

INTRODUCTION

The School Resource Officer/Weld County School District RE-1 Partnership exists to ensure safe schools, improve school/law enforcement collaboration; and improve perceptions and relations between students, staff and law enforcement.

The purpose of this handbook is to clarify current law and district policy as they pertain to interactions that occur on school premises between law enforcement and students during school hours or at school functions. These guidelines are subject to change and do not create any new rights for students, parents, staff or law enforcement. Parents, students, or staff members who have questions regarding their rights in a *criminal investigation* **should** consult an attorney.

Throughout this handbook, the term SRO will refer to either the assigned School Resource Officer or any other on-duty law enforcement officer. Consistent with the authority and duties of law enforcement officers, an SRO may undertake criminal investigations that involve student or staff conduct on or off school property. The SRO will notify the school administrator following an investigation of any violation, as soon as practicable.

If an apparent *criminal violation* is observed at a district site, school or at a school-sponsored activity, the person observing the violation may request assistance from an SRO. The SRO will notify a school administrator regarding their response to the violation. SROs may also independently determine that a criminal investigation is necessary. School administrators and SROs retain the authority to override these guidelines when, in School administrators and SROs retain the authority to override these guidelines when, in the reasonable judgment of the school administrator or SRO, immediate action is needed to address a critical or emergency situation.

Policies and Regulations—

SROs shall be familiar with district policies and regulations related to safety, student conduct, and discipline issues, which are specified in the district's Code of Conduct. The SRO shall not take into custody any student who has

Criminal Investigation—
An investigation of a suspected criminal violation. A School Resource Officer or other law enforcement officer may conduct the investigation.

Criminal Violation—
Any violation of federal, state, municipal or county law, except minor traffic violations.

Weld County School District RE-1 and Weld County Sheriff's Office: STUDENT/PARENT GUIDE TO THE SCHOOL RESOURCE OFFICER (SRO) PROGRAM

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violated district policy or the district's Code of Conduct when the violation does not also violate a criminal law.(Code of Conduct – Student Tab, Weld RE-1 Website)

TYPES OF STUDENT CONTACT

Voluntary:

SROs frequently speak with students in voluntary situations. If, as a result of conversation with a student, the SRO becomes aware of personal concerns the student may have, the officer will work with school administrators to ensure that the student's counselor is made aware of those concerns.

Students should understand that during *voluntary contacts*, they do not have to answer the SRO's questions and are free to leave at any time. However, a student's refusal to speak to an SRO does not relieve the student of the obligation to speak with a school administrator. Students have the obligation at all times to identify themselves upon the request of a school employee or SRO.

SROs will make every effort to avoid disrupting the learning environment by contacting students before or after school, during free periods or during lunch.

If a student is asked to leave a class by an SRO, a school administrator or the SRO will write the student a pass at the completion of the contact. This pass allows the student to return to class and also serves as a school-excused absence so as not to compromise the student's attendance record.

Voluntary Contacts— The brief, face-to-face meetings between a student and an SRO in which the officer does not use his/her authority to restrict the student's freedom of movement. The student is free to leave after identifying him or herself.

Parental Involvement during SRO-Student Contact:

The necessity and appropriateness of parental involvement varies with the circumstances surrounding contact between a law enforcement officer and a student (as outlined in the 'Interview' and 'Interrogation' sections that follow).

Interview:

Interview—The questioning of a student who may be a witness to, a victim or a potential suspect of a violation. Students are not obligated to speak to the SRO or other law enforcement officer but if they do, anything they say can be used against them in a court of

Elementary and Middle School Students—

At elementary and middle schools, a school administrator, counselor, or designee, must be present whenever an SRO conducts a student *interview*. Parent(s) or guardian(s) will be notified that an interview has occurred by a representative of the school, except when there is reason to suspect child abuse.

Senior High School Students—

At the senior high school level it is preferred that a school administrator, counselor or designee be present whenever a SRO conducts a student interview. However, at the school administrator's discretion or at the request of the student, SROs may interview a student alone. Parent(s) or guardian(s) will be notified that an interview has occurred by a representative of the school, except when there is reason to suspect child abuse.

Interrogation:

Interrogation—The interview of a person suspected of violating a criminal law while in custody of a law enforcement officer.

If, in the course of a criminal investigation, it becomes necessary for an SRO or other officer to conduct an *interrogation* of a student, the officer will notify a school administrator and the student's parent(s) or guardian(s) prior to the student being interrogated as required by law.

Law enforcement officials will observe all procedural safeguards prescribed by law when interviewing or interrogating students.

Search and Seizure:

(Complete search and seizure policy can be found in the Code of Conduct)

All lockers and other storage areas provided for student use on school premises remain the property of the school district and are provided for the use of students and are subject to inspection at any time, without notice and without cause, at the discretion of school administrators.

The school administrator or designee may search the person of a student or a student's personal effects on school property when there are **reasonable grounds to suspect** that the search will uncover evidence of a violation of district policy, school rules or law, or anything that presents imminent danger or harm to the school community. Such searches by school administrators are limited to search of the student's pockets, purse, backpack, book bag, briefcase or "pat down" of the exterior of the student's clothing. The extent of the search and the means used to conduct the search must be reasonably related to the objectives of the search and the nature of the suspected violation. (Policy File: JIH – Student Interviews, Searches, Arrests)

**Reasonable Grounds to Suspect—
More than a generalized suspicion or a mere hunch, but not requiring certainty that a violation has occurred. For example, it may be based upon, among other things, direct observations or the reported observations or experiences of others. It involves a common-sense conclusion about human behavior based upon all of**

Searches conducted by SROs must meet stricter criteria and shall comply with the requirements of applicable law. School administrators or staff will not assist or otherwise participate in such a search. Nothing in these guidelines will limit a school administrator or designee from requesting the assistance of SROs in using specially trained dogs to search for drugs or weapons on school property.

Temporary Custody:

An SRO may take a student into **temporary custody** when there are

reasonable grounds to believe the student has committed, is committing, or is about to commit a criminal violation, or for protective custody. When an SRO intends to take a student into temporary custody, the officer should notify the school administrator or designee so that the student may be summoned to the school

Temporary Custody—The use of authority by a SRO or other law enforcement officer to restrict a student's freedom of movement in any significant way, for a prolonged period of time. When a student is taken into temporary custody, the student's parent(s) or guardian(s) will be notified pursuant to applicable statutes, prior to interrogation by a law enforcement officer.

administrator's office and taken into custody in a manner that is as inconspicuous as possible and is respectful of the student's dignity.

(Temporary Custody, continued)

An SRO may take a student into temporary custody pursuant to the requirements of the Colorado Children's Code which includes notification of the parents/guardians.

When an emergency situation arises and a student is taken into custody on school premises without prior notification to the school administrator or designee, the SRO should notify school authorities as soon as practicable.

Arrest:

The SRO may **arrest** a student based on **probable cause** to believe the student has committed or is committing a crime. This may result in charging the student with committing a crime.

Arrest -

The use of authority by a SRO or other law enforcement officer to take custody of a student based on probable cause to believe the student has committed or is committing a crime. When a student is placed under arrest, the student's parent(s) or guardian(s) will be notified pursuant to applicable statutes, prior to interrogation by a law enforcement officer.

Probable Cause -

Information sufficient to warrant a prudent person's belief that the wanted individual had committed a crime (for an arrest warrant) or that evidence of a crime or contraband would be found in a search (for a search warrant)."

The law requires that certain actions be taken to protect the interest of an arrested student. If a student is arrested, he/she has the same **Miranda rights** as an adult which include the right to remain silent, the right not to answer any questions, and the right to have an attorney present prior to questioning. Students under the age of 18 have the additional right, under most circumstances, to have parents, guardians or legal custodians with them when subjected to an interrogation. As a result, SROs will contact the parent or guardian in these circumstances.

When SROs for any reason remove a student from school, school administrators will make every reasonable effort to notify the student's parent, guardian or legal custodian before the student is removed from school grounds by law enforcement officer.

Know your Miranda Rights...

The following is a minimal Miranda warning, as outlined in the Miranda v Arizona case.

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to speak to an attorney, and to have an attorney present during any questioning. If you cannot afford a lawyer, one will be provided for you at government expense.

Handcuffing Students–

If an SRO has to place handcuffs on a student, it should be done as discreetly as possible. Reasonable care should be taken to avoid "parading" a student in the hallways or on school grounds. SROs have discretion as to when and where to handcuff a student for the student's safety, the safety of others, and the safety of the officer(s).

CONFIDENTIALITY OF CONTACTS AND RECORDS

Only parents/legal guardians and their attorney or designated advocate; parole, probation, or Department of Human Services representatives; and/or district staff may be present during interviews/interrogation by SROs on school premises. Care should be taken to interview or interrogate students in a setting that affords confidentiality.

The SRO shall be provided an area to conduct matters of confidential business and shall be provided access to records in which the SRO has a legitimate interest related to maintaining school safety as determined by the district. The SRO shall maintain confidentiality of school records, as required by law and/or school policy, and shall confer with school administrators on questions concerning confidentiality of records.

Comments and Questions about the SRO Program–

Community members wanting to provide feedback and/or ask questions regarding the SRO Partnership are urged to call the Education Service Center (970-737-2403). Anyone wishing to speak with someone about the SRO Partnership should leave his/her name and phone number. A school district representative will contact the caller in a timely manner.

The School District Website (www.weld-re1.k12.co.us) can also be used to obtain copies of the school district Student Rights & Code of Conduct, additional copies of this handbook. Both can be found under the Student Tab.

Procedure for Sharing Concerns or Making Complaints about the SRO Program–

At any time should an individual have a concern related to SROs or the SRO Program, the individual should share that concern or issue a complaint either by calling the Superintendent at Weld RE-1 Education Services (970-737-2403).

All complaints related to the SRO Program will be investigated by a district level administrator. Documentation will begin when the complaint is received to ensure that appropriate action is taken in all cases and, to the extent possible, that the school administrator will inform the individual who submitted the concern/complaint of the action taken.

In addition, individuals may also contact the law enforcement agency involved to discuss complaints and concerns.

The Student/Parent Guide to the School Resource Officer Program can be found in the Student Tab on the District Website (www.weld-re1.k12.co.us)