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Student Contact with Law Enforcement and Student Questioning and Apprehension

[District] is committed to providing a safe learning environment and cooperating with law enforcement officials and peace officers as necessary to help ensure the safety of students, staff, and the community and in carrying out their official duties.

[District] is committed to reducing student contact with law enforcement and the juvenile justice system, to reducing the rate of school-based arrests and citations while maintaining a safe school climate, and to protecting students from discrimination or implicit bias.

School Discipline Matters

[District] administrators have primary responsibility to ensure consistent enforcement of school rules and policies. No law enforcement officer shall act as a school disciplinarian. Disciplining students is the responsibility of [District] staff. [District] staff shall not notify or request the assistance of law enforcement officers to resolve student disciplinary issues.

School site administrators and staff shall call for law enforcement assistance only when: (1) there is a real and imminent physical threat to student, staff, or public safety; or (2) as required by law under Section 48902 of the Education Code. [District] or school staff should not request the involvement of a law enforcement officer in a situation that can be safely and appropriately handled by the [District]'s internal student disciplinary procedures.

Issues where it would not be appropriate for district and school staff to request the involvement of a law enforcement officer include, but are not limited to:

- a. Loitering;
- b. Profanity;
- c. Inappropriate public displays of affection;
- d. Failure to wear or correctly wear school uniform or follow policies regarding clothing;
- e. Failure to follow school rules;
- f. Disorderly conduct;
- g. Failure to participate in class/unpreparedness for class;
- h. Failure to carry hall-pass/appropriate identification;
- i. Trespassing;
- j. Insubordination/defiance;
- k. Verbal altercations, abuse, and/or harassment;
- l. Altercations, abuse, and/or harassment over the internet;
- m. Vandalism and/or graffiti;
- n. Possession of a prohibited item that does not violate the penal code (e.g., cell phones or markers);
- o. Inappropriate use of electronic devices;
- p. Being late, cutting class, absenteeism, or truancy;
- q. Physical altercations that do not involve a weapon;

- r. Perceived drunkenness or intoxication;
- s. Possession of alcohol;
- t. Possession of a tool that could be taken to be, but is not intended as a weapon – such as a nail clipper or file, small pen knife, butter knife, toy gun, pepper spray, etc. – unless that item is being brandished as a weapon; and
- u. Alleged or witnessed promoting or claiming to be part of a neighborhood or crew (including verbally, through graffiti, through clothing, or hand signs).

For the commission of these and other violations of school rules, [District] administrators should exhaust all other alternatives before involving law enforcement officers. Alternatives include: issuing a warning, admonishing and counseling, and referring the student for community service, restorative justice, or mediation. [District] administrators shall develop a matrix to track the use of, alternatives to calling law enforcement officers.

School site administrators and staff shall not call law enforcement officers to interview students or collect evidence for [District] disciplinary purposes, including for expulsion matters.

Student Questioning

Questioning by [District] Staff

[District] staff may informally question students about safety-related concerns if staff has a reasonable suspicion that the student knows information that would help ensure the safety of students or staff. Reasonable suspicion shall be based on specific and objective facts that the questioning will produce evidence related to an alleged violation of law or school rules. Curiosity, rumor, hunch, mere disruptive activity, attempts to shield private possessions from view or invocations of a student's constitutional rights cannot form the basis for said reasonable suspicion.

Where the student is a potential defendant for a crime, [District] staff should first notify the student's parent or guardian before questioning the student about the alleged violation of law or school rules. Efforts to contact parents by the principal or designee must include calling all numbers listed on the student's emergency card, including work numbers, cell phone numbers, and all numbers supplied by the student. The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian. [District] staff shall further notify the student that anything he/she says may be shared with school officials or police and can be used against him/her in, for example, a criminal case.

Where the questioning involves a potential serious crime and/or the student is concerned about his/her safety in disclosing information, the [District] staff should ask the student if he/she would like his/her parent/guardian to be present or if he/she would like to have another adult present of his/her choosing.

Questioning by Law Enforcement

Law enforcement officers may interview and question students on school premises under the limitations described by this section. Law enforcement officers should not interview students at school as a means of circumventing rights afforded to students in accordance to standards in law and court decisions.

When any law enforcement official requests an interview with a student, the principal or designee shall request that the official provide verification of his/her identity and official capacity and certify the legal authority under which the interview is being conducted. If the officer refuses to provide certification of the legal authority for the interview, the principal or designee shall document such refusal and should consult with [District] legal counsel and receive approval before allowing the interview to proceed.

Law enforcement officers may not remove students from class for questioning without a court order or arrest warrant permitting questioning unless there is an immediate threat that the student will cause bodily injury. Where there is no court order, arrest warrant, or immediate threat, law enforcement officers should wait until after school or, at a minimum, after class to approach the student.

A private location out of sight and hearing of other students should be arranged to question a student, where practicable, that will help avoid invading the student's privacy, embarrassing or humiliating the student, jeopardizing the safety and welfare of other students, and further disruption of the school campus.

If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption for the student and the school, gives the student appropriate privacy, and models exemplary cooperation between law enforcement authorities, student, and school personnel.

A school site representative must call the student's parent/guardian and give the parent/guardian a reasonable opportunity to be present when a student is questioned by a law enforcement officer, prior to the commencement of the questioning, unless the student is a suspected victim of child abuse. If the parent/guardian requests that the student not be questioned until the parent/guardian can be present, the law enforcement officer may not question the student until the parent/guardian is present. Efforts to contact the student's parent/guardian by the principal or designee must include calling all numbers listed on the student's emergency card, including work numbers, cell phone numbers, and all numbers supplied by the student. The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian. If the principal or designee cannot reach the parent, he/she should leave messages where applicable and follow up with written documentation.

If a parent/guardian cannot be found, the school site should offer the student the option of having an adult of his or her choice from the school available during the interrogation.

Student Arrest

Law enforcement officers may not make a lawful arrest of a student unless the officer displays either an authorization order signed by a judge of the juvenile court or a warrant for the student's arrest. The only exception to this requirement is if there is a real and immediate physical threat to student, staff or public safety. The [District] expects that law enforcement officers shall consult with the school principal or principal's designee before arresting a student, unless there is a real and immediate physical threat to student, staff or public safety that makes such consultation impracticable. In that case, the officer shall notify the principal immediately following the arrest and whenever safety permits before removing the student from the school site.

The principal or designee shall request that the officer provide verification of his/her identity and official capacity and certify the legal authority under which the arrest is being conducted. If the arrest is not made pursuant to an authorization order or warrant, the school principal or designee shall inquire as to the reason for the arrest by the officer prior to releasing the student into the officer's custody. If the officer refuses to provide certification of the legal authority for the arrest, the principal or designee shall document such refusal and should consult with [District] legal counsel and receive approval before allowing the officer access to the campus.

In an effort to minimize disruption to the learning environment, [District] administrators should coordinate with law enforcement officers to consider the reasonableness of making an arrest on campus or summoning a student from a classroom. When considering whether it is reasonable to arrest or summon a student on campus, [District] administrators and law enforcement officers should consider the following:

- Whether the arrest or summoning is in response to the commission of a school-related offense;
- The seriousness of the offense;
- Whether there is an imminent threat to public safety;
- Federal or state requirements; and
- Whether the officer is able to accomplish the arrest by other means.

A private location out of sight and hearing of other students should be arranged for the arrest of a student, where practicable, that will help avoid invading the student's privacy, jeopardizing the safety and welfare of other students, and creating further disruption on the school campus. The principal or designee shall discourage law enforcement officers from arresting or escorting students through school hallways in view of students. The [District] expects that law enforcement officers will provide the principal or designee the opportunity to be present during any arrest of a student.

Students who are also parents or guardians must have an immediate opportunity to ensure that their children are in the custody of a trusted caregiver and have the opportunity to arrange for their child's/children's care for the duration of their time in custody.

If a student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Educ. Code § 48906). The principal or designee shall attempt to contact the student's parent/guardian by calling all numbers listed on the student's emergency card, including work numbers, cell phone numbers, and all numbers supplied by the student. The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian and the [District] shall maintain the records for at least three years in a centralized location. If the principal or designee cannot reach the parent, he/she should leave messages where applicable and follow up with written documentation.

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the principal or designee shall take all reasonable steps to ensure minimum embarrassment and loss of class time for the student.

Record Keeping

The school principal or designee shall document each instance when district or school staff call a law enforcement officer(s) on campus; each instance when a law enforcement officer interviews a student on school grounds; and each instance when a law enforcement officer arrests a student on school grounds. Such records shall include the date and time, name and identifying number of the officer, the agency employing the officer and his/her official capacity, the time when he/she arrived and left, whether the principal or designee was or was not present during the interview, the reason the student was questioned and/or released, and any other pertinent information.

The school principal or designee shall also notify the Superintendent of the [District] and enter a written Incident Report the same day to detail the police response to any incident involving a student. All Incident Reports shall be logged into the [District] centralized database system. All Incident Reports, and the centralized database system, must record the school site, nature of the incident or offense, race, ethnicity, gender, disability, if applicable, and age of the student or students involved in the incident. The database system shall be structured in a way that will protect the individual student's identity if records from the system are released to the public.

Training and Distribution of Policy

Within three months of this policy's adoption, the [District] shall ensure that it is distributed to all current and new school staff and that training is provided at least once per year.

Policy

Adopted:

Revised:

[District]

[Location]

