

SAFETY AND SECURITY

702.6

Law Enforcement Agencies- -Investigations/Taking Custody of Students /Disturbances

It shall be the policy of the Kimball Public Schools that a reasonably 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 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 the rights of students, parents, and school employees.

- I. I. Investigation Conducted In the School
 - A. When 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. If possible such investigations should be conducted in a way which does not interfere with school activities.
 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 personnel, including students, or the property of the school or individuals, or which interferes with the operation of the school.
 - 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 other representative prior to questioning by law enforcement officers. **In situations of suspected child abuse where the child/student may be a victim, as per the law, permission of the parent/guardian prior to questioning of the child/student is not required.** Reasonable requests of the parents, guardian, or representative should be observed. Such contacts with parents, guardian, or representative shall be documented by the administrator involved. In the absence of a student's parents, the guardian, or representative during any questioning of such students, the principal or other designated certificated school staff person shall be present. The principal or his/her designee shall document what generally occurred during the interview.

- c. If the investigation has centered on any particular student suspected of such alleged criminal activity, the procedures 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 when law enforcement officers can show an absolute need to do so 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 by a person reasonably suspected of a crime, destruction of evidence, or other valid reason substantiated by the principal.

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 conduct the suspected rule violator or potential witness to the infraction.

- a. The suspected 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 ensure 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.

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 attempt should 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 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/guardian 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 without 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 and 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 unless he/she deems a purpose has been served in permitting the arrest.
- C. When an emergency exists, the school principal may summon law enforcement officials to the school to take a student into custody.
- D. If at all possible, parents, guardians, 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 can be

accomplished. The administrator shall document such notification or attempted notification.

III. Disturbance of School Environment

Law enforcement officers may be requested by school personnel to assist in controlling disturbances created by disruptive persons on school premises. Disruptive persons may be defined as persons who exhibit undesirable or illegal conduct including but not limited to verbal attack and/or profane language on school premises. School personnel may request such disruptive persons to be escorted by law enforcement officials from the school premises. In addition, charges may be filed against such disruptive persons by the district.

IV. Coordination of Policies by Enforcement Officials

School administrators are encouraged to meet periodically with local law enforcement officials to discuss the school 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 as they pertain to issues related this policy.

Adopted: March 13, 2000

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