

DALTON POLICE DEPARTMENT

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I. **Policy**

It is the policy of ~~this~~ the Dalton Police Department to conduct investigations and carry out police-related business on school property in conformance with the authority and responsibility of school officials to protect children in their charge and manage the school environment.

II. **Discussion**

- A. Responding to calls for service or conducting investigations on school property requires an understanding of the authority and responsibility of school administrators and the related limitations and requirements placed on law enforcement officers by law.
- B. School administrators work under the authority of the school board, which derives its authority from the state legislature, and promulgates board rules that determine how children will be educated in most facets of the education process. Policies and procedures concerning curriculum, dates and hours school will be attended, attendance requirements, holidays, and security and law enforcement support for school property and school-sponsored events are examples. Carrying out these policies and procedures shapes the management responsibilities entrusted to the superintendent of schools and principal of each campus.
- C. School officials are charged with *in loco parentis* rights and responsibilities, meaning that school staff members stand in the place of the parent while students are at school and school functions. When considered in the context of an issue or question, school officials will usually ask themselves, “*What would a reasonable parent do in this situation?*”
- D. Sworn law enforcement officers responding to calls for service on school property, or a school sponsored activity, do not have *in loco parentis* rights or responsibilities. Likewise, sworn law enforcement officers assigned to conduct school campus programs or carry out the duties of a School Resource Officer do not have *in loco parentis* rights or responsibilities. Non-sworn guards or security officers working for a school district may have *in loco parentis* rights and responsibilities, unless otherwise stated by the school board.

- E. Absent a specific direction or request from law enforcement officials, school officials may elect to do the following because of *in loco parentis* rights and responsibilities:
- 1.~~A.~~ Conduct searches of lockers, automobiles, or other facilities located on school property.
 - 2.~~B.~~ Search students and their possessions and confiscate items that are illegal or not allowed on campus per school board policy.
 - 3.~~C.~~ Use electronic recording devices, including closed circuit television [CCTV], or one- or two-way intercom systems to enforce laws or school board rules.
 - 4.~~D.~~ Use metal detectors or other screening devices.
 - 5.~~E.~~ Administer discipline through a variety of administrative and disciplinary options, as well as the juvenile justice system.
 - 6.~~F.~~ Control or deny access to school property and enforce trespass.
 - 7.~~G.~~ Establish rules that regulate student behavior, dress, hairstyle and hair length, and limit items that can be brought to school.
- F. Generally, school officials have discretion as to “if” and “when” they will report juvenile offenses to public law enforcement; however, most schools report serious violations of the law and violent crimes and do not tolerate offenders.

III. Procedure

A. ~~General:~~

This policy addresses:

1. Dealings with juveniles on school property during school hours and during school-sanctioned events.
2. ~~Law enforcement~~ Officers who are subject to these policies and procedures while serving in extra-duty security and related assignments for schools.
3. The School Resource Officer (SRO) Program.

It does not pertain to juveniles legally using school facilities after school hours or juveniles trespassing or committing offenses on school property after school hours.

B. Responding to Calls for Service

1. Officers responding to calls for service that are not imminently life-threatening ~~will~~ shall first report to the campus principal and seek assistance and direction to the incident location. When practical, Officers

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~~will~~ **may** ask the **Whitfield County 911** dispatcher to arrange this contact and location.

2. When practical, **Officers shall** seek counsel with the principal or assistant principal to determine various options available to the Officer and school system for resolving juvenile crime or discipline issues.

C. Interviewing / Interrogating Students

1. Officers ~~will~~ **shall** not normally contact or seek out students on campus for alleged offenses that did not occur in conjunction with school activities. When possible, juveniles should be contacted before or after school hours at their place of residence or work or while recreating.
2. Except in exigent circumstances or in arrest situations, as outlined in this policy, Officers needing to detain or question youths on school property ~~will~~ **shall** first contact the school principal or assistant principal. To the degree possible, Officers ~~will~~ **shall** explain the nature of their business and the exceptional need to meet with the youth(s) in question during school hours.
3. Generally, students ~~will~~ **shall** not be contacted by Officers publicly in the school setting for purposes of questioning unless an arrest is anticipated or reasonably possible. Youths to be questioned should be summoned by school officials to a private interview room or other appropriate area.
4. School officials may refuse Officers' request to question a student in their charge if no arrest warrant exists. Officers may be asked to contact the parents, guardians, or juvenile justice authorities with their request. Except in exigent circumstances, Officers ~~will~~ **shall** make efforts to comply with these requests.
5. School officials may be present as observers during interviews or questioning of students, if they request.
6. Officers ~~will~~ **shall** not enlist school officials or employees to conduct interviews, inquiries, or similar fact-finding activities as part of an investigation involving students. School officials who act at the direction of, or on behalf of, the interest of ~~police law enforcement~~ constructively become *Police Officers*, and, as such, must abide by legal provisions pertaining to ~~a Police Officer law enforcement~~. ~~Police~~ Officers are not precluded from questioning school officials regarding their knowledge of activities and similar matters about youths in their charge.

D. Arrest / Removal of Students

1. Students ~~will~~ **shall** not be removed from school property without notifying the school principal or his / her designee or without an arrest warrant or probable cause. Officers are responsible for ensuring that the youth's parent(s), guardian(s), or a responsible adult is notified of the youth's removal, irrespective of the responsibility of school officials to make such notification.

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2. Officers should avoid making arrests on school grounds when they may be made effectively elsewhere.
3. If it is necessary to arrest a juvenile on a school campus during class hours, Officers ~~will~~ shall secure an arrest warrant and notify the principal or his / her designee before making the arrest, unless exigent circumstances exist or such notification jeopardizes the ability of Officers to safely and effectively make the arrest.
4. Where possible, Officers ~~will~~ shall not arrest juveniles on school grounds if use of force ~~to overcome resistance to arrest / removal~~ is a reasonable possibility.
5. Arrests of students on school property should, to the degree possible, be conducted so as to minimize embarrassment to the student and disruption of school activities and functions. Officers should use handcuffs or other restraining devices when making arrests in schools, whenever deemed necessary, to ensure the security of juvenile arrestees and ~~the~~ safety of other students, the Officers, and others.

E. Searching Students and Property

1. ~~Police~~ Law enforcement searches of students and their property on school premises are generally subject to the same legal requirements for a search warrant and probable cause as other searches. Exceptions to the search warrant requirement (e.g., consent to search, emergency situations) that apply to non-school searches also apply to school searches.
2. School officials cannot give ~~police~~ law enforcement permission to search students or their possessions and retain *in loco parentis* rights and responsibilities. Such circumstances constitute a ~~police~~ law enforcement search and become subject to the restrictions of a ~~police~~ law enforcement search.
3. School officials, including school security officers, may conduct both routine and non-routine searches without a search warrant. In searching students' persons, the standard for school administrators, including security guards, is reasonable suspicion. A good deterrent practice will normally include routine searches of lockers, storage spaces, backpacks, and rooms on a random basis.
4. Searches conducted by school officials, upon the request of or with the active participation of ~~police~~ law enforcement, require the ~~police~~ Officer to have probable cause or a search warrant.
5. At the request of school administrators, ~~sworn-law-enforcement~~ Officers may accompany school officials who are conducting a search; however, the Officers may not participate with school officials in the search either directly or indirectly. This is a school search not a law enforcement search.

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F. School Resource Officer (SRO) Program

Officers assigned to ~~School Resource Officer~~ SRO positions shall act as liaisons with the students, parents, and faculty at their respective schools. ~~The Officer~~ SROs shall be available to provide any assistance, counseling, or mentoring they are properly trained to provide. In addition, ~~Officers~~ SROs shall ~~will~~ be available to present a variety of safety programs to students, teachers, and faculty upon request.

G. Performance Reviews

The Patrol Division Commander or his / her designee ~~will~~ shall conduct a review of the performance of each ~~School Resource Officer~~ SRO during each ~~May and December~~ spring and fall semester. At a minimum, a meeting ~~will~~ shall be arranged with the principal of each school served to seek input on SRO performance, and a written report of the review ~~will~~ shall be maintained by the Patrol Division Commander.

This policy supersedes any previous policies issued.

BY ORDER OF

CHIEF OF POLICE

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