

**Students****Police in Schools**

Schools are responsible for students during school hours which include protecting each student's constitutional rights, assuring due process in questioning and arrest, and protecting students from any form of illegal coercion.

When police are investigating possible criminal acts which occurred, or may have occurred, on school property, or while under the jurisdiction of the school district, they may question students at school when the following procedures are observed:

1. Students will be questioned as confidentially and inconspicuously as possible.
2. Parents of students who are under the age of 16 will be notified by an administrator so that they may be present during questioning.
3. If the student is 16 or over, an attempt will be made to notify the student's parents/guardians so that they may be present during the questioning. The school principal, or his/her designee, will be present.

In the event that a parent/guardian is not present during the questioning, written documentation of such attempts and/or parents'/guardians' response will be maintained with the incident report. In addition, the school principal, or his/her designee, will be present.

When investigating a possible criminal violation occurring off school grounds or not part of a school program, police will be encouraged to question students in their homes; however, they may be permitted to question students in the schools when the procedures outlined in 1-3 2 above are observed.

(cf. [1411](#) Law Enforcement Agencies)

Policy adopted: September 8, 2003

Policy revised: December 5, 2011

**Students****Police in Schools****Questioning and Apprehension**

In these regulations, the administration is reminded that a student who has attained the age of 18 may speak for him/herself without the agreement of parent, guardian or representative as to whether or not he/she will submit to questioning.

**Initiated by School Administrators and Conducted by Administrators**

Building Principals shall have the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law.

**Initiated by School Administrators and Conducted by Law Enforcement Officers**

The building Principal shall determine when the necessity exists that law enforcement officers be asked to conduct an investigation of alleged criminal behavior which jeopardizes the safety of other people or school property or which interferes with the operation of the schools.

The building Principal may request that law enforcement officers conduct an investigation and question students who are potential witnesses of such alleged criminal behavior during school hours. A reasonable attempt shall be made to contact the student's parents, guardian or representative prior to questioning by law enforcement officers. Reasonable requests of the parents, guardian or representative shall be observed. The administrator involved shall document such notifications or attempted notifications to parents, guardian or representative. In the absence of a student's parents, guardian or representative during any questioning of such students, the Principal or a designated, certified school staff person shall be present as may be allowed by law.

If the investigation has centered on any particular student suspected of any alleged criminal activity, the procedure for taking students into custody by the procedure set forth below shall be followed to the extent that it does not interfere with reasonable law enforcement procedures.

### **Initiated and Conducted by Law Enforcement Officers**

Although cooperation with law enforcement officers will be maintained, it is the preference of the District that it will not normally be necessary for law enforcement officers to initiate and conduct any investigation and interrogation on the school premises during school hours pertaining to criminal activities unrelated to the operation of the school. It is preferred that only in demonstrated emergency situations, when law enforcement officers find it absolutely necessary, will they conduct such an investigation during school hours. These circumstances might be limited to those in which delay might result in danger to any person, flight of a person reasonably suspected of a crime from the jurisdiction or local authorities, destruction of evidence, or continued criminal behavior. No school official, however, should ever place him/herself in the position of interfering with a law enforcement official in the performance of his or her duties as an officer of the law.

If the law enforcement officials are not recognized and/or are lacking a warrant or court order, the building Principal shall require proper identification of such officials and the reason(s) for the visit to the school. If the Principal is not satisfied he/she shall attempt to notify the Superintendent and the officer's superior, documenting such action.

In all cases, the officers shall be requested to obtain prior approval of the Principal or other designated person before beginning such an investigation on school premises. The administrator shall document the circumstances of such investigations as soon as practical. Alleged criminal behavior related to the school environment brought to the Principal's attention by law enforcement officers shall be dealt with under the provisions of the two previous sections.

### **Interrogation of Student during Investigation of Violations of School Rules**

In instances where school rules have allegedly been violated, the Principal may notify the suspected rule violator(s) or potential witness(es) to the infraction. When suspension or expulsion may be a consideration, the suspect student shall be advised in writing of the nature of the alleged offense and of the evidence, if any, against the student.

In questioning a potential student witness to an alleged disciplinary infraction, care should be taken by the administrator to ensure there is a reasonable likelihood that the student was indeed a witness. School officials should not engage in detailed questioning of students at random without reasonable cause in hope of gathering information as to school misconduct. Probable witnesses should be told the nature of the alleged misconduct and the reason to believe that they were witnesses. Such students should be given

the opportunity to give their consent before answering questions of school officials.

It is advisable to have another adult present, when possible, during questioning of students.

### **Violations of Criminal Law**

During an investigation of violation of school rules, it may come to the attention of an administrator that the investigated activity may also be a violation of criminal law. In proceeding with the investigation, the Principal shall attempt to ascertain whether there is sufficient justification to believe that a criminal offense was committed that warrants notifying law enforcement officials.

### **Interrogation and Investigations Conducted in School**

When a suspected violation of criminal law has occurred on the school grounds involving the operation of the school or a school-sponsored activity, law enforcement officials may be notified and their presence requested for the questioning of suspected students. Questioning of the student involved shall continue unless advised otherwise by law enforcement officials.

Reasonable attempts shall be made to contact a student's parents, guardian or representative who, unless an emergency exists, shall be given the opportunity to confer with the student and to be present with the student during such questioning by law enforcement officials. The administrator shall document the notification or attempted notification to the student's parents, guardian, or representative.

In the absence of parent/guardian and student consent, it is the preference of the district that law enforcement officers on school premises shall not question a student. The law enforcement officers shall be asked to advise the student of his/her legal rights. If the parent/guardian or student refuses consent to the questioning, the law enforcement officer(s) will determine the course of action to be pursued.

Information of criminal conduct not related to the schools shall be turned over to law enforcement officials, without additional investigation by school officials.

### **Taking a Student into Custody**

School officials shall not release students to law enforcement authorities voluntarily unless the student has been placed under arrest or unless the parent, guardian or representative and the student agree to the release.

When students are removed from school for any reason by law enforcement authorities, every reasonable effort will be made to notify the student's parents, guardian or representative immediately. Such effort shall be documented.

The Superintendent's office shall be notified immediately of any removal of a student from school by law enforcement officers under any circumstances.

When it is necessary to take a student into custody on school premises and time permits, the law enforcement officer shall be requested to notify the building Principal and relate the circumstances necessitating such action. When possible, the Principal shall have the student summoned to the Principal's office where the student may be taken into custody.

When an emergency exists, the Principal may summon law enforcement officials to the school to take a student into custody.

When a student has been taken into custody or arrested on school premises without prior notification to the building Principal or designee, the school staff present shall encourage the law enforcement officers to notify the Principal of the circumstances as quickly as possible. In the event that the officers decline

to notify the Principal, the school staff members present shall immediately notify the Principal or the Superintendent.

If at all possible, the parents, guardian or representative of the student shall be notified by the Principal or other school administrator that the student has been taken into custody by law enforcement officers or as quickly thereafter as possible. The administrator shall document such notification or attempted notification.

### **Disturbance of School Environment**

Law enforcement officers may be requested to assist in controlling disturbances of the school environment which the building Principal or other school administrator has found to be unmanageable by school personnel and have the potential of causing harm to students, other persons, or school property. Such potential of possible disturbance includes, but is not limited to, members of the general public who have exhibited undesirable or illegal conduct on school premises or at a school event held on school property and who have been requested to leave by an administrator or designee, but have failed or refused to do so.

### **Coordination of Policies by Enforcement Officials**

School official(s) shall meet, as warranted, with local law enforcement officials to review the District's policy and rules regarding law enforcement contacts with the District. Law enforcement officials will be asked to instruct their staffs as to the terms of the school's policies and rules.

Regulation approved: December 5, 2011