

Students

Law Enforcement Agency Contact and Intervention

I. Philosophy

The Rockford Public Schools (the “District”) wishes to continue its successful collaboration with area law enforcement agencies to ensure safety in our schools, enhance the education of the District staff and its students, and strengthen the relationship of trust between the schools and students’ families.

School officials shall cooperate with appropriate law enforcement agencies regarding the investigation, interrogation, arrest and search of students on school property or in school buildings according to established District procedures. The District recognizes the serious potential consequences for youth of juvenile court involvement and wishes to avoid unnecessary criminalization of our students. Staff and site administrators should encourage informal contact between law enforcement personnel and students in counseling, educational programs or other school related activities. Officers shall not be requested to interview students or collect evidence for student discipline hearings. Administrators shall not allow officers access to student records, including security video recordings, outside of the rules otherwise applicable to providing third parties with access to confidential student records.

It is the policy of the District to promote a safe and orderly school environment conducive to learning. Inappropriate or disruptive behavior will not be tolerated and any student who engages in such activity will be subject to school disciplinary action in accordance with the District’s Discipline Code. Although school officials bear the immediate responsibility for creating a safe learning environment, the District recognizes that there are issues which can not be addressed solely through the educational system and that necessarily require school officials to seek assistance from law enforcement agencies.

II. Requesting Law Enforcement Assistance

District employees should not request the involvement of law enforcement officers in a situation that can be safely and appropriately handled by the District’s internal disciplinary procedures, including the use of District security staff.

III. Procedure to Request Law Enforcement Assistance

- A. Call 911 in an emergency or crisis situation, and notify site administrator as soon as possible.

- B. If there is no immediate danger to students or staff, a staff member should contact a site administrator to make the decision about whether to request law enforcement assistance for an incident involving potentially criminal behavior by a student, based upon the criteria listed in the Administrative Discipline Reference Guide and administrative regulations issued by the Superintendent.

- C. Notify the Department of Security Services and prepare a written incident report the same day to detail law enforcement response to the incident. Disproportionate use of law enforcement intervention in inappropriate situations shall be cause for corrective action by the District.

IV. Investigation in Schools

- A. By Law Enforcement, on request of School Authorities:
 - 1. If the PRINCIPAL requests assistance, a law enforcement officer may conduct an investigation within the school building and/or on school grounds and interview students as possible witnesses in school during the school day. The PRINCIPAL or another administrator should be present during the interview. Use of a non-uniformed officer is preferable.
 - 2. If the investigation focuses on a particular student as a suspect in a crime, the PRINCIPAL and the law enforcement officer will follow the general guidelines set forth in this policy.

- B. By Law Enforcement, without request of School Authorities:
 - 1. Law Enforcement officers should interview students outside of school hours and outside of the building and/or school grounds in those cases in which assistance by School Authorities has not been requested. This requirement does not apply to circumstances in which there is an imminent threat to the health or safety of persons or property, including imminent threats to the health, safety or property of District students, staff members or visitors who are at school. If there is not an imminent threat as described above, the law enforcement officer may seek to interview a student if an adult student consents to the interview or the parent(s) or legal guardian of a minor student has given the officer permission to do so. In cases where the officer is investigating allegations of child abuse or neglect and the parent, legal guardian or other member of the student's household is suspected of abusing or neglecting the child, the law enforcement officer need not first obtain parent/guardian consent before conducting the interview.
 - 2. If law enforcement deems it absolutely necessary to interview students at school and/or on school grounds, the law enforcement agency shall first

contact the PRINCIPAL or his/her representative regarding the planned visit and inform the PRINCIPAL (1) of the reason(s) why the law enforcement officer believes that it is necessary to interview the student(s) at school because of the imminent threat to the health or safety of persons or property, including the imminent threat to the health, safety or property of District students, staff members or visitors who are at school, (2) that an adult student consents to the interview, (3) that the officers have been given permission by the minor student's parent(s) or legal guardian to interview the student(s) at school or (4) that there is a child abuse or neglect investigation in which the student's parent(s), legal guardian or member of the student's household is suspected of abusing or neglecting the child. The officer shall not commence an investigation until the approval of the PRINCIPAL has been obtained. If the PRINCIPAL is unavailable, such permission may be secured from either the CHIEF OF STUDENT SUPPORT SERVICES or from the SUPERINTENDENT'S OFFICE. The law enforcement agency may appeal to the SUPERINTENDENT if it is deemed that approval has been unreasonably withheld.

3. It is the responsibility of the law enforcement officer interviewing student witnesses or interrogating student suspects to assure compliance with all applicable procedural safeguards. District staff are not responsible for a law enforcement officer's compliance with the law. It is the position of the District, that in the absence of an imminent threat to the health or safety of persons or property, including imminent threats to District students, staff members or visitors at the school, that law enforcement personnel will make every effort to interview students outside of school hours and outside of the school building and grounds in those cases in which assistance has not been requested by District staff. If a parent or student refuses to consent to questioning, it is the law enforcement officer's responsibility to respond appropriately to such refusal.

V. Interrogation of Suspects in Schools

A. By Law Enforcement, on request of School Authorities:

1. If a PRINCIPAL has requested assistance from a law enforcement agency to investigate a crime involving her/his school building and/or school grounds, or students, the law enforcement officer shall have permission to interrogate a student suspect in school and/or on school grounds during school hours. Unless advised otherwise by an adult student, the PRINCIPAL or the officer shall first attempt to notify the parents or legal guardian of the student of the intended interrogation and shall inform the parents or legal guardian of the nature of the crime of which the student is suspected, that the student has a right to remain silent, that anything the

student says may be used against her/him in juvenile or criminal court, that the student has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the student or parent may stop the interrogation at any time. The PRINCIPAL or other certificated staff member shall be present during the interview.

2. Before the interrogation is commenced, the officer shall advise the student of the nature of the crime of which she or he is suspected, that he/she has a right to remain silent, that anything he or she says may be used against her/him in juvenile or criminal court, that he/she has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the student or parent may stop the interrogation at any time. The school officials or parents cannot waive these rights on behalf of the student.
3. If criminal prosecution is contemplated by the law enforcement agency, except as provided below, interrogation shall not commence unless a parent or legal guardian of the student is present. This rule does not apply if either an adult student consents to the interrogation without his/her parent or legal guardian being present or the parent or guardian of a minor student waives their presence at the interrogation.
4. In certain situations, the use of a female officer may be desirable in the interrogation of female students. A female certificated staff member should be the designated administration representative in an interview when circumstances suggest a male staff member might be inappropriate.

B. By Law Enforcement, without request of School Authorities:

1. Law enforcement officers should interrogate students outside of school hours and outside the school building and/or school grounds in those cases in which assistance has not been requested by school authorities. This requirement does not apply in circumstances in which there is an imminent threat to the health or safety of persons or property, including an imminent threat to the health, safety or property of District students, staff members or visitors who are at school. If there is not an imminent threat as described in the previous sentence, the officer may interrogate an adult student if he/she consents to the interrogation or if a minor student's parent(s) or legal guardian has given the officer permission to do so.
2. If a law enforcement officer deems it necessary to interrogate students at school and/or on school grounds, they shall first contact the PRINCIPAL regarding the planned interrogation, inform the PRINCIPAL (1) of the reason(s) why the officer believes that it is necessary to interrogate the student(s) at school because of the imminent threat to the health or safety

of persons or property, including an imminent threat to the health, safety or property of District students, staff members or visitors who are at school; (2) that an adult student consents to the interrogation; or (3) that the officer has been given permission by a minor student's parent(s) or legal guardian to interrogate the student(s) at school. The law enforcement officer should not commence his/her interrogation until the approval of the PRINCIPAL has been obtained. If the PRINCIPAL gives such approval, the PRINCIPAL or his/her designee shall attempt to contact the parents or legal guardian of the student. Under circumstances in which the PRINCIPAL is not available, approval should be sought from the administrator in charge of the building. If the law enforcement officer believes this approval is unreasonably withheld, an appeal may be made to the CHIEF OF STUDENT SUPPORT SERVICES and then to the SUPERINTENDENT.

3. It is the responsibility of the law enforcement officer interviewing the student to assure compliance with all applicable procedural safeguards. District staff are not responsible for a law enforcement officer's compliance with the law. It is the position of the District that in the absence of an imminent threat to the health or safety of persons or property, including imminent threats to District students, staff members or visitors at the school, that law enforcement personnel will interview students outside of school hours and outside of the school building and grounds in those cases in which assistance has not been requested by District staff. If a parent or student refuses to consent to law enforcement agency questioning, it is the law enforcement officer's responsibility to respond appropriately to such refusal.

C. By School Administrators:

1. If upon interrogation relating to school matters, the PRINCIPAL has reason to believe that a crime has been committed and desires law enforcement agency involvement, he/she shall notify the law enforcement officer who will complete the investigation with all constitutional safeguards attached.

VI. Arrest by Law Enforcement Officers

Law enforcement officers should not arrest or take into custody a student in the school building and/or on school grounds during school hours unless the officer has "probable cause" to arrest for a felony or misdemeanor, or has an arrest warrant or juvenile commitment order.

- A. In cases where the student is to be taken into custody, the law enforcement officer should first contact the PRINCIPAL and so advise him/her. The student shall first be summoned to the office by the PRINCIPAL, unless this might compromise the

safety of the student, other students, staff or visitors to the school. If possible, a non-uniformed officer should make the arrest.

- B. In emergency situations where the commission of a serious felony or misdemeanor has been witnessed by the law enforcement officer or if the officer is in pursuit of a student for such an offense, the officer has the legal right to apprehend that student. However, before removing the student from the school building and/or school grounds, the officer should inform the PRINCIPAL of the arrest.
- C. The PRINCIPAL shall record the name of the officer, the time of the arrest, the name of the issuing authority of any arrest warrant, the nature of the crime for which apprehension is made, and the place of custody or detention. The parents or legal guardians of the student should be notified immediately by the PRINCIPAL. It is expected that a law enforcement agency will notify parents immediately after a student's arrest.

VII. Search of School Building or on School Property

Law enforcement officers conducting student searches are responsible for compliance with all procedural safeguards prescribed by law.

- A. By Law Enforcement, on request of School Authorities:
 - 1. If a PRINCIPAL has information, that he/she believes to be true, that evidence of a crime, stolen goods, drugs, weapons, or other items of an illegal or prohibited nature, are located on a student's person, in a student's locker, desk, or student's or non-student's automobile, the PRINCIPAL shall request law enforcement agency assistance.
 - 2. Searches of a student's person requiring removal of clothing other than a coat, jacket, or outer covering shall be referred to law enforcement. School personnel shall not participate in such searches. School personnel should state a preference to the law enforcement officer that this type of search not be conducted on school premises.
- B. By Law Enforcement, without request of School Authorities:
 - 1. When law enforcement involvement has not been requested by school officials, unless otherwise provided by law, District employees shall not grant a law enforcement officer permission to search a student's person, personal property, locker, desk, or vehicle unless presented a search warrant or court order authorizing such a search or the adult student, parent(s) or guardian(s) grants the law enforcement officer permission to conduct such a search.
- C. By School Administrators:

1. The school administration maintains control over lockers and desks loaned to students. The PRINCIPAL may search a locker or desk if he/she has reasonable suspicion to believe that missing school materials or items that would endanger the health or safety of the school population may be present or that other material or items are present which would constitute a violation of school rules, Board Policy or the law.
2. Whenever practicable, a student should be present when her/his locker and/or desk is being searched.

VIII. Annual Training for Administrators

The District's General Counsel shall annually provide in-service training to principals and assistant principals concerning the provisions of this and related policies. The in-service training shall include, but not be limited to, an in-depth explanation of specific policy requirements, such as notification of parents and providing students and parents with information about their rights, the basis for any interrogation, search and/or arrest of a student, the importance of complying with such policies and the possible consequences for failing to so comply.

LEGAL REF.: 55 ILCS 80/1 et seq., Children's Advocacy Center Act.
325 ILCS 5/1 et seq., Abused and Neglected Child Reporting Act.
720 ILCS 5/31-1 et seq., Interference with Public Officers Act.
725 ILCS 120/1 et seq., Rights of Crime Victims and Witnesses Act.

CROSS REF.: 7.130, 7.140, 7.190

Adopted: October 28, 1997

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