

Student Personnel

Series 500

Policy Title: COOPERATION WITH LAW ENFORCEMENT AGENCIES

Code No. 508.1

It shall be the policy of the Colfax-Mingo Community School District that a reasonably cooperative effort be maintained between the school administration and law enforcement agencies. Law enforcement officials may conduct investigations on the school premises or during a school-sponsored activity 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 assistance of law enforcement officers is necessary within their respective jurisdictions. The school district's administrators shall at all times act in a manner which protects and guarantees the rights of students and parents.

I. Investigation Conducted in the Educational Environment

A. Initiated by School Administrators

1. Conducted by Administrators

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.

2. Conducted by Law Enforcement Officers

- a. The principal shall determine when the necessity exists that law enforcement officers be contacted to conduct an investigation of alleged criminal behavior which jeopardizes the safety of school property or which interferes with the operation of the schools.
- b. The principal may request that law enforcement officers conduct an investigation and question students who are potential witnesses of such alleged criminal behavior during school hours. A reasonable attempt shall be made to contact the student's parents, guardian or representative prior to questioning by law enforcement officers. Reasonable requests of the parents, guardian or representative shall be observed when practical. Such contacts or attempted contacts with parents, guardian or representative shall be documented by the administrator involved. In the absence of a student's 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 other designated certificated school staff person shall be present.

- c. If the investigation has centered on any particular student suspected of such alleged criminal activity, the procedure for taking students into custody by the police set forth in Section II shall be followed to the extent that they do not interfere with reasonable law enforcement procedures.

B. Initiated by Law Enforcement Officers

Although cooperation with law enforcement officers will be maintained, it should not normally be necessary for law enforcement officers to initiate and conduct any investigation and questioning 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 should ordinarily be limited to those in which delay might result in danger to any person, flight from the jurisdiction of a person reasonably suspected of a crime, or destruction of evidence.

In such 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 Section I. A. 2.

C. Questioning of Students During Investigation

1. Violations of School Rules

In instances where school rules have allegedly been violated, the principal or designee may contact the suspected rule violator or potential witness to the infraction.

- a. The suspect student should be advised orally or in writing of the nature of the alleged offense and of the evidence, if any, against the student.
- b. In questioning a potential student witness to an alleged disciplinary infraction, care should be taken by the administrator to insure that 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 a witness. Such students should be given the opportunity to give their consent before answering questions of school officials.

2. Violations of Criminal Law
 - a. 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 can attempt to ascertain whether there is sufficient justification to believe that a criminal offense was committed that warrants contacting law enforcement officials.
 - b. Where a suspected violation of criminal law has occurred on the school grounds, involving the operation of the school, or during a school sponsored activity, law enforcement officials may be notified and their presence requested for the questioning of suspected students. 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 contact or attempted contact with the student's parents, guardian or representative. In the absence of parent and student consent, a student should not be questioned by law enforcement officers. The law enforcement officers may wish to advise the student of his/her legal rights. If the parent and the student consent to the questioning, the investigation can continue. If the parent or student refuse consent to the questioning, the law enforcement officers will determine the course of action to be pursued.
- II. Taking a Student Into Custody
 - A. Students may 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. Administrators shall make reasonable objections to law enforcement authorities who attempt to remove students from school without placing them under arrest or with the acquiescence of the parent, guardian or representative and the student. When students are removed from school for any reason by law enforcement authorities, every reasonable effort will be made to

contact the student's parents, guardian or representative immediately. Such effort shall be documented. Whenever a student is removed from school without an arrest being made, or without acquiescence of the parent, guardian or representative and the student, the administrator shall immediately contact a superior of the law enforcement officers involved and make objection to the removal of the student. The Superintendent's office shall be notified immediately of any removal of a student from school by law enforcement officers under any circumstances.

- B. The principal shall make reasonable efforts to persuade law enforcement officers not to make arrests or take students into custody on school premises. Whenever the need arises to make arrests or take students into custody on school premises, the principal should make reasonable efforts to persuade the law enforcement officers to utilize a non-uniformed officer in making the arrest.
- C. Where it is necessary to take a student into custody on school premises, and the time permits, the law enforcement officer shall be requested to contact the school 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.
- D. When an emergency exists, the school principal may summon law enforcement officials to the school to take a student into custody.
- E. When a student has been taken into custody or arrested on school premises without prior notification to the 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.
- F. If at all possible, parents, guardians or representatives 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 can be accomplished. The administrator shall document such notification or attempted notification.

III. Disturbance of School Environment

Law enforcement officers may be requested to assist in controlling disturbances of the school environment which the principal or other school administrator has found to be unmanageable by school personnel, and which has the potential of causing harm to students and other persons, or to property. Such potential of possible harm 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 refused or failed to do so.

IV. Coordination of Policies by Enforcement Officials

School administrators shall meet at least annually with local law enforcement officials to discuss the school district's policy and rules regarding law enforcement contacts with the school district. Law enforcement officials will be asked to instruct their staffs as to the terms of the school's policy and rules.

Date of Adoption:

July 1, 1985

Reviewed/Revised:

September 3, 1991

November 6, 1995

February 19, 1996

April 21, 2003

January 21, 2008

February 16, 2015