

JCAC INTERROGATION AND INVESTIGATIONS CONDUCTED IN SCHOOL

JCAC

It shall be the policy of the district that a reasonable cooperative effort be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the presence and assistance of law enforcement officers is necessary within their respective jurisdictions. The district's administrators shall at all times act in a manner which protects and guarantees the rights of students and parents and shall cooperate with law enforcement officials as provided in JCAC-R.

School staff members shall be informed annually of the contents of this policy and rules.

APPROVED: December 13, 1982

REVIEWED: January 14, 2002

REVIEWED: April 10, 2012

REVIEWED AND APPROVED: January 14, 2013

JCAC-R INTERROGATION AND INVESTIGATIONS CONDUCTED IN SCHOOL

JCAC-R

In these rules, the administration is reminded that a student who has attained the age of 18 enjoys the responsibility of speaking for himself/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. Such investigations shall be conducted in a manner which does not interfere with school activities.

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Initiated by School Administrators and Conducted by Law Enforcement Officers

The building principal shall determine when the necessity exists that law enforcement officers be notified 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. Contact shall be made to 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. Such notifications or attempted notifications to parents, guardian or representative shall be documented by the administrator involved. 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.

If the investigation has centered on any particular student suspected of any alleged criminal activity, the procedure for taking students into custody by the policy 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 will not normally be necessary for law enforcement officer 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. Only in demonstrated emergency situations, when law enforcement officers find it absolutely necessary, will they be voluntarily permitted to conduct such an investigation during school hours. These circumstances shall be limited to those in

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which delay might result in danger to any person, flight of a person reasonably suspected of a crime from the jurisdiction of local authorities or destruction of evidence.

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 probable cause for the requested interrogation of a student. If the principal is not satisfied with either the identification or the probable cause, he/she shall not grant the request of such persons and shall attempt to so 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 practicable. 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 or designee 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 orally or 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.

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Circumstances may arise where it would be advisable to have another adult present during questioning of students.

Violations of Criminal Law

During an investigation of violation of school rules, it may come to the attention of the 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.

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. If such officials are notified, unless circumstances dictate otherwise, questioning of the student shall not begin or continue until the law enforcement officers arrive.

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. The administrator shall document the notification or attempted notification of the student's parents, guardian or representative.

In the absence of parent and student consent, a student shall not be questioned by law enforcement officers on school premises. The law enforcement officers shall advise the student of his/her legal rights. If the student's parent, guardian or representative is present and if the parent and the student consent to the questioning, the investigation may continue. If the parent or student refuses consent to the questioning, the law enforcement officers will determine the course of action to be pursued.

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Information of criminal conduct not related to the schools shall be turned over to law enforcement officials, without additional investigation by school officials. School officials shall request that law enforcement officers advise a student of his/her rights. In case the officers do not so advise a student, school officials shall report the matter to the officers' superiors immediately.

Taking a Student into Custody

Students shall not be released to law enforcement authorities voluntarily by school officials 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.

Whenever an attempt to remove a student from school occurs without an arrest warrant or court order or without acquiescence of the parent, guardian or representative and the student, the administrator shall refuse to surrender the student and immediately notify a superior to the law enforcement officers involved to make objection to the removal of the student. An exception to this procedure may be made if the law enforcement officers are properly identified and can convince the principal that there is a probable cause for this action. The superintendent's office shall be notified immediately of any removal of a student from school by law enforcement officers under any circumstances.

The building principal shall make reasonable efforts to persuade law enforcement officers not to make arrests or to take students into custody on school premises. Whenever the need arises to make arrests or take students into custody on school premises, the principal shall make reasonable efforts to persuade the law enforcement officers to utilize a nonuniformed officer in making the arrest.

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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, 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 before the student is 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 which disturbances have the potential of causing harm to students, other persons or school property. Such potential of possible disturbance includes 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, but have failed or refused to do so.

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Coordination of Policies by Enforcement Officials

School administrators shall meet at least annually with local law enforcement officials to discuss 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.

APPROVED: December 13, 1982

AMENDED: January 14, 2002

REVIEWED: April 10, 2012

REVIEWED AND APPROVED: January 14, 2013