

**COLLABORATIVE INTERAGENCY AGREEMENT REGARDING  
STUDENT MISCONDUCT, STUDENT INTERVIEWS AND  
STUDENT ARRESTS BY LAW ENFORCEMENT OFFICERS**

**By and Among**

**The School Board of Pinellas County, Florida**

**and**

**The Pinellas County Sheriff's Office, the Cities of Belleair, Clearwater, Gulfport,  
Indian Shores, Kenneth City, Largo, Pinellas Park, St. Petersburg,  
Tarpon Springs, and Treasure Island,  
Pinellas County Schools Police Department, and the USF Police Department**

This Collaborative Interagency Agreement (Agreement) made by and between the School Board of Pinellas County, Florida (School Board), the Sheriff of Pinellas County, Florida, (Sheriff or Sheriff's Office), the municipalities and/or entities of Belleair, Clearwater, Gulfport, Indian Shores, Kenneth City, Largo, Pinellas Park, St. Petersburg, Tarpon Springs, and Treasure Island, Pinellas County Schools Police Department, and the USF Police Department. (collectively "Parties").

**WITNESSETH:**

WHEREAS, the Parties are committed to long range cooperation and administrative planning in order to provide for the safety and security of the communities and their children; and

WHEREAS, the Parties are committed to ensuring the safety of the educational environment; and

WHEREAS, the Parties desire to coordinate and facilitate the investigation of criminal activity on school campuses, including the criminal referrals, arrests, and interviews of students; and

WHEREAS, the Parties desire to reduce the unnecessary instances of on-campus interviews of students by law enforcement officers as well as the number of on-campus student arrests and referrals to law enforcement agencies; and

WHEREAS, the Parties desire to encourage schools to use alternatives to expulsion or referral to law enforcement agencies by addressing disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs, and the Florida Legislature has instructed school districts that zero-tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances; and

WHEREAS, the Parties desire to coordinate and facilitate the investigation of reports of child abuse, neglect and abandonment.

NOW, THEREFORE, in consideration of the premises and of the mutual promises and covenants herein contained, the Parties agree as follows.

The Parties are entering into this cooperative effort among the public agencies named herein to establish guidelines for the handling of school-based student misconduct. The guidelines are intended to establish consistency in the handling of incidents, without discrimination, while ensuring that each case is addressed on a case-by-case basis. The manner in which each incident is handled by the Parties is dependent upon the many factors unique to each child that includes, but is not limited to, behavioral history, present circumstances, disciplinary record, academic record, general demeanor and disposition toward others, disability or special education status, and other factors. Thus, the Parties acknowledge that students involved in the same incident or similar incidents may receive different and varying responses depending on the factors and needs of each student.

To address these issues and ensure that all students have access to a safe and effective learning environment, the Parties agree to enter into this Agreement governing suggested levels of responses and use of resources when responding to school-based misconduct.

### **Section I: Responding to Student Misconduct**

#### **1. Definitions.**

**“Student Misconduct”** – Breaches of the School Board’s Code of Student Conduct (“Code”), disruptions, and other transgressions or omissions by a student that occur on school grounds, during school transportation, at school bus stops or during a school sponsored or related event.

**“Petty Acts of Misconduct”** – Those acts that do not pose a direct threat to the safety of students, staff, volunteers, or other persons, or a threat of harm to school district property; such acts include, but are not limited to, minor fights and disturbances.

**“Non-Violent Misdemeanors”** – Those misdemeanors that cause neither physical harm to persons nor significant damage to property and shall, depending upon the specific circumstances, include, but are not limited to, theft of less than \$300, vandalism of less than \$1,000, campus disruptions, disorderly conduct, trespassing, and gambling.

2. In the event of student misconduct, the school principal and their designees will be the primary source of intervention and disciplinary consequences. The Code provides detailed information on consequences and interventions and shall guide the responses to particular types of misbehavior. In addition, if the circumstances warrant, school officials should attempt to connect students to school or community-based support services, such as counseling, mentoring, or extra-curricular activities.

3. Many types of minor student misconduct may technically meet the statutory requirements for non-violent misdemeanors, but are best handled outside of the criminal justice system. Student misbehavior that rises to the level of a non-violent misdemeanor may require consultation with a

police officer. With respect to non-violent misdemeanors, consideration should be given to alternatives to arrests and the filing of a criminal complaint, when appropriate. The School Administrator should consider handling through the Code. The law enforcement officer, in exercising their discretion whether to arrest, should consider information from the school administrators and the victim. Behavior that rises to the level of a felony offense under any of the above statutes is not included herein.

4. All parties involved in school discipline decisions shall consider the surrounding circumstances including the age, history, disability or special education status, and other factors that may have influenced the behavior of the student, the degree of harm caused and the student's willingness to repair the harm.

5. Repeated incidents of non-violent misdemeanors shall result in graduated levels of school-based interventions and consequences by the administrators on campus, according to the Code, and in consultation with law enforcement. If repeated incidents of non-violent misdemeanors continue, administrators and law enforcement may determine the best course of action (more intervention or arrest) in the best interest of the student. Records of non-violent misdemeanors shall be documented by law enforcement and/or the school district.

6. In addition, a student who has committed three non-violent misdemeanors in a school year shall be referred to school-based behavior interventions, if not done so already.

7. Role of School Administrator.

The school principal and their designee are encouraged to talk to the student and evaluate the unique surrounding circumstances in each case. Before referring a student to law enforcement, the school principal or their designee shall consider the following alternatives:

1. Consult the Code of Student Conduct:

Is the specific act strictly a Code issue? Does the Code require consultation with law enforcement? If not, the school principal or their designee should determine the consequences and interventions to be used without involving law enforcement.

2. Consult with law enforcement:

If the Code does require consultation, work with law enforcement to assess and respond to the situation. A consultation does not mean that an arrest is necessary.

3. Collaborating with law enforcement to resolve the situation:

If the school administrators have exhausted their efforts to resolve the situation, determine if the student could be held accountable through further intervention from various school-based behavior interventions or community-based programs? Law enforcement may be consulted for additional programs or available community resources. Refusal to participate in the offered alternatives to arrest may result in referral to law enforcement. If further support is needed but not available at the school level, the school principal or designee may call the district designee at Student Support Services for guidance.

Emergencies and other situations may arise that require the immediate involvement or consultation with law enforcement. In such instances, school officials and law enforcement should attempt to confer as soon as practical and follow the process outlined in this agreement to ensure the most effective and least punitive means of discipline is being employed.

In all situations that pose a threat to the safety of the students, faculty and public, law enforcement shall have discretion to determine the final disposition.

8. Role of Law Enforcement Officer.

Before making an arrest of a student for misconduct on school grounds, during school transportation, at a school bus stop or during a school sponsored or related event, a law enforcement officer may consider the alternatives below. If the situation is resolved short of arrest at any point during this process, the officer does not need to consider additional alternatives. Alternatives to consider;

A. Consult with the school principal or their designee:

Has the Code of Student Conduct been followed in this instance? Could this be resolved by consequences within the school discipline system (such as detention, suspension, or interventions)?

B. Evaluate the situation:

Considering all the surrounding circumstances, does this incident rise to the level of immediate law enforcement intervention? If so, the law enforcement officer shall take necessary action; however, if the behavior is non-criminal or otherwise minor and not rising to any of these levels, the officer should consider referral back to the school for consequences and interventions.

C. Potential Law Enforcement Interventions:

1. Issue a warning:

Can the situation be resolved with an intervention approach that may include the officer talking to the student about their behavior; a verbal warning; taking the student out of the situation in order to cool off or other intervention?

2. Talk to the parents or guardians:

Can the situation be resolved by the officer talking to the student's parents or guardians?

3. Consider alternatives with school principal or designee:

Could the student be held accountable through school-based behavior interventions or community-based programs? If further support is needed but not available at the

school level, the officer may call the district designee at Student Support Services for guidance.

4. A non-arrest referral to a criminal justice diversion program:

5. After considering the above alternatives, the officer may consider placing the student under arrest or referral of charges. The officer must ensure that the school principal or their designee is notified of any school-based arrest and that the Pinellas County Schools Release form is completed.

6. All contraband related to criminal incidents must be placed in the care and custody of the law enforcement personnel that initiates the arrest or conducts the investigation.

9. Discretion of Law Enforcement.

Nothing in this agreement is intended to limit the discretion of law enforcement. Officers responding to an incident or consulting with school officials are encouraged to use their discretion in determining the best course of action, especially when using alternatives to arrest. While the option to use the criminal justice system is available for many incidents, the totality of the circumstances should be taken into consideration and any less punitive alternatives that ensure the safety of the school community should be considered.

10. Parental Notification.

Follow the parental notification guidelines outlined in the Code.

11. Training.

Parties will ensure that members of their respective agencies, especially those directly interacting with students and making discipline or arrest decisions, are trained in the content of this Agreement. Training and implementation for existing parties should be an on-going process and any new officers, employees, agents, representatives, contractors or subcontractors whose work relates to this Agreement should be trained as they are hired.

12. Data Collection.

Data reflecting all school-based arrests, referrals to law enforcement, and filing of criminal complaints and disaggregated by location of arrest/school, charge, arresting agency, gender, age, race/ethnicity, disability and ESL status is collected by the school district. Data reflecting the number and nature of incidents of misbehavior is also collected by the school district. Such data may be shared pursuant to law in furtherance of the goals of this Agreement.

## **Section II: Child Protection Interviews**

13. Pursuant to Florida Statute 39.3065 and the Sheriff's obligations under his contract with the Department of Children and Families (DCF), the Sheriff's Child Protection Investigation Division (CPID) will investigate all reports of child abuse, abandonment or neglect by School Board employees. The Pinellas County Schools' Police Department (or another law enforcement agency with jurisdiction) and the School Board's Office of Professional Standards (OPS) may also conduct their own independent investigations of such allegations. However, under Florida law these independent investigations may not impede the statutorily mandated obligations of the Sheriff's CPID.

14. Pursuant to F.S. 39.301(19), in all child protection investigations, when the initial interview with the child is conducted at school, a school staff member who is known by the child may be allowed to be present during the interview, if the CPID investigator believes the staff member could enhance the success of the interview AND the child requests or consents to the presence of the staff member. School staff may be present only as authorized by this section.

15. Information received during the interview or from any other source regarding abuse/neglect of a child shall be confidential in accordance with applicable law. A school staff member present for such an interview as authorized by this section shall not maintain a separate record of the investigation.

16. Upon arrival at school to conduct an interview, the CPID investigator(s) shall provide the school principal or designee with the picture identification badge(s) of the investigator(s) showing their official status as an employee or duly-authorized agent of the Sheriff's Office or DCF. The credentials may not be photocopied; however the details of the credentials may be noted and maintained by the principal or designee.

17. The principal or designee will provide a suitable room in which the interview may be conducted. The CPID investigator shall inform the principal or designee whether or not notification of the parents of the student(s) would, in the opinion of the investigator, be in the best interest of the student(s) or pose a threat to the student(s) health, safety or welfare.

## **Section III. Off Campus Criminal Activity; Interviews of Student Witnesses and Student Suspects**

18. When an off-campus incident occurs that involves criminal activity which is not of a serious nature (usually misdemeanors and/or minor property crimes) or a threat to the safety of the students in the community, law enforcement officers shall make every effort to conduct investigative interviews of witnesses and suspects off campus. Such a requirement recognizes the need for orderly and uninterrupted school operations. However, if such efforts at off-campus interviews are exhausted or reasonably and in good faith appear unlikely to succeed, then the interview(s) may be conducted on campus. Such interviews shall only be conducted to the extent necessary under the circumstances. All such interviews are also subject to the procedural terms set forth herein.

19. When an off-campus incident involving criminal activity occurs which is of a serious nature posing a substantial threat to the public safety (felony crimes of violence), then interviews may be conducted on campus as necessary to facilitate the investigation.

20. The investigating law enforcement officer shall have sole discretion to determine the seriousness of the criminal activity and necessity of on-campus interviews.

#### **IV. On-Campus Criminal Activity: Interviews of Student Suspects and Witnesses**

21. When an incident involving criminal activity occurs on campus or on another area of school board jurisdiction (e.g. bus stops), law enforcement officers may interview witnesses and suspects on campus as appropriate to complete their investigation.

#### **V. Procedures for Law Enforcement Interviews**

22. When it is necessary that law enforcement officers conduct on-campus interviews of student suspects with respect to both off or on-campus criminal activity, officers will not proceed with the interview without prior notification to the suspect's parent(s), or a good faith effort to notify the parent(s) of the suspect. In such cases, a school administrator will act in conjunction with law enforcement in making a reasonable, good faith effort to notify the parent. However, if the law enforcement officer deems that prior parental contact would be detrimental to or would thwart the investigation, then he/she may seek his/her supervisor's express approval to conduct the interview without parental notification and must receive such approval from the supervisor before conducting the suspect's interview without parental notification. If law enforcement determines that failure to conduct an immediate interview would be detrimental to or would thwart the investigation, school personnel shall not insist on prior parental notification. Law enforcement shall always notify an administrator before conducting an interview.

23. Investigation of criminal activity is a law enforcement function. Therefore, the presence of a school official is not required during suspect or witness interviews but can be requested by the law enforcement officer if circumstances dictate.

24. Nothing set forth in this interview procedure is intended to interfere with the normal on-campus duties of school resource officers or school official's control of daily school operations. Law enforcement officers conducting on-campus interviews will make every reasonable effort to conduct interviews with as little disruption to the normal function of the school as possible.

25. If an arrest is made after an on-campus interview, law enforcement officers shall notify the school principal or designee of the arrest, and complete the requisite release forms.

26. This entire Agreement shall remain in full force and effect unless and until modified in writing and signed by all parties, except that revisions not affecting the core provisions of the Agreement, as determined by the chief administrative employee of each agency, may be negotiated and executed in writing by such chief administrative employees. Any party may

terminate this Agreement in its entirety at any time upon thirty (30) days written notice to the other parties.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be executed by their undersigned officers, duly authorized.



Date: 6-24-14

THE SCHOOL BOARD OF PINELLAS  
COUNTY, FLORIDA

By: Carol Cook  
Chairperson JUN 24 2014

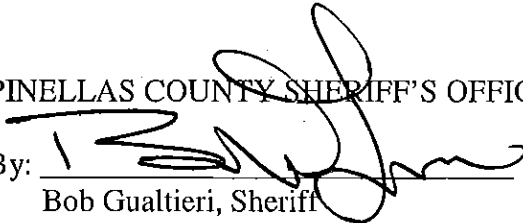
Attest: Michael Guzz  
Superintendent JUN 24 2014

Approved as to form:

David Kaprielian  
Office of School Board Attorney

Date: 5/8/14

PINELLAS COUNTY SHERIFF'S OFFICE

By:   
Bob Gualtieri, Sheriff

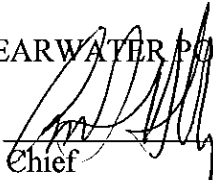
Date: 5-14-14

BELLEAIR POLICE DEPARTMENT

By: Thomas Edwards  
Chief

Date: 5-15-14

CLEARWATER POLICE DEPARTMENT

By:  \_\_\_\_\_  
Chief

Date: 4/30/14

GULFPORT POLICE DEPARTMENT

By: *Robert Uirich*  
Chief

Date: 7/13/14

INDIAN SHORES POLICE DEPARTMENT

By: Chief [Signature]  
Chief

Date: 05/14/14

KENNETH CITY POLICE DEPARTMENT

By:   
Chief

Date: 5-15-14

CITY OF LARGO

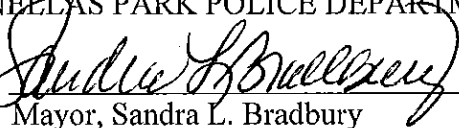
By:   
Chief



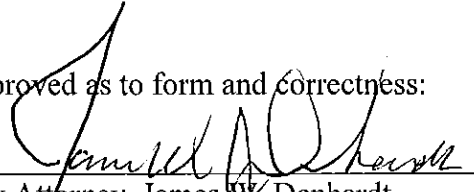
Date: June 12, 2014

PINELLAS PARK POLICE DEPARTMENT

By:

  
Mayor, Sandra L. Bradbury

Approved as to form and correctness:

  
City Attorney, James W. Denhardt


Date: 5/21/14

PINELLAS COUNTY SCHOOLS POLICE  
DEPARTMENT

By:   
Chief


Date: 5-14-2014

ST. PETERSBURG POLICE DEPARTMENT

By:   
Chief

Date: 5/14/14

TARPON SPRINGS POLICE  
DEPARTMENT

By:   
Chief

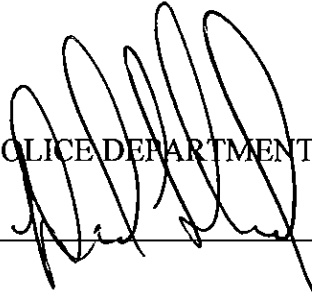
Date: 14 MAY 11

TREASURE ISLAND POLICE  
DEPARTMENT

By:   
Chief

Date: MAY 19, 2014

USF POLICE DEPARTMENT

By: 

CHIEF DAVID HENDRY

