

**STATE OF NORTH CAROLINA
COUNTY OF DARE**

**NAGS HEAD ELEMENTARY SCHOOL POLICE OFFICER
MEMORANDUM OF AGREEMENT**

This AGREEMENT is made this the ____ day of _____, 2013 by and between the Dare County Board of Education (hereinafter "the Board"), the local administrative unit for the Dare County Public Schools, and the Town of Nags Head (hereinafter the "Town"), a municipality located in Nags Head, Dare County, North Carolina, and in consideration of the mutual promises and covenants contained herein, the parties hereby contract and mutually agree as follows:

WITNESSETH:

WHEREAS, the Board desires to have the Town provide a law enforcement ("officer") at Nags Head Elementary School, one of the schools owned and operated by the Board which is located within the Town: and

WHEREAS, the Town agrees to provide and to manage an officer for Nags Head Elementary School; and

WHEREAS, the parties agree that the officer should be assigned to Nags Head Elementary School in order to prevent antisocial behavior through education, communication, and understanding between school personnel, youth, police, and the community using various programs supported by both the Dare County Board of Education, the Town of Nags Head and the Nags Head Police Department.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the same being valuable consideration to support entry into said agreement and each of the parties agreeing that the same has actual value in proportion to the benefits to be received by the respective parties, the parties do agree as follows, to-wit:

1. The Town shall provide one (1) law enforcement officer to be assigned to Nags Head Elementary School, for each calendar school year to the following school:

Nags Head Elementary School
3100 S. Wrightsville Avenue
Nags Head, North Carolina 27959

2. The parties agree that the officer will be responsible for enforcing the law and not be used as an arm of school or parental discipline, unless a violation of the law or of the Board of Education policy is committed in the presence of the police officer or a violation of the law or Board policy arises in the course of an investigation by the police officer. Further, the

police officer should attempt to abide by all board policies concerning students attending school at Nags Head Elementary School.

3. The Board and the Town have agreed to certain guidelines concerning the assignment of the police officer at Nags Head Elementary School which are herein incorporated by reference as Exhibit A.
4. The parties agree that the police officer is an employee of the Town, works directly under the supervision of the Chief of Police of the Town of Nags Head, and the Board assumes no liability for any act of omission by the officer that would ever arise in the assigned officer's performance or non-performance of their duties.
5. The term of this contract shall run for a period of one (1) year and shall automatically renew each year unless terminated by either party upon given sixty (60) days proper notice to the other party at the address listed below:

- | | | |
|----|--|--|
| 6. | <p style="text-align: center;"><u>The Board</u></p> Dr. Sue F. Burgess
Superintendent
3020 Wrightsville Ave.
Nags Head, NC 27959 | <p style="text-align: center;"><u>The Town</u></p> Cliff Ogburn
Town Manager
5401 S. Croatan Hwy
Nags Head, NC 27959 |
|----|--|--|

This agreement shall be governed by, and construed in accordance with the laws of the State of North Carolina.

In Witness Whereof the parties hereto have caused this Memorandum of Agreement to be executed in their corporate names by duly authorized officers in duplicate originals, one of which is retained by each of the parties, the day and year first written above.

Dare County Board of Education

Attest:

By: _____

By: _____

Town of Nags Head

Attest:

By: _____

By: _____

EXHIBIT "A"

Nags Head Elementary School Police Officer Guidelines between the Town of Nags Head and the Dare County Board of Education

Philosophy

The Nags Head Elementary School Police Officer program and these guidelines are designed to prevent antisocial behavior through education, communication, and understanding between school personnel, youth, police, and the community through various programs supported by both the Dare County Board of Education, the Town of Nags Head and the Nags Head Police Department.

Employment

The Nags Head Elementary School Police Officer will be employed directly by the Town of Nags Head and will be under the direct supervision of the Chief of Police or his/her designee for the Town of Nags Head. The hours of work and the direct supervision shall be assigned by the Chief of Police in consultation with the Superintendent of the Dare County Board of Education or his/her designee.

Role

The Nags Head Elementary School Police Officer will help create a peaceful campus environment by:

- 1) Carrying out the responsibilities of a certified law enforcement officer.
- 2) Instructing a basic integrated educational curriculum of criminal justice and other related topics;
- 3) Explaining the role of police in society.
- 4) Acting as an advisor and/or resource to students by furnishing guidance on law-related issues and ethical concepts and by providing individual counseling as needed.
- 5) Providing a police presence in the school during class hours which enhances the aspect of learning in a safe and secure environment.

Crime Prevention Effort

In order to maintain a concentrated crime prevention effort, the Nags Head Elementary School Police Officer will:

- 1) Provide students with an opportunity to become acquainted with a police officer in an informal, non-authoritarian setting.
- 2) Allow any student who so desires to privately discuss personal questions relative to the law, the school, and the community.

- 3) Allow students the opportunity to discuss conditions in the community that they feel affect them.
- 4) Provide classroom presentations and discussion periods with students in areas of mutual concern.
- 5) Provide for parent/student conferences in a school setting, which may be more comfortable for both parties versus a conference at the police station.
- 6) Provide the opportunity to appropriately divert students from the juvenile justice system and to ensure adequate follow-up.
- 7) Provide an opportunity for other police officers to better understand the actions and problems of youth in the community; Encourage school visits by other officers.
- 8) Through faculty meetings, in-service training, and on an individual basis, provide teachers, administrators, and other school officials information concerning the law and the juvenile system.

Efforts to Increase Reporting

To increase the reporting of crimes committed against youth and their property, and to increase the reporting of physical and sexual child abuse and/or neglect, the Nags Head Elementary School Police Officer should:

- 1) Provide a convenient and discreet setting where youths may feel at ease in reporting crimes against themselves or their property.
- 2) Assist youth in dealing with concerns brought to their attention in cooperation with other helping professionals.
- 3) Help educators become aware of reportable crimes against youth;
- 4) Give presentations or assist educators in giving presentations pertaining to the reporting of these crimes.
- 5) Provide appropriate feedback on the disposition of referrals received.

Deterrence

The Nags Head Elementary School Police Officer will engage in activities designed to reduce the number of crimes committed on or near school property by:

- 1) Providing preventive patrol in order to reduce loitering on school premises or adjacent properties, drug and alcohol use, assaults, and other anti-social behavior.
- 2) Providing security for special school functions as they may occur and for day-to-day operations.
- 3) Assisting citizens or business owners living or operating in school areas with any difficulties encountered or issues arising from their proximity to the school.
- 4) Informing merchants serving school-age clientele of ways to prevent vandalism and shoplifting.

Police Conduct in the School Setting

Police officers who have contact with schools must be sensitive to school officials' responsibilities. Officers will make a concerted effort to develop and maintain a cooperative atmosphere.

The Nags Head Elementary School Police Officer will strive to conduct themselves in a courteous, purposeful, and cooperative manner.

Disagreements will be resolved privately between involved police and school staff. Failure to reach a mutually satisfactory course of action should be resolved by referral to the appropriate supervisor of both parties or sides. School staff with concerns regarding the police officer's conduct should notify the school principal. The school principal should then notify the Chief of Police or his/her designee.

The Nags Head Elementary School Police Officer should not take advantage of the school's "captive audience" for routine police investigations. The school's primary purpose is to educate and non-essential interviews by police and others may be disruptive.

Unless an emergency exists, the Nags Head Elementary School Police Officer should contact designated school officials and/or parents prior to personally request information from students, interviewing students, or taking them into custody.

Extracurricular Student Contact

The Nags Head Elementary School Police Officer is encouraged to intentionally interact with students to enhance understanding, offer additional support, and help re-direct negative behaviors. Through concentrated personal contact, youth can be encouraged to avoid at-risk behaviors and activities and learn to succeed in the community.

Each of the following guidelines will be followed when student contact occurs outside the school setting:

- 1) The police officer will inform the Chief of Police in writing of the proposed activity and receive prior authorization.
- 2) The police officer will obtain written permission for the youth to participate from the parents, guardian, or custodian.
- 3) The police officer will use only Town of Nags Head funds or other regulated funds specifically designated for such activities.

Taking Students into Custody

The Nags Head Elementary School Police Officer will deal with both adults and juveniles in the course of their duties at the school. Officers will follow all applicable laws and directives pertaining to the taking of juveniles and adults into custody.

The Nags Head Elementary School Police Officer should be on campus each school day. In the event a student, member of the school staff, or a civilian, is taken into custody at the school, the police officer will request assistance from a uniformed officer, who will be responsible for transporting that person to the Nags Head Police Department or the Dare County Detention Center for processing. The Nags Head Police Officer will complete the incident report and the responding/transporting uniformed officer will complete all paperwork related to the booking/processing of the individual. The Nags Head Elementary School Police Officer will be made available to appear in court regarding each case.

Reporting Responsibilities

The Nags Head Elementary School Police Officer will maintain the following reports:

- 1) Incident reports related to such activities at the school.
- 2) Annual Executive Summary for the Chief of Police, forwarded through the Deputy Chief of Police. This report is due within two weeks of the end of each school year.
- 3) Student Counseling Log.
- 4) Any and all other reports deemed necessary by the Chief of Police for the review of activities at the Nags Head Elementary School for the current school year.
- 5) Any reports deemed necessary by the Dare County Board of Education or the Nags Head Elementary School Principal as approved by the Chief of Police or his/her designee.

Child Abuse and Neglect

The Nags Head Elementary School Police Officer may become involved in child abuse and neglect cases as a result of the trust and confidentiality that develops from the officer's placement in the students' environment on a daily basis. In cooperation with school officials, the officer can effectively contribute to the detection and investigation of cases involving child abuse, neglect, and/or exploitation.

When the Nags Head Elementary School Police Officer becomes aware of an incident of child abuse or neglect, he/she will:

- 1) Complete an incident report and forward this to the Chief of Police or his/her designee.
- 2) Notify an appropriate Criminal Investigator with the Nags Head Police Department, preferably the supervisor or an investigator who has been trained in these types of juvenile cases.
- 3) Notify the Child Protective Services Unit of Dare County Social Services.

The Nags Head Elementary School Police Officer will serve as a resource for the investigation.

Student Interviews

The Nags Head Elementary School Police Officer will alert the designated school official prior to contacting a student or staff person for the purpose of interviewing, whenever possible. The following standard should guide the interview process of a student in the school setting:

- 1) All arrangements for a police interview with a student should endeavor to prevent any possible embarrassment and/or stereotyping as a consequence of the police contact.
- 2) The student's rights of confidentiality and privacy must be respected. The student should be interviewed in a setting that fosters privacy. At no time should a student be summoned to the Nags Head Elementary School Police Officer's office over a public address system that openly announces why he/she is being called.
- 3) Information regarding the police officer's contact may be shared on a selective basis with responsible school authorities if and when relevant, and when such disclosure does not violate any laws or departmental directives.
- 4) Under normal circumstances, parents will be notified prior to a pending interview with a student regarding his/her involvement in an offense. Parents should always be notified of non-routine contacts with students. This notification may be made by telephone or letter. When serious disclosures arise during an interview, parental contact will be made at the earliest possible opportunity.
- 5) When appropriate due to the circumstances, interviews with students should be conducted with a school staff member present. Under certain circumstances, a summons to the principal's office may be considered an in-custody interview, in which case juvenile Miranda rights and procedures are applicable.
- 6) If a student is listed as a "witness" or "other" on a report, the parent should be notified as to the possibility of the student being called as a witness.

Staff Interviews

When interviewing school staff members, the police officer should explain the purpose of the contact. The police officer should use patience and tact in dealing with school staff members to obtain information, and should inform them of the potential use of the information provided. Care

should be exercised to avoid violating the basic teacher-student relationship.

Removing a Student from Class

The Nags Head Elementary School Police Officer will coordinate with school officials and follow existing policies if the removal of a student from class becomes necessary.

Police Officer Status

The officer shall remain at all times ultimately responsible to the Nags Head Police Department and subject to calls from and assignment by the Department as needed.

Nothing in these guidelines is designed or intended to limit the official duties or professional responsibilities of the police officer.