

6605 Investigations and Arrests by Law Enforcement

The maintenance of order and security in and around public schools is essential to creating learning environments in which students can meet high academic standards, educators can teach to those standards, and parents can be assured that the children are guaranteed their right to learn. The maintenance of safety and good order is the collective responsibility of all school staff, law enforcement, parents, and students. Principals and law enforcement shall consult and work cooperatively with each other on matters pertaining to school security. The comprehensive partnership with law enforcement encompasses multiple situations and roles, including the use of SROs, requests by a school for immediate assistance of law enforcement, mutual communication regarding possible security risk, and other situations. The scope of this policy is only on situations where it is necessary for law enforcement, ~~other than a School Resource Officer (SRO)~~, to question, search or arrest a student on school property. ~~This policy does not apply to a School Resource Officer (SRO) exercising the duties set forth in the "School Resource Officer Program Memorandum of Understanding."~~

1. Law enforcement officers are expected to question students away from school regarding non-school related matters unless the officers have a warrant or unless questioning, searching, or arresting a student on school property at that time is necessary, in the discretion of the officers, for the success of a law enforcement investigation or to prevent injury or crime.
2. When law enforcement officers must question or arrest a student at school, attempts should be made to avoid embarrassing the student before teachers and peers and to avoid disrupting the educational program of the student and the school unless immediate intervention by the officer is necessary to prevent injury, a serious crime, or flight of the student.
3. If law enforcement officers have a warrant for the student's arrest, they must be permitted to arrest the student; however, whenever possible the arrest should be conducted in the principal's office out of the view of other students.
4. Law enforcement officers should remain in the administration office while school personnel seek out the student unless immediate intervention by the officer is necessary to prevent injury, a serious crime, or flight of the student. In circumstances where the officer needs to seek out a student, the principal/designee shall accompany the officer unless the officer instructs otherwise as a result of a potentially dangerous situation.
5. Law enforcement officers' questioning of a student is expected to be conducted so as to not cause the student to miss class time, unless questioning is determined to be time critical for the success of a law enforcement investigation or to prevent injury or crime.
6. Any questioning by law enforcement officers shall be ordinarily conducted in a private room or area where confidentiality can be maintained. This should be an area removed from observation by or contact with other students and school personnel other than the principal/designee.
7. Except in cases of suspected child abuse or neglect, or when the parent is implicated in the investigation, an administrator at the student's school must make reasonable attempts to contact the student's parent or guardian
8. In cases where the parent or guardian cannot be reached and the questioning is conducted without parental notification, the principal/designee must be present during the questioning

unless law enforcement directs otherwise for safety reasons. Presence of a principal/designee does not in any way impact law enforcement's duty, if applicable in the situation, to comply with the juvenile's Miranda rights established in [NCGS Chapter 7B](#).

9. While interacting with students on school premises, the law enforcement officer must abide by state and federal law governing use of force, interrogations, searches, and arrests.

10. School administrators must maintain and provide to the superintendent's office a written record of when law enforcement officers who are not SROs come onto school property to search, arrest, or question a student. The record must include:

- a. The name of the law enforcement officer;
- b. The agency of the law enforcement officer;
- c. The name(s) of the student(s);
- d. The action(s) taken by the law enforcement officer while on campus, including but not limited to, questioning the student, searching the student, or escorting the student off school grounds; and
- e. The date of the encounter.

Legal Reference: [N.C. Gen. Stat. § 7B-2101](#)

Adopted: December 3, 2013

WAKE COUNTY BOARD OF EDUCATION
