Board Report" as required.

XIII. INDEMNIFICATION

A. Subject to the provisions of the Local Government Tort Claims Act and the Maryland Tort Claims Act as applicable, and the provisions of the Maryland Education Article, with its limitations and immunities, all parties to this Agreement shall mutually defend, indemnify, and hold harmless the other for negligence claims, which may arise out of the negligent acts of their respective employees or agents, including those brought by third parties. The County's indemnification is also subject to the County's appropriation of funds.

B. Additionally, all parties shall cooperate, consistent with law, with the other in the defense against third party claims or suits arising out of any activities undertaken under the authority of this MOU. Nothing in this agreement shall be read to in any way to waive or alter the obligations, liabilities, privileges, immunities, or defenses of either party.

C. Nothing in this Agreement is intended to in any way impact or minimize any immunities, privileges, or exemptions from liability that police officers of this State are entitled to under applicable federal, state, or local law.

XIV. TERM OF MEMORANDUM

This memorandum shall continue from the date of the final authorized signature of this MOU for a period of one (1) year. This agreement may be reopened based on circumstances or changes in legal requirements at the request of any of the parties.

XV. TERMINATION

Any party may terminate this Memorandum by serving written notice upon the other parties at at least sixty (60) days in advance of such termination.

XVI. COMPLETE AGREEMENT

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This memorandum is the complete agreement of all parties; it may be amended or modified only in writing, and supersedes, cancels, and terminates any and all prior agreements or understandings of the parties, whether written or oral, concerning the subject matter hereof.

XVII. SIGNATURES

President of the Worcester County Commissioners

Anthony W. Bertino, Jr.

Sheriff of Worcester County

Matthew Crisafulli

Superintendent of the Worcester County Public Schools

Louis H. Taylor

President of the Worcester County Board of Education

Todd A. Ferrante