

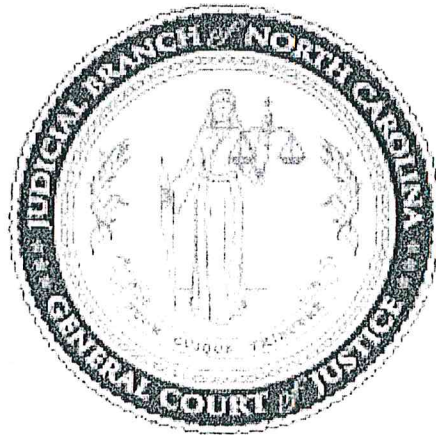
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WASHINGTON CO., C.S.C.

BY BFP



WASHINGTON COUNTY

PARTNERSHIP AGREEMENT

COMMUNITY TEAMS

WITH SCHOOLS

(PACTS)



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SECTION 1 - INTRODUCTION

1.01 Introduction:

Schools, law enforcement and the community share responsibility for school safety and must work together with complementary policies and procedures with the goal of a safe learning environment for everyone. This Washington County Partnership Agreement expresses the agreement of the parties for responding to non-emergency school disruptions. It strives to ensure a consistent response to incidents of student misbehavior, clarify the role of law enforcement in school disciplinary matters, efficiently utilize alternative support services, including mental health services, and reduce involvement of law enforcement and court agencies for minor misconduct at school and school-related events. While this Washington County Partnership Agreement deals with the response to non-emergency school disruptions, the parties hereto also acknowledge the importance of cooperation between school officials and law enforcement in response to emergency and safety issues.

1.02 Basic Principles:

The parties agree to the following principles upon which this Washington County Partnership Agreement is founded.

- A. The vast majority of student misconduct can be best addressed through classroom, in-school, family and community strategies and maintaining a positive climate within schools rather than by involvement of the justice community.
- B. Academic achievement and positive behaviors increase when schools provide an environment where students and staff feel physically and emotionally safe, connected, fairly treated and valued.
- C. Students with unmet behavioral health needs are more likely to experience high suspension rates and lower academic achievement.
- D. The parties are committed to eliminating racial and ethnic disproportionality and disparities in the administration of discipline for school-based criminal conduct.
- E. The response to school disruptions should be reasonable, consistent and fair with appropriate consideration of relevant factors such as the age of the student, the nature and severity of the incident and the impact of the conduct on the learning environment.
- F. Students should be held accountable for their actions. When appropriate, a graduated response to minor misconduct that provides a continuum of services and increasingly more severe sanctions for continued misbehavior should be used.
- G. Disruptive students, who do not commit more serious offenses, should receive appropriate redirection and support from in-school and community resources prior to the consideration of the involvement of the law enforcement, or referral to court. This does not excuse compliance with mandatory reporting laws and policies.

H. Clarifying the responsibilities of school and law enforcement personnel with regard to non-emergency disruptive behavior at school and school related events promotes the best interests of the student, the school system, law enforcement and the community at large.

I. Implementation of this plan will require regular meetings, multidisciplinary trainings, annual evaluation of the plan and an ongoing commitment to fostering the relationships that are the foundation of this Washington County Partnership Agreement. The parties acknowledge that this Washington County Partnership Agreement shall not inhibit, discourage or prevent individual victims of student misconduct from initiating criminal or juvenile charges against students, when they believe it is appropriate to do so, nor shall it affect the prosecution of such charges.

J. Students 18 years of age or older, actively enrolled in a Washington County Public School, who commit a Focus Act may be diverted under special circumstances after review.

K. Students under 18 years of age, actively enrolled in a Washington County Public School, who commit a Focus Act should be diverted, if eligible, to a non-criminal remedy unless review warrants the filing of a juvenile petition or criminal charge.

L. This Washington County Partnership Agreement is primarily focused on criminal or juvenile charges against students and shall not prevent or inhibit the disciplinary reassignment, suspension, or expulsion of students, when appropriate, by Principals, the Superintendent of the Washington County Public Schools or the Washington County Board of Education, when they deem it to be appropriate and in accordance with State law and the policies of the Washington County Board of Education. It shall not be necessary to implement a graduated response before students may receive a disciplinary reassignment, suspension or expulsion, when appropriate, in the discretion of school officials.

M. The parties agree that School Resource Officers are employees of Washington County Sheriff's Office and are not agents of the Washington County Board of Education. Nothing in this Washington County Partnership Agreement shall be construed to make the Washington County Board of Education, its Board Members, employees or agents, liable for the acts or omissions of any School Resource Officer or other law enforcement officer.

N. To the extent that this Washington County Partnership Agreement conflicts with any applicable law or regulation the applicable law or regulation shall control.

O. Violations of this Washington County Partnership Agreement shall not give rise to or be construed as creating a cause of action by any person against any party to this Washington County Partnership Agreement or their employees or agents, nor shall such violations be considered negligence per se.

P. Nothing in this Washington County Partnership Agreement shall be construed as increasing the common law standard of care owed by the parties, or any of them, to any person. This Washington County Partnership Agreement shall not be construed as to confer any additional benefit or right on students above what is owed to them by the Washington County Board of Education under the Individuals with Disabilities Education Act (as amended), Section 504 of the Rehabilitation Act or other law or regulation.

Q. No person is a third party beneficiary of this Washington County Partnership Agreement.

R. All parties to this Washington County Partnership Agreement shall comply with the requirements of the Jessica Lunsford Act, as enacted in North Carolina.

SECTION 2 - DEFINITIONS

2.01 Student – a child under the age of 18 years old, in special circumstances up to age 22, enrolled in Washington County Public Schools.

2.02 Focused Act – a criminal act that, when committed by a student on public school property does not, by its nature, require the filing of a juvenile petition or criminal charge. Reference Section 3.04, “Focused Acts” below.

2.03 Public School Property – school grounds, including buildings and facilities, school buses or other modes of transportation owned, operated or under the control of Washington County Public Schools, or during a school sponsored or related event to include the physical school premises of all school campuses and properties, active bus stops, all vehicles or other modes of transportation under the control of Washington County Public Schools, and the premises of all school sponsored curricular or extracurricular activities, whether occurring on or away from a school campus.

2.04 School Resource Officer (SRO) – any law enforcement officer assigned to one or more Washington County Public Schools on a permanent or temporary basis.

2.05 School Based Graduated Response Model – appropriate interventions, including positive interventions, that may include educational programs or community based services developed according to each individual school’s needs. The Positive Behavioral Interventions and Supports (PBIS) model may be used in schools that already have it in place.

2.06 Student Code of Conduct – refers to the student behavior guidelines approved by the Washington County Public Schools Board of Education included in Policy Code 4300 of the Washington County Board of Education Policies and distributed by the Superintendent to students each school year.

2.07 Progress Monitoring Team – refers to a team composed of members from each stakeholder group (school administration, school support services, school resource officers, law enforcement, mental health, community justice, community members, youth, and service providers) that will meet on at least a quarterly basis and will maintain oversight of the agreement and review relevant data and analysis.

2.08 Warning Notice – is an official notice of criminal violation for a school-related offense provided to the juvenile, and/or his parent or guardian, which offers an alternative diversion program as a consequence and remedial tool in lieu of the filing of a criminal complaint.

SECTION 3 – TERMS FOR THE AGREEMENT

3.01 Summary of Key Points

- A. Convene a Progress Monitoring Team for the purpose of monitoring and oversight of this Washington County Partnership Agreement when it is implemented;
- B. Share this Washington County Partnership Agreement with a copy to all school and law enforcement personnel;
- C. Provide necessary and regular staff training on implementation of this Washington County Partnership Agreement;
- D. Thoroughly investigate student misbehavior and; when appropriate, put into practice a graduated response prior to referral to court;
- E. Clarify the role of the SRO and law enforcement in schools;
- F. Monitor implementation of this Washington County Partnership Agreement;
- G. Collect data and assess the effectiveness of this Washington County Partnership Agreement;
- H. Modify this Washington County Partnership Agreement as appropriate and review at least annually; and
- I. Assemble a threat assessment team in the event warning signs of serious behavior reappear.

3.02 Key Factors in Making Disciplinary Decisions

The parties agree that when determining consequences for students' disruptive behavior all relevant factors, including but not limited to the following factors shall be considered, if information on the factors is available:

- A. Age, health, risks, needs and disability or special education status of the student.
- B. Intent, context, prior conduct and record of behavior of the student.
- C. Previous interventions with the student.
- D. Student's willingness to repair the harm.
- E. Parents' willingness to address any identified issues.
- F. Seriousness of the incident and degree of harm caused.
- G. The effect on the educational environment by the student's continued presence in school.

The parties agree that when determining consequences for students' disruptive behavior that race/ethnicity, gender, gender identity, sexual orientation, religion and national origin of the student and family will NOT be considered.

3.03 Graduated Response Model to Minor Infractions

A. Classroom Intervention

The classroom teacher has always played a prominent role in guiding, developing and reinforcing appropriate student conduct and is acknowledged as the first line in

implementing the school discipline code and shaping school climate in the classroom. As such, this model begins with a range of classroom management techniques that should be implemented for minor classroom infractions prior to any other sanctions or interventions. Classroom intervention is managed by the teacher for behaviors that are passive and non-threatening such as dress code violations and violations of minor classroom rules. SROs should not be involved at this level. Classroom intervention options might include redirection, re-teaching, school climate initiatives, moving seats and teacher initiated parental contact.

B. School Administration Intervention

Classroom interventions must be supported by school administrators who address more serious or repetitive behaviors and behaviors in school but outside of the classroom. Examples of behaviors at this level include repetitive patterns, defacing school property, truancy, threats, and minor behaviors in hallways, bathrooms, courtyards and school buses. Administration intervention options might include, but is not necessarily limited to: time in the office, in-school suspension, redirection, after school detention, loss of privileges, reparation, parental conference, referral to appropriate school services and referral to the Department of Social Services.

C. School Based Team

When the behavior and needs of the student warrant, an assessment process and intervention with, the use of school and community services may be appropriate. This intervention is managed by the school administrator with a school based team. The team should consist of individuals knowledgeable about the student including one or more teachers, administrators, support personnel, and when appropriate, family, the student and community members. Repetitive truancy or defiance of school rules, and behaviors that interfere with, others such, as vandalism or harassment belong at this level as well as misbehaving students who would benefit from service provision. Assessment and service intervention options should include any appropriate classroom or school administration interventions and might include referral to community service or community based programs, in-school suspension, out-of-school suspension, expulsion or referral to court. Truant behavior should not lead to an out-of-school option. School Resource Officers can be involved in their role on the school based team.

D. School Based Graduated Response Model to Minor Infractions

Each school should develop their own school based graduated response model that fits their school's needs and resources. The goal is to make sure all appropriate interventions, including positive interventions, have been pursued for every student before any involvement of law enforcement will be considered for minor student conduct violations. The Graduated Response Model Chart, attached as Appendix C, is an example to help professionals at each level of intervention understand the type of options available to them. It is understood that when there is serious misconduct, including but not limited to conduct involving weapons, violence, sexual misconduct or drugs involved, there may be immediate law enforcement responses that are

appropriate. Each school should develop their own chart since each school has different resources. Schools that utilize programs such as Positive Behavioral Interventions and Supports (PBIS) may already have a graduated response model in place. This graduated response model is a refined multi-tiered system of supports (MTSS). At each level of intervention it should be assessed whether the Focused Acts are due to academic, mental health, or social issues. Note that many student behaviors could be a result of overlapping issues. For example, a student who is behind academically for not completing homework may be frustrated and acting out in class. But there also may be issues at home where the student is responsible for caring for younger siblings that could be addressed to help allow for homework time. A School Based Graduated Response Model encourages professionals to find student support solutions when possible. Repeated punishments may not be effective if there are significant underlying causes to student misbehavior and the student's presence in school is not interfering with the learning environment. When discipline is warranted there should be efforts to make it logical and natural. For example, if a student defaces property they could be required to make repairs and reparations. If a student skips class; suspension is not logical since the student will miss even more class time. Instead, lunch detention to make up missing work, for example, may make more sense.

E. Law Enforcement Intervention

Only when classroom, school, family and community options have been found ineffective (or in cases of serious misconduct or an emergency) should the school involve law enforcement, including the SRO. Involvement of law enforcement does not necessarily mean arrest and referral to court. This intervention is managed by law enforcement. Behaviors at this level must be violations of criminal law. Law enforcement options may include verbal warning; written warning conference with the student, parents, teachers and/or others; direct referrals to teen court, and/or community agencies; community service, criminal charges, juvenile charges and referral to court.

3.04 Focused Acts

There are multitudes of ways students may act that subject them to discipline. Non-criminal conduct may subject a student to discipline and, in appropriate cases, trigger the implementation of the School Based Graduated Response Model.

The following is a list of minor criminal offenses that may occur in schools that would trigger implementation of the School Based Graduated Response Model. Each situation must still be evaluated as set out herein to address safety concerns, the learning environment for other students and whether the conduct suggests that more serious problems exist.

- A. Affray (not involving serious physical injury or weapons and no heightened level of concern);
- B. Simple Assault (not involving school personnel and no heightened level of concern);
- C. Disorderly Conduct;

3.05 Law Enforcement (not SRO's) Activity at Schools

The parties agree that non-SRO law enforcement officers need to follow certain protocols when on school grounds in non-emergency circumstances as follows.

- A. Law enforcement will endeavor to act through school administrators whenever they plan any activity on school grounds, when appropriate;
- B. Law enforcement officers entering school grounds will be aware of the potential disruption of the educational process that law enforcement presence may cause;
- C. Law Enforcement shall notify the SRO assigned to a particular school and shall coordinate his/her efforts with that SRO whenever practical;
- D. Prior to entering a school to conduct an investigation, arrest or search, law enforcement officers will consider the necessity of such action based on:
 - 1. The potential danger to persons;
 - 2. The likelihood of destruction of evidence or other property;
 - 3. The ability to conduct the investigation, arrest or search elsewhere;
 - 4. Other factors relevant to law enforcement and public safety.
- E. When taking a student into custody:
 - 1. Law enforcement officers should make reasonable efforts to avoid making arrests or taking students into custody on the school premises, when appropriate.
 - 2. Whenever possible and appropriate, students should be taken into custody out of sight and sound of other students.
 - 3. The safety of persons is the paramount concern and law enforcement officers shall not be limited by this agreement if in their professional judgment students should be taken into custody on school premises or in the sight or sound of other students.

3.06 Role of the School Resource Officer (SRO)

The mission of the SRO is to improve school safety and the educational climate at the school, not to enforce minor incidents of school discipline or punish students. The SRO's presence on school campus is desirable to reduce the likelihood of weapons, drugs, and persons with the intent to commit harm from entering upon the campus or to attempt to disable persons with intent to harm and confiscate weapons and drugs that enter campus premises. This primary safety concern could be compromised when SROs are removed from campus to transport students on Focused Acts or when distracted on campus by students committing Focused Acts. Absent a real and immediate threat to student, teacher, or other school official, and absent the situations described herein where SRO intervention is deemed appropriate, the school administrators shall be responsible for the handling of situations and shall not direct an SRO to take action contrary to the terms, conditions, and spirit of this agreement and the role of the SRO that would result in the unnecessary filing of a juvenile petition, citation, or arrest.

The role of the SRO also includes the following:

- A. To develop or expand crime prevention efforts for students;
- B. To educate likely school-age victims in crime prevention and safety;
- C. To develop or expand community justice initiatives for students;
- D. To train students in conflict resolution, restorative justice, and crime prevention and awareness;
- E. To assist in the identification of physical changes in the environment that may reduce crime in or around the school; and
- F. To assist in developing school policy that addresses crime and to recommend procedural changes.

3.07 Role of the School Administration and Teachers

The primary purpose of this Washington County Partnership Agreement is to ensure that a school climate exists that puts an emphasis on an environment that allows educators to educate and students to be educated. In that respect, maintaining order in the school environment and investigation and responding to school discipline matters shall be the responsibility of the school administration. School administrators are expected to adhere to the student discipline procedures outlined in the applicable state and federal law and Board policies. Washington County Public Schools agrees to refrain from involving the SRO in the response to student disciplinary incidents and the enforcement of disciplinary rules that do not constitute violations of law, except when necessary to support staff in maintaining a safe school environment as outlined in this Washington County Partnership Agreement.

3.08 Prerequisites to Filing a Juvenile Petition/Citation/Arrests

The parties agree to the following prerequisites to filing a juvenile petition/ citation/ arrests

A. Offenses

The parties acknowledge that some offenses may not warrant a juvenile petition. The parties agree that SROs are not mandated to refer a student to juvenile court on a petition or charge as an adult. The SRO shall have the discretion to make the determination in consultation with the administrator. The parties have acknowledged that it is in the best interests of the student to divert from criminal justice system when warranted to avoid the stigmatization of criminality. The parties further acknowledge that it is a best practice for SROs to refrain from unnecessary filings that would otherwise minimize SRO visibility and presence on school campus and diminish the effectiveness of the School Based Graduated Response Model supported by the parties. The parties agree that in cases involving misdemeanor or felonious allegations that may warrant alternatives to filing a juvenile petition, the SRO may consult with the juvenile court intake supervisor for recommendations and/or direction.

B. Exigent Circumstances

The parties, from their experiences, acknowledge that there may be situations that warrant removal of a student from the campus to maintain safety of other students and school staff or to prevent or stop disruptions to the learning environment.

The SRO and administrator shall always utilize the least restrictive measures appropriate to the circumstances to remove a student from campus beginning with parental contact to retrieve their child. Arrest and detention of a juvenile shall only take place in accordance with existing North Carolina Law.

C. Bullying

Written policies already exist in the Washington County public school for response to bullying, consistent with the Safe Schools Act. See Policy Code: 1710 Prohibition Against Discrimination, Harassment and Bullying.

D. Gangs

Written policies already exist in the Washington County Public Schools for response to gang and gang related activity, consistent with the Safe Schools Act. See Policy Code: 4328 Gang-Related Activity.

E. Diversion

SRO's are encouraged to utilize Teen Court as a diversion even though a case could be referred to court. SROs must contact the Teen Court Coordinator for approval. SROs shall have the ability to refer directly to Teen Court without charging via District Court when appropriate.

F. Arrest and Detention

If a student meets the criteria for filing of a juvenile petition, the student may be released to his/her parent, guardian, custodian, or relatives to be returned to his legal caretaker. In accordance with the law, a judge or designee shall not detain a child unless the statutory factors for secure custody have been evaluated. The juvenile court employs a Detention Assessment Tool to determine the risk of re-offending on acts resulting in serious bodily injury, theft and property destruction. In the case of criminal charges law enforcement will be contacted and proceed with normal protocol for the incident.

G. Treatment of Elementary Age Students

The parties agree that a juvenile petition or juvenile court intake shall not be filed on an elementary age student without first consulting with law enforcement.

H. Parents, Guardians and Private Service Providers

Parties to this Washington County Partnership Agreement encourage parents, guardians and private service providers to involve schools in the treatment plan of students. Wrap-around services are more effective when all of the professionals and service providers that work with a student share relevant information.

3.09 Confidentiality: Access to Student Records

SROs shall not automatically have access to confidential student records or personally identifiable information in those records simply because they are conducting a criminal investigation involving a student or for general non-specific purposes. School officials may, however, share relevant confidential student records and personally identifiable information contained in those records with SROs under any of the following circumstances:

- A.** The SRO has written consent from a parent or eligible student to review the records or information in question, which may include the Mutual Exchange of Information Form referred to in Section 3.11(B) below.
- B.** The principal or designee reasonably determines that disclosure to the SRO without parental consent is necessary in light of a significant and articulable threat to one or more person's health or safety.

3.10 Data Sharing, Collection and Monitoring

The parties agree that they will provide baseline data for comparison purposes and regularly collect, share, monitor and report data resulting from the implementation of this Washington County Partnership Agreement.

A. Data Collection

Each semester, the following information will be collected. No identifying data should be included in the reports to protect student privacy and confidentiality.

1. From the School: The number and types of disciplinary actions, number and demographics of students involved, and referrals to law enforcement;
2. From Law Enforcement: The number and types of school incidents for which law enforcement incident reports are written, and law enforcement actions on incidents;
3. From Support Services: The number and types of referrals, interventions/programs, and outcomes.

B. Data Sharing

On a regular basis that should not exceed a six month period, any agency (school, law enforcement, social services, mental health, and other services) that refers a student to another agency should request follow-up information to determine what actions have occurred. Information sharing agreements (Mutual Exchange of Information Form) should be requested from the parents so private agencies can also share information with the

schools. Regular follow-up and data sharing is required for monitoring of individual student progress and determination of service needs.

C. Progress Monitoring

On a regular basis, not to exceed six months, parties acknowledge and agree that the Progress Monitoring Team and additional members from varied stakeholder group as needed (schools' administration, school support services, school resource officers, mental health, community justice, community members, youth service providers) will meet to provide oversight of the Washington County Partnership Agreement and review relevant data and analysis. Each year the Progress Monitoring Team will determine if changes to their memberships would be beneficial. At least annually, the Progress Monitoring Team will prepare a report of activities and make recommendations for improvements to this Washington County Partnership Agreement and/or its implementation.

SECTION 4 - 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 Washington County Partnership Agreement within three months of employment by relevant stakeholder groups. Training and implementation for existing parties should be an ongoing process and any new officers, employees, agents, representatives, contractors or subcontractors whose work relates to this Washington County Partnership Agreement should be trained as they are hired. Although training is the responsibility of the respective agency, the parties to this Washington County Partnership Agreement will strive to collaborate in their trainings to ensure that all personnel are operating under the same understanding.

SECTION 5 - MODIFICATION OF AGREEMENT

Modification of this Washington County Partnership Agreement shall be made only by the consent of all parties. Such modification shall be made with the same formalities as were followed in this Washington County Partnership Agreement and shall include a written document setting forth the modifications, signed by all parties.

SECTION 6-EXECUTION

In Witness Whereof, the parties hereto, intending to cooperate with one another, have set their signature to this Washington County Partnership Agreement on this the 27th day of September, 2019.

Carlos Risdick
Chairman, Washington County Board of Education

Dave L. Park
Chief District Court Judge, 2nd Judicial District

Yman
Superintendent, Washington County Public Schools

Seth H. Elmok
District Attorney, 2nd Prosecutorial District

John B...
Sheriff, Washington County

James Wal
Chief Court Counselor, District 2

APPENDICES A – Glossary of Terms and Contacts

Glossary of Terms and Contacts

As used in this Agreement, the term:

- a. "Student" means a child or adult enrolled in the Washington County Schools.
- b. "Juvenile" means a student under the age of 16 years.
- c. "Adult" means a student 16 years of age or older.
- d. "Intake" means the division of the Juvenile Court responsible for reviewing petitions to determine which petitions may be handled informally and by diversion, which petitions may be referred to court, and evaluating which juveniles should be detained in the juvenile detention center or placed at another location, or returned home.
- e. "Detention Assessment Tool" means a risk assessment instrument used by Intake to determine if the juvenile should be detained or release. The Detention Assessment Tool measures risk according to the juvenile's present offense, prior offenses, Washington County Partnership Agreement on the Handling of School Offenses runaways or escapes, and the juvenile's current legal status such as probation, commitment, etc.
- f. "Felony" is defined by the North Carolina General Statutes.
- g. "Misdemeanor" is defined by the North Carolina General Statutes.
- h. "Diversion" means an educational program developed by the Court Counselor's Office or other provider approved by the Court Counselor's Office for those juveniles who have been charged with less serious delinquent acts, and Intake believes is not a delinquent child and most likely does not require probation or commitment to a juvenile detention center.
- i. "Focused Acts" are defined in section 2.02.
- j. "PBIS" means Positive Behavioral Intervention and Supports (PBIS) is a systemic approach to proactive, school-wide behavior based on a Response to Intervention (RtI) model. PBIS applies evidence-based programs, practices and strategies for all students to increase academic performance, improve safety, decrease problem behavior, and establish a positive school culture.

Contacts:

Membership of Progress Monitoring Team

Washington County Schools: Yanisha Mann

Juvenile Justice: James Ward

Law Enforcement: Sheriff Barnes

Judiciary Members: Judge Regina Parker

2nd Judicial District Attorney's Office: Seth Edwards

Mental Health Member: Dina Brown

Service Provider Member: Comprehensive Intervention, Faith Based Counseling, UPlift
Comprehensive Support

Defense Bar Member: Cole Phelps

Teen Court Member: Vintonya Hyman-Belcher