I. POLICY

Having law enforcement officers and/or police personnel enter a school campus during the regular school day, or when school activities are occurring, can disrupt the normal learning/social environment that schools strive to achieve. Therefore, members must be familiar with these procedures for handling incidents on school grounds and for working cooperatively with school personnel in all matters involving students that are under control of the school district.

Members are required to follow federal, state, and local statutes as well as Davis Police Department policies and procedures.

It is the policy of the Davis Police Department that officers avoid questioning or taking minors into custody on K-12 school grounds, unless we are summoned to school grounds or the circumstances dictate some immediate action where contact on school grounds is necessary. Absent exigent circumstances, officers will notify a school site administrator prior to contacting or taking students into custody on school grounds. It is the intent of this policy that the Davis Police Department cause minimal interruption of school activities.

Given that no policy can realistically predict every possible situation Department personnel might encounter, each member must be entrusted with well-reasoned discretion to determine the appropriate course of action for any incident. In determining how to proceed, personnel are to choose that course of action, consistent with this policy, which they deem to be in the best interest of the minor and the community.

II. PURPOSE

The effectiveness of police/student relations in general, is based upon a cooperative working relationship among police, students, and school personnel.

Our mission is to improve school safety and the educational climate at the school, not to enforce school discipline or punish students. Members should:

- Create goodwill and increased understanding between students and the police through personal interactions in non-enforcement settings.
- At the request of a school, make class presentations on law-enforcement subjects or community issues.
- Provide guidance, assistance, and support to students and their parents.
• Remain responsive to youth needs and/or assist them with access to, and interaction with, government services, with which they may be unfamiliar or uncomfortable.
• At the request of a school, provide additional security at school and youth related events.
• Investigate crimes and/or take necessary enforcement action for criminal violations occurring on school grounds.
• Participate in the truancy reduction efforts by working cooperatively with students, parents, and the DJUSD to determine student needs or identify resources that may get them back into and engaged in school.

In addition, this policy is intended to provide clear information and/or guidance to Department personnel on how to handle incidents on school grounds or with students that fall under the supervision of the school district and/or school staff. The Davis Police Department is sensitive to student perceptions of a diminished ability to exercise free will in a school setting. To that end, this policy establishes special rules regarding the questioning, on school grounds, of students who may be witnesses to or are suspected of being involved in criminal activity.

III. PROCEDURE

A. General Authority to Act on School Grounds

1. The power and authority of law enforcement officers extends to any place in the state, including school grounds. While law enforcement officers are generally called onto a campus, rather than entering on their own initiative, their authority to enter the campus is in no way conditioned upon their being summoned. School officials must not delay law enforcement officers in the discharge of their official duties on campus, nor may school officials attempt to resist or obstruct officers in carrying out their official duties.

2. School personnel may hold a student strictly accountable for acts related to school activities or attendance, including but not limited to going to or coming from school or while the student is at school or a school activity. A teacher, vice-principal, principal, or any other certificated employee of a school district can exercise the same degree of physical control over a student that a parent would be legally privileged to exercise, but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of students, or to maintain proper and appropriate conditions conducive to learning. (§ 44807 Education Code (EC))

3. Department members will respect the decision of school staff to intercede on the behalf of a student and to act on a student’s behalf, as a parent might under the same circumstances. Taking into consideration the best interests of a minor or student at all times, officers may share non-confidential information with school staff. The Department recognizes that working cooperatively with school personnel is generally reasonable, lawful, and desirable.

4. Department members will comply with the Policy set forth in Section I above in adhering to the more specific procedures set forth in this Section III.

B. Law Enforcement Actions/Procedures on School Grounds

1. As a general rule, in dealing with school matters, Department members are responsible for handling criminal law issues and not school discipline issues. In many cases, matters with potential criminal law issues will also be a school discipline issue. Notwithstanding
the potential criminal law issue, officers are to work cooperatively with school administration in having the school handle any matter that can be reasonably resolved as a school discipline issue instead of a criminal law issue/violation. Often, schools are more capable/suitable for providing a more comprehensive strategy/disposition for working with the minor and/or the parent(s) in resolving minor violations of the law than the more formal juvenile justice system.

2. Students will not be taken into physical custody on school grounds, unless the student poses a real and immediate threat to any student (including themselves), school staff, or public safety generally. In instances where the minor does not pose a real and immediate threat and physical custody can be delayed, officers should work cooperatively with a parent/guardian to arrange for booking and/or cite-and-release during non-school hours and away from the school campus.

   a. When there is an immediate need to take a minor into custody, the school principal or a vice-principal shall be consulted prior to student contact, when practicable.

   b. When a student is taken into custody, because they posed a real and immediate threat as specified above, officers will notify the student’s parent or guardian of the child’s custody status as soon as practicable.

3. Students shall not be interviewed or questioned on school grounds, unless (a) there are exigent circumstances or (b) school personnel have requested Departmental assistance to investigate a criminal law issue/violation that relates to school activity or attendance and cannot reasonably be resolved as a school discipline issue.

4. Absent exigent circumstances, officers shall consult with a school site administrator prior to removing, or asking a student be removed, from any class for the purpose of a police contact.

   a. It is the intent of this provision that officers be able to articulate an actual need to remove the student from class, rather than meeting with the student at a later time or off-campus, so that class attendance is not disrupted.

5. Absent a real and immediate threat to any student (including themselves), school staff, or public safety, students who are summoned to meet with an officer for the purpose of being interviewed shall be advised by the officer, prior to the interview, that they are free to leave at any time. A school site administrator (principal or vice-principal) shall be present during the advisement and shall be present during the interview, unless the student or officer requests the school administrator leave the interview.

   a. Students suspected to be victims of child abuse shall be afforded the option of being interviewed in private or selecting any adult member of the school staff, including any certificated or classified employee or volunteer aide, to be present during the interview. (§ 11174.3 Penal Code (PC).)

6. Absent exigent circumstances, when the minor has been summoned to any administrative office or similar staff area to meet with the officer, or the minor has been detained regarding conduct that could result in the minor being taking into custody, officers shall question the minor only after informing the minor of their Miranda rights, and only with a school site administrator or the minor’s parent/guardian present. A minor may, at their discretion, decline to have their parent or guardian or a school administrator present during the questioning.
a. Whenever practicable, officers shall inform school site administrators prior to questioning students on school grounds.

b. Officers shall not ask school officials to question students on behalf of the police.

7. If a principal or any school official releases a minor student to a peace officer for removal from school, the school official is required by law to take immediate steps to notify the student’s parent, guardian or responsible relative of the action and the place where the minor was taken. Officers who take minors into custody will concurrently notify the parents of the status of the minor, as soon as practicable.

a. Under § 48906 EC, the only exception to this requirement is when a minor student has been taken into custody as a victim of suspected child abuse, as defined in § 11165.6 PC, or pursuant to § 305 Welfare and Institutions Code (W&I). In cases of suspected child abuse, school officials must provide peace officers with the address and telephone number of the minor’s parent or guardian. Officers must immediately notify the parent or guardian that the minor is in custody and where he or she is being held. Officers may withhold disclosure of this location for up to 24 hours, if there is a reasonable belief that such disclosure would endanger the safety or disturb the custody of the minor. (§ 48906 EC) If the school receives inquiries from parents about the student’s location, they should be referred to the Davis Police Department.

C. Procedures for Searching Students

1. Officers may conduct or participate in a search of a student’s person, possessions, or locker where there is probable cause to believe that the search will turn up evidence that the student has committed or is committing a criminal offense, or as otherwise permitted by law.

   a. Officers shall inform school site administrators prior to conducting a probable cause search, when practicable.

   b. Officers shall not ask school officials to search a student’s person, possessions, or locker in order to circumvent the probable cause requirement.

2. A school official may conduct a search of a student’s person, possessions, or locker where there is reasonable suspicion to believe the search will turn up evidence that the student has violated or is violating either the law or the rules of the school, and the search is justified in scope, given such suspicion.

   a. In the event of an identified safety risk to students, school staff, or public safety, a school official may ask an officer be present or participate in such a search.

3. Absent an articulable risk to students, teachers, or public safety, students and/or their belongings will be searched in the school office or other suitable private location, out of view of other students. A school administrator or official should be present during the search as a witness.

4. Absent an articulable risk to students, school staff, or public safety, either the officer or the school official should be the same gender as the student being searched. The task of conducting the search of a person may be delegated to an officer or school official who is the same gender as the student being searched.
5. Subject to the applicable level of suspicion set forth in Section III.C.1 & 2 above, a student may be asked to remove hats, jackets, backpacks, and outer clothing, or asked to surrender any items which are illegal to possess, so that a more invasive search may be avoided.

6. At school, a student may not be asked or required to remove or arrange clothing so as to permit visual inspection of the underclothing, breast, buttocks or genitalia; and may not be subject to a body cavity search by any means whatsoever. (§ 49050 EC.)

D. Sharing of Information and Cooperation

As always, when dealing with confidential juvenile information, all interested parties must be mindful of the various statutes which may restrict and control the dissemination and sharing of specific information.

1. Even if the information relates to a crime committed against the school district, the information is confidential and may only be disclosed to certain school personnel –

   § 828.3. W&I - Disclosure of information that minor has committed crime against school district. Notwithstanding any other provision of law, information relating to the taking of a minor into custody on the basis that he or she has committed a crime against the property, students, or personnel of a school district or a finding by the juvenile court that the minor has committed such a crime may be exchanged between law enforcement personnel, the school district superintendent, and the principal of a public school which the minor is enrolled as a student if the offense was against the property, students, or personnel of that school.

2. A juvenile court may release a case file to the school district when a student has been adjudged a ward of the court.

3. The Department and District may share information regarding truancy and/or truants.

4. The District may release information from student records in connection with an emergency, if the information is necessary to protect the health or safety of a student or other persons.

5. Principals are required to report, under certain circumstances including, but not limited to, when a student possesses or sells a firearm, assaults another with a deadly weapon, assaults a teacher, or possesses or sells a controlled substance. (§ 48902 EC.)

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