

School District Relations with Law Enforcement Agencies

Policy Goals:

The schools must safeguard the rights of students and protect students who may have been victimized. The district recognizes that law enforcement has many tools at its disposal to compel a student interview, including a grand jury subpoena or other legal process. It is the district's position that a student should be contacted at home after hours when the student is in the custody and control of his parents. The school's priority is to protect and educate students and not to be an arm of law enforcement.

Procedure to Arrange a Student Interview:

Police officers wanting to speak to a student during school hours shall contact the building principal or designee before any effort is made to question a student during school hours. Before attempting to contact a parent, the school shall ask the police officer why this cannot be done after school when the child is at home with his parent or guardian.

Except for interviews involving the child as a victim where the custodial parent is the alleged perpetrator, the school shall deny the officers' request to interview the student if any of the following occur:

1. The parent cannot be reached in order to obtain consent.
2. The parents do not consent to the interview.
3. The child indicates that he does not wish to consent to the interview or continue the interview.

Student Safeguards:

If parental consent is given, all procedural safeguards prescribed by law and this policy must be strictly observed. When the interview or interrogation takes place in school, the student shall be provided a copy of Exhibit 1, shall be read Exhibit 1 outside the presence of the law enforcement officer, and shall be asked to fill out the form. If the student is unable to read or fill out the form on his or her own due to age or other disabilities, the school designee shall assist.

The designated school authority shall make an effort to contact the parent or guardian at the time an officer comes to question or arrest a student unless there is reason to believe that such notification would unduly interfere with the investigation where the child is the suspected victim and the custodial parent is the alleged perpetrator (example: suspected child abuse by parent). The parent shall be advised by the designated school authority of all information conveyed to the school by law enforcement, including but not limited to whether the student is a suspect or person of interest and why the officer said he cannot wait until after school, in order for the parent to make an informed decision and to protect the student's constitutional rights.

If the school authority is unable to reach the parent or guardian, the interview or interrogation will not take place unless there is a warrant or other legal process.

When a student is questioned at school by a law enforcement officer, the school administrator or designee will be present during the questioning unless the parent agrees to the contrary. Any law enforcement interview shall be recorded by law enforcement if a parent is not present.

At any time during the course of the interview, if the child revokes consent, expresses an interest to stop the interview or return to class, expressly indicates that he does not want to continue the interview, or otherwise communicates a desire to terminate or postpone the interview, the school shall terminate the interview and ask the law enforcement officer to stop asking questions. If the officer attempts to interview the student after the school has attempted to terminate the interview, the officer will be told to leave school property and the school shall report the failure to terminate the interview to the officer's supervisor and the parent of the student.

At no time, except in child abuse cases, will an administrator release a student to an officer without one of the following:

1. A warrant;
2. A court order;
3. Custody or arrest;
4. Permission of custodial parent or guardian.

Arrest:

1. Law enforcement officials trying to make an arrest on campus should contact the school administrator or designee and supply the school principal with a copy of the complaint and warrant for arrest of the minor student.
2. Unless good cause is shown by the law enforcement officials the arrest should take place out of the presence of other students and in the least embarrassing situation for the student.
3. School officials should make reasonable effort to notify the parents or guardians that an arrest has taken place on campus and that their child has been removed by law enforcement officials to the sheriff's office.

Information to Law Enforcement:

The building principal or designee is authorized to provide information regarding a student to a law enforcement agency over the phone with parental permission or in response to legal process such as a warrant or subpoena. Information will be provided only after verifying the caller's identity (e.g., call party back at the verified phone number).

Each year the administration will meet with law enforcement officials to discuss:

1. Whom the school/law enforcement official should call for suspected violations of the law occurring on district property or other common needs; Relations with Law Enforcement Agencies.
2. How school representatives should handle evidence of a suspected crime/contraband, etc.;

3. Board policy and procedures related to law enforcement officials' requests for access to and questioning of students on district property and district parent notification requirements;
4. Applicable provisions of district emergency plans and security procedures;
5. Special event needs.

It is district policy that the building principals shall have constitutional rights training at least every other year regarding student's rights as discussed herein.

Exhibit 1: These are your rights as a student and citizen of Oregon and the United States

Your parent or guardian has given permission for you to speak to a police officer. You do not have to speak to them if you do not want to. The police officer may be trying to get you to say things that may make you guilty of a crime and may not be looking out for your best interests. In the United States of America, you have an absolute right not to speak to anyone about this and cannot get in trouble for refusing to speak to the police about this. You do not have to speak to them during school hours and can ask that the interview be cancelled all together or postponed until you are at home with your parent or guardian.

You have the right to remain silent, which means you do not have to speak to anyone without your permission. You will not get in any trouble for refusing to speak to the police. That is your absolute constitutional right. You cannot be forced to speak to the police. You can simply say, “No thank you.”

If you decide to speak to the police and change your mind later, that is okay too. You can stop the interview at anytime for any reason, and you won’t get in trouble for that. That is your right.

If you don’t speak to the police or if you stop the interview, the fact that you didn’t speak to the police cannot be used against you in court. In other words, if you were to get charged with a crime, the prosecutor cannot use against you the fact that you didn’t speak to the police. That is because in America it’s an absolute right not to speak to the police if you don’t want to.

You have the right to have an attorney present with you when you are speaking with the police officer. An attorney can further explain to you your rights, can protect your rights, and can help prevent you from making this situation worse than it already might be. The police officers do not represent your interests. Only your parents or an attorney can be trusted to protect your interests above all others. You probably don’t have or know an attorney. That’s okay. This interview can be postponed until you find one or it can be cancelled all together. Some attorneys work for free on cases like this and you or your parents can call the Oregon State Bar to find someone who may assist for free or for a discounted price.

You have the right to have your parent present during the interview. You can postpone the interview to a time until your parent is available or cancel it all together.

You also have the right to speak to the police if your parent or guardian gives permission and if you also agree to do so.

I understand each of these rights. _____(sign here if you understand)

or

I **do not** understand each of these rights. _____(sign here if you do not understand)

I agree to speak to the police officer. _____(sign here if you understand)

or

I **do not** agree to speak to the police officer. _____(sign here if you understand)

END OF POLICY