

Relations with Law Enforcement Agencies

Definitions

“District Administrator” shall include managers and designated employees of CESD who possess authority or have been designated to carry out administrative and/or program directives, or who represent the District’s interest by taking discretionary actions that implement CESD policy, and have been trained and designated beyond the routine discharge of duties.

“District Property” shall include any CESD owned or operated building, classroom, facility, program or activity.

“Law Enforcement Officials” shall mean officers or employees of any agency or authority of the federal government, a state, territory, political subdivision of a state or territory, or Indian tribe who is empowered by law to:

1. Investigate and conduct an official inquiry into a potential violation of law; or
2. Prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

“Requests from Law Enforcement for Interviews” shall include all contacts with all students, parents, staff and patrons who are present on any district property.

Annual Training and Notification

Annual training for this procedure will be provided to all CESD staff.

Program administrators will notify parents annually of the district’s procedures for cooperating with law enforcement officials, including discipline situations that may initiate reporting information to law enforcement officials.

Students will be notified annually of the district’s procedures and of their rights under this regulation.

Responsibilities of District Administrators

District administrators are responsible for cooperating with law enforcement officials, and when appropriate, making it possible for law enforcement officials to have access to students during school time.

District administrators and their designees will follow the regulations outlined in this document to insure compliance with state and federal laws.

All requests for access to, or interviews with, a witness, a victim, or a perpetrator of child abuse, will be conducted in accordance with the rules and regulations governing child abuse investigations as outlined in Board policy JHFE and JHFE-AR.

When district administrators or their designees are notified that a law enforcement official is requesting access to or an interview with a student on district property, for any reason that is not related to abuse of a child, the district administrator or designee must request that the investigating official provide the information on the following form. Failure to meet at least one of the four criteria will result in refusal to allow the student interview on district property.

Hard copies of this procedure and form shall be available on all district properties.

District administrators will treat all aspects of an investigation as confidential, unless otherwise required by law or court order.

I, _____, of _____
(name) (agency)

Declare that I have the authority to conduct an interview with this student based on the following:

1. Warrant (attach a copy)
2. Court order (attach a copy)
3. Parental consent (attach a copy)
 - a. Parent or guardian name: _____
 - b. Date of consent: ____/____/____
4. This interview is not considered a “seizure” or “arrest” pursuant to state and federal law. The interview will be conducted in accordance with Procedure for Interviewing Students as outlined on pages 3-4 of this document.

(Signature of Interviewer) _____
(Date)

(Name of Student to be Interviewed) _____
(Date of Interview)

- Student no available for interview
- Student refused to be interviewed

(District Administrator Receiving this Form) _____
(Date)

(This form will be placed in a separate file and not in the student’s educational file)

Procedure for Interviewing Students

1. If it is necessary for law enforcement officials to interview a student, they will report their presence in a building to a district administrator or designee. District administrators will follow the procedures outlined below when a request is made for an interview between a law enforcement official and a student.
 - a. When a student contacts a staff member to initiate a request to speak with a law enforcement officer, the staff member will notify the district administrator or designee, who will notify the parent/guardian or designated emergency contact.
 - b. When a law enforcement official initiates a request to speak with a student as a witness, to gather information, or as a possible suspect, the district administrator will contact the parent/guardian to seek permission for the interview. The district administrator will not allow a law enforcement official to interview the student without parental consent.
 - c. If the law enforcement official determines that they have the right and authority to conduct an interview of the student under applicable law and if the official determines that legitimate law enforcement purposes will be obstructed, impaired, or hindered such that the official determines the interview should not await parental contact and consent, the official will so inform the district administrator or person in charge. It then becomes the responsibility of the law enforcement official to notify the student's parent or guardian.
 - (1) School personnel shall provide the telephone number of the student's parent/guardian, unless the parent/guardian has requested that such information not be disclosed under the district's directory information procedure.
 - (2) It is the parents' responsibility to take any action they desire to occur. District administrators will not interfere with the procedures of law enforcement officials.
 - (3) The law enforcement official will be asked to complete and sign a Student Contact Record form, indicating the official's judgment that the law enforcement agency has the right and authority to conduct an interview and the official's acceptance of responsibility for notifying the parent/guardian. The district administrator will also notify parents after the interview.
2. If the student agrees to talk with the law enforcement official, the interview will occur on district property.
 - a. The district administrator or designee will meet with the student in confidence to explain to the student that the law enforcement official wishes to speak to the student. The district administrator or designee will notify the student that he/she has a right to decide whether to speak to the law enforcement official or to refuse and return to class.
 - b. District administrators have no authority to waive the student's constitutional or statutory rights, including the right to remain silent or have an attorney.
 - c. The district administrator or designee will determine whether or not to be present during the law enforcement official interview of a student, except in the case of an interview during a child abuse investigation, in which case the investigating official will make the decision as to whether the district administrator or designee, other district staff, or no district staff member will be present.

Procedure for Taking a Juvenile into Custody

1. If it is necessary for law enforcement officials to detain a student or to take a student into custody, they will report their presence in a building to a district administrator or designee. When a law enforcement official comes to arrest a student, district administrator(s) shall cooperate in the apprehension and detention of the child. At no time shall a district administrator release a student to a law enforcement official without one of the following: (A) a warrant, (B) a court order, (C) legal custody or arrest action, (D) permission of the custodial parent/guardian. A law enforcement official removing a student from school shall sign a release when the student is taken into custody.
2. It is the statutory responsibility of law enforcement officials to comply with all rules and regulations regarding the handling of juveniles and to notify a parent/guardian of action taken. When a student is taken from the building by a law enforcement official, the district administrator or designee also will make a reasonable effort to notify the student's parent/guardian.

District Communication with Law Enforcement Officials

If a student violates a district/program rule listed below that leads to or may likely lead to suspension and/or expulsion, the district administrator will contact law enforcement and notify the parents that law enforcement has been contacted. The district administrator will immediately notify law enforcement if the violation is for possession or use of a weapon. In all other cases, the district administrator will report the violation to law enforcement, unless there is a compelling reason that causes the district administrator to determine the violation should not be reported, in which case the district administrator will discuss the issue of reporting with the superintendent or designee.

1. Alcohol use, possession, or selling;
2. Other drug use, possession, or selling;
3. Possession or use of a weapon as defined in Board policy JFCJ - Weapons - Students;
4. Arson;
5. Serious assault;
6. Threats of harm to other students, staff or other individuals.
7. Other violations will be reported if the administrator or designee determines there is a compelling reason to do so.