

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.

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.

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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 the 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 participating in a competitive selection process that includes a resume review and panel interview. Upon selection, new SROs are required to attend an SRO School certified by the Virginia Department of Crime Justice Services.

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All school administrators receive required training annually on safety and security processes and procedures, which includes information on the requirements of the MOU and SRO operations. Attendees include principals, assistant principals, directors of student services/activities, school resource officers, security specialists/assistants, and school transportation officials. Finally, the Office of Safety and Security conducts annual safety and security training to all school based personnel that includes information about the SRO Program.

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
- Threat assessment training

[Virginia Code § 9.1-114.1](#) details the minimum training standards SROs must meet. The FCPD and FCPS provide two multi-day training sessions a year for SROs. This year, an additional training was included to inform SROs of the FCPS Trust Policy, risk assessment, cyber security and restraint and seclusion.

Section Two: Accomplishment of Tasks

In June of 2022, principals were surveyed as to the effectiveness of the SRO Program and the MOU. With a 100% participation rate, the survey results revealed that the MOU has been effective in ensuring that SROs do not become involved in administrative actions and routine school discipline. All principals responded that they did not ask or agree to allow their SRO to provide assistance with administrative functions outside the scope of the SRO assistance authorized by the MOU.

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Principals reported that the SRO Program was *highly effective or effective* in meeting its primary goals (90 percent) and rated the MOU as *highly effective or effective* in establishing a mutually beneficial framework (94 percent).

Principals expressed a common understanding of SRO responsibilities and activities, and reported strong support for the program and an overall sense that it contributes to a positive and safe school environment. Some principals voiced concerns that the MOU limited an SRO's role and a desire to provide input into the SRO selection process.

Central to the effectiveness of the SRO Program is understanding student misbehavior that should involve the SRO. 100 percent of principals *strongly agree or agree* that there is a common understanding between SROs and school principals about the types of student behaviors that should involve the SRO.

The MOU specifies that the principal and SRO should develop a work plan to form a common understanding of how the SRO Program will operate at the school. 86 percent of principals established school-specific operational and communications procedures with the SRO through a verbal work plan.

The survey also collected information on how consistently SROs were engaged in various activities described as part of their role in the MOU, as well as the quality of relationships with school staff, students, and families. Principals reported that SROs were consistently respectful when interacting with staff, students, and families. Survey results revealed that SROs consistently focused on:

- Respecting school staff when interacting with them (84 percent)
- Respecting students and families when interacting with them (84 percent)
- Intervening when there was a threat to student or staff safety (76 percent)
- Applying alternative means to resolving issues in lieu of arrest when appropriate (64 percent)
- Patrolling hallways and school grounds (62 percent)
- Assisting in school emergency/crisis planning (62 percent)
- Building positive relationships (including acting as a mentor) (58 percent)
- Maintaining school safety when school based staff were not available (54 percent)

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

The Fairfax County Police Department has compiled data on SRO activities for the 2021-22 school year. In keeping with the format of past reports, the 2020-21 school year data is also presented. Comparisons between the two years should be undertaken with caution as the 2020-21 school year data was greatly

impacted by virtual instruction. Past data reports are available on the [FCPS website](#). At the beginning of the 2020-21 school year, FCPD added an *SRO Related Event Type* to be utilized by all SROs for incident report documentation pertaining to school grounds and student activity. The aforementioned change had a positive impact on the overall methodology of the data collection moving forward because it ensured that all relevant incidents remained easily searchable and identifiable.

Data collected by the FCPD is broken into four categories: incident reports, field contacts, arrests and uses of force.

- Incident reports include documentation for the reporting of criminal and non-criminal incidents. Non-criminal incidents can include missing juveniles, lost property, and mental health crises. SROs submitted 1,377 incident reports in 2021-22. As has historically been the case, school personnel initiated the majority of these contacts (71.2%). SROs initiated 6.1% of incident reports.
- Field contacts include documentation obtained when an officer speaks with someone regarding a matter that is not related to a crime. SROs reported three field contacts in this school year, all involving White individuals.
- Arrests detail when students or non-students are charged with a crime. One person may account for more than one arrest if a single person commits multiple offenses. Arrest data is not equivalent to conviction data as all students or non-students are afforded due process within the criminal justice system. In this academic year, 82 arrests were made which involved 63 people. 78 of the 82 arrests involved students. White people accounted for 84.1% of arrests; 12.2% of arrests involved Black people and 3.7% of arrests involved people of Asian/Pacific Islander descent. The FCPD uses the FBI's method of data collection which does not include Hispanic as a race, but as an ethnicity. 54.9% of arrests involved people of Hispanic ethnicity, which could include any race.
- A use of force by an officer occurs to the extent it is objectively reasonable to defend oneself or another, maintain control over an individual during an investigative or mental health detention, or overcome resistance to a lawful detention or arrest. FCPD defines force as any physical strike or instrumental contact with an individual, or any significant physical contact that restricts a person's movement. Reportable uses of force do not include escorting or handcuffing an individual who is exhibiting minimal or no resistance. Officers may use empty-hand tactics, including but not limited to, strikes, kicks, pressure points, or takedowns in an objectively reasonable manner to overcome resistance in accordance with their training to reduce the likelihood of injury to themselves or other individuals. A takedown occurs when an officer uses his or her personal strength and leverage to guide a subject to the ground for the purpose of obtaining full physical control of a subject to affect a lawful arrest or investigative detention. This year's data includes three uses of force involving two White students and one Black

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student. Two of those students were non-Hispanic; one was Hispanic. Each of those uses of force involved empty-hand tactics for the purpose of gaining physical control of a student, either for their safety or for the safety of others.

Included in this annual review are data from the Juvenile and Domestic Relations District Court (JDRDC), which is responsible for initiating diversion programs for youth offenders where possible. Some charges are not eligible for diversion by the Code of Virginia (16.1-289.1) or the Virginia Department of Juvenile Justice. In summer 2022, the Virginia General Assembly limited the charges that are eligible for diversion, which will likely decrease the number of cases diverted in the 2022-23 annual review. SROs file complaints for various offenses, ranging from tobacco use to arson. Referrals to JDRDC are made after the conclusion of a police investigation, which is documented within an official incident report.

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 rights 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 is voluntary, and the parent or guardian of each juvenile must consent in writing to the juvenile's participation.

During the 2021-22 school year, SROs filed complaints against 90 youth to the JDRDC with a total of 104 intakes. The average age of students referred to JDRDC was 15 years old. 64% of those intakes were males; 23% of intakes filed were for Black youth, 48% for Hispanic youth and 21% were for White youth. Of those submitted, 52% were eligible for diversion. Of the intakes eligible for diversion, six (11%) were petitioned to court. Black youth had the highest diversion rates in 2021-22 with 46% diverted, compared to 35% of Hispanic youth and 41% of White youth.

Section Four: Input from Identified Stakeholders

The stated purpose of the SRO MOU is to build a positive and safe school environment. FCPS collects feedback from staff, students and the community to gauge how safe they feel at school. All parents/guardians in FCPS were sent the family engagement survey, which was open from March 13, 2022, to April 10, 2022. Response rates varied by school level. The response from elementary school families was the greatest at 61%. Twelve percent of middle school families submitted surveys. High school families responded at 21%, and 6% of secondary school families replied. Comparisons to the prior year are not available: This survey was not administered in 2020-21 due to the pandemic. Of the respondents, 89% of families feel welcome at their child's school. Ninety percent reported that their child feels safe at school as well as stating that their school felt safe (two separate questions). Separated by level, the responses were as follows for "My child feels safe at school:" 95% of elementary school, 84% of middle school, 85% of high school, and 86% of secondary school families responded in the affirmative. When presented with the statement "This school feels safe," families responded as follows: 94% of elementary school, 82% of middle school, 83% of high school, and 83% of secondary school families agreed. Full results were presented to the [School Board on September 13, 2022](#).

Feedback from staff and students on perceptions of safety are collected in the [Virginia Department of Education \(VDOE\) School Survey of Climate and Working Conditions](#), also known as the Virginia School Survey. VDOE has not yet released its analysis of the 2021-22 school year survey.

Section Five: Future Steps

Managed by the OSS, in person meetings between students, SROs and FCPS staff will be conducted regionally through the student advisory council and the student representative to the school board. The

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meetings will center around improving the safety and security environment at schools, to include discussions around the SRO program. The goal of the meetings will be to effect positive change in safety and security programs through identified next steps.

In accordance with law, FCPD and FCPS will collaborate to author a new MOU based on the state model provided by the Virginia Department of Criminal Justice Services.