

MEMORANDUM OF UNDERSTANDING
Between Tooele County and
Tooele County School District for a
School Resource Officer
2019-2020 School Year

A. Purpose

The purpose of this Memorandum of Understanding (MOU) is to establish protocols pertaining to the operation of the School Resource Officer (SRO) program of the Tooele County Sheriffs department and the Tooele County School District and to memorialize the agreement between the District and Tooele County regarding such services.

B. General Provisions

1. In addition to the provisions of this MOU, School Resource Officers are required to comply with all the provisions of the Tooele County personnel policy and procedures manual, the Tooele County Sheriff's Department policy manual and any Sheriff's department directives (hereafter collectively referred to as Tooele County policies). If anything in this MOU is found to be contrary to or to violate the higher requirements of law or Tooele County policies, then the employee must adhere to the higher requirement.
2. This MOU is subject to change. The updated MOU will be provided to employees before any changes take effect. The updated MOU will be dated and will supersede all earlier versions.

C. Organization and Administration

1. The Tooele County Sheriff (or designee) shall assign officers the responsibility to supervise the SROs. These officers shall report directly to the Sheriff through the appointed chain of command.
2. The Superintendent of the Tooele County School District will determine which school(s) will be assigned an SRO. For the purposes of this agreement the schools assigned will be Stansbury High School
3. Personnel assignments will be the responsibility of the Tooele County Sheriff's Department. Normally, more than one officer will be assigned to a given school; however, only one officer at a time will be on duty in the school. In the event of leave time for an SRO there will be a replacement officer assigned to cover as SRO.
4. The school resource officer supervisor will evaluate officers assigned to this position with consideration given to advisory evaluation input provided by the principal of the assigned school.
5. The Tooele County Sheriff's Department may order the reassignment of an SRO at any time to address police department and/or school district needs.

D. Requirements and Selection Process

1. The officer assigned as an SRO will be selected in accordance with Tooele County policies,
2. Assignment will be made by the Chief of Police after careful consideration of past work performance, Internal affairs records, special skills, evaluations, education, training and demonstrated public relations abilities. Before making the assignment, the Chief of Police will discuss the applicants with the District and will consider the District's Input.
3. Assignment to SRO will be a lateral transfer. Length of assignment as an SRO is dependent upon the needs of the Police Department in addition to other variables to include job performance and the officer's ability to coordinate the SRO program within the school system.
4. Candidates for SRO should have three (3) years full-time law enforcement experience as a certified law enforcement officer.
5. The SRO should, before entering the program or as soon after as possible, complete, together with the principal (or principal's designee) an approved basic SRO school/training program under Utah Code § 53A-11-1603.

E. Job Task Assignments

1. Individual job tasks will be assigned by the SRO's supervisor(s) in cooperation with the school principal. Although not directly responsible to school system employees, the SRO must cultivate a high degree of cooperation and communication with school employees in order to be sensitive to the needs of the school. When lawful, permissible and practical the SRO should respond quickly and willingly to requests for assistance by school system employees to address problems or meet school needs.
2. The SRO shall not participate in administrative disciplinary action of students. SROs are sworn, state certified law enforcement officers and, as such, are governed by Constitutional, Federal and State Laws as well as Tooele County policies. Enforcement action is to be initiated only based on reasonable suspicion and/or probable cause that a law violation has occurred, as outlined in Section J below.
3. School employees should not assign, nor should a SRO accept routine, daily duties to be performed on a regular basis. Such duties include but are not limited to the following.
 - a. Cafeteria Monitor
 - b. Crossing Guard
 - c. Bus Duty
 - d. Substitute Teacher

The SRO is expected to be regularly present and involved, to some extent, in such activities as listed above, as well as any high traffic, high visibility activity or environment. However, he/she should not be depended on by the school system employees to perform specific duties on a daily basis.
4. If a request by a school system employee has direct conflict with Tooele City policies, the SRO will inform the school system employee of the conflict at the time the task is assigned and will not violate Tooele County policies.

F. Conduct and Responsibilities

1. SROs shall conduct themselves responsibly and in a manner, which best represents the interests of the Tooele County Sheriff's Department and the Tooele County School District.
2. The SRO will be respectful with school administrators. This includes maintaining open lines of communication between the SRO and school administration as well as making school administration informed and aware of any SRO activity with which they would reasonably and logically be concerned or about which they would have a foreseeable need to know.
3. The SRO must notify the SRO supervisor, as soon as practical, of any incident or occurrence arising in the course of his/her duties about which the supervisor would have a foreseeable need to know. This includes but is not limited to:
 - a. Any unusual or extraordinary event which is likely to attract the attention of the public, the media, school officials or other government or elected officials.
 - b. Any event or incident which personally involves the SRO or in which the SRO has a personal interest which extends beyond a professional nature. This includes, but is not limited to, incidents in which the SRO is the victim of a crime, or incidents resulting from personal conflict between the SRO and school employees, students, parents or others.
 - c. Criminal complaints against school employees or Tooele County personnel.
 - d. Sexual harassment complaints against school employees or Tooele County personnel.
4. The SRO should contact other police agencies when students who reside outside of Tooele County limits are involved in crimes or activities that might reasonably cross jurisdictional lines.
5. The SRO will arrive on the campus of his/her school thirty minutes prior to the official start of the school day and will leave no earlier than thirty minutes after the official dismissal time.
6. The SRO should use his/her Tooele County vehicle to drive to and from school related functions consistent with Tooele County policies.
7. The SRO is responsible for arranging, planning and providing security at special events as requested by the principal.
 - a. If the SRO provides security for an event for which it would be normal practice for the school to provide security by hiring an off-duty officer, the school is responsible for compensating the SRO at the current police department approved rate of pay of \$40 per hour with a 2-hour minimum.

- b. Coaching-The SRO may, with the written approval of police administration and the written approval of school administration, serve as a coach or assistant coach for school athletic teams. This section applies in like manner to any paid position for the School District.
 - 1) At times, the SRO will be filling a vacant, paid or supplemented coaching position. Under these circumstances, the school is responsible for compensating the SRO for serving as a coach according to the rate of pay or the supplement established for that position
 - 2) Under other circumstances, the SRO, serving in a coaching capacity, may be compensated by mutual agreement between himself/herself and school officials.
 - 3) At no time shall an SRO be simultaneously compensated by more than one source for providing a special service.
8. Transporting students in Tooele County vehicles is prohibited without prior approval of the SRO supervisor.
9. The SRO shall not fraternize with students except as stated in subsection d.
 - a. All interactions with students must be strictly professional in nature. SROs shall not become personally involved with a student or allow a personal relationship to develop.
 - b. There is to be no intentional contact or communication between the SRO and students outside of the SRO's official capacity. This includes but is not limited to written or verbal communication, telephone calls, emails, texting, or personal contact.
 - c. In all interactions with students the SRO must consider every measure to avoid any appearance of impropriety.
 - d. If a student is a relative or family friend then the student and SRO shall not have any confidential or private communications whether electronically or in person. In other words, a responsible third party must be witness to all communications.
10. The SRO must notify the SRO supervisor and the school principal any time he/she will be away from his/her campus.
 - a. In accordance with Tooele County policies, the SRO will supply written notice of any requested leave to the SRO supervisor at least two weeks in advance,
 - b. Notice of any unexpected absenteeism, such as illness, must be provided to the SRO supervisor at least four hours prior to the beginning of the shift.
 - c. When available, another officer will serve as a substitute during instances of absenteeism or when the SRO is required to leave campus.
11. The SRO is responsible for appearing in court as required,
12. The SRO is expected to adhere to and follow the chain-of-command of the Tooele County Sheriff's Department.

G. Uniform and Appearance

1. The Sheriff's Department standard (class B) uniform is the designated uniform for SROs. When not wearing the class B uniform the SRO should wear the approved Class C special event uniform.
2. The SRO should be equipped with all items as normally required of patrol officers, including all items listed in Section 1046.4 of the Tooele County Sheriff's Department Policies and Procedures Manual.
3. If an SRO desires to participate in informal, school-related activities, the SRO may, with permission of the SRO supervisor, wear civilian attire. Such permission may be granted on a case-by-case basis only and will apply only to the specific activity for which it is requested. Mixing of civilian and official attire is not permitted.
4. Either the standard Class B uniform or the alternate Class C uniform should be worn at all times while on duty or attending any related event in an official capacity.
5. Uniforms worn by SROs are to be clean, presentable and professional in appearance. Stains, excessive wrinkles and offensive odors are considered violations of this rule. SRO's shall conform to the personal appearance and grooming regulations required by Tooele County Sheriff's Department.

H. Philosophy

The SRO Program is organized around three fundamental principles:

1. Law Enforcement

- a. Safety - The SRO shall engage in activities which help ensure a safe, healthy, and productive school environment, emphasizing the use of restorative approaches to address negative behavior.
 - b. Security - The SRO shall arrange, provide and/or plan for security at special events.
 - c. Enforcement-The SRO shall enforce violations of criminal law, which occur on campus,
2. Mentoring - Although the SRO is not a professional counselor, he/she is expected to provide informal counseling on a regular basis. The SRO must be prepared to make referrals to the appropriate professional when necessary,
 3. Teaching-The SRO will prepare and present to students, on a regular basis, lessons based on his/her knowledge, training and experience which will integrate law- enforcement concepts into the academic curriculum, including teaching a vocational law enforcement class at the request of the District.

I. Task Guidelines

1. The SRO shall perform law enforcement tasks within the school that include but are not limited to the following.
 - a. Patrol school buildings and campus.
 - b. Issue warnings or citations to traffic violators on or around school property.
 - c. Investigate traffic crashes which occur on school property.
 - d. Remove trespassers from school property upon the request of the principal or other authorized school administrator, or as the SRO deems necessary for the safety of the school.
 - e. Receive offense complaints from students, faculty school staff, and investigate or assist in investigations of criminal activity occurring on school property. This includes, but is not limited to:
 - 1) Interviewing victims and witnesses in accordance with Tooele County policies.
 - 2) Apprehending and interviewing suspects in accordance with Tooele County policies.
 - 3) Recovering lost and stolen property and conducting an investigation in accordance with Tooele County policies.
 - 4) Seizing contraband and/or evidence and placing it in the property section of the Tooele County Sheriff's Department.
 - 5) Making arrests or citing suspects in accordance with Tooele County policies, except that the School Resource Officer shall confer with the principal (or designee) to resolve offenses which are minor violations of the law which would not be violations if committed by an adult (which include, but are not limited to, unlawful possession of alcohol or tobacco).
 - f. Conduct investigations and complete police reports.
 - g. Coordinate drug-dog search activities.
 - h. Assist school employees in developing and executing plans and strategies to prevent and/or minimize dangerous situations from occurring on campus.
2. The School Resource Officer shall perform tasks related to teaching that include, but are not limited to, the following:
 - a. Organize and present materials arising from the SRO's knowledge, training and experience to students, including teaching a vocational law enforcement class at the request of the District.
 - b. Arrange for guest speakers for relevant topics.
 - c. Lead group discussions and answer questions.
 - d. Regularly and actively participate in clubs, open houses, faculty meeting student organizations and other extracurricular activities.
 - e. Act as a positive role model for students.
3. The SRO shall perform mentoring tasks, which include, but are not limited to, the following:
 - a. Develop positive rapport with students, parents, faculty, and school administrators.
 - b. Participate in informal discussions with students.
 - c. Conduct conflict-resolution sessions.
 - d. Participate in conferences with parents, teachers and students.
 - e. Advise students, parents, and faculty concerning information which is relevant to the SRO's role.
 - f. Identify potential and actual delinquent behavior problems in students and refer them to appropriate school, professional (and/or community) service agencies,
 - g. The SRO should develop trust with students so the students will feel free to report crimes or provide information about crimes.

- h. The SRO can take reports of suspected sexual crimes but shall not engage in informal counseling or any form of communications about sexual matters with students.
- i. The SRO should not meet alone with individual students in an office or classroom unless the door is open and both the SRO and student are clearly visible through the open door.

J. Respect for Student Rights.

1. An SRO may conduct or participate in a search of a student's person, possessions, or locker only where there is probable cause to believe that the search will turn up evidence that the child has committed or is committing a criminal offense.
 - a. It is recommended that in addition to having probable cause, the SRO should follow Utah state law and Tooele Sheriff's Department policy and procedures when conducting searches of persons and property which may require a search warrant.
 - b. The SRO shall inform school administration prior to conducting a probable cause search where practicable.
 - c. The SRO shall not ask school officials to search a student's person, possessions, or locker in an effort to circumvent the student's protections.
2. A school official may conduct a search of a student's person, possessions, or locker where there is a reasonable suspicion to believe that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school, and the search is justified in scope given such suspicion.
 - a. Absent a real and immediate threat to the student, teacher, the SRO, or public safety, a school official shall not ask the SRO to be present or participate in such a search.
3. The SRO may question a student about criminal conduct that could expose the child to court-involvement or arrest.
 - a. If the student is 14 years and older, the student will be informed of his or her Miranda rights before questioning.
 - b. If the student is under the age of 14, the student will be informed of his or her Miranda rights only in the presence of the student's parent or guardian before questioning.
 - c. The SRO shall inform school administrators prior to questioning the student on school grounds where practicable.
 - d. The SRO shall not ask a school official to question a student in an effort to circumvent these protections.
 - e. Other conversations between SRO and students will be on the premise of building relationships to help develop a healthy learning environment and promote pro-social behaviors.
4. If an exigent circumstance or immediate threat exists, a school official or SRO may question a student about criminal conduct or conduct a search of a student's person or possessions.
5. Strip searches of student by either school officials or SRO are prohibited.
6. SRO shall not use physical force or restraints on a student, including handcuffs, Tasers, mace, or other physical or chemical restraints unless a student's actions pose a threat, or the student is subject to arrest.

K. Reporting and Records Requirement

1. It shall be the responsibility of each SRO to complete and submit all police reports in a timely manner.
2. Because of the large volume of daily encounters and the high number of informal requests for services associated with SROs, it would be counterproductive to require SROs to complete a report as part of every activity or response they perform. An appropriate report will be completed under circumstances including, but not limited to the following:
 - a. Any incident which involves the commission or suspected commission of a criminal offense, even if no suspect information or intent to prosecute exists.
 - b. Fights.
 - c. Traffic crashes occurring on school property.
 - d. Providing assistance to other agencies or divisions or social services.
 - e. Any other event for which it is reasonably foreseeable that documentation will be necessary.
3. All evidence seized by an SRO is to be documented and stored as required by Tooele County policies. This does not include tobacco products intended solely as evidence of a civil, tobacco violation. Such items may be catalogued and stored by the SRO in a secure location and destroyed upon disposition of the related case.

4. It shall be the responsibility of each School Resource Officer to complete daily activity logs and submit them to the SRO supervisor at least weekly.

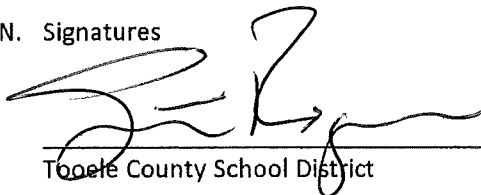
L. Access to Education Records

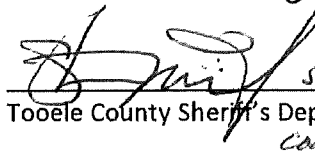
1. School officials shall allow the SRO to inspect and copy any public records, including directory information, maintained by the school to the extent allowed by law.
2. If some information in a student's record is needed in an emergency to protect the health or safety of the student or other individuals, school officials shall disclose to the SRO that information that is needed to respond to the emergency situation based on (1) the seriousness of the threat to health or safety of an individual; (II) the need of the information to meet the emergency situation; and (III) the extent to which time is of the essence.
3. If the SRO needs confidential student record information, but no emergency situation exists, the information may be disclosed only as allowed by applicable law including FERPA (Family Education Rights Privacy Act).
4. Law Enforcement Unit Records. Law enforcement unit records created by the Tooele County Sheriff's Department for a law enforcement purpose which the Tooele County Sheriff's Department maintains are not subject to FERPA. The Tooele County Sheriff's Department may share law enforcement unit records with the District to the extent permitted under the Government Access Management Act (GRAMA) or other applicable law. Once law enforcement unit records are provided to the District and maintained by the District, the records may become student education records protected by FERPA.

M. Financial Payment

Tooele County School District will pay a flat rate of \$70,000 per school year for 9 months of full-time service by one (1) SRO on an annual basis. This payment will be broken into two equal payments of \$35,000 due in the months of August and February of each year.

N. Signatures


Tooele County School District
8/20/19
Date


Tooele County Sheriff's Department
SHANN MILNE
COUNTY COMMISSIONER
22 July 2019
Date

Legal Reference(s):

Utah Code § 53A-II-1604
FERPA 34 CFR Part 99.