

Model Board Policy Regarding School District Police Departments

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I. INTRODUCTION

A. Governing Principles

The District recognizes the following values and governing principles, which guide this Board Policy:

1. Excellent public education is essential to the well-being of individuals, communities, and the State of California.
2. For students to access an excellent public education, they must feel safe in school.
3. Positive relationships and a supportive school culture to crucial in maintaining safety and security in school.
4. Law enforcement officers can provide an important role in the community.
5. School and District administrators and teachers, and not School Police Department (“SPD”) officers, should and must be responsible for addressing student discipline issues.
6. Students who are referred to police officers for school discipline issues or disability-related behavior may experience long-term, negative consequences as a result, including a higher likelihood of not graduating and having future interactions with the criminal justice system.
7. Young people who are facing behavioral challenges or engaged in minor criminal activity are most likely to benefit from positive behavioral intervention and supports, access to adults who mentor and guide them, and additional counseling or tutoring rather than arrest and exclusion from school.
8. Searching and interrogating students, and arresting and referring students to court, unless absolutely necessary, is counterproductive to the role of schools.
9. Meaningful engagement of all stakeholders – including students, parents, and teachers – is essential to school safety and positive school climate.

B. Program Goals and Action Plan

The goals of this Board Policy are:

1. To promote school safety and a positive school climate;
2. To create a school environment in which conflicts are de-escalated and students are provided developmentally appropriate and fair consequences for misbehavior that address the root causes of their misbehavior, while minimizing the loss of instruction time;
3. To create a common understanding that:
 - a. School administrators and teachers are ultimately responsible for school discipline and culture;
 - b. Law enforcement should not be involved in the enforcement of school rules; and
 - c. A clear delineation of the roles and responsibilities of law enforcement, with regular review by all stakeholders, is essential.
4. To minimize the number of school-based arrests and citations while maintaining a safe school climate;¹
5. To promote effectiveness and accountability;
6. To ensure that any SPD officers who have contact with students will first receive the requisite training and experience on how to work with youth, especially youth with disabilities and youth from high-risk or high-need backgrounds;² and
7. To ensure that SPD officers do not have disproportionately more contact with high-risk or high-need populations.³

To the extent that SPD contact with District students is disproportionately with high-risk or high-need populations, the District shall set goals for reducing the disparities and develop an action plan to reach such goals, including training for District staff, including SPD staff, as noted above. The District, including SPD, shall also identify any services or resources that are needed from the District and community to support students who have experienced multiple law enforcement contacts and to reduce such contacts.

¹ U.S. Department of Justice & U.S. Department of Education, Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline at 6 (Jan. 8, 2014).

² This training should include but not be limited to officer training on topics such as de-escalation techniques, adolescent development, mental health and other disabilities, implicit bias, and cultural competency.

³ Such student groups include, but are not limited to, low income students, English learners, foster youth, students of color, and students with disabilities.

II. SCOPE OF SCHOOL POLICE DEPARTMENT INVOLVEMENT

The intent of this section is to give clear guidance to law enforcement officers and school officials, and to ensure law enforcement is not involved in the enforcement of school rules and policies. This section is not intended to be a recitation of existing law. Instead, it spells out heightened protections for students and parents that are more consistent with the unique setting of schools, the mission of the District, and the special characteristics of young people.

A. Roles & Responsibilities

1. Disciplining students is the responsibility of District and school administrators, while preventing serious crime is primarily the responsibility of School Police Department (“SPD”) officers.
2. District or school staff should never ask for SPD officer assistance simply because the officer is available.
3. Designated school site administrators and staff may request SPD officers’ assistance only as a last resort when: (1) required by law under California Education Code § 48902; or (2) appropriate to address or prevent actual criminal conduct; or (3) there is a real and immediate physical threat to student, teacher, or public safety.
4. Except where there is a real and immediate physical threat to student, teacher, or public safety, school administrators shall conduct an investigation prior to making a decision to request the involvement of SPD officers. The school investigation should include interviewing the student suspect and other witnesses to determine whether law enforcement involvement is appropriate, pursuant to the standards set forth below in Sections II(B)-II(E), below.
5. In all matters involving SPD officers, the role of the District administrator is clear: s/he must act to safeguard the student’s rights because of his/her *in loco parentis* (i.e., “in place of the parent”) relationship.
6. Training on the administrator’s *in loco parentis* role shall be provided to all District administrators annually and on an as-needed basis.
7. Disproportionate use of SPD officers’ intervention in inappropriate situations shall be cause for corrective action by the District, including, but not limited to raising the issue with the Board of Education.

The following guidelines are intended to assist both school personnel and officers in evaluating when and how it is appropriate to involve SPD officers in situations involving District students.

B. School Disciplinary Issues

1. School administrators, in partnership with the community and parents, have exclusive authority over school discipline issues.
2. No SPD police officer shall act as a school disciplinarian. Accordingly, SPD officers must refuse to engage in disputes that are related to issues of school discipline, even if other District staff or school staff have requested assistance from SPD officers. Issues that should be considered “issues of school discipline” are listed in detail below.
3. SPD officers should not be asked by school staff to interview students or collect evidence for District disciplinary purposes, including expulsion matters.
4. District or school staff shall not notify or request the assistance of SPD officers, and SPD shall not respond to notifications or requests for assistance, to resolve student disciplinary issues (“Disciplinary Issues”).

A non-delinquent act is a typical adolescent behavior that should be addressed by school administrators without the involvement of law enforcement. Issues that would not be appropriate for SPD officer involvement include, but are not limited to:

1. Disorderly conduct such as yelling, disrupting class, throwing food, or running;
2. Failure to participate in class or being unprepared for class;
3. Failure to carry hall-pass or other appropriate identification;
4. Trespassing;
5. Loitering or hallway wandering;
6. Using profanity against students and/or staff;
7. Insubordination/defiance;
8. Verbal altercations, abuse, and/or harassment;
9. Altercations, abuse, and/or harassment over the internet;
10. Vandalism and/or graffiti;
11. Failure to follow school rules;
12. Inappropriate public displays of affection;
13. Failure to wear or correctly wear school uniform or follow policies regarding clothing;
14. Possession of a prohibited item that does not violate the penal code (*e.g.*, cell phones or markers);
15. Inappropriate use of electronic devices;
16. Being late, cutting class, absenteeism, or truancy;
17. Physical altercations that do not involve a weapon or result in serious bodily injury;
18. Unintentional contact with school personnel when staff is breaking up a fight.
19. Perceived drunkenness or intoxication;
20. Possession of alcohol;
21. 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;

22. Alleged or witnessed promoting or claiming of a neighborhood or crew (including verbally, through graffiti, through clothing, or hand signs);
23. Theft, including unarmed robbery; and
24. Gambling.

SPD officers or personnel who witness Disciplinary Issues shall locate school staff (including, when available, intervention workers) to respond to the situation.

C. Low-Level School-Based Offenses

Low-level school-based offenses (“Low-Level Offenses”) rise above Disciplinary Issues and are defined as an offense involving:

1. Battery;
2. Battery on school property;
3. Battery against a District employee;
4. Disturbing the peace (or similar offense such as causing a disturbance); or
5. Possession of marijuana for personal use.

When a student commits a Low-Level Offense, District or school administrators should exhaust all other alternatives before involving police officers. Such alternatives include, but are not limited to: (1) issuing a warning; (2) admonishing and counseling; and (3) referring for community service, restorative justice, or mediation. District administrators shall develop a matrix for, and track the use of, alternatives. SPD officers shall have the discretion to refer students who have committed Low-Level Offenses to District or school administrators.

1. Graduated Responses to Low-Level School-Based Offenses

SPD officers shall use the graduated response system outlined below to address Low-Level Offenses. SPD officers shall not refer a student to the Juvenile Probation Department for the commission of a Low-Level Offense unless the student has committed a third Low-Level Offense during the same school year.

- a. **First Offense:** If a student commits a Low-Level Offense, an SPD officer shall have the discretion to refer the student to a District or school administrator, to admonish and counsel the student, or to take no action.
- b. **Second Offense:** If a student commits a second Low-Level Offense in the same school year, an SPD officer shall have the discretion to refer the student to a District or school administrator, to admonish and counsel the student, or to require the student to attend a District or other diversion program.
- c. **Third or Subsequent Offense:** If a student commits a third Low-Level Offense in the same school year, an SPD officer shall have the discretion to refer the student to a District or school administrator, admonish and counsel the student, or refer the case to the Juvenile Probation Department.

D. Serious Offenses

Serious school-based offenses rise above Low-Level Offenses. Below are examples of serious offenses:

1. Assaults involving serious bodily harm;
2. Serious violent offenses such as rape or kidnapping;
3. Possession of a firearm;
4. Use of a weapon; or
5. Armed robbery.

If a student commits a serious offense, District and school staff may request assistance from SPD officers according to the following guidelines:

1. Only after considering the totality of the circumstance, including but not limited to: (1) whether a lesser intervention will achieve the desired goal of correcting behavior; (2) whether the child intended to cause serious harm; (3) whether the child acted impulsively without any specific intent to cause serious harm; (4) the child's age; (5) the child's disability status; and (6) other mitigating circumstances.
2. In an emergency or crisis situation, call 911 or any SPD officer and notify school administrators as soon as possible.
3. If there is no immediate danger to students or others, school staff will contact their school site administrator to make the decision about whether to request SPD assistance for an incident involving potentially criminal behavior by a student, based on the criteria in Section II(A)-(D)(1) of this Board Policy, above; and
4. The site administrator shall notify the Superintendent and enter a written Incident Report the same day to detail SPD 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 key information about the incident, including, but not limited to: 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; but the database system shall be structured in a way that will protect an individual student's identity if records from the system are released to the public. This data will be provided in a written report at the bi-annual Board of Education meetings discussed in Section III(F) of this Policy, below.

E. De-escalation Procedures for District Staff and SPD Officers

Except where there is a real and immediate physical threat to student, teacher, or public safety, the first course of action should be the application of specific intervention strategies designed to diffuse the situation by addressing students’ emotional needs and de-escalating the immediate behavior. The intent of de-escalation is to restore the student(s) capacity to control his or her immediate impulse or behavior and move toward safer or more constructive resolution of the immediate problem situation. In the event of student behavior representing an incident warranting a police referral, as described in Section II(D) above, the following de-escalation strategies should be employed:

1. Identify student distress level and employ staff response utilizing appropriate verbal, nonverbal, and paraverbal communication strategies (*i.e.*, identifying precipitating factors of behaviors, limit setting, empathetic listening, respecting personal space, and utilizing appropriate body language)

| DO... | DON'T... |
|---|--------------------------------------|
| Remain calm. | Raise your voice. |
| Use positive body language. | Continue to argue. |
| Take a step back. | Use negative body language. |
| Recognize the student’s feelings. | Give ultimatums. |
| Use “I” statements. | Use sarcasm to defuse the situation. |
| Suggest talking about the issue at a later time. | |
| Tell the student what you are doing at all times, preferably before you do it. | |
| Conduct yourself so as to avoid or minimize the possibility of accidentally touching private areas. | |
| Always respect the individual's history and cultural background. | |

2. Slow down the situation by means of tactical disengagement: If an SPD officer can calm the situation down and walk away from a minor confrontation – and nothing bad will happen upon the officer’s exit – the officer should find a way to tactically disengage.

3. Other examples of de-escalation include:
 - a. Placing barriers between an uncooperative student and an officer;
 - b. Withdrawing;
 - c. Decreasing the exposure to the potential threat by using distance or cover;
 - d. Concealing oneself or others;
 - e. Communicating from a safe position that is intended to gain compliance using verbal persuasion, advisements, and/or warnings;
 - f. Avoiding physical confrontation unless immediately necessary, using verbal techniques such as Listen and Explain with Equity and Dignity (LEED) Training, to calm an agitated subject and promote rational decision making; and
 - g. Calling additional support like a trusted teacher, administrator, parent, or other officer.

F. SPD Officer Entry on Campus

SPD officers should notify school officials (*e.g.*, principal, dean, or head counselor) of their presence and/or purpose on school property. The only exception to this requirement is if there is a real and immediate threat to student, staff or public safety. During the meeting between the SPD Chief and the site principals before the school year starts or at the beginning of the school year (see Section III(B) of this MOU), the SPD Chief shall receive a list of school contacts to be used for this purpose.

G. Questioning Students on Campus

SPD officers shall not interview or question students or collect evidence for District disciplinary purposes, including for expulsion matters. School site administrators and staff are responsible for interviewing students under those circumstances.

1. Criteria Which Must Be Satisfied Before an SPD Officer Questions Students Regarding School-Related Matters

Absent (1) a real and immediate physical threat to student, staff or public safety, (2) an SPD officer's possession of a court order or validly-issued warrant authorizing the SPD officer's questioning of the student(s), or (3) where the student is a victim of suspected child abuse, SPD officers shall not question students (including, but not limited to, students who are suspects) about their involvement in or knowledge of suspected criminal activity unless all of the following criteria are met:

- a. The officer possesses probable cause to believe the student has committed, or will commit in the foreseeable future, an offense that poses a real and immediate physical threat to student, staff or public safety;
- b. The student's parent/guardian has been given an opportunity to be present and has consented to the questioning;

- c. The officer has communicated heightened, developmentally appropriate warnings against self-incrimination (*i.e.*, student and parent/guardian have been properly informed of the student's *Miranda* rights);⁴ and
- d. The questioning occurs at a time in the school day when it will have a minimal impact on the student's learning.

Heightened, developmentally appropriate warnings against self-incrimination shall include the following:

- a. "You have the right to remain silent. That means you do not have to talk to me."
- b. "Anything you say to me can be used against you in court or for suspension or expulsion from school."
- c. "You have the right to have a parent, guardian, or lawyer here while I question you. If you want one of them here, you do not have to talk to me until he or she arrives."
- d. "If you go to court for delinquency or criminal charges, you will be given a lawyer."

If the student exercises his or her right to remain silent, including but not limited to choosing not to answer questions or requesting the presence of a parent/guardian or attorney, the officer shall immediately end the questioning.

2. Criteria Which Must Be Satisfied Before an SPD Officer Questions a Student Regarding Non-School-Related Matters

SPD officers will avoid interviewing and apprehending students on school grounds for non-school-related issues. SPD officers shall not question students (including, but not limited to, students who are suspects) about their involvement in or knowledge of suspected non-school-related criminal activity unless all of the following criteria are met:

⁴ Immediately prior to questioning a student who is in custody, SPD officers shall advise the student of the *Miranda* admonishment and attempt to contact his or her parent or guardian pursuant to Section II(L) of this Policy. The SPD officer shall make every effort to ensure that the student fully understands the *Miranda* admonishment, including by checking for understanding, explaining any terms that may or may not make sense to the student, and invoking *Miranda* in the student's primary language if not English. If the student decides to proceed with answering questions after the *Miranda* admonishment, the SPD officer shall tell the student that s/he may have a parent/guardian present before and during an interrogation and that s/he may decide to wait for the parent before questioning begins. A request by a student to have a parent/guardian present may be interpreted by the courts as an invocation of the right of the student to remain silent. Any SPD questioning of a student who is in custody shall be conducted in the language appropriate to the age of the student and in such a way as to ensure that the student understands the SPD officer, if the student decides to answer questions or provide information.

- a. The officer possesses a warrant supported by probable cause to believe the student has committed, or will commit in the foreseeable future, an offense that poses a real and immediate physical threat to student, staff or public safety;
- b. The student's parent/guardian has been given an opportunity to be present and has consented to the questioning;
- c. The officer has communicated heightened, developmentally appropriate warnings against self-incrimination (*i.e.*, student and parent/guardian have been properly informed of the student's *Miranda* rights)⁵; and
- d. The questioning occurs at a time in the school day when it will have a minimal impact on the student's learning.

Heightened, developmentally appropriate warnings against self-incrimination shall include those listed in in Section II(G)(1) above. If the student exercises his or her right to remain silent, including, but not limited to, choosing not to answer questions or requesting the presence of a parent/guardian or attorney, the officer shall immediately end the questioning.

3. School Administrators' Duties When SPD Officers Question Students

- a. When any SPD officer requests an interview with a student, the principal or designee shall request that the officer provide verification of her/his 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.
- b. A school administrator shall allow an SPD officer to question a student if the SPD officer is in possession of a validly-issued warrant or court order pertaining to the student to be questioned. A school administrator may also allow an SPD officer to question a student if the officer reasonably believes that there is a real and immediate physical threat to student, staff or public safety, and the SPD officer executes a sworn declaration describing the real and immediate physical threat at the first available opportunity.
- c. If the SPD officer needs to interview or question the student immediately, the principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and gives the student appropriate privacy.
- d. If a parent or guardian cannot be found, the school site administrator shall offer the student the option of having an adult of his or her choice from the school available

⁵ *Id.*

during the questioning. The school site administrator shall immediately notify the parent or guardian by telephone regarding the questioning pursuant to Section II(L) of this Policy.

- e. School site administrators shall prevent SPD officers from questioning a student until the student's parent or guardian is present if that student:
 - i. Has an individualized education plan (IEP);
 - ii. Has a Section 504 Plan;
 - iii. Has a learning disability;
 - iv. Is 13 years or younger; or
 - v. Otherwise may not be capable of fully understanding the waiver of their right to remain silent.

4. SPD Officer Conduct While Questioning Students

When questioning a student on school grounds, SPD officers shall do so in compliance with the Fourth Amendment standards that apply to detaining and questioning a student off school grounds.

Questioning or interrogating a student by SPD officers shall meet the following criteria:

- a. Officers must inform students of their *Miranda* rights immediately. The officer shall make every effort to ensure that the student fully understands the *Miranda* admonishment, including by:
 - i. Checking for understanding;
 - ii. Explaining any terms that may or may not make sense to the student; and
 - iii. Invoking *Miranda* in the student's primary language if not English.
- b. If the student decides to proceed with answering questions after the *Miranda* admonishment, the officer shall tell the student that s/he may have a parent/guardian present before and during an interrogation and that s/he may decide to wait for the parent or guardian before questioning begins.
- c. A request by a student to have a parent/guardian present may be interpreted by the courts as an invocation of the right of the student to remain silent.
- d. Any SPD questioning of a student who is in custody shall be conducted in the language appropriate to the age of the student and in such a way as to ensure that the student understands the SPD officer, if the student decides to answer questions or provide information.
- e. Whenever a SPD officer questions or interrogates a student, the juvenile's age and the nature of the alleged offense must be taken into consideration.

- f. Special effort shall be made to ensure that the student understands his/her rights as well as the juvenile justice system.
- g. If there is any indication that the student does not fully understand, the questioning shall end immediately.
- h. A child is presumed to be incapable of a knowing, willing, voluntary waiver of his or her legal rights if that child:
 - i. Has an individualized education plan (IEP);
 - ii. Has a Section 504 Plan;
 - iii. Has a learning disability;
 - iv. Is 13 years or younger; or
 - v. Otherwise may not be capable of fully understanding the waiver of their right to remain silent.

5. Record of Questioning Students

The school shall keep a record of any interviews of students by law enforcement officers on school premises. The record shall include the following information:

- a. Date and time of the interview;
- b. Name and identifying number of the officer;
- c. The agency employing the officer and his/her official capacity;
- d. The time when the officer arrived and left;
- e. The fact that the school site representative or parent/guardian was or was not present during the interview; and
- f. The reason for the questioning and/or release of the student, and any other pertinent information.

A copy of the record must be emailed to the Child Welfare, Attendance & Safety Office at childwelfare@schooldistrict.org. A copy of the record must be retained by the District in an administrative file created specifically for these records. No copies of the record shall be placed in student files.

H. Searches of Students on Campus

The same Fourth Amendment standards that apply when police conduct a search off school grounds shall apply to all searches conducted by SPD officers on school grounds. SPD officers shall not ask school officials to conduct a search to avoid this requirement.

- 1. SPD officers shall obtain permission of the school principal or designee before the officer conducts a search of a student's person, possession, locker, or other shared property. The only exception to this requirement is if there is a real and immediate physical threat to student, staff or public safety.

2. SPD officers shall also provide the school principal or designee with an opportunity to be present during the impending search, unless there is a real and immediate physical threat to student, staff, or public safety.
3. The individual officer conducting the search of the student shall be of the same gender as the student, unless the student expresses a preference for a different arrangement.
4. A school official and community intervention worker or counselor shall be present at the time of the search.
5. School officials shall not ask SPD officers to be present or participate in a search of a student about a suspected discipline issue. SPD officers shall similarly be prohibited from observing other searches conducted by school officials related to school discipline issues.
6. Probation officers shall not use schools as a place to conduct searches (including drug tests), questioning or pat downs of students, unless there is a real and immediate physical threat to student, staff, or public safety.
7. The District shall designate a section of its Parent Handbook that informs parents of its practice with respect to police searches of students.
8. Strip searches of students are prohibited. A strip search is any search where a student is directed to remove or lift clothing revealing a part of the body that would normally be covered in school.
9. Stop and frisk searches of students are also prohibited. Stop and frisk is the practice by which a police officer initiates a stop and pat-down of a student's outer clothing based on reasonable suspicion that a crime has been, is being, or is about to be committed.
10. All searches and pat downs that take place at school should happen outside the view of other youth (unless emergency situations make it impossible), to maintain the student's privacy and to decrease public embarrassment, humiliation and any other future stigmatization and discrimination against the student(s) involved.

I. Seizure of Student Property

Whenever SPD officers seize any item belonging to a student as a result of a search of a student or the student's belongings on school grounds during regular school hours, the following guidelines must be met:

1. The SPD officer will inform the student in writing within two school days after the seizure of the item;

2. The officer will provide the location where the student may obtain an itemized receipt from the Department for any and all property seized;
3. The written notification will include the relevant case number and telephone number to call, in order to enable the student and/or the student's parent or guardian to obtain the itemized receipt; and
4. The SPD officer shall either give the student this written notification and receipt at the time of the search and seizure or give the written notification and receipt to the school administrator within two school days for delivery to the student.

J. Arrests of Students on School Campus

SPD officers may enter a school to take a student into custody or to make a lawful arrest of a student **only if** the officer has a warrant or court order or the student presents a real and immediate physical threat to student, teacher, or public safety.

1. 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.
2. An SPD officer shall not conduct an arrest without first consulting with the school principal or the principal's designee and providing the principal or designee with an opportunity to be present during the arrest. The only exception to this requirement is if there is a real and immediate physical threat to student, staff or public safety.
3. If there is a real and immediate physical threat to student, staff or public safety that prevents consultation with the school principal or principal's designee before a student is arrested, the officer shall notify the principal immediately following the arrest and whenever safety permits before removing the student from the school site.
4. If the student is arrested, the principal or designee may release the student into the custody of the officer and shall immediately telephone the parent/guardian or responsible relative pursuant to Section II(L) of this Policy.
5. 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.
6. In an effort to minimize disruption to the learning environment, SPD officers shall 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, the officer should consider the following:
 - a. Whether the arrest or summons is in response to a school-related offense;
 - b. The seriousness of the offense;

- c. Whether there is a real and immediate physical threat to student, staff, or public safety;
 - d. Federal or state legal requirements; and
 - e. Whether the officer is able to accomplish the arrest by other means.
7. SPD officers shall not arrest students for minor offenses. “Minor offenses” shall be defined as including, but not limited to, the violations listed in Section II(B)-(C) of this Board Policy. If the arrest is not reasonable given the considerations listed above, the arrest or summons of the student should be made at another time or place.
 8. 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 of the student’s privacy, jeopardizing the safety and welfare of other students, and further disrupt the school campus. SPD officers shall not arrest students nor escort students through school hallways in view of other students.

A school site representative must notify the Superintendent or designee of the arrest by completing the “Removal of Pupil from School During School Hours by a Police Officer” form and providing a copy to the Child Welfare, Attendance & Safety Office.

K. Prohibition of Racial Profiling

To the extent practicable, District administrators and staff, including SPD officers, shall not use or permit the use of actual or perceived race, ethnicity, or nationality when conducting stops or detentions, or in activities following stops or detentions, in the absence of a specific description of the suspect that provides sufficient identifying factors in addition to the person’s particular race, ethnicity, or nationality. SPD officers seeking one or more specific persons who have been identified or described in part by race, ethnicity, or national origin may rely on those descriptions only in combination with other appropriate identifying factors. The race, ethnicity, or nationality of individuals should not be given undue weight in the decision by SPD officers to stop or detain those individuals.

L. Notification of Parent/Guardian of Student’s Arrest, Searches, Restraint or Seclusion, or Questioning by SPD Officer

The District shall ensure that school officials immediately notify a student’s parent or guardian when a student is arrested by a law enforcement officer, before a student is questioned by a law enforcement officer, or if a student is subject to use of force by a law enforcement officer (as defined in Section II(M), below), except if the student is taken into protective custody by the officer as a suspected victim of child abuse or pursuant to California Welfare & Institutions Code § 305.

1. 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 pupil

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.

2. Efforts to contact parents/guardians by District officials must include: (1) calling all numbers listed on an emergency card, including (a) work numbers, (b) cell phone numbers, and (c) any numbers supplied by the student; and (2) sending an email to all email addresses listed for the parent/guardian.
3. The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.
4. If the District or school site representative is unable to reach the parent/guardian, s/he shall make repeated efforts to call or otherwise notify the parent/guardian for at least the next 24 hours. If those efforts are unsuccessful, he or she shall leave messages, where applicable, and follow up with written documentation.
5. If the parent/guardian of a student who is a victim or witness (and not a suspect) cannot be reached, SPD officers may not question the student unless there is a continuing real and immediate physical threat to student, staff, or public safety that justifies proceeding with the questioning.
 - a. If the parent/guardian is unavailable, the principal or designee must be notified as soon as possible and must offer the student the option to have an adult of the student's choice available during the interrogation before the questioning begins.
6. School officials shall convey the following information to parents:
 - a. The basis for the student questioning, arrest, or other referral to SPD;
 - b. Information regarding the student's rights, including the right to file a complaint with the Superintendent or Board of Education according to the process described in Section III(E) of this Policy;
 - c. Whether the child will also be suspended or face disciplinary consequences independent of the questioning, arrest, or other referral to law enforcement; and
 - d. Whether the child has been taken into custody and where the parent or guardian can reach the child.

M. Subject Control (Use of Force)

Subject control is defined as the amount of effort required by a law enforcement officer to compel compliance by an unwilling subject.

Mechanical restraint is “the use of any device or equipment to restrict a student’s freedom,”⁶ and includes, but is not limited to, the use of handcuffs, flexicuffs, pepper spray, mace, TASERs and stun guns.

Law enforcement officers operating in a school environment shall be cautious about the serious and negative impact of subject control tactics on the subject student, any student witnesses, and the entire school environment.

SPD officers may not use physical force, which includes the use of mechanical restraints, on a student except when the student’s behavior poses an immediate danger of serious bodily injury to self or others.⁷ Serious bodily injury means “bodily injury which involves (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.”⁸

1. SPD officers shall not use any type of physical force on a student, including by using mechanical restraints, to punish or discipline the student.⁹
2. Use of force shall not be used as a response to inappropriate behavior by the student (*e.g.*, behavior categorized as a school “disciplinary issue” as listed in Section II(B), even if the behavior is directed at an SPD officer).¹⁰
3. Even where an immediate threat of physical danger exists, SPD officers must use the least restrictive force technique necessary to end the threat.
4. SPD officers will use physical force only when no reasonable effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose. Reasonable effective alternatives may include isolating the student and simply waiting for her/him to calm down; see Section II(E) for further discussion of de-escalation techniques. The use of physical force on a student shall cease when the danger is lessened.¹¹
5. A SPD officer’s decision to use subject control tactics shall be determined by the totality of circumstances, including:

⁶ U.S. Dep’t of Educ., Restraint and Seclusion: Resource Document 10 (May 2012), *available at* <https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

⁷ NASRO Position Statement on Police Involvement in Student Discipline, NAT’L ASS’N OF SCH. RES. OFFICERS, <https://nasro.org/news/nasro-updates/nasro-position-statement-police-involvement-student-discipline/> 12 (last visited Oct. 11, 2016).

⁸ 18 U.S.C. 1365(h)(3)

⁹ U.S. Dep’t of Educ., Restraint and Seclusion: Resource Document 16 (May 2012), *available at* <https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>

¹⁰ *Id.* at 15.

¹¹ *Id.* at 12.

- a. The student's size, age, and weight;
 - b. The emotional capacity of the student;
 - c. The physical capacity of the student;
 - d. The severity of the alleged crime;
 - e. Whether the student poses an immediate threat to the safety of herself/himself or others;
 - f. Number of students present;
 - g. Number of adults present;
 - h. The potential for serious injury;
 - i. Known violent history of the subject; and
 - j. Whether the student has a disability.
6. The level of force used must be developmentally appropriate according to a child's age, developmental abilities, and other factors.
 7. The level of force applied must reflect the totality of the circumstances surrounding the situation, including the presence of imminent danger of serious physical harm. Proportional force does not require officers to use the same type or amount of force as the subject.
 8. The health and safety of the child must be monitored during the use of force.
 9. SPD officers have a duty to prevent other SPD officers from using unnecessary force. If an officer witnesses a colleague using unnecessary force, s/he is required to intervene and to report the unnecessary or excessive use of force to a superior.
 10. SPD officers are required to render first aid to subjects who have been injured as a result of police actions and should promptly request medical assistance.
 11. In assessing whether a response is proportional, an SPD officer must ask:
 - a. How would the general public view the action we took?
 - b. Would the public think it was appropriate to the entire situation and to the severity of the threat posed to me or the public?
 - c. Is this how I would want a child I love and care for to be treated?
 12. An SPD officer may never use force:
 - a. To punish or retaliate;
 - b. Against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function; or
 - c. On restrained subjects (*e.g.*, including subjects who are handcuffed or contained in a police vehicle) except in truly exceptional circumstances when the subject's actions must be immediately stopped to prevent injury, escape, or destruction of property. All such force shall be closely and critically reviewed.

13. SPD officers shall not unholster a firearm on District property unless there is a reasonable basis to believe someone on the property may use a firearm or other weapon to cause death.
14. If an SPD officer uses physical force on a student, the officer shall complete a "Use of Force Reporting Form"; and provide a copy of the form to: (1) her/his supervisor; (2) the school principal; and (3) the student's parent in the parent's primary language. The officer's supervisor and the school principal shall maintain a record of the Use of Force Reporting Forms.

N. Prohibited Against Entries in "Gang Database" Absent Grounds Sufficient to Support an Arrest

In compliance with the Fourth Amendment, SPD officers shall not take photographs of a minor to be included in any database or compilation, including any kind of "mug book," absent grounds sufficient to support the arrest and booking of the student unless: (a) there is a lawful detention of the student and the photograph serves a legitimate law enforcement purpose related to the detention; or (b) the student gives express informed consent for the photograph to be taken or used in such a manner. Informed consent includes telling the student how the photograph will be used (to the extent that such uses are known by the officer at the time), including whether the photograph may be included in a database or compilation, including a "mug book."

O. Limitations on Field Identification Cards Concerning Gang Activity

An SPD officer shall not complete a field identification card regarding a minor student indicating that the student is suspected of gang activity, or otherwise collect information concerning alleged gang activity by the student, unless the SPD officer detains or formally cites the student and:

1. The detention or issuance of the citation comports with the applicable Fourth Amendment standards;
2. The basis for the detention or issuance of the citation is related to criminal gang activity, or, during the course of the detention or issuance of the citation, the officer learns information that gives rise to a reasonable suspicion that the individual is involved in criminal gang activity; and
3. The detention is brief and lasts no longer than necessary to issue the citation or to address the suspicion that provides the legal basis for the detention.

III. OVERSIGHT; IMPLEMENTATION; ADMINISTRATIVE DUTIES

A. Qualifications of SPD Officers

Prerequisites to being selected as an officer assigned to respond to calls for service from District schools shall be:

1. Experience working well with children and youth, including recommendations from youth or educators; and
2. A work history free of any substantiated complaints of excessive force, racial profiling, harassment, or discrimination.

The District shall also consider or require the following additional qualifications:

1. Years of experience
2. Knowledge of the specific needs and local concerns of the community; and
3. Interviews by school staff, students, parents, and families, community stakeholders, and youth development experts.

B. Coordination between SPD Chief, SPD Officers, and Schools

1. School Police Department Chief

- a. The SPD Chief will meet at least once per school year with the Superintendent and shall be invited to one or more meetings with school site principals where the SPD Chief will provide a briefing on the relevant expectations, requirements, and operational procedures contained within this Board Policy with principals, other school staff, and SPD officers.
- b. On an annual basis, the SPD Chief and Superintendent shall jointly conduct an analysis of the previous year and discuss any adjustments that should be made to District policies or practices. The meetings shall occur before the school year or at the beginning of the school year.
- c. The SPD Chief will also meet with each school site principal on an as-needed basis when any issue arises that needs to be addressed.

2. SPD Officers

- a. With the goal of improving school climate, where SPD officers are permanently assigned to a school campus, they shall meet at least one time per month with their designated school site principal to exchange information about current crime trends, problem areas, or other issues of concern which have potential for disruption in the school or within the community, and to strategize on how to

improve school safety.

- b. Each SPD officer shall maintain a log of his/her meetings with any student and/or parent on District property. This log shall be known as the “School Police Department Officer’s Log.”
- c. The log shall include:
 - i. The SPD officer’s name;
 - ii. The name of the school where the student attends;
 - iii. The name of the school where the meeting occurred;
 - iv. Date and time of the meeting;
 - v. The name(s) of the student(s) and/or parent(s) with whom the SPD officer met; and
 - vi. The purpose of the meeting (unless the law requires any of this information to be kept confidential).

C. School Site Principal Duties Regarding SPD Officers on Campus

1. It is the responsibility of the school site principal to facilitate ongoing communication between SPD officers and school staff.
2. If the Superintendent or SPD Chief requests a meeting to address an issue that has come up at the school site regarding the SPD, the site principal and any involved SPD officers shall participate in the meeting.
3. At least once each school year, the school site principal shall distribute a school climate survey to all students at the school to assess student safety and climate as it relates to student and officer interactions and contact.
 - a. The student climate survey shall be developed within 90 days of the effective date of this Policy in partnership with the stakeholder groups and organizations that work with District students.
 - b. The surveys shall be anonymous.
4. If the District already regularly administers districtwide student, staff and parent surveys, a separate school climate survey is not necessary. However, the existing surveys shall be adapted to include questions about school climate.
5. Information from the school site survey shall be analyzed, organized by school site, and shared with the Superintendent.
 - a. The Superintendent or designee shall include this data in the report that s/he provides to the District Board of Education, as described in Section III(F) below.

In the event that a school site principal feels that a particular SPD officer is not effectively performing his or her duties, or if the school site principal has a dispute or question regarding a

particular SPD officer or concern that the terms of this Board Policy are not being followed, the school site principal shall contact:

1. The Superintendent and SPD Chief as soon as it is practical to do so.
2. Alternatively, if any officer or other SPD staff member feels that other District staff are not effectively performing their duties, or believes that the terms of this Board Policy are not being followed, the officer or SPD staff member shall contact the SPD Chief and Superintendent as soon as it is practical to do so.

D. Training and Distribution of Board Policy

1. Within three months of adopting this Board Policy, the District shall ensure that the Policy is distributed to all SPD officers and other District staff. In addition, all new District staff, including SPD officers, shall receive this Board Policy within a week after their first day of employment. The Superintendent shall also provide a detailed description of this Board Policy in the Parent-Student Handbook of each school.
2. Within three months of adopting this Board Policy, the Superintendent shall ensure that appropriate training regarding the provisions of this Policy and staff responsibilities under this Policy has been provided to all school administrators and all SPD officers.
3. All SPD officers must participate in an annual training series. The training series shall consist of one training in each of the following areas, which shall be combined to form no fewer than five total training sessions:
 - a. The policies and procedures described in this policy;
 - b. Bias-free policing (including implicit or unconscious bias and cultural competence);
 - c. Review of the negative collateral consequences associated with youth involvement in the juvenile and criminal justice systems, including immigration, higher education, employment, and housing consequences;
 - d. Relevant confidentiality laws regarding student privacy;
 - e. State and federal laws prohibiting discrimination;
 - f. De-escalation and alternative approaches to conflict, including for students who have disabilities, mental health issues, or a history of abuse and trauma;
 - g. Special education laws;
 - h. Methods schools use to provide extra support to individual students (*e.g.*, 504 Plans, Individualized Education Plans (“IEPs”), Behavioral Intervention Plans (“BIPs”), and Student Study Teams (“SSTs”));
 - i. Strategies for working and communicating effectively with students in Special Education programs;
 - j. Child and adolescent development and psychology;
 - k. Age-appropriate police intervention and responses to challenging behavior;
 - l. Cultural competency;

- m. Appropriate responses to children with disabilities, LGBTQ children, and those with limited English proficiency; and
- n. The relevant district and school site staff and their roles.

E. Complaints

Students, parents, administrators, and school personnel who believe there has been misconduct on the part of SPD officers, or that SPD or other District staff are violating any of the terms in this Board Policy regarding law enforcement involvement, may file a complaint with the Superintendent or his/her designee within 120 days of the alleged misconduct.

Any SPD officer or other District employee who receives a request from a person who wishes to make a complaint shall provide the person with the District Complaint Form, which shall include basic information about the complaint process in an accessible format, or direct them to the website at [Insert District Website URL], where the Complaint Form and information about the complaint process can be accessed. Members of the public who call the Superintendent's office, or any other District pupil services or personnel services office, by phone to complain will receive assistance with filling out a Complaint Form, which will be mailed to them for signature. Complaint forms shall be provided in languages other than English according to the requirements of Section 48985 of the California Education Code. Complaints may be submitted in the complainant's primary language.

The Superintendent or designee shall investigate any complaints regarding District staff, including SPD officers, who may be violating the terms of this Policy. Within two work days of receiving the written complaint, the Superintendent or designee shall assign a separate reference number to each complaint; acknowledge to the complainant, in writing, receipt of the complaint along with the assigned reference number; and provide anticipated actions on a timeline. The Superintendent shall report to each complainant the results of the District investigation into her/his complaint no later than 30 days after the submission of the complaint and as new information is obtained.

Individuals have a right to make an anonymous complaint. If an anonymous complainant provides a means of contact, the results of the complaint will be reported to the anonymous complainant. If the anonymous complainant does not provide a means of contact, the results of the complaint will not be directly reported to the complainant.

Any District employee, including any SPD officer, who files a formal written complaint against a student shall provide a copy of the complaint to the student's parent within two business days of filing the complaint.

Nothing in this Policy shall limit legally mandated due process for students, SPD employees or other District employees; or the right of a private party to pursue legal action in a court of law.

1. Log of Complaints and Semi-annual Complaint Statistical Summary Report

The Superintendent or his/her designee shall keep a log of all complaints received by her/his office and assign a separate reference number to each complaint. Reference numbers shall be provided to the complainant once assigned.

The Superintendent or his/her designee shall be responsible for preparing a semi-annual complaint statistical summary report to distribute to the SPD Chief and the District Board at a regularly scheduled public Board Meeting. The summary shall include the following:

- a. Type of complaint, by source and classification;
- b. Number of complainants and allegations against individual law enforcement officers, identified by the officer's individual assigned code number;
- c. Number of complainants and allegations against individual school security officers, identified by the officer's individual assigned code number, if applicable;
- d. Complaints per school site;
- e. Trends in complaints, if applicable;
- f. Length of time to investigate and resolve/prove a disposition for each complaint;
- g. Disposition of the complaint, including action taken to address the complaint;
- h. Number of appeals by type of complaint, source, and classification;
- i. Disposition of the appeal, including any responsive action to address a complaint; and
- j. Any and all steps taken by the [District] or [Police Department] to resolve systemic concerns.

This summary shall also be included in the publicly-available materials for each District Board meeting. All personal student information should be kept confidential pursuant to state and federal privacy laws.

2. Timelines for Handling Complaints

All complaints shall be investigated in accordance with the Peace Officers Bill of Rights.¹²

Best efforts shall be used in every case to provide a written response to the complainant, within 30 days of the date that the Complaint Form is received by the Superintendent or designee, describing the District's efforts to resolve or refer the complaint to the Department. If the complaint involves multiple individuals or incidents, the District shall make best efforts to complete the investigation within 45 days. If additional time is needed for the investigation, the District shall inform the complainant in writing that additional time is needed, the justification for the delay, and an update on its progress. Such additional time shall not exceed 90 days in any

¹² Cal. Gov't Code § 3303.

instance, unless circumstances exist which are beyond the District's control and render completing the investigation impossible.

3. Disposition of Complaints

In conducting its investigation into complaints regarding District employees, including SPD officers, violating the terms of this Board Policy, the District may contact any individuals that the complainant has listed to interview them with respect to the allegations. The District shall follow up in person, by phone, or in writing with the complainant to request any additional information or documents that might be helpful to the investigation and to inform the complainant of the assigned complaint reference number, if one has not already been provided. The District must investigate all conduct described by complainants that, if true, would be a violation of the rules of employment of the SPD.

The District shall not allow District employees, including SPD officers, who were involved in an incident that is the subject of the complaint or who otherwise have a conflict of interest to participate in the investigation of that complaint.

Any District employee, including any SPD officer, who is the subject of the complaint shall be allowed to submit a written response to the Superintendent or designee.

Where serious allegations of wrongdoing are raised, the SPD officer(s) involved shall be removed from having contact with students until the investigation is completed. Such matters would include:

- a. Allegations of physical assault;
- b. Verbal threats of violence;
- c. Sexual advances or assaults; and/or
- d. Discriminatory language or practice based on race, ethnicity, national origin, language, sex, gender identity, sexual orientation, religion, disability, economic or other status.

The District shall provide a written disposition of the complaint to the complainant when the District's investigation is completed. The disposition must be signed and dated by the Superintendent or designee. The disposition shall include:

- a. Whether the complaint was sustained or not sustained;
- b. Any written response from the subject of the complaint;
- c. A description of the investigation;
- d. Findings of fact (i.e., a detailed description of what the investigator believes occurred and what, if any, laws or policies were violated);
- e. An explanation of and rationale for the result and conclusion;
- f. If a violation occurred, what remedies must be effectuated (i.e., what has to be done to make up for the harm caused by the violation(s)), as well as any other actions that will be taken by the District to address the concerns raised in the complaint; and

- g. An explanation of the appeal process described immediately below.

Where allegations of abuse or misconduct are substantiated, the SPD officer(s) involved shall be removed from any school assignments, permanently prohibited from being present on District property, and their personnel file must indicate the incident in order to ensure that no abuse, racial profiling or other targeting of certain students or groups of students is taking place.

4. Appeal of the Resolution of the Complaint

If the complainant disagrees with the Superintendent's resolution of the complaint, s/he shall have a right to appeal the resolution to the District Board. Within 60 days, the District Board shall either:

- a. Uphold the Superintendent's decision; or
- b. Reverse the Superintendent's decision and request further investigation.

The Board's decision shall be made public, unless the complainant requests that the results of the appeal remain confidential.

Nothing in this Board Policy is intended to prevent or preclude a person from filing a complaint directly to the District Board in the first instance. The District Board shall also follow the same timelines and procedures as listed herein.

5. Confidentiality of Complaints

Personally identifying information regarding minors that is contained in the complaint are subject to constitutional and statutory privacy protections.

6. Prohibition Against Retaliation, Intimidation, Harassment or Threats

No officer or employee of the District, including the SPD, shall retaliate against, intimidate, harass, or threaten any person making a complaint. Any District employee, including any SPD officer, found to have retaliated against, intimidated, threatened, or harassed any person attempting to make or who has made a complaint will be disciplined to the full extent of the law.

F. Data Tracking and Public Review

1. The following terms are defined for purposes of this section:
 - a. "School-related offenses" is a criminal offense occurring or originating on a District school site during hours the school site is regularly open to the public or its students for school-related business.
 - b. "School site" is the property upon which the school is located. It also includes any location where a school-sponsored event is being held for the duration of such event.
 - c. "Student" refers only to youth who are enrolled in a District public school (but not charter schools or private schools).

2. SPD staff shall compile and submit to the Superintendent a monthly written report of the activities of SPD officers. These monthly written reports shall be filed with the District Board of Education and should include:
 - a. School site crime incidents reported to, or observed by, the SPD;
 - b. Number of times that the SPD was called to a school site and included for each incident: (a) the type of call, (b) related offense (*e.g.*, trespassing, disruption, battery, possession of a weapon), and (c) resolution of call;
 - c. Number of times SPD officers issued a citation to a student:
 - i. On school sites for school-related offenses;
 - ii. On school sites for non-school-related offenses; and
 - iii. Off school sites for school-related offenses.
 - d. Number of times SPD officers contacted students off the school site for matters pertaining to school-related incidents.
 - e. Number of times that SPD officers handcuffed, restrained, or summoned students on campus.
 - f. Number of arrests of students made by SPD officers:
 - i. On school sites for school related offenses;
 - ii. On school sites for non-school related offenses; and
 - iii. Off school sites for school related offenses.
 - g. Such data shall be disaggregated by school site, offense, and student subgroup, including age, race, ethnicity, student English learner status, foster youth status, gender, and disability (if applicable), whether the student has an Individualized Education Plan or section 504 Plan, and the disposition of the matter.
 - h. Complaints/grievances: The number of complaints/grievances against SPD officers, disaggregated by the number of complaints lodged against individual officers, identified by the officer's individual assigned code number. Complaint/grievances should include but not be limited to any reports of injuries or excessive force. All complaints against SPD officers shall be handled according to the procedure described in Section III(E) of this Board Policy.
 - i. Referrals: The number of referrals by SPD officers of students from school sites to wellness centers, medical facilities, tutors, mentors, or other resources in lieu of arrest or citation, including referrals pursuant to California Welfare & Institutions Code § 5150.
 - j. Full and complete copies of SPD officers' logs pertaining to activities on school campuses.
 - k. Any other information SPD believes is relevant, including but not limited to information regarding the nature of any collaborative efforts between the parties.
3. The SPD Chief or designee shall provide the District Board with a written report twice a year (in January and July, or as soon as reasonably possible thereafter) during open session of a regularly-scheduled public Board meeting regarding:
 - a. The information contained in the aforementioned monthly report; and
 - b. The impact of the policies and practices described in this Board Policy, whether adverse or positive, according to the statistical information received, on the District's efforts to reduce disproportionate contact between high risk or high-

need populations¹³ and the police and/or juvenile justice system, as well as to reduce the rate of school-based arrests and citations while maintaining a safe school climate.

4. The SPD Chief or designee will be available to answer any questions posed by the Board or community related to safety, disproportionate minority contact with law enforcement, if any, student arrest or citation rates, and any other issues.
5. The SPD Chief's monthly written report to the Board shall be made publicly available through the standard Board process and thereafter shall be posted on the District website, consistent with applicable federal, state, and local privacy laws.
6. The significance of disproportionate contact between high-risk or high-need populations¹⁴ and Department officers, according to the foregoing anticipated data, shall inform and impact the development of the action plan contemplated in Section I(B), above.
7. The District shall provide the public with the following information by posting the information on its website, updated on an annual basis unless stated otherwise:
 - a. Regulations, policies, and protocols governing Department officer interactions with students, including any changes made in the prior year.
 - b. Training materials for Department officers about working with students;
 - c. Number of law enforcement officers regularly interacting with particular school sites; and the
 - d. Aforementioned monthly written report.