

## **LEA: Relations with Police Authorities**

Cooperation with law enforcements agencies is essential for the protection of students, for the maintenance of a safe environment in the district schools, and for the safeguard of all school property.

The Board also in aware of the potential enrichment that law enforcement agencies can contribute to the educational program. Teachers and principals are encouraged to make use of the personnel and facilities of the police department for programs and lessons on safety and other subject which may coordinate with the curriculum and be value to the students.

It is the policy of the schools to cooperate with law enforcements agencies in the interest of the larger welfare of all citizens. At the same time, schools have the responsibility to parents for the welfare of the students and the protection of their rights while they are in the care of the school.

### **Police Officer's Rights with Regard to Students**

- **Right to Question Students in School:** Police officers have no absolute right to enter the school premises and demand to interview any student. However, a spirit of cooperation should be extended to any bona fide police or law enforcement official who comes to a school seeking to interview students.
- **Right to Remove Students from School:** Police officers have no right to remove a student from the school for purposes of interview, and this should not be allowed in the absence of the specific consent of parent or guardian. Police officers, counselors of the juvenile court, or other authorized law enforcement officials have an absolute right to enter the school to take a student into custody or to make a lawful arrest of a student. However, the officer should be made to display either an order signed by a judge of the juvenile court authorizing the taking of the student into custody, or to display a warrant for the student's arrest. If the student is arrested and/or taken into custody at a school, the school officials should make every effort to notify the parents immediately.
- **Right to Serve Subpoena in School:** Police officers have a legal right to enter schools to serve subpoenas.

When there is a need for a police officer to interview a student, the officer is to be requested to confer with the student at a time when he/she is not under the jurisdiction of the school, if this can be arranged. However, when this is impractical, the officer may confer with the student during school hours provided that the following conditions are met:

- ✓ The officer is properly identified.
- ✓ Permission from a school official is given.
- ✓ Parents are notified immediately if possible.
- ✓ Student(s) are removed from the classroom by school personnel only, to guard against the

students knowing about the matter.

- ✓ If the parent or guardian cannot be present, then a school official should sit in the conference in the parent's stead.
- ✓ The students will be afforded the same rights they have outside of the school. When they are suspected of having committed an unlawful act they must be informed of their constitutional rights by the police. They must not be subjected to coercion or illegal restraint.
- ✓ When police officers are acting on behalf of the Department of human Services in the investigation of a report of child abuse, Policy FFEB/FHBB shall apply.

In all these situations, efforts should be made to minimize embarrassment or loss of class time for the student.

The office of the superintendent should be notified immediately when any of the above-mentioned actions has occurred.

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Cross Ref: Policy FFEB/FFBB Interviews by Other Agencies

Legal Ref: NDCC 15.1-09-33 School Board - Powers  
In Interest of D.S., 263 N.W.2d 114 (N.D. 1978)  
N.D. Attorney General Opinion 112, 1984  
N.D. Attorney General Letter, May 31, 1988  
Spaeth