

## **Relations between other Governmental Agencies and Schools**

### **COOPERATION WITH LAW ENFORCEMENT OFFICERS/AUTHORIZED AGENCIES--SPECIFIC PROCEDURES**

#### I. Officers Involvement with Students

When students become involved with law enforcement officers, the officers, unless Miami-Dade Schools Police, should be requested to confer with the student at a time when the student is not under the jurisdiction of the school. However, when this is impractical, a law enforcement officer may confer with a student during school hours provided the following conditions are met:

- A. The officer must show appropriate identification (including Miami-Dade Schools Police Department officers when not in uniform).
- B. Permission must be given by the principal or designee.
- C. Every effort should be made by the principal or designee to contact the parent/guardian or person on the emergency contact card and give him/her the opportunity to be present during the interview.
- D. Student(s) are removed from the classroom by school personnel only. Guard against other pupils knowing about the matter.
- E. The discussion must be conducted in private with the principal or designee present.
- F. The student shall be afforded the same rights as when he/she is outside the school, including the right to be informed of legal rights, the right to protection from coercion and constraint, and the right to remain silent.

#### II. Police Officer's Rights with Regard to Students

The School Board Attorneys offer the following interpretations to three key questions:

##### A. Right to Interrogate Students within the School

Police officers have no absolute right to enter the school premises and demand to interrogate any student. However,

a spirit of cooperation should be extended to any bona fide police or law enforcement official who comes to a school seeking to interrogate students.

Students should be questioned only in a private room or office, with the principal or designee present. Whenever possible, a student should not be taken from a regular academic class. Every effort should be made by the principal or designee to contact the parent/guardian or person on the emergency contact card and give him/her the opportunity to be present during the interview. Care should be taken to prevent other students from being aware of the interrogation.

B. Right to take a Student from the School

Police officers have no right to remove a student from the school for purposes of interrogation, and this should not be allowed in the absence of the parent/guardian or person on the emergency contact card.

However, police officers, counselors of the Juvenile Court, or other authorized law enforcement officials have an absolute right to enter the school to take a student into custody or to make a lawful arrest of a student. The officer should be made to display either an order signed by a judge of the Juvenile Court authorizing the officer to take the student into custody or to display a warrant for the student's arrest. The officer or counselor need not display an order or warrant if the officer or counselor shall have reason to believe that the child committed a violation of law. The officer's or counselor's oral statement to this effect shall be sufficient. (A staff member must be a witness to this statement.)

If a student is arrested or taken into custody at a school, the school should make every effort to notify the parents immediately.

C. Right to Serve a Subpoena

Police officers have an absolute right to enter schools and serve subpoenas.

While police officers have the legal right to serve a subpoena at school, serving officials should be strongly urged to serve these subpoenas at the home of the student whenever possible.

In all of these situations, every possible step should be taken to insure a minimum of embarrassment or loss of class time for the student. Police or other law enforcement officials should be encouraged to contact students during hours when school is not in session and off the school grounds.

Further questions regarding this information should be directed to the Director, Department of Attendance Services.

Specific Authority: 230.22(2); 230.23(22) F.S.

Law Implemented, Interpreted, or Made Specific: 39.401; 230.23 (13); 230.23005(5)(6); 230.33(14); 901.15(3) F.S.

**History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**

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