

Board Policy Document

STUDENT PERSONNEL

Series 500

Policy Title: Actions of Law Enforcement Officers on School Property

Code Number: 521.12

If law enforcement officers of a government agency with controlling jurisdiction interview a student or seek to arrest or take a student into custody, on School District property, the School District will cooperate with authorities within their ability to do so while still maintaining and protecting the learning environment and acting in accordance with governing law.

Police Interviews in School

A student should be interviewed at school only when it is not possible do so at his/her home.

Interviews of Students who are Suspected of Committing a Public Offense

If it becomes necessary, the procedure for an in-school interview of a student who is suspected of committing a public offense, conducted by a law enforcement officer, shall be as follows:

1. The law enforcement officer shall contact the Principal or his/her designee and ask to see the student. The Principal or his/her designee shall inquire as to the efforts that have been made by the law enforcement officer to contact the student's parent(s), guardian(s) or legal custodian(s), prior to any interview. Any such efforts shall be documented.
2. If the law enforcement officer has not been able to contact the student's parent(s), guardian(s), or legal custodian(s), the Principal or the shall then

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Revision Adoption: December 12, 1995/August 13, 2002/October 28, 2003

Legal Reference: Miranda v. Arizona, 384 U.S. 436, 444 (1966); Iowa Code Section 232.19; U. S.CONST. Amend. IV; 42 U.S.C Section 1983.

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attempt to contact the student's parent(s), guardian(s), or legal custodian(s). If a parent, guardian, or legal custodian consents to the interview, the Principal or his/her designee shall then contact the student. If unable to locate a parent, guardian, or legal custodian, the decision to allow the interview is at the Principal's or his or her designee's discretion. The Principal or his/her designee shall document all attempts to contact a parent, guardian or legal custodian prior to an interview.

3. All law enforcement interviews shall be held in a private place and no school official shall actively participate or assist in any way in the interview, but may be present.
4. If a parent, guardian, or legal custodian has been contacted, and indicates that they want to be present, no interview shall begin until a sufficient amount of time has passed in order to allow the parent, guardian or legal custodian to reach the school and be present for the interview.
5. Prior to the interview, the Principal or his/her designee shall ensure that the law enforcement official has informed the student of the reasons for the interview and shall witness the officer's statement of the student's rights. The interview shall continue only with the student's consent.

Interviews of Student Witnesses or Alleged Victims:

If a student who may be a witness to, or a victim of, an alleged crime, wishes to voluntarily speak to a law enforcement officer, the Principal or his/her designee shall decide whether such interview shall be allowed and shall determine under what circumstances such an interview should be allowed. If at any point during any such interview, it becomes clear that the student may become a suspect in addition to being a witness or alleged victim, the foregoing procedures shall apply.

Taking A Student Into Custody

The procedure for removal of a student who is to be taken into custody by a law enforcement officer, shall be as follows:

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1. The student shall only be removed from the school pursuant to the requirements of Iowa Code Section 232.19; including but not limited to, arrest, warrant, pursuant to a Department of Human Services Order, a Child In Need of Assistance removal, or any other court order stating the specific reason for the student's removal. If the removal is pursuant to warrant or court order, and the officer has a copy of the warrant or order in their possession, the law enforcement officer who intends to remove the student shall present a copy of such document to the Principal or his/her designee prior to the removal of the student from a school building.
2. The Principal or his/her designee shall ensure that a good faith attempt has been made to locate the parent(s), guardian(s) or legal custodian(s) of the student and inform them of the removal of the student from the school.
3. A student who is to be taken into custody shall be called from the classroom and brought to the Principal's office. The Principal or his/her designee shall not release the student into the custody of the law enforcement official until he/she has verified the identity of the law enforcement official, and the reason for the removal. The Principal or his/her designee shall immediately complete the Release Form and shall ensure that reasonable efforts have been made to contact the parents of the student unless parental contact may endanger the student.

***Application of this policy shall at all times be in conformance with all District non-discrimination policies.

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**RELEASE FORM FOR
RELEASE OF STUDENT**

TO PHYSICAL CUSTODY OF LAW ENFORCEMENT OFFICIAL

1. Date: _____
2. Time: _____
3. Name of student released into custody of law enforcement officials:

4. Released into custody of: _____
5. Release based on:

_____ Arrest

_____ Warrant

_____ Court Order/ Department of Human Services Order

_____ Other release pursuant to Iowa Code Section 232.19
6. Attempts to contact parent(s), guardian(s), legal custodian(s):

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Signature of Principal

Signature of Officer

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