

COOPERATION BETWEEN THE SCHOOL AND LAW ENFORCEMENT AGENCIES

(Student interviews, serving of subpoenas, detention and custody)

If it is necessary for law enforcement officers to interview, detain or take into custody a student then the principal or his/her designee, will follow these regulations to ensure compliance with Oregon Revised Statutes (162.245, 162.325, 162.345, 336.067). School personnel are responsible for cooperating with, and making it possible for, law enforcement officials to interview students on school premises.

1. The application of this regulation does not involve "Child Abuse" investigations. Any investigation regarding possible child abuse is governed by JHFE-AR - Reporting of Suspected Child Abuse.
2. It is the responsibility of a law enforcement officer who wishes to interview a student at school for law enforcement purposes to notify that student's parent or guardian of the interview. For this purpose, school personnel shall provide the telephone number of a student's parent or guardian to a requesting law enforcement officer unless the parent/guardian has filed written notice with the school that the student/parents' phone number should not be disclosed under the district's "directory information" procedure. In these circumstances school staff can contact the parents and hand the telephone to the officer.

If the law enforcement officer determines in his or her sole discretion that contacting the parent or guardian in advance will interfere with legitimate law enforcement business, or create a health or safety risk to the student or others, or the student's parent or guardian refuses to consent, or the student's parent or guardian consents to the student being interviewed, or that the law enforcement officer may interview the student without parental or guardian notification, the law enforcement officer will be asked to complete and sign a "Notification Record" (Refer to Appendix A). School Resource Officers and school administrators can agree to other forms of notification.

3. Ordinarily, the principal or staff member may be present during an interview of a student by police. Exceptional circumstances may make this inappropriate. Upon a request from the student, or if the officer believes that the circumstances of the investigation make such presence inappropriate, a staff member should not be present.
4. School personnel may not require that a student answer an officer's questions. School personnel have no authority to waive the student's constitutional right to remain silent or have an attorney. School personnel have no obligation, and ordinarily should not assume, to interfere with the officer's conduct of the interview.
5. If an officer comes to arrest a student and has a warrant or summons for that purpose, it is appropriate that school personnel, and all others, aid in the apprehension and detention of that student. School officials should determine from the law enforcement officer any special considerations for bringing the student to the office for the interview: for example, will the

suspect/student fight or flee? To maximize safety of the student/suspect, other students, faculty and staff, the administrator should seek and follow guidance provided by the law enforcement officer.

6. When a student is arrested and taken from the school, it is the statutory responsibility of law enforcement to notify the parent/guardian of the charge and location of the arrested juvenile. Nothing precludes school authorities from coordinating with the law enforcement officer to also notify the student's parents or guardian about the custody of the student, and the name of the officer and agency involved.
7. Staff will treat the fact that an investigation is occurring and the facts resulting from the investigation as confidential.

Serving of Subpoenas in Schools

Since a private individual who holds a court's subpoena to be served upon a student is in many respects an officer of the court in that capacity, cooperation must be offered to him/her to the extent of an opportunity to deliver that subpoena to a student over 14 years of age during the school day. The subpoena server may be requested to wait to serve that subpoena until the student has completed a class period or until such other time as service will not interfere with the school program. The right to serve a subpoena to those over 14 years of age does not mean, however, that the individual be permitted to interview the students: indeed, he/she may do so only according to other provisions governing contact with students in the school.

A school staff member should be present when the subpoena is served to ensure that the subpoena server does not exceed his/her grant of right.

Criminal Trespass and Law Enforcement Agencies

Law enforcement agencies may sign intergovernmental agreements (IGA) providing for the issuance of trespass warnings/exclusions and or citations. These IGA's will be recorded in the Superintendent's Office and Public Safety Office. With current signed IGA's law enforcement officers may issue trespass warnings/exclusions and remove persons from Beaverton School District property without an administrators signature. Trespass warnings/exclusions issued by law enforcement can be rescinded by the building administrator. A building administrator wishing to rescind a trespass warning should contact the Public Safety Office for assistance.

The IGA's also gives authority to law enforcement officers to issue trespass citations to persons who are a disturbance to the educational process and/or damaging property. Notification of trespass warnings and citations should occur through the building administrator and the Public Safety Office. The Public Safety Office will keep a record of all trespass warnings and citations issued. The record will include the following:

1. The date, time and school of the warning/exclusion and/or citation.
2. The status and expiration date of all warning/exclusion issued.
3. The court date or appeal date of all citations and warnings/exclusions.

(Continued)

BEAVERTON SCHOOL DISTRICT
NOTIFICATION RECORD

Appendix A

I take sole responsibility for notifying the parents or guardians of _____
regarding my investigation/interview. (Student's name)

(Please check the appropriate box.)

- PARENTS/GUARDIAN CONSENTED TO MY INTERVIEW/SEARCH
- NO CONSENT - INTERVIEW/SEARCH CONDUCTED
- NO NOTICE TO PARENT OR GUARDIAN DUE TO EMERGENCY CIRCUMSTANCES
- NO CONTACT WITH PARENTS - INTERVIEW/SEARCH CONDUCTED

DATE: _____

I AM AN OFFICER WITH: (*IDENTIFY AGENCY*)

Officer's Signature and DPSST#

Agency Case Number _____