

## **9320 - Cooperation with Law Enforcement Agencies**

The Board of Education acknowledges the law compelling school attendance vests in the Board a custodial responsibility for the children in its charge and a duty to protect those children from persons not associated with the school district.

The Board further recognizes that its interest in helping children understand and respect the law is best served by a close and cooperative relationship with local law enforcement. The Board adopts Policy and Regulation 9320 in accordance with N.J.A.C. 6A:16-6.1 et seq. to ensure cooperation between school staff and law enforcement officials in all matters relating to the unlawful possession, distribution and disposition of controlled dangerous substances, as defined in N.J.S.A. 24:21-2, including anabolic steroids, drug paraphernalia, alcoholic beverages and/or firearms as defined in subsection f. of N.J.S.A. 2C:39-1.(f); and other deadly weapons as defined in N.J.S.A. 2C:39-1.(r) and in the planning and conduct of law enforcement activities and operations occurring on school property, including arrest procedures and undercover school operations. The Board directs the Superintendent to institute a program of such communication and cooperation.

Policy and Regulation 9320, as adopted by the Board, will be submitted for approval to the County Superintendent of Schools in accordance with N.J.A.C. 6A:16-6.2(a)2.

Policy and Regulation 9320 have been developed and approved by the Board to protect the interests of pupils and serve the legitimate needs of law enforcement in accordance with N.J.A.C. 6A:16-6.1 et seq.

N.J.A.C. 6A:16-6.1 et seq.

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**A. Relations with Local Police Department**

1. The Principal of each school will endeavor to establish a continuing cooperative relationship with the law enforcement officers that serve the area in which the school is located.
2. Local police officers will be encouraged to visit the school on regular tours of duty so that their presence in the school is helpful and non-threatening.
3. Police should be encouraged to take active roles as resource persons in school programs in order to bring them into direct contact with pupils and to impress pupils with the positive aspects of police protection and security. Police officers may be invited to participate in such programs as driver education, substance abuse, and health/family life education.
4. At the same time that he/she works toward a liaison with the police and assists the police in the necessary performance of their responsibility to enforce the law, the Principal will impress upon the police his/her role as protector of the rights and interests of the pupils enrolled in the school.
5. For the purposes of this Regulation:
  - a. "Police Department" means the law enforcement agency designated by the County Prosecutor to receive such information.
  - b. "Principal" means the Principal and/or designee.
  - c. "Superintendent" means the Superintendent and/or designee.
  - d. "School staff member" means any school employee.

**B. Summoning the Police onto School Property for the Purpose of Conducting Law Enforcement Investigations, Searches, Seizures, Arrests and in Emergencies**

1. Police may be summoned to the school by the Principal or, in the absence of the Principal, the staff member in charge of the school building. If the Principal or staff member in charge is not immediately available in an emergency situation, the police may be summoned by any staff member with direct knowledge of the emergency, who shall report his/her call to the Principal at the earliest possible time.

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2. The telephone number by which police can be summoned shall be prominently displayed at telephones in the school that have an outside line.
3. Police officers should be summoned to the school:
  - a. When an incident involving the suspected or actual use, possession, or distribution of alcohol or a controlled dangerous substance, including anabolic steroids, drug paraphernalia or a firearm or other deadly weapon occurs, in accordance with Regulation 5530 (Substance Abuse);
  - b. When evidence indicates that a crime has been committed, that a break and entry has occurred, that a deadly weapon is on school premises, or that a breach of the peace has occurred, in accordance with Regulation 7440 (Security of School Premises);
  - c. When an act of vandalism has occurred, in accordance with Regulation 8461 (Reporting Violence and Vandalism);
  - d. When fire is detected and immediately after the fire department has been summoned, in accordance with Regulation 8420.1 (Fire and Fire Drills);
  - e. When a bomb threat has been received, in accordance with Regulation 8420.2 (Bomb Threats);
  - f. When the school is threatened by toxic hazard, in accordance with Regulation 8431 (Toxic Hazard Preparedness Program);
  - g. In a serious medical emergency, in accordance with Regulation 8441 (Care of Injured and Ill Persons);
  - h. When a visitor to the school is seriously disruptive and/or refuses to obey the Principal's order to leave the premises, in accordance with Regulation 9150 (School Visitors); and
  - i. In any other instance in which the Principal or staff member in charge has cause to believe the health, safety and welfare of the building occupants and/or property are in jeopardy.
4. An emergency call to the police should include the:
  - a. The name and title of the caller;
  - b. The name and location of the school building in which law enforcement is needed; and

- c. A brief description of the nature of the situation, including an accurate assessment of the seriousness of the situation.
  5. If possible, a staff member or responsible pupil should be dispatched to meet and guide responding officers.
  6. If offenders are to be arrested, a staff member should be prepared to assist the police in obtaining the necessary warrants.
- C. **Planned Security Protection at School Events and Extra-Curricular Activities**
  1. Each September or before, the Principal will provide the local police department with a calendar of events scheduled at the school for the school year just beginning. The calendar will be updated as necessary during the year.
  2. The Principal will review with the police the events for which the need for police assistance and/or security is anticipated. Their review will include:
    - a. The number of officers required,
    - b. The responsibilities to be assumed by the officers, and
    - c. The remuneration, if any, each is to receive.
- D. **Police Investigations in the School**
  1. The Principal shall demand proper identification of any individual who represents him/herself as a police officer before the Principal permits any investigation to go forward. The Principal may verify this identification with the Police Department or the law enforcement agency that the individual claims to represent.
  2. A police officer's request for access to school records will be responded to as follows:
    - a. A request for access to the public records of this district will be granted only in accordance with Regulation 8310 (Public Records).
    - b. A request for access to district or Board of Education records that are classified as confidential by Policy 8310 shall be reported to the Superintendent or Board Secretary, who will determine, in consultation with the Board Attorney, whether or not to release the record.
    - c. A request for access to personnel records that are classified as confidential by Policy 8320 (Personnel Records) shall be reported to the Superintendent and shall be released only if:

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- (1) The employee concerned has consented to inspection of his/her file, or
  - (2) The law enforcement officer presents a warrant authorizing a search or certain confidential records from the file.
  - (3) The Superintendent may consult with the Board Attorney prior to releasing any personnel records that are classified as confidential.
- d. A request for access to pupil records that are classified as confidential by law and by Policy 8330 (Pupil Records) shall be reported to the Superintendent and shall be released only if:
  - (1) The adult pupil concerned or parent(s) or legal guardian(s) of the minor pupil concerned has consented in writing to the inspection; or
  - (2) The police officer presents to the Superintendent a court order authorizing access to the record; or
  - (3) The adult pupil concerned or parent(s) or legal guardian(s) of the minor pupil concerned has been given at least three days written notice of the name of the requesting agency and the records requested and has not obtained a judicial order barring access.
  - (4) The Superintendent may consult with the Board Attorney prior to releasing any pupil records that are classified as confidential.
3. A request by law enforcement officials to interrogate pupils, on school premises or while under the protection of the school, shall be handled as follows:
  - a. The police officer shall be required to ask the Principal for access to the pupil, regardless of the pupil's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.
  - b. The Principal shall ask the police officer to delay the interrogation or conduct the interrogation away from school. In general, it should not be necessary to conduct an interrogation in school unless the matter involves:
    - (1) A crime committed in school; or
    - (2) An investigation that would be compromised without the interrogation in school; or

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- (3) An endangerment to the lives or safety of pupils or other persons; or
    - (4) Other reasons law enforcement officials believe an interrogation must be conducted in school and cannot wait until the pupil is away from school.
  - c. The Principal shall make every reasonable effort to notify the pupil's parent(s) or legal guardian(s) of the request by law enforcement officials to interrogate the pupil while in school to receive the parent's or legal guardian's consent to permit the pupil to be interrogated before the interrogation.
    - (1) The Principal will permit the interrogation if the parent(s) or legal guardian(s) consents to the interrogation.
    - (2) The Principal will delay the interrogation in the event the parent(s) or legal guardian(s) requests to be present during the interrogation.
    - (3) The Principal will deny the law enforcement official an interrogation if the parent(s) or legal guardian(s) cannot be contacted or if the parent(s) or legal guardian(s) does not consent to the interrogation.
    - (4) In the event the interrogation is not denied by the Principal for the reasons in (3) above, the Principal will immediately contact the Superintendent, who will contact the Board Attorney to determine the Principal's and school district's legal responsibilities under the circumstances of law enforcement's request for the pupil to be interrogated in school.
  - d. A pupil shall not be removed from school for interrogation unless:
    - (1) The pupil has been lawfully arrested; or
    - (2) The adult pupil or the parent(s) or legal guardian(s) of a minor pupil has consented to the removal.
- 4. All searches and seizures of pupils, their property and personal effects conducted by school staff must comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.* 469 U.S. 325 (1985) and in compliance with Policy 5770 (Pupil Right of Privacy).

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- a. Any questions concerning searches conducted by school officials shall be directed to the County Prosecutor.
  - b. A school official may request that law enforcement authorities assume responsibility for conducting any search or seizure.
  - c. No school staff member will impede any law enforcement officer engaged in a lawful search, seizure or arrest whether pursuant to a warrant or otherwise.
  - d. School staff will permit law enforcement authorities upon their arrival to assume responsibility for conducting any search or seizure.
  - e. All inspections of lockers, desks or other objects or personal property on school grounds involving the use of law enforcement, drug-detection canines may only be undertaken with the express permission of the County Prosecutor or the Director of the Division of Criminal Justice in the New Jersey Department of Law and Public Safety.
  - f. Any questions concerning the legality of any contemplated or ongoing search, seizure or arrest conducted by a law enforcement officer on school grounds shall be directed to the County Prosecutor or, in the case of search, seizure or arrest undertaken by the Division of Criminal Justice, to the assigned Assistant Attorney General.
5. The Superintendent and Building Principal will cooperate with law enforcement authorities in the planning and conduct of undercover school operations.
- a. The Superintendent shall approve such undercover operations without prior notification to the Board of Education in accordance with N.J.A.C. 6A:16-6.2(a)6.i.
  - b. All information relative to any undercover school operation shall be kept strictly confidential by the Superintendent and the Building Principal and may not be divulged to any person without the express approval of the County Prosecutor.
  - c. The Superintendent and/or Building Principal must immediately inform the County Prosecutor in the event it becomes known by such authorized school official(s) that any information regarding the existence of an undercover operation has been revealed.

6. A request or attempt to arrest a pupil, on school premises or while under the protection of the school, shall be handled as follows:
  - a. The police officer shall be required to ask the Principal for access to the pupil, regardless of the pupil's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.
  - b. The police officer shall not be permitted to arrest or take custody of a pupil unless:
    - (1) The Principal lawfully requests the removal of the pupil; or
    - (2) The officer has probable cause to arrest the pupil for a felony; or
    - (3) The officer has an arrest warrant or a judicial order requiring the custody of the pupil.
  - c. The Principal shall request the police officer to defer the arrest to another time and place or, if that is not possible, to take steps to protect the pupil's privacy, such as taking custody in a private place or assigning the taking of custody to a nonuniformed police officer or a school security officer.
  - d. The Principal shall make every reasonable effort to notify the pupil's parent(s) or legal guardian(s) of the impending arrest.
  - e. The Principal shall determine the place to which the pupil will be removed and held in custody or detention and will so inform the parent(s) or legal guardian(s).
  - f. Notwithstanding anything to the contrary in this Regulation, a police officer has the legal right to take direct and unhindered action in the school.
    - (1) In an emergency situation, where the commission of a crime or offense involving felony or a serious breach of the peace in school has been witnessed by the officer, or
    - (2) The police officer is in "hot pursuit" of the pupil for such a crime.
  - g. In any situation in which a police officer takes direct action, the Principal shall be promptly notified.

**E. Reporting Pupils or Staff Members to Law Enforcement**

1. Subject to the provisions of N.J.A.C. 6A:16-6.5, any staff member having reason to believe that a pupil or staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids or drug paraphernalia, on or within 1,000 feet of the outermost boundary of the school property pursuant to N.J.S.A. 2C:35-7, shall report the matter as soon as possible to the Principal or, in the absence of the Principal, to the staff member responsible at the time of the alleged violation.
  - a. Either the Principal or the responsible staff member shall notify the Superintendent, who in turn shall notify the Police Department as soon as possible.
  - b. The Superintendent will provide to the Police Department and/or County Prosecutor all known information concerning the matter, including the identity of the pupil or staff member involved.
  - c. The Superintendent and/or Principal will not disclose the identity of any pupil or staff member who has voluntarily sought treatment or counseling for a substance abuse problem provided the pupil or staff member is not currently involved or implicated in drug distribution activities.
  - d. An admission by a pupil or staff member in response to questioning initiated by the Principal or teaching staff member, or following the discovery of a controlled dangerous substance, including anabolic steroids or drug paraphernalia by the Principal or teaching staff member, shall not constitute a voluntary, self-initiated request for counseling and treatment.
2. The Principal, or in the absence of the Principal the staff member responsible at the time of the alleged violation, will report to the police department. Whenever any staff member develops reason to believe that a firearm, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. section 921, or other deadly weapon, whether enumerated in N.J.S.A. 2C:39-1(r) or not, except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. section 921, has unlawfully been brought onto school property, or that any pupil or other person is in unlawful possession of a firearm or other deadly weapon, whether on or off school property, or that any pupil or other person has committed an offense with or while in possession of a firearm, whether or not such offense was committed on school property or during school operating hours.

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- a. Either the Principal or the responsible staff member shall notify the Superintendent, who shall notify the Police Department as soon as possible.
  - b. The Superintendent will provide to the Police Department all known information concerning the matter, including the identity of the pupil or staff member involved.
3. The Superintendent and/or the Principal will immediately notify the Police Department whenever any school staff member in the course of his or her employment develops reason to believe that a pupil has threatened, is planning, or otherwise intends to cause death, serious bodily injury or significant bodily injury to another person under circumstances in which a reasonable person would believe the pupil genuinely intends at some time in the future to commit the violent act or carry out the threat.
4. The Superintendent and/or the Principal will immediately notify the Police Department whenever any school employee in the course of his or her employment develops reason to believe that a crime involving sexual contact or criminal sexual conduct has been committed on school property, or by or against a pupil during school operating hours or during school-related functions or activities.
5. School employees will immediately notify the Principal and/or Superintendent when in the course of their employment they develop reason to believe that a hate crime has been committed or is about to be committed on school property, or has been or is about to be committed by any pupil, whether on or off school property. This notification is required whether or not such offense was or is to be committed during school hours. This notification is also required if a pupil enrolled in the school has been or is about to become the victim of a hate crime, whether committed on or off school property or during school hours.
  - a. The Principal and/or Superintendent will promptly notify the Police Department and the Bias Investigation Officer for the County Prosecutor's office in the instances described above.
  - b. The Principal and/or Superintendent will immediately notify the Police Department and the Bias Investigation Officer for the County Prosecutor's office where there is reason to believe that a hate crime that involves an act of violence has been or is about to be physically committed against a pupil, or there is otherwise reason to believe that a life has been or will be threatened.

**F. Handling of Substances, Firearms and Other Items**

1. Any school employee who seizes or discovers any substance or item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall immediately notify and turn the substance or item over to the Principal or designee.
  - a. The Principal or designee shall immediately notify the Superintendent or designee who shall notify the Police Department.
  - b. The school employee, Principal or designee shall safeguard the substance or paraphernalia against further use or destruction and shall secure the substance or paraphernalia until such time as the substance or paraphernalia can be turned over to the appropriate law enforcement officials.
  - c. The Principal will provide to the County Prosecutor or designee all information concerning the manner in which the substance or paraphernalia was discovered or seized, including:
    - (1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and
    - (2) The identity of any pupil or staff member believed to have been in possession of the substance or paraphernalia.
  - d. The Principal will not disclose the identity of any pupil or staff member who on his or her own initiative turned over the substance or paraphernalia to a school employee, provided that there is reason to believe that the pupil or staff member was involved with the substance or paraphernalia for the purpose of personal use, not distribution activities, and further provided that the pupil or staff member agrees to participate in an appropriate treatment or counseling program.

An admission by a pupil or staff member in response to questioning initiated by the Principal or teaching staff member, or following the discovery of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia by the Principal or teaching staff member will not constitute a voluntary self-initiated request for counseling and treatment.

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2. Whenever a school employee seizes or comes upon any firearm or dangerous weapon, school officials will:
    - a. In the case of a firearm, immediately advise the Police Department and secure the firearm pending the response by the Police Department to retrieve and take custody of the firearm; and
    - b. In the case of a dangerous weapon other than a firearm, immediately advise the Police Department and secure the weapon pending the response by the Police Department to retrieve and take custody of the dangerous weapon.
  3. School employees having custody of a firearm or dangerous weapon shall take reasonable precautions to prevent the theft, destruction or unlawful use of the firearm or dangerous weapon by any person.
- G. Confidentiality of Pupil or Staff Involvement in Substance Abuse Intervention and Treatment Programs
1. All information concerning a pupil's or staff member's involvement in a school intervention or treatment program for substance abuse shall be kept strictly confidential, according to the requirements of 42 CFR Part 2 and N.J.S.A. 18A:40A-7.1 and 7.2.
  2. Nothing in this Regulation shall be construed in any way to authorize or require the transmittal of any information or records which are in the possession of a substance abuse counseling or treatment program.
  3. The Principal will not disclose to law enforcement officials or to any person other than a member of the local district's comprehensive alcohol, tobacco and other drug abuse program that a pupil or staff member has received or is receiving services through the local district's comprehensive alcohol and other drug abuse program. The Principal will not disclose any information, including the pupil's or staff member's identity or information about illegal activity, where such information was learned in the course of or as a result of services provided through the local district's comprehensive alcohol and other drug abuse program.
  4. Nothing in this Regulation shall be construed to preclude the disclosure of information about illegal activity that was learned by any school employee outside of the local district's comprehensive alcohol and other drug abuse program.

Any such information about illegal activity shall be reported according to the requirements of this Regulation and N.J.A.C. 6A:16-6.3 and 6.4.

**H. Records**

1. The Principal shall report to the Superintendent each incident involving an interrogation, search, or arrest of a pupil by a law enforcement agent.
2. The Principal shall record in writing and enter in the pupil's file:
  - a. The date, time, place, and circumstances of the incident;
  - b. The name of the officer and the law enforcement agency he/she represents;
  - c. The name of the pupil;
  - d. The notification or attempt to notify the pupil's parent(s) or legal guardian(s); and
  - e. An anecdotal description of the incident, including such information regarding its conduct as may be necessary to show that the pupil was fairly or unfairly treated.

**I. In-Service Training**

The Superintendent will develop, in conjunction with the Building Principal(s), the County Prosecutor's Office and the Police Department, in-service training for school staff regarding Policy and Regulation 9320.

**J. Agreement or Memorandum of Understanding With Law Enforcement**

1. The Superintendent and Police Department will meet on a regular basis, or at least annually, to discuss the implementation and need for revising the Agreement or Memorandum of Understanding and to review the effectiveness of the policies and procedures implemented in accordance with N.J.A.C. 6A:16-6.1 et seq.
2. Any Agreement or Memorandum of Understanding between the Board of Education and Law Enforcement Officials will be approved by the Board of Education and will be submitted to the Police Department, County Prosecutor and County Superintendent of Schools.