

**Relations with Law Enforcement and the Department
of Human Services (DHS)****

It is the intent of the district to cooperate with law enforcement agencies in the interest of the welfare of all citizens. The district also has a responsibility to the individual student and his/her parents to ensure that the student's education is not unnecessarily interrupted and that his/her individual rights are protected.

When it is necessary for law enforcement officers to interview, detain or take into custody students at school during school hours, special consideration should be given to whether the matter is school connected, the gravity of the situation and if the officer has a petition or warrant to take the student into custody.

The principal may request law enforcement assistance in conducting an investigation.

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, the principal or his/her designee will follow these recommendations to ensure compliance with Oregon Revised Statutes. School personnel are responsible for cooperating with, and making it possible for, law enforcement officials to interview students on school premises.

1. Any investigation regarding possible child abuse is governed by Board policy JHFE - Reporting of Suspected Abuse of a Child and administrative regulation JHFE-AR - Reporting of Suspected Abuse of a Child.
2. It is the responsibility of a law enforcement officer who wishes to interview a student at school for law enforcement purposes to contact that student's parent or guardian in order to obtain advance authorization for the interview except for those students who are 18 years of age or emancipated. 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's/parents' phone number should not be disclosed under the district's "directory information" procedure.

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, the law enforcement officer may interview the student without parental or guardian notification. In either event, the law enforcement officer must sign and complete the district's Notification Record prior to the interview taking place, or, if exigent or emergency circumstances exist, prior to the officer leaving the school site.

3. The principal or staff member may be present during an interview of a student by law enforcement. Exceptional circumstances may make this inappropriate. Upon a request from the student, or if the officer insists 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, and if a student possesses sufficient understanding to effectively waive these rights, he/she does not need any assistance from others to do so. If he/she does not understand, or is too immature to understand, then the only source of a waiver should be from his/her parents or guardians. School personnel have no obligation, and should not assume, to interfere with an officer conducting an interview. The student's parents will be notified, if possible, prior to interview by a law enforcement officer.
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. 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. Whenever 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; however, a reasonable effort shall be made by school authorities to inform the student's parent of the arrest, charges as they are known and the officer's name and agency who took the student into custody.
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 an opportunity to deliver that subpoena to a student over 14 years of age occurs 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, that the individual be permitted to interview the student: he/she may do so only according to other provisions governing contact with students in the school.

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

END OF POLICY

Legal Reference(s):

[ORS 329.150](#)
[ORS 419B.015](#)
[ORS 419B.045](#)

Letter Opinion, Office of the Attorney General (August 18, 1986).

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F. 3d 1201 (9th Cir. 2011).