

Law Enforcement-School Collaboration

Effective collaboration with law enforcement officials enhances schools' ability to provide a safe learning environment. Law enforcement officers serve a dual role of prevention and intervention. They serve as a resource to school personnel and families in regard to classroom instruction, delinquency, and crisis intervention. When working within the schools, efforts will be made to cause the least disruption possible to an orderly school environment.

The Dubuque Community School District will partner with law enforcement officials in working with students, staff and parents within the guidelines of all pertinent local, state, and federal laws.

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Introduction

School Resource Officers (SROs) and other police officers are important partners for schools. Officers provide instructional, behavioral, and school/family/community support through their work in our schools. Officers assist in educating students regarding safety issues, serve as mentors, make presentations in classrooms, assist staff with de-escalation of students, assist in supervision of students, serve as resources for families seeking advice regarding law enforcement issues, build relationships with students and families that break down barriers of distrust, assist school and families in times of crisis, conduct home visits, provide advice to staff faced with difficult decisions, offer conflict resolution services, and assist in medical or other emergency situations.

In addition, SROs and other police officers perform law enforcement duties and are sometimes called upon to perform those duties on school property. The following guidelines describe standard procedures for police officer interaction with students while they are on school property.

Informal Discussion

During the course of their duties, School Resource Officers may have informal discussions with students on a myriad of issues from disruptive behavior to problems that the student may be having at home, work or school. The purpose of the informal discussions is to correct undesirable behavior, build positive relationships between the students and officers and to assist students with any problems that they may have. In most cases, parent/guardian will not be contacted prior to the initiation of these informal discussions.

Victim/Witness Interviews

Throughout the course of the school year, School Resource Officers and officers and investigators of the Dubuque Police Department may be conducting criminal and non-criminal investigations that involve students of the Dubuque Community School District. Officers may interview students on school property regarding a number of issues and will make every effort to conduct those interviews without causing significant disruption to the learning environment. The principal or designee will attempt to notify parent/guardian of the interview.

Non-custodial Interrogations

School Resource Officers and officers and investigators of the Dubuque Police Department may have occasion to interrogate students suspected of committing criminal acts. Most, if not all, non-custodial interrogations conducted on Dubuque Community School property will involve minor crimes. At the onset of the interrogation, officers will advise students that they are not under arrest, do not have to speak with the officer and are free to discontinue the conversation and leave the room at any time. Law enforcement officers are not required to read students their Miranda rights prior to non-custodial interrogations. The principal or designee will attempt to notify parent/guardian of the police contact.

Custodial Interrogations

School Resource Officers and officers and investigators of the Dubuque Police Department may have occasion to take students into custody for criminal acts that they are suspected of committing. Custody occurs when the student is placed under arrest or there is a significant deprivation of the student's freedom equal to an arrest.

Interrogation occurs when students are asked direct or accusatory questions (ex. Did you take the radio?), or the functional equivalent—words or actions reasonably designed to get students to incriminate themselves.

Custody and interrogation in combination mandate that officers advise students of their Miranda rights (i.e., right to remain silent, right to counsel, anything that they say may be used against them and that counsel will be provided if they cannot afford to hire counsel on their own). If a student is under the age of 16 and he or she wishes to speak with officers concerning the matter under investigation, both the student and his/her parent/guardian must first make an intelligent waiver of their rights. If the student is age 16 or older, officers must make an earnest effort to contact the student's parent/guardian. If police officers are unable to contact the parent/guardian and the student wishes to speak with the officers, the student may waive his or her rights and the interrogation may proceed. If a parent/guardian is not present, the principal or designee will be present if at all possible. If the student is arrested for a forcible felony, the juvenile court automatically waives jurisdiction and the student is treated as if they are an adult. Students must still waive their rights for officers to speak with them but law enforcement is not required to obtain the waiver from the students' parent/guardian. A student who is 18 years of age is an adult and is treated as such. Officers may not interrogate students who refuse to waive their rights.

Custodial interrogations will generally not be conducted on school property unless the situation warrants. Officers will typically remove students from school property and have them transported to the Dubuque Law Enforcement Center (DLEC) at which time officers will attempt to conduct the interrogation.

Custodial Detentions

As indicated in the preceding paragraph, most custodial detentions of students on school property will be of short duration. School Resource Officers will arrange for students to be transported to the DLEC as soon as a transport vehicle is available.

Parental Contact

As standard practice, in addition to parental contact initiated by police officers, the principal or designee will attempt to keep parent/guardian informed of any police contact with their students other than informal discussions as described above.

In most cases involving a criminal act on school property in which the School Resource Officer or another police officer is involved, the officers will have responsibility of contacting the student's parent/guardian if such a contact is necessitated. In many cases, the student will have been transported from the school property to the DLEC and the officer will contact the student's parent/guardian and ask them to respond to the DLEC for continued consultation. In matters that are less serious, the SROs may contact the parent/guardian from school or from their office at a later time.

In cases of school rule violations or other non-criminal disciplinary matters, the determination to contact the student's parent/guardian will be made by school officials.