

1 **Bainville School District**

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3 **COMMUNITY RELATIONS**

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6 Interrogation and Investigations Conducted by School Officials

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8 The administration has the authority and duty to conduct investigations and to question students
9 pertaining to infractions of school rules, whether or not the alleged conduct is a violation of
10 criminal law. The administration shall determine when the necessity exists that law enforcement
11 officers be asked to conduct an investigation of alleged criminal behavior which jeopardizes the
12 safety of other people or school property or which interferes with the operation of the schools.

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14 In instances when the administration has reasonable suspicion that a violation of district policy or
15 the student code of conduct has been violated, the administrator will investigate. The
16 administrator will notify the suspected rule violator(s) or potential witness(es) to the infraction.
17 The suspected student shall be advised orally or in writing of the nature of the alleged offense
18 and of the evidence against the student. Circumstances may arise where it would be advisable to
19 have another adult present during questioning of students.

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21 School Resource Officer

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23 _____ School District contracts with the _____ Police Department to provide
24 School Resource Officers (SROs) to maintain a safe and secure environment conducive to
25 learning. Whenever possible all interactions between students and law enforcement at schools
26 with SROs assigned shall be coordinated through the SROs as specified within the duties of the
27 contract.

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29 Duties:

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31 1. Abide by school board policies and shall consult with and coordinate activities through
32 the school principal but shall remain fully responsive to the chain of command of the law
33 enforcement agency in all matters relating to employment and supervision.
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35 2. Develop expertise in presenting various subjects; particularly in meeting federal and state
36 mandates in drug abuse prevention education and shall provide these presentations at the
37 request of school personnel in accordance with the established curriculum.
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39 3. Encourage individual and small group discussions about law enforcement related matters
40 with students, faculty and parents.
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42 4. Attend meetings of parent and faculty groups to solicit their support and understanding of
43 the School Resource Officer Program and to promote awareness of law enforcement
44 functions.
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5. Be familiar with all community agencies that offer assistance to youths and their families such as mental health clinics, drug treatment centers, etc.
6. Confer with the administration to develop plans and strategies to prevent and/or minimize dangerous situations on or near the campus or involving students at school related activities.
7. Coordinate with the administration when conducting an investigation into alleged violations of District policy that also could be a violation of the criminal code during school hours, on school property or students travelling to or from school.
8. Advise the administration before requesting additional enforcement assistance on campus and undertake all additional responsibilities at the administration's direction.
9. In order to assure the peaceful operation of school-related programs, SROs will whenever possible, participate in or attend school functions.
10. Reaffirm their roles as law enforcement officers by wearing their uniforms, unless doing so would be inappropriate for scheduled school activities. The uniform will also be worn at events where it will enhance the image of officers and their ability to perform their duties.
11. Coordinate with the administration and be responsible for law enforcement and security activity at extra-curricular events as determined by the principal.
15. File reports as required by the school district and/or law enforcement agency.

Investigations by Law Enforcement

When a student becomes involved with law enforcement officers due to events outside of the school environment and officers other than a SRO must interact with a student, the officer(s) is requested to confer with the student when he/she is being investigated for conduct not under the jurisdiction of the school. If this cannot be arranged, the SRO is the first person of contact for law enforcement. If for any reason the SRO is not available to respond to a request, the following steps shall be taken to cooperate with the authorities.

- a. The officer shall contact the school principal and present proper identification in all occasions upon his/her arrival on school premises.
- b. Parents or guardians shall be notified by the law enforcement officer, school principal or assistant principal as soon as possible. The law enforcement officer, principal or assistant

principal shall make every effort to inform parents or guardians of the intent of the law enforcement officers except when that notification may compromise the student's safety.

- c. The student's parent or guardian should be present, if practicable, during any interrogation on school premises.

Cooperation with Law Enforcement

Although cooperation with law enforcement officers will be maintained, it is the preference of the District that it will not normally be necessary for law enforcement officers to initiate, and conduct any investigation and interrogation on the school premises, during school hours, pertaining to criminal activities unrelated to the operation of the school. It is preferred that only in demonstrated emergencies, when law enforcement officers find it necessary, will they conduct such an investigation during school hours. These circumstances might be limited to those in which delay might result in danger to any person, flight of a person reasonably suspected of a crime from the jurisdiction or local authorities, destruction of evidence, or continued criminal behavior.

No school official, however, should ever place him/herself in the position of interfering with a law enforcement official in the performance of his or her duties as an officer of the law. If the law enforcement officials are not recognized and/or are lacking a warrant or court order, the building principal shall require proper identification of such officials and the reason(s) for the visit to the school. If the principal is not satisfied, he/she shall attempt to notify the Superintendent and the officer's superior, documenting such action.

In all cases, the officers shall be requested to obtain prior approval of the principal or other designated person before beginning such an investigation on school premises. The administrator shall document the circumstances of such investigations as soon as practical. Alleged behavior related to the school environment brought to the Principal's attention by law enforcement officers shall be dealt with under the provisions of the two previous sections.

Taking a Student into Custody

School officials shall not release students to law enforcement authorities voluntarily unless the student has been placed under arrest or unless the parent or guardians and the student agree to the release. When students are removed from school for any reason by law enforcement authorities, every reasonable effort will be made to notify the student's parents or guardians immediately. Such effort shall be documented. Whenever an attempt to remove a student from school occurs without an arrest warrant, court order, or without acquiescence of the parent or guardian, or the student, the administrator shall immediately notify a superior of the law enforcement officers involved to make objection to the removal of the student and shall attempt to notify the parent or guardian of the student. The Superintendent's office shall be notified immediately of any removal of a student from school by law enforcement officers under any circumstances.

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4 When it is necessary to take a student into custody on school premises and time permits, the law
5 enforcement officer shall be requested to notify the principal and relate the circumstances
6 necessitating such action. When possible, the principal shall have the student summoned to the
7 principal's office where the student may be taken into custody. In all situations of interrogations,
8 arrest or service of subpoenas of a student by law enforcement officers on school premises, all
9 practicable steps shall be taken to ensure a minimum of embarrassment or invasion of privacy of
10 the student and disruption to the school environment.

11 12 Disturbance of School Environment

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14 Law enforcement officers may be requested to assist in controlling disturbances of the school
15 environment which the Principal or other school administrator has found to be unmanageable by
16 school personnel and which disturbances have the potential of causing harm to students, other
17 persons, or school property. Staff members may also notify law enforcement officials.

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19 Such potential of possible disturbance includes members of the public who have exhibited
20 undesirable or illegal conduct on school premises or at a school event held on school property,
21 and who have been requested to leave by an administrator or staff member, but have failed or
22 refused to do so.

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25 Legal Reference: § 20-1-206, MCA Disturbance of school - penalty
26 § 20-5-201, MCA Duties and sanctions
27 § 45-8-101, MCA Disorderly conduct
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29 30 Policy History:

31 Adopted on: Fall 2004

32 Reviewed on: 2/25/08

33 Revised on: 7/13/16, 2/12/2020