

# Regulation KLG-RA Las Cruces Public Schools

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**Related Entries:** JIH, JIH-R, KLG, KI, KI-R  
**Responsible Office:** Associate Superintendent for Operations

## RELATIONS WITH LAW ENFORCEMENT AUTHORITIES AND SOCIAL SERVICE AGENCIES

### I. PURPOSE

This regulation shall implement the Policy of the LCPS Board of Education regarding cooperation between Las Cruces Public Schools and law enforcement agencies and the New Mexico Children Youth and Families Department.

### II. DEFINITIONS

A. *Law enforcement agency* means a legitimate and duly authorized local, state, or federal agency whose function is to enforce the law. For the purposes of this regulation, these agencies include, but are not limited to, the Las Cruces Police Department, the Doña Ana County Sheriff's Department, the Office of the Mesilla Town Marshal, the Doña Ana County District Attorney's Office and the New Mexico State Police. Officers of these agencies shall, hereinafter, be referred to as *law enforcement officers or officers*.

B. *Social service agency* means a legitimate program, department, or agency which has been duly authorized to investigate allegations of child abuse and/or neglect as mandated by federal, state, and local law. For the purposes of this regulation, these agencies shall include, but are not limited to, the New Mexico Children, Youth and Families Department, hereinafter referred to as *NMCYFD* and the New Mexico Juvenile Probation and Parole Department, hereinafter referred to as *JPPO*. Representatives of these agencies shall, hereafter, be referred to as *agents*.

C. *Principal* means the school building principal and/or his or her designee.

### III. OFFICIAL CONTACT WITH STUDENTS IN SCHOOLS

A. All officers and agents shall, on any visit to any school, shall, upon their arrival at the school, sign in the visitor's log at the front desk and announce their presence to school officials.

B. **Administrative Authorization Required:** Law enforcement officers, and investigators employed by public agencies authorized to investigate child abuse, criminal conduct or juvenile justice issues, may be permitted contact with a student during school hours or during school-sponsored activities, and on school grounds, only after the principal has received notification from the authorized agency or

from the Superintendent of Schools or his/her designee. Such contact shall be conducted pursuant to the procedures and requirements set forth in this regulation.

**C. Verification, Documentation and Parental Notification Procedures:** Prior to any student contact with law enforcement officers or social service agency agents, the principal and/or the LCPS Coordinator for Safety and Security or his/her designee shall:

1. Record the name, title, badge or other employment identification number, and agency of each officer or agent, together with the date and time of his/her appearance.
2. Telephone the agency which employs the officer(s) or agent(s) and confirm the identity and authorization of the officer or agent wishing to have contact with the student, and record the name and position of the person confirming such information and the time of such confirmation.
3. When law enforcement officers or agents appear at the school to interview or arrest a student for suspected criminal activity, the principal shall also determine and record the officer or agent's justification, using LCPS Form KLG-E1.
4. Obtain a copy of any arrest warrant, search warrant, or other court document, when the offer is acting pursuant to such document.
5. Contact the student's parent(s) or guardian, notify them of the contact by the officer or agent, and record the time of notification of the parent(s)/guardian and the name of the person notified;
6. If, upon the officer's or agent's initial request for contact with a student, the principal is directed by that officer or agent or by the Superintendent of Schools not to notify the student's parent(s) or guardian or to obtain the attendance of the student's parent(s) or guardian, that direction shall be added to the information recorded by the principal, and, the officer or agent shall be asked to sign the statement. If the officer or agent refuses to sign the statement, the principal shall note on the statement that the officer or agent refused to sign and the principal may wish to contact the officer or agent's supervisor.

**D. Administrative Monitoring of Contact with Students**

1. After completion of verification, documentation, and parental notification procedures, and upon authorization by the principal or Coordinator for Safety and Security, a law enforcement officer or agent may conduct an investigation within the school building and upon school grounds and interview students in the principal's office or other administrative office.
2. The principal shall decide whether he or she should be present during the interview on the basis of the age and special needs of the child, if any, and in

light of the New Mexico Children's Code requirement that such interviews shall be conducted "in a manner and place that protects the child . . . from trauma and embarrassment." (32A-4-5(D) NMSA 1978).

The investigating officer or agent will have final authority to decide if the principal or his/her designee shall be allowed to be present during the interview.

3. Reasonable attempts shall be made to keep confidential the identity of all students who are interviewed.
4. Neither the principal nor his/her designee shall disclose any written statements made nor the content of statements given during the interview, with the exception that the statements or the content of the statements may be given to:
  - a. the student interviewed; his/her parent(s) or guardian; and the parent or guardian's attorney, with parental consent,
  - b. the district attorney or other law enforcement agencies; and
  - c. the Superintendent of Schools or his/her designee, if the principal deems it appropriate to maintain appropriate school discipline.
5. The school principal or his/her designee shall keep a detailed record of the procedural steps followed by law enforcement officials and/or social service agency agents in conducting interviews with students.
6. In compliance with 30-22-1 NMSA 1978 (pertaining to resisting, evading or obstructing an officer), a principal shall not attempt to terminate interrogations of students by law enforcement officials. However, if a principal believes the interrogation of a student is inappropriate, he/she should:
  - a. Verbally express his/her concerns about the interrogation to the officer or agent conducting the interrogation;
  - b. Make a detailed, written record of his/her objections, using Form KLG-E1;
  - c. Consider immediately notifying the officer's supervisor to voice the principal's objections to the interrogation;
  - d. Consider contacting the LCPS Coordinator of Safety and Security and/or the Associate Superintendent for Operations or the Superintendent of Schools for additional advice.
7. All writings and records created pursuant to this regulation shall be retained as part of the school's records for a period of seven (7) years.

#### **IV. POLICE CONTACTS**

##### **A. Investigation and Assistance**

1. **Police Investigations at the Request of School Authorities:** A principal shall seek immediate law enforcement assistance to investigate any crime or alleged crime that the principal believes has occurred, including crimes committed or allegedly committed at school or on school grounds, whether or not school is in session, or during school sponsored activities.
2. **Police Investigation Without Request of School Authorities:** It is not ordinarily necessary for police officers to interview/interrogate students at school, during school hours or during school-sponsored activities for alleged criminal activity not committed at the school, or on school grounds, or for crimes committed at the school for which assistance has not been requested by the principal.

These exceptions may exist:

- a. Exigent circumstances: If a law enforcement agency has determined that urgent or emergency circumstances exist which make it necessary to interview/interrogate students at school regarding alleged criminal activity, the law enforcement agency shall first contact the principal regarding the planned visit, shall tell the principal the reason for conducting the student interview/interrogation during school hours or school-sponsored activities, or on school property; and shall obtain the principal's prior approval;
  - b. Court orders: A principal shall not prevent the appropriate law enforcement agency from serving or executing court process (i.e. summons, warrant, subpoena) or court orders upon school grounds during school time, provided that the procedures set forth in Section III above are observed.
  - c. A principal may designate a reasonable time and place for law enforcement contact with students, including for service of process upon students under his/her control, in order to ensure that the educational process is not disrupted and/or to minimize trauma and embarrassment to the student.
3. **Requests for Police Assistance**
    - a. Principals are authorized, upon consultation with the Superintendent of Schools or the Associate Superintendent for Operations or his/her designee, to summon and seek assistance from law enforcement authorities in any case in which the activities of students or others are creating a threat to the health or safety of students, staff or visitors, or are disrupting or threatening to disrupt the educational process.
    - b. Such requests shall be directed to the law enforcement agency having jurisdiction over the geographical area in which the school is located.

**B. Interrogation of Students in School**

1. **By or for Police:** If law enforcement officers deem it necessary to interrogate student suspects in school during school hours or school-sponsored activities, and if criminal prosecution is anticipated by the law enforcement officers or the school principal, an interrogation may take place on school grounds and during school hours if the following conditions have been met:
  - a. A parent or guardian is present to counsel the student; and/or
  - b. The student has been advised of his/her basic rights and, understanding those rights, has knowingly and voluntarily waived those rights.
  - c. Before the interrogation, the police officer has advised the student:
    - i. of the nature of the crime for which he/she is a suspect;
    - ii. that he/she has the right to remain silent, that anything he/she says may be used against him/her in criminal or juvenile court and that he/she has the right to have an attorney present, or a court-appointed attorney if the parents are indigent, and the student or parent may stop the interrogation at any time, in order to obtain an attorney and have him/her present at further interrogations. It is not the responsibility of the principal to advise the student suspect of his/her basic rights as set forth in the New Mexico Children's Code, 32A-1-16 and 32A-2-14, NMSA 1978).
  - d. The principal or his/her designee cannot waive these rights on behalf of the student, nor may the principal or his/her designee compel the student to submit to an interview or interrogation.
  - e. The principal shall not permit a student age 13 or under to be photographed or fingerprinted at school unless the law enforcement officer presents a court order authorizing it. (32A-2.14(I)) NMSA 1978)
2. **By School Personnel at the Request of Police:** If a student is being interviewed by the school principal or his/her designee at the request or instigation of the police for law enforcement purposes, the interrogation may be conducted only if:
  - a. The student is advised of his/her rights (see Item c. ii. above);
  - b. The student has knowingly and voluntarily waived those rights; and
  - c. A reasonable attempt to notify the student's parents or guardian is made before the interrogation takes place.

### **C. Arrests of Students in School**

1. **General Policy:** It should not ordinarily be necessary for police officers to arrest students at school during school hours, during school-sponsored activities, or on school grounds, for criminal activity or alleged criminal activity not committed at the school, or for crimes committed at the school for which assistance has not been requested by the principal.
2. **Arrests with Advance Notice:** In cases where a law enforcement agency deems it necessary to arrest a student during school hours or school-sponsored activities, the agency should notify the principal of the intended arrest prior to dispatching officers to the school, and the principal should request that the School Resource Officer (SRO) or a non-uniformed officer make the arrest, if possible.
3. **Arrests in Emergency Circumstances:** In emergency situations, when the immediate arrest of a student is deemed necessary by a law enforcement agency, including instances where the commission of a felony or serious breach of the peace has been witnessed by a officer, or if the officer is in “hot pursuit” of the student for such crime, the police shall be entitled to take action to arrest the student on school property without a warrant.
  - a. In cases in which an arrest of a student has been made in an emergency situation in which the law enforcement agency has taken custody of a student without providing the principal with the opportunity to conduct the verification, documentation, and parental notification procedures outlined in section III. B. above, the principal shall make every reasonable effort to have the arresting officer(s) or SRO comply with the verification, documentation, and parental notification procedures before removing the student from school grounds.
  - b. If the student has been removed from school grounds by law enforcement officers prior to compliance with verification, documentation and parental notification procedures, the principal shall contact the arresting agency and the Superintendent of Schools and complete the verification, documentation and parental notification procedures as soon as possible after learning of the removal.

### **D. Search and Seizure by Police**

Any and all searches of a student’s person, a student’s locker or desk, or of a student’s automobile on school property, for drugs, weapons or other items of an illegal or prohibited nature – and the subsequent seizure of any items – shall be authorized and conducted in compliance with LCPS Policy JIH: Student Searches and Seizures.

**V. CHILD PROTECTIVE AGENCY CONTACTS**

**A. Duty to Report Suspected Child Abuse and Neglect**

Pursuant to 32A-4-3 NMSA 1978, it is the duty of any school nurse, school teacher, or school administrator who knows or suspects that a child is or has been abused or neglected, upon penalty of fine, to report this information immediately to either: (1) a law enforcement agency or, (2) the county office of the NMCYFD. School employees and officials shall cooperate with officers or agents of the NMCYFD or above-named law enforcement agencies investigating suspected instances of child abuse and neglect, subject to the safeguards and procedures provided by this Regulation.

**B. Investigations of Child Abuse and Neglect**

**Verification, Documentation, and Parental Notification Requirements:** NMCYFD investigators authorized to investigate child abuse, including those seeking to remove students from school for purposes of maintaining protective custody as part of a child-abuse investigation, are subject to the verification, documentation, and parental notification procedures set forth in Section III above, except:

1. In observing the verification, documentation and parental notification procedures, the principal shall determine from the investigator whether it is appropriate to notify the parent or guardian of the requested interview or the removal of the student from the school;
2. In the event the investigator directs that such notice not be given, as in cases where a parent or close family member is the suspected abuser, the principal shall record such direction as part of the verification, documentation and parental notification procedures.
3. Law enforcement officers or agents shall have access to any records pertaining to a complaint of child abuse or neglect, in accordance with 32A-4-3(F) NMSA 1978.



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*Approved, Associate Superintendent for Operations*

October 20, 2009

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*Date Approved*

*History:* Revised 11/20/07; Revised 10.20.09  
*Legal Reference:* N.M. Stat. Ann. §§ 32A-1-16 and 32A-2-14 (1978)