



Warren County School District Law Enforcement Partnership

MEMORANDUM OF UNDERSTANDING

Revised 2/09/12

THIS MEMORANDUM OF UNDERSTANDING is entered into by and between the **WARREN COUNTY SHERIFF'S OFFICE** ("SHERIFF"), the **WARREN CITY POLICE DEPARTMENT** ("CITY"), the **PENNSYLVANIA STATE POLICE** (State Police), the **EMERGENCY MANAGEMENT AGENCY** ("EMA"), the **CONEWANGO TOWNSHIP POLICE DEPARTMENT**, (Conewango Township), the **SHEFFIELD TOWNSHIP POLICE DEPARTMENT** (Sheffield Township), the **YOUNGSVILLE POLICE DEPARTMENT** (Youngsville), and the **WARREN COUNTY SCHOOL DISTRICT** ("SCHOOL"). The effective date of this Agreement is 7/01/12.

I. Joint Statement of Concern

- A. The purpose of this Memorandum is to establish procedures to be followed when any of the following incidents occurs on school property, at any school sponsored activity, or on any public conveyance providing transportation to or from a school or school sponsored activity, including but not limited to a school bus:

1. Possession of a weapon;
2. Act of violence;
3. Possession, use or sale of a controlled substance or drug paraphernalia;
4. Purchase, consumption, possession or transportation of liquor or malt or brewed beverages by a minor under the age of 21 years and/or presence of a minor under the age of 21 years under the influence of alcohol and/or malt or brewed beverages;
5. Gang-related activity;
6. Ethnic intimidation;
7. Harassment and stalking.

B. It is further the purpose of this Memorandum to foster a relationship of cooperation, mutual support and the sharing of information and resources between the parties hereto as they work together to maintain the physical security and safety of schools in the district. In furtherance of the parties' intent to foster this working relationship, the following officer(s) is/are hereby designated as the district's law enforcement liaison: In so making this designation, it is the understanding of the parties that the school is thereby enabled to disclose information from a student's education records to these designated officers without limitations of the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. Section 1232g and its implementing regulations at 34 C.F.R. Section 99.1 et seq., and 22 Pa. Code Sections 12.31-12.33.

C. Law Enforcement Priorities

1. Investigate all incidents reported to have occurred on school property, at any school sponsored activity, or on any public conveyance providing transportation to or from a school or school sponsored activity. The investigation of all reported incidents shall involve as little disruption of the school environment as is practicable.
2. Identify those responsible for the commission of the reported incident and, where appropriate, apprehend and prosecute those individuals. Identification and apprehension procedures shall involve as little disruption of the school environment as is practicable.
3. Assist school entities in the prevention of acts of violence, possession of weapons, the possession, use or sale of controlled substances and drug paraphernalia, the purchase, consumption, possession or transportation of liquor or malt or brewed beverages, gang-related activities, ethnic intimidation, harassment and stalking.

D. School Priorities

1. Create safe learning environments which support each student's well-being and opportunities to reach their full potential while balancing and protecting the rights of all students within their authority.

2. Establish and maintain cooperative relationships with law enforcement authorities in the reporting and resolution of all acts of school violence, weapons possession, the possession, use or sale of controlled substances and drug paraphernalia, the purchase, consumption, possession or transportation of liquor or malt or brewed beverages, gang-related activities, ethnic intimidation, harassment and stalking.
3. Foster partnerships with law enforcement authorities for the education and guidance of students to create a school climate and knowledge base conducive to learning and personal growth.
4. Provide Law Enforcement authorities with floor plans of school buildings.

E. Legal Authority

1. The parties to this Memorandum enter into this agreement in accordance with the provisions of the act of March 10, 1949 (P.L. 30, No. 14), as amended, 24 P.S. § 13-1301-A, et. Seq., requiring that by June 30, 1999, all school entities shall develop and implement a single memorandum of understanding in cooperation with each local law enforcement entity with jurisdiction over the school entity and the Pennsylvania State Police.
2. In so recognizing this legal authority, the parties acknowledge their respective duties pursuant to this Act and hereby agree to support and cooperate with one another in carrying out their joint and several responsibilities thereunder.

II. Incidents Requiring Law Enforcement Notification and Response

A. Notification

The School Entity shall immediately report by the most expeditious means possible to the Law Enforcement Authority of primary jurisdiction the occurrence of any of the following incidents occurring on school property, at any school sponsored activity, or on any public conveyance, including but not limited to a school bus, providing transportation to or from a school or school sponsored activity:

1. Possession of a Weapon. As used in this Memorandum “weapon” shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, metal knuckles, billy club, blackjack, grenade, incendiary device, and any other tool, instrument or implement capable of inflicting serious bodily injury where the intent to use such tool, instrument or implement as a weapon is present.

This reporting requirement does not apply to a weapon which is:

- a. used, as part of a school-approved program, by an individual who is participating in the program; or

- b. an unloaded weapon possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting if the entry on school premises is authorized by school authorities.
- 2. Act of Violence. As used in this Memorandum “act of violence” shall mean an offense, including the attempt, solicitation or conspiracy to commit the offense, under any of the following provisions of the Pennsylvania Crimes Code, 18 Pa. C. S.:
 - a. Possession of weapon on school property, 18 Pa. C.S. Section 912;
 - b. Criminal homicide, 18 Pa.C.S. Section 2501;
 - c. Simple assault, 18 Pa. C.S. Section 2701, if the offense would reasonably result in the expulsion of the perpetrator or if the victim requires outside medical assistance;
 - d. Aggravated assault, 18 Pa. C.S. Section 2702;
 - e. Terroristic threats, 18 Pa. C.S. Section 2706;
 - f. Rape, 18 Pa. C.S. Section 3121;
 - g. Statutory sexual assault, 18 Pa. C.S. Section 3122.1;
 - h. Involuntary deviate sexual intercourse, 18 Pa. C.S. Section 3123;
 - i. Sexual assault, 18 Pa. C.S. Section 3124.1;
 - j. Aggravated indecent assault, 18 Pa. C.S. Section 3125;
 - k. Indecent assault, 18 Pa. C.S. Section 3126;
 - l. Arson and related offenses, 18 Pa. C.S. Section 3301;
 - m. Robbery, 18 Pa. C.S. Section 3701;
 - n. Robbery of motor vehicle, 18 Pa. C.S. Section 3702.
- 3. Possession, Use or Sale of a Controlled Substance or Drug Paraphernalia
 - a. As used in this Memorandum, “controlled substance” shall include the possession, use or sale of controlled substances as defined in the Act of April 14, 1972 (P.L. No. 64) known as “The Controlled Substance, Drug, Device and Cosmetic Act” (hereinafter “Drug Act”) including, but not limited to, inhalants, marijuana, cocaine, crack, heroin, LSD, PCP, amphetamines, all steroids, look-a-likes, and other substances commonly known as “designer drugs.”
 - b. Included in this reporting provision shall be the possession, use or sale of drug paraphernalia, as defined in the Drug Act, including, but not limited to, hypodermic needles, syringes, wrapping papers, and all other implements utilized for the purpose of ingesting or otherwise introducing controlled substances into the body.
- 4. Purchase, consumption, possession or transportation of liquor or malt or brewed beverages by a minor under the age of 21 years and/or presence of a minor under the age of 21 years under the influence of alcohol and/or malt or brewed beverages.
- 5. Gang-related activity.
- 6. Ethnic Intimidation as defined in the Pennsylvania Crimes Code, 18 Pa. C.S. Section 2710.
- 7. Harassment and Stalking as defined in the Pennsylvania Crimes Code, 18

Pa. C.S. Section 2709.

- B. Upon notification of the incident to the Law Enforcement Authority, the School Entity shall provide as much of the following information as is available at the time of notification. In no event shall the gathering of information unnecessarily delay notification.
1. Whether the incident is in-progress or has concluded.
 2. Nature of the incident.
 3. Exact location of the incident.
 4. Number of persons involved in the incident.
 5. Names and ages of the individuals involved.
 6. Weapons, if any, involved in the incident.
 7. Whether the weapons, if any, have been secured and, if so, the custodian of the weapons.
 8. Injuries involved.
 9. Whether EMS was notified.
 10. Identity of the school contact person.
 11. Identity of the witnesses to the incident, if any.
 12. All other such information as is known to the school authority which can be deemed relevant to the incident under investigation.

III. Law Enforcement Authority Response

- A. Initial response by Law Enforcement Authority shall include:
1. For incidents in progress:
 - a. Meet with contact person and locate scene of incident.
 - b. Stabilize incident.
 - c. Provide/arrange for emergency medical treatment, if necessary.
 - d. Control the scene of the incident
 - (1) Secure any physical evidence at the scene
 - (2) Identify involved persons and witnesses
 - e. Conduct investigation
 - f. Exchange information
 - g. Confer with school officials to determine the extent of law enforcement involvement required by the situation
 2. Incidents not in progress:
 - a. Meet with contact person
 - b. Recover any physical evidence
 - c. Conduct investigation
 - d. Exchange information
 - e. Confer with school officials to determine the extent of law enforcement involvement required by the situation
 3. Incidents involving delayed reporting

- a. In the event that a reportable incident occurs on school property, at a school sponsored event, or on any public conveyance providing transportation to or from a school or school sponsored activity after the conclusion of the school day or after the conclusion of the event at which the incident occurred, the school entity shall report the incident to the law enforcement entity immediately upon its notification.
- b. If such incident is initially reported to the school entity, the school entity shall proceed as outlined in paragraphs II A and B above.
- c. If the incident is initially reported to law enforcement, law enforcement shall proceed directly with its investigation and shall immediately notify the school entity of the incident, with all pertinent and reportable information, by the most expeditious means possible as if the reporting was not delayed.

B. Custody of Actors

1. Students identified as actors in reported incidents may be taken into custody at the discretion of the investigating law enforcement officer if:
 - a. the student has been placed under arrest;
 - b. the student is being placed under investigative detention;
 - c. the student is being taken into custody for the protection of the student; or
 - d. the student's parent or guardian consents to the release of the student to law enforcement custody.
2. The investigating law enforcement officer shall take all appropriate steps to protect the legal and constitutional rights of those students being taken into custody.

IV. Assistance of School Entities

A. In Loco Parentis

1. Teachers, Guidance Counselors, Vice Principals and Principals in the public schools have the right to exercise the same authority as to conduct and behavior over the pupils attending school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardian or persons in parental relation to such pupils may exercise over them.
2. School authorities' ability to stand in loco parentis over children does not extend to matters beyond conduct and discipline during school, school activities, or on any public conveyance providing transportation to or from school or school sponsored activity.

B. Notification of Parent or Guardian

1. Parents or guardians of students involved in acts of violence, possession of weapons, sexual assault, or the possession, use or sale of a controlled substance or the underage possession of alcohol or intoxication from alcohol should be notified of the involvement as soon as possible.
2. In the event that a parent or guardian of a student may be a co-suspect or in the event of a situation in which immediate notification of the incident may result in the destruction of or tampering with evidence or witnesses, the school entity, in cooperation with the law enforcement authority, may decide to delay notification of parents or guardians.
3. School entities shall document attempts made to reach the parents or guardians of all victims, witnesses and suspects of incidents reportable to law enforcement authorities pursuant to the terms of this agreement.
4. Except in cases in which the suspect student has been injured and requires medical attention, the decision to notify a suspect's parents or guardians shall be a cooperative decision between school officials and law enforcement authorities.

C. Scope of School Entity's Involvement

1. Victims
 - a. Unless the school entity has received previous written instruction from the parent or guardian to the contrary, the Law Enforcement Agency does not need to secure parental permission to interview a victim.
 - b. The school entity shall notify the parent or guardian of a victim when law enforcement authorities interview that victim. Law enforcement shall follow department policies and procedures when interviewing a victim to ensure the protection of the victim's legal and constitutional rights.
 - c. In the event a victim is interviewed by law enforcement authorities on school property, a guidance counselor or similar designated personnel shall be present during the interview.
2. Witnesses
 - a. Unless the school entity has received previous written instruction from the parent or guardian to the contrary, the Law Enforcement Agency does not need to secure parental permission to interview a witness to a reportable incident.
 - b. The school entity shall notify the parent or guardian of a witness when law enforcement authorities interview that witness. Law enforcement shall follow department policies and procedures when interviewing a witness to ensure the protection of the witness's legal and constitutional rights.
 - c. In the event a witness is interviewed by law enforcement authorities on school property, a guidance counselor or similar

designated personnel shall be present during the interview.

3. Suspects

- a. Depending upon the individual circumstances of the incident, a juvenile suspect may or may not be competent to waive his/her rights to consult with an interested adult and/or an attorney prior to speaking with law enforcement authorities.
- b. The school entity shall cooperate with law enforcement authorities to secure the permission and presence of at least one parent or guardian of a student suspect before that student is interviewed by law enforcement authorities.
- c. In the event an interested adult cannot be contacted, the school entity shall defer to the policies, procedures and direction of the investigating law enforcement authority who shall act in a manner consistent with the protection of the student suspect's legal and constitutional rights.
- d. The legal conduct of interviews, interrogations, searches, seizures of property, and arrests are within the purview of the law enforcement authority. The school entity shall defer to the expertise of the law enforcement authority on matters of criminal and juvenile law procedure, except as is necessary to protect an interest of the school entity.

4. Conflicts of Interest

- a. The parties to this Memorandum recognize that in the event that a school entity employee, contractor, or other person acting on behalf of the school district or entity is the subject of an investigation, a conflict of interest may exist between the school entity and the adult suspect.
- b. Where the possibility of such a conflict exists, neither the individual that is the subject of the investigation nor any person acting as his/her subordinate or direct supervisor shall be present during law enforcement authority's interviews of student co-suspects, victims or witnesses.
- c. Neither the individual who is the subject of the investigation, nor his/her subordinate(s) and/or direct supervisor(s) shall be informed of the contents of the statements made by student co-suspects, victims or witnesses, except at the discretion of law enforcement authorities or as otherwise required by law.

D. Reporting Requirements and Exchange of Information

1. Law enforcement authorities shall be governed by the following reporting and information exchange guidelines:

- a. Criminal History Record Information Act, 18 Pa. C.S. Chapter 91.
- b. The Public School Code of 1949, 24 P.S. Section 13-1303-A(b).
Law enforcement authorities shall provide to school districts the

- information required under the reporting guidelines set forth thereunder.
- c. Law enforcement authorities shall not make disclosures contradictory to paragraph IV-C-4 of this Memorandum.
2. School entities shall be governed by and cooperate with the following reporting and information exchange guidelines:
 - a. Federal Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g and its implementing regulations at 34 C.F.R. Section 99.1 et seq., and 22 Pa. Code Sections 12.31-12.33.
 - b. Share information and evidence as required for police to complete investigation of the incident.
 - c. Comply with the requirements of the Public School Code of 1949, 24 P.S. Sections 13-1303-A and 13-1317.2.
 - d. Complete reports as required by the Public School Code of 1949, 24 P.S. Section 13-1303-A(b).

V. Media Relations

A. Release of information

1. The release of information concerning incidents reportable to law enforcement authorities pursuant to the terms of this Memorandum of Understanding shall be coordinated between law enforcement authorities and school entities.
2. The parties shall release as much information as is allowable by law with due deliberation given to the investigative considerations and the need to limit disruptions to school functions and protect the privacy of the students and staff involved.

VI. General Provisions

- A. This Memorandum is not intended to and does not create any contractual rights or obligations with respect to the signatory agencies or any other persons or entities.
- B. This Memorandum may be amended, expanded or modified at any time upon the written consent of the parties, but in any event must be reviewed and re-executed within two years of the date of its original execution and every two years thereafter.
- C. In the event of changes in state or federal law which necessitate changes to this Memorandum, the parties shall collaborate to amend this Memorandum to assure compliance by the parties with state and federal requirements.
- D. All parties to this Memorandum will communicate fully and openly with each other in order to resolve any problems that may arise in the fulfillment of the terms of this Memorandum.

AND NOW, this ____ day of _____, 2012, the parties hereby acknowledge the foregoing as the terms and conditions of their understanding.

Warren County School District
Enforcement Authority

Emergency Management Agency

Board President Arthur Stewart

Director Todd Lake

Warren County Sheriff's Office

Conewango Township Police Department

Sheriff Kenneth Klakamp

Police Chief Jerry Falconer

City of Warren Police Department

Sheffield Township Police Department

Police Chief Raymond F. Zydonik

Police Chief Daniel Madigan

Pennsylvania State Police

Youngsville Police Department

Station Commander – Troop E Warren
Sgt. David Gluth

Police Chief Todd Mineweaser