

COUNTY COMMISSION RECORD, CAMDEN COUNTY, MISSOURI

Thursday 09/12/2024

The Camden County Commission met with Presiding Commissioner Ike Skelton, First District Commissioner James Gohagan and Second District Commissioner Don Williams.

Meeting Agenda

Commissioner Williams made a motion to approve today's agenda. Commissioner Gohagan seconded the motion. The motion passed by vote: Commissioner Williams (aye) and Commissioner Gohagan (aye). Session opened at 10:00 A.M.

Prior Minutes

Commissioner Williams made a motion to approve the previous meeting minutes. Commissioner Gohagan seconded the motion. The motion passed by vote: Commissioner Williams (aye) and Commissioner Gohagan (aye).

New Business

Sheriff- MOU w/ Climax Springs School District- reporting incidents that occur on school grounds- Schools are legally mandated reporters, and as such, this MOU gives the Climax Springs school district the discretion to choose what is constituted as third degree assault and should be reported to the Camden County Sheriff's Department. Commissioner Williams made a motion to approve this MOU between the Camden County Sheriff's Department and the Climax Springs schools. Commissioner Gohagan seconded the motion. The motion passed by vote: Commissioner Williams (aye) and Commissioner Gohagan (aye).

(see the MOU beginning on the next page)

**MEMORANDUM OF UNDERSTANDING
REPORTING SUSPECTED THIRD-DEGREE ASSAULT
TO LAW ENFORCEMENT AGENCIES**

This Memorandum of Understanding for Reporting Suspected Third Degree Assault to Law Enforcement Agencies (“MOU”) is entered into this 4th day of September 2024, between Tim Hadfield, Superintendent of Schools for the Climax Springs R-VI School District (“District”); and the Camden County, Missouri Sherriff’s Office (“Sherriff’s Office” or “Law Enforcement Agency”), pursuant to Section 167.117(1) of the Missouri Revised Statutes, for the purpose of establishing guidelines for School District principals in reporting incidents that may constitute third degree assault under Missouri law, when such incidents occur on school property or on school buses, or during school activities.

I. Third Degree Assault

In accordance with Section 167.117(1), as it exists on the date that this MOU is executed by the parties, the District is not required to report to law enforcement agencies every incident that may constitute suspected assault in the third degree, provided the District has entered into an agreement regarding the procedure for reporting such incidents. Accordingly, this section of the MOU shall establish the procedures for determining whether conduct that may constitute a third degree assault should be reported to law enforcement authorities.

Definitions

- (1) *Third degree assault*: In accordance with Missouri law, effective January 1, 2017, a person commits assault in the third degree if the person “knowingly causes physical injury to another person.”
- (2) *Knowingly*: In accordance with Missouri law, effective January 1, 2017, “knowingly” means “a person is aware that his or her conduct is practically certain to cause that result.”
- (3) *Physical Injury*: In accordance with Missouri law, effective January 1, 2017, “physical injury” is defined as “slight impairment of any function of the body or temporary loss of use of any part of the body.”

II. Reporting Guidelines

When a school principal believes that an incident of third degree assault may have occurred on school property, on a school bus, or during a school activity (regardless whether that activity occurs on or away from school property), the principal may report suspected third degree assaults depending on the circumstances surrounding the incident. The parties to this MOU acknowledge that school personnel, including but not limited to school principals, are not trained in criminal law and cannot reasonably be expected to make a legal determination whether specific conduct constitutes the crime of third degree assault, or whether specific defenses, such as justification, consent, or self-defense may apply.

Therefore, the following factors may be used as guidelines in determining whether to report a particular incident to law enforcement:

- (1) The age and maturity of the student (s) involved may be considered in evaluating whether conduct meets the “knowingly” standard. Younger and less mature students may be less likely to meet the “knowingly” standard for third-degree assault.
- (2) The existence of a continuing pattern of behavior that may constitute assault with respect to the student (s) or other person involved.
- (3) The nature and severity of the conduct.

In addition, any conduct that results in anything other than minor physical injury should be reported to law enforcement. For purposes of this MOU only, physical injury should be presumed if a person bears outward signs of injury. For example, a student who jostles another student in line with his elbow, even if the elbow causes a small bruise would not, by itself, require report; however, a fight or unilateral attack that results in a broken bone, blow to the head, or other actual or potential serious injury should be reported. The foregoing examples are not exhaustive, and are provided solely to serve as guidance to administrators.

These guidelines are for the purpose of assisting principals in exercising their discretion in determining when to report an incident of suspected third-degree assault, and should not be interpreted as discouraging principals from reporting to law enforcement any other conduct when such reports may be required or otherwise authorized by statute. These factors are not exhaustive. The principal may consider any other factors that the principal, in the exercise of professional judgment, determines to be appropriate under the circumstances. The guidelines listed above shall not prevent a principal from reporting to law enforcement any conduct that the principal believes may constitute a violation of state or federal law, regardless of whether such conduct actually constitutes such a violation.

III. Procedure for Making Reports

If a principal determines, in his or her professional judgment, that an incident of suspected third-degree assault has occurred and that a report is required under this MOU, the principal shall report the incident to law enforcement (Sherriff’s Office) or dispatch center by telephone. In the alternative, the principal may report the incident to law enforcement (Sherriff’s Office) authorities who may be present on site. The oral report, whether made to the dispatch center or other officer of the Law Enforcement Agency, shall be confirmed in writing as soon as reasonably practical thereafter. Such incidents should be reported as expeditiously as possible, and in most cases, no later than the end of the school day on which they have occurred. However, the parties agree that reasonable exceptions to this time frame may be appropriate if an incident occurs at the end of the school day or if further investigation is necessary by the principal to determine whether the incident necessitates a report.

The principal shall provide the Law Enforcement Agency (Sherriff’s Office) with any additional documentation that the principal or District deem necessary, or that is requested by the

Law Enforcement Agency; provided, however, that all such information will be disclosed to the Law Enforcement Agency in accordance with applicable federal and state law.

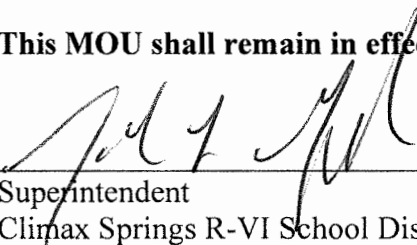
IV. Reporting Criminal Offenses Other than Suspected Third Degree Assault

This MOU only addresses the reporting of suspected third-degree assault. All other conduct suspected of constituting criminal acts shall be reported in the manner required by the Missouri Revised Statutes or the Local Municipal Code. For instance, any assault that involves a weapon, serious bodily harm, or that is based upon allegations of sexual conduct should be reported. When a report of suspected criminal conduct is required, such a report shall be made immediately to law enforcement (Sherriff's Office).

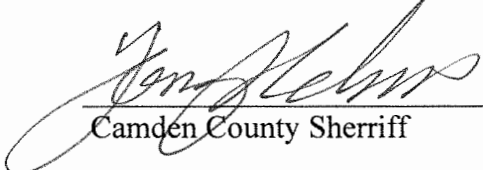
V. Changes in the Law

The parties understand that reporting requirements agreed to herein may be repealed, modified, or otherwise amended, whether by state or federal statute, regulation, or case law, after the date on which this MOU is fully executed. In the event any provision of this MOU conflicts with state or federal law pertaining to a specific incident, then-applicable law shall prevail.

This MOU shall remain in effect until specifically canceled in writing by either party.




Superintendent
Climax Springs R-VI School District



Camden County Sherriff

9-12-2024
Date

8-24-2024
Date



Presiding Commissioner
Camden County

9-12-2024
Date

Dr. Frank to discuss voting integrity, voting machines, and election integrity- Dr. Frank presented to Camden County information he has gathered from all around the United States regarding election fraud, election results, and election patterns in each state. He focused primarily on Missouri and Camden County for this presentation. There were no motions made on this agenda item.

(To listen to the meeting, visit www.camdenmo.org, departments, commission, view past meetings, 9-12-24)

Adjourn: With no further official business on the agenda, Commissioner Williams made a motion to adjourn to any unofficial business that may develop during the day. Commissioner Gohagan seconded the motion. The motion passed by vote: Commissioner Williams (aye) and Commissioner Gohagan (aye). Session closed at 11:41 A.M.

Ordered that the Commission adjourn until further notice.

The Skelton, Presiding Commissioner

Jordan Stanton, Admin. Assistant