

School Related Criminal Investigations, Reporting, and Arrests

335.1 PURPOSE AND SCOPE

This policy provides policy, procedure, and guidelines, for dealing with common school related criminal investigations, police reports, and arrests that may need to take place at a public or private K-12 school. A primary goal of this policy is to address crimes and policing incidents at schools objectively and with consistency. This policy is not meant to provide direction or procedure associated with school related shootings, significant aggravated assaults, dangerous devices and/or substances, or other possible multi-casualty events.

In addition to establishing guidelines for conducting school-related criminal investigations this policy aims to protect the welfare and privacy of students by implementing procedures that reduce disruption to their educational environment and maintain a supportive school atmosphere. By enhancing collaboration between law enforcement and school officials, the policy seeks to facilitate a balanced approach that addresses safety concerns while safeguarding the well-being of students and preserving the integrity of the school community.

335.2 DEFINITIONS FOR THIS POLICY

Arrest: Different from a detention, an "arrest" for this policy means the actual custodial restraint of a person or the person's submission to custodial restraint. There are multiple ways to effect an arrest; however, normally a peace officer commonly tells a person when they are under arrest and advises them of the charge(s) for which they are under arrest. An arrest may or may not result in being handcuffed and/or physically searched. An arrest may or may not result in being booked at a custodial facility.

- A. Dispositions: Members have the following options, dependent upon circumstances, associated with the final disposition of an arrestee.
1. Release from custody without charges. This option is commonly associated with conducting further investigation, correcting an error, seeking out additional assistance with the criminal investigation and/or guidance or input from a prosecutor.
 2. Booking the arrestee at a custodial facility in accordance with their age.
 3. Releasing the arrestee on a Notice to Appear (citation) for misdemeanor violations of law or status offenses.
- (a) NOTE: "Paper arrest/paper arrested" or "paper referral/paper referred": While the terminology "paper arrest/paper arrested" and "paper referral/paper referred" suggests a person is arrested via a paper or documentation process, it actually refers to the release of a person from an arrest by issuing them a Notice to Appear (citation). This actually means the person has already been arrested.

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- B. Criminal Investigation: A criminal investigation is a formal inquiry conducted by an SPD member(s) to help determine if a violation(s) of law may have occurred, who may have been involved, and what processes may need to occur to address the incident.
- C. Detention: Different from an arrest, a "detention" for this policy means restricting a person's liberty of movement for a limited amount of time from or at a location while a members(s) gathers more information about a reported crime in which the detainee is believed to be possibly involved.
- D. Miranda Advisement: A Miranda advisement is the presentation of warnings provided to an arrestee as required per federal case law.
 - 1. All SPD members providing a Miranda advisement to an arrestee shall strive to assure all four elements of a Miranda Advisement are complete and presented in a format suitable for the arrestee's age, maturity, and comprehension level. Those persons (adult or juvenile) who are reasonably capable of understanding the official SPD Miranda advisement, included on the SPD statement form and Miranda advisement cards, will be advised by reading verbatim the SPD Miranda advisement. Refer to 335.3 F1 for criteria on who may invoke Miranda protections.
- E. Police Report: A written report via an official SPD police (or SPD accepted) form/ document, commonly approved by an SPD manager and that is processed and finalized by the SPD Records Bureau. A police report documents information about a police criminal investigation and/or incident.
- F. Public or Private K-12 School: A public, private, charter, or other similar school that provides state and/or district approved education for students for the grades of Kindergarten through 12th grade.
- G. Status Offense: A status offense is a violation of law punishable only by a fine. A status offense is sometimes referred to as a petty offense.
- H. Sahuarita Police Department (SPD) Booking: An SPD Booking includes the collection of an arrestee's photograph in front of an SPD height chart, the fingerprinting of the arrestee, and the official recordation of the arrestee's arrest in an adult or juvenile arrest log - all conducted at the SPD.
 - 1. Recordation is the documentation of an arrestee's full name, date of birth, arrest charges, case number(s), and date(s) of arrest and release, placed in an arrest log book.
 - 2. As indicated by other SPD policy, juveniles who do not present a significant security risk and who have not been arrested for a serious crime of violence, threatened violence, or crime jeopardizing public safety, should be "SPD Booked" in the front lobby interview room when this room is reasonably available.
- I. Threatened Violence or Threat of Violence: When a person threatens by credible comment or conduct to assault or physically injure another person. Injury includes infliction of pain.
 - 1. For the purposes of this definition, assault (as taken from ARS 13-1203 A 1 and 2) means to :

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- (a) Intentionally, knowingly or recklessly cause any physical injury to another person; or
 - (b) Intentionally placing another person in reasonable apprehension of imminent physical injury.
2. NOTE: For this policy, credible comment or conduct means a reasonable peace officer would interpret the comment or action was meant to convey fear of an assault or act of violence.
- J. Violence: The use of physical force to cause or attempt to cause physical injury or physical pain to another.

335.3 POLICY

The SPD recognizes that public and private K-12 schools seek to provide a quality education to its students and strive to maintain a safe environment for students and school staff. The SPD also recognizes that a school is responsible for the general safety of its students while students are on campus attending school, a school function or event, and commonly while en route to or from a school or school function or event.

It is important to recognize that some juveniles may act out of immaturity; however, their actions may still be criminal violations and negatively impact victims. It is the policy of the SPD to conduct fair, balanced, objective, and thorough investigations in order to protect victims and assist the juvenile justice system in determining appropriate final dispositions for all those involved.

- A. Whenever a School Resource Officer (SRO) is reasonably available, an SRO shall be the primary investigator and/or responding member to address criminal violations and/or policing incidents at a school or school function or event. The purpose of this is to provide consistency in how the SPD and a school work with each other. An SRO will be more familiar with school procedures and already have working relationships with students and school staff.
- B. Absent exigent circumstances, crimes, investigations, and calls for service (CFS) normally addressed by an SRO, which are reported outside the regular operational hours of SROs, should be redirected back to an SRO to address during their regular work hours. If the crime, investigation or CFS requires an immediate response, the on duty supervisor or superior officer will determine to what level the incident is addressed by patrol officers. However, a majority of these incidents can be deferred back to an SRO during their normal operational hours. The on duty supervisor or superior officer may also check for the availability for an off duty SRO to respond and address the incident. If an incident is deferred to be addressed by an SRO at a later date and time, the reporting party and victim shall be informed the incident is being assigned to an SRO who will conduct all needed follow-up.
 - 1. If a CFS is deferred to an SRO, the member deferring the call shall send an email to the SRO email group to advise of the CFS needing attention. The email subject line shall only have "SRO CFS" typed in it. Any other information needing to be relayed will be in the body of the email.

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- C. SROs will strive to remain at their school(s) to provide consistent SRO coverage as often as reasonably possible. However, there may be times where an SRO will need to assist another SRO or member at a school incident that requires more resources.
- D. SPD members shall strive to provide quality service and work to maintain a positive and professional relationship with schools, school staff, students, parents, and guardians.
 - 1. To help accomplish this, SPD members who are at or on a school campus shall strive to adhere to school and campus rules whenever reasonably possible. However, SROs and members are Town employees and shall adhere to SPD and Town policy.
- E. Whenever reasonably possible, if a member needs to take any of the below listed policing actions against a student, they shall work to keep the appropriate school teacher, manager and/or administrator(s) informed of these actions in a timely manner.
 - 1. Arrest of a student.
 - 2. Detention of student.
 - 3. Issuing of a Notice to Appear (citation) to a student.
- F. SPD members shall strive to assure parents of students are made aware, at an appropriate time, of any arrest or enforcement action involving their child. This will include parental notification of when a child is detained, arrested, and/or otherwise taken into police custody, whenever parents/guardians are able to be contacted.
- G. Interviews of students:
 - 1. Miranda: There is no difference between adults and juveniles associated with when a Miranda Advisement is required. A Miranda Advisement requires custodial restraint (not detention) and incriminating questioning. The only person who can invoke Miranda protections is the arrestee (person being questioned).
 - 2. Interviews with others present: SROs and members should use caution when school staff or others are present during criminal interviews, to include interviews that may require a Miranda Advisement. There are certain types of interviews of victims, suspects, witnesses, and involved others, that can be impacted by having others be present during an interview. For example, school staff being present during an interview involving the charge of vandalism may not be as impacted or influenced the same as an interview involving a sex crime.
 - (a) Dependent upon timing and/or circumstances, SROs and officers may elect to allow a parent of a juvenile to be present during an interview; however, there is no legal requirement to do so. As stated in G2, SROs and officers shall use good discretion associated with who is allowed to be present during a criminal case interview. It is paramount not to unduly influence an interview by inappropriate questions, or comments, or the presence of certain persons, which may possibly include a parent. SROs and officers are charged with conducting a fair, balanced, objective, and thorough interview in a professional and appropriate manner.

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3. Crimes not directly associated with a school: When SROs and/or members are on campus and dealing with crimes and criminal investigations that are not associated with a school and/or school function or event the enforcement or investigation can create additional emotional and/or social challenges. SROs and members shall seek alternate ways to contact students who may be a victim, suspect, witness, or involved other to a crime that did not occur at a school or does not have a direct connection to a school or school safety.
 - (a) In situations like these, if contact with students cannot be facilitated away from a school, the investigating SRO or member shall cause a lieutenant to be fully briefed and the lieutenant shall identify reasonable options. If there are no other reasonable options, then a lieutenant may authorize the investigating SRO or member to make contact with school administrators about coordinating contact with a student(s) at a school.
- H. SROs or members shall promptly keep the Administrative Sergeant, or another on duty sergeant or superior officer, advised of any alleged felony, crime of violence, threatened violence, sex crime, or a crime or incident that places juveniles or school staff in physical jeopardy.

335.4 ENFORCEMENT ACTION

- A. When an SPD member determines that probable cause exists to make an arrest for the following types of crimes; whether the crime is a misdemeanor or felony, and is associated with a school or school function/event, the member shall enforce the law and make the arrest:
 1. Crime of violence
 2. Threatened violence; or
 3. A crime that jeopardizes the physical safety of others, (e.g., arson, selling/supplying drugs, school related weapons charges, etc.).
 - (a) Members are reminded that first time possession for marijuana charges only qualify as a status or petty offense.
- B. Arrests for the types of crimes listed in section A that are felonies shall, in accordance with law, result in a Juvenile Detention Center or County Jail booking (as determined by age).
- C. Arrests for the types of crimes listed in section A that are misdemeanors will normally result in a release from custody via a Notice to Appear after a member has completed an SPD booking.
 1. When dealing with misdemeanor crimes, to include crimes of violence or threatened violence, members shall receive approval from a sergeant or superior officer prior to booking a juvenile at the Juvenile Detention Center. Prior to a sergeant or superior officer granting this approval, they shall receive a full briefing on why a Juvenile Detention Center booking is required.

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2. Listed below are some factors that could warrant a misdemeanor booking at the Juvenile Detention Facility as determined by a sergeant or superior officer.
 - (a) Seriousness of a misdemeanor crime to include threats, injuries, and/or disruption to others and/or a school.
 - (b) Number of victims, number of crimes committed, and the length of time for which violations may have occurred.
 - (c) Arrestee's criminal history to include police records management history.
 - (d) Inability to release a juvenile to their parent, guardian or other responsible adult
 - (e) Other appropriate compelling circumstances.
- D. When reasonably possible, when an arrest, detention, or an issuing of a Notice to Appear needs to take place, SPD members shall work with school staff to avoid arrests, detentions, or the issuing of a Notice to Appear in front of general staff and students.
- E. Not all juvenile arrestees have to be handcuffed. SROs and members have discretion on when and if to handcuff juvenile arrestees. In accordance with our Searching, Handcuffing, Transporting, And Processing Arrestee/Detainees policy (Lexipol 302), listed below are factors members shall take into account when deciding when and if to handcuff a student who is arrested and/or detained.
 1. Seriousness of the crime.
 2. Age, size, demeanor, maturity, and comprehension level of the juvenile.
 3. Threat of escape, assault, or destruction of evidence.
 4. Known criminal history and police contacts with the juvenile.
 5. Cooperativeness of the juvenile.
- F. When a school or school district is the solo victim and determines they do not wish to pursue charges associated with a misdemeanor, when reasonably able to do so, members shall document the circumstances in an Alpha police report which will include all elements of the crime and full identifying information on all involved parties. This type of report shall clearly state the school and/or district determined they did not wish to pursue charges.
- G. ARS 13- 2911, Interference with or disruption of an educational institution: In cases involving a violation of ARS 13-2911, SROs and members may detain a suspect(s) for suspected violations of this statute, but shall fully brief a lieutenant before making an arrest for this offense. This to to assure all elements are met and that an arrest meets with both the letter and intent of the law.
- H. ARS 13-1203, Assault: For purposes of this policy, a Class 3 misdemeanor violation of assault as described in ARS 13-1203 A3, "knowingly touching another person with the intent to injure, insult or provoke such person" does not qualify as an act of violence or threat of violence. If school officials and all other involved parties do not wish enforcement of this particular section, members will not make an arrest for this

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violation. However, members shall document the circumstances in an Alpha police report which will include all elements of the crime and full identifying information on all involved parties. The report shall clearly state the school, district, and the victim(s) did not wish to pursue charges.

335.5 THREAT ASSESSMENT

- A. There are some school incidents, separate from an initial criminal investigation and/or enforcement action, that may warrant a threat assessment follow-up.
- B. Any member of the SPD who becomes aware of information that indicates there is a heightened threat to safety at the school or toward school members (students/adults), shall report such threat promptly to a lieutenant or superior officer.
 - 1. A lieutenant or superior officer shall be responsible for determining what level of an SPD threat assessment is necessary.
 - 2. Any SPD member assigned to conduct a threat assessment shall examine all reasonably available information associated with a heightened threat toward school members.
 - 3. If a heightened threat of safety is determined to exist for school members via an SPD threat assessment, the threat information shall be promptly shared with the school and/or school district whenever legally allowable.
 - 4. If a school or school district requests assistance in conducting a school threat assessment, the SPD will cooperate with such process as reasonably practicable.

335.6 POLICY ISSUANCE OR REVIEW

07/09/2024 - Reviewed by Chief John D. Noland, SP#002