

What happens if I'm a SUSPECT and the principal can't reach my parent?

You could be questioned without your parents' permission if you are suspected of **committing a crime in school** and if you are an immediate threat to others.

For example, if a police officer has reason to believe that you will hurt someone if the police officer doesn't question you immediately, then you can be questioned.

The principal or a representative of the principal must be present during the questioning.

What's a Suspect?

A suspect is a person that police believe may have committed a crime.

If you are being questioned by police personnel, you should ask if you are a suspect.

What happens if I'm NOT A SUSPECT and the principal can't reach my parent?

If you're not a suspect, you could be questioned only if the principal feels that any information you have is important to the safety of the school.

Example: the principal may give police personnel permission to speak to you if they are investigating a school murder and they think you know something about it.

The principal or a representative of the principal must be present during the questioning.

In this situation, you also have the right not to answer any questions.

What if the police want to question me about a crime that has nothing to do with school?

The principal or a representative must ask the police to question you while school is not in session.

If the police still want to question you during school because there is an emergency situation, the school has to contact the Department of Education (DOE) for permission.

YOU HAVE RIGHTS WHEN ARRESTED

Can I be arrested in school?

Yes, but only if police personnel think that there is **probable cause** to believe that you committed a crime.

What's Probable Cause?

"Probable cause" means that police personnel have enough facts to believe that you committed a crime.

For example, a school safety agent can arrest you if she saw you steal a computer from the school.

Does an SSA or police officer have to talk to the principal before arresting me?

Yes, unless there is an emergency situation.

But the police (*not the principal*) will make the final decision about whether to arrest you.

If the police arrest you without speaking with the principal first, do not resist the arrest. Remember to tell your lawyer that this happened.

Can an SSA or police officer arrest me in front of my classmates?

If there are no other options, then yes. If possible, police personnel must take the student to a semi-private area to conduct the arrest, like the principal's office.

Does the school have to tell my parent that I was arrested?

Yes, no matter how old you are. Once you are arrested, the principal has to tell your parent or guardian.



What if the school can't get in touch with my parent?

If your parent or guardian isn't available, someone from the school staff who was not involved in the incident should escort you to the police precinct.

The staff person must stay with you for awhile or until he/she is no longer needed.

YOU HAVE THE RIGHT TO MAKE A COMPLAINT

You can file a complaint if police in your school:

- Hit You
- Curse at You
- Touch You Inappropriately
- Make Comments about Your Race, Religion, Gender, or Sexually Orientation
- Disrespect You

Who should I call to make a complaint?

School Safety Division of the NYPD.
The number to call is (718) 730-8500.

NYPD's Internal Affairs Bureau
You can call (212)741-8401 or 1-800-PRIDE-PD.

During the call, describe where and when the incident happened, the SSA's name, badge number and physical description (if possible), and what took place.

(You should also tell your principal about the incident.)

What is the Civilian Complaint Review Board (CCRB)?

The CCRB is **not** the NYPD

It is an independent agency that takes complaints against police officers.

Unfortunately, the CCRB currently does not take complaints against school safety agents.

If you have a complaint against a police officer, you can complain to the CCRB

- Visit the CCRB offices at 40 Rector Street, 2nd Floor, New York, NY 10006.
- Dial 311 (outside NYC dial 212-NEW-YORK).



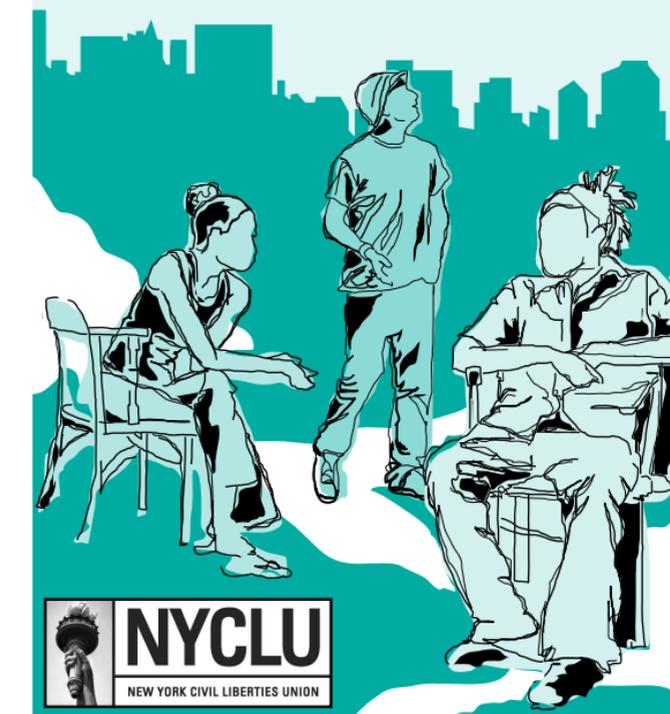
Should I share my story with the New York Civil Liberties Union?

Even though we cannot respond to every complaint of police misconduct in schools, we still want to hear your stories! If you or someone you know is mistreated by a school safety agent, contact us:

- Dial 212-607-3300.
- Email us at PoliceInSchools@nyclu.org.
- File a complaint online at <http://www.nyclu.org/policeinschools>.
- Mail us your story to 125 Broad Street, 19th Floor, New York, NY 10004.

If you were arrested in school and do not have a lawyer, you can contact the Legal Aid Society at 212-577-3300.

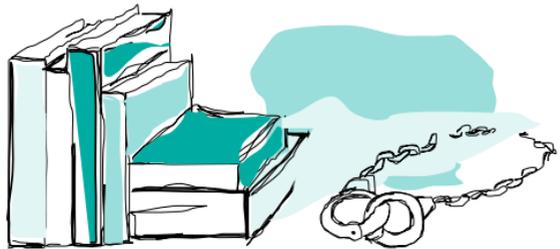
KNOW YOUR RIGHTS WITH POLICE IN SCHOOLS



WHO IS THIS CARD FOR?

As a student, you have the right to feel safe in your school! You also have legal rights whenever you come in contact with police in school.

This card will try to answer questions about your rights when you come in contact with school safety agents. This card does not answer questions about your rights if you ever come in contact with police officers outside of school. For information on what to do when you're stopped by a police officer on the street, in your home or in your car, go to www.nyclu.org/bust_card or call 212-607-3300.



KEEP THIS CARD WITH YOU!

IF A SCHOOL SAFETY AGENT TRIES TO VIOLATE YOUR RIGHTS, YOU CAN PROTECT YOURSELF!

WHO ARE SSAS?

School safety agents (SSAs) are employees of the NYPD who have the authority to stop, question, search, and arrest students. They are uniformed civilians of the NYPD, also known as "peace officers." They are not allowed to carry guns. Their job is to protect students, teachers, and staff from harm. Whenever we say "**police personnel**", we are including both the 5,200 or so school safety agents as well as the 200 armed police officers assigned to public schools in New York City.

IF YOU RUN INTO TROUBLE WITH A SCHOOL SAFETY AGENT (SSA)

- **Stay cool and calm.**
- **Know that you have the right to remain silent.**
- **Keep your hands where the SSA can see them.**
- **Don't run away from an SSA.**
- **Don't resist or interfere with an SSA (even if you think he or she is wrong).**
- **If you're arrested, ask for a lawyer immediately!**
- **Remember the SSA's badge number and name.**

AFTERWARD...

- **Write down everything you remember** as soon as you can! (Like the **SSA's badge number and name**)
- **Try to find witnesses.** Get their names and phone numbers.
- If you are hurt, **take photos of the injuries** as soon as possible, but **get medical attention first!**

YOU HAVE A RIGHT TO PRIVACY

What's a search?

Any time police personnel frisk you or go through your pockets, bag, locker, or any other property without your permission, a search is taking place.

Can school safety agents legally search me?

Yes, but that depends on certain things.

Usually, to search you or your bag an SSA must have **reasonable suspicion** to believe that you broke a school rule or committed a crime. Also, the SSA must believe that searching you or your bag has something to do with what you're suspected of.

Example: if the SSA has a reason to believe that you may have a weapon in your bag, then the SSA can search your bag.

What's reasonable suspicion?

Reasonable suspicion is a belief (or suspicion) that you violated a school rule or criminal law.

This suspicion must be based on facts about you, and not just on a hunch, rumor or curiosity.

For instance, you can't be searched because the SSA thinks that you "look like" a drug dealer.

What should I do if a school safety agent wants to search me?

You can't stop an SSA from searching you, but you still have choices: You can agree to let them search you by saying "okay" or by not saying anything.

Or, you can say out loud: **I DO NOT CONSENT TO THIS SEARCH** (this means that you will not give permission for the search to happen) If you do not say this, an officer might think that you are agreeing to be searched. Saying this will not keep the search from happening but it will protect your right to argue later that you should not have been searched.

No matter what, Do Not Resist! Resisting could get you arrested.



Do SSAs need the principal's permission before searching me and my things?

Yes, unless there's an emergency situation.

For example, if the SSA thinks that you have a knife and you're about to use it, they do not need the principal's permission.

Can I be searched by an SSA of the opposite sex?

A search of a student must be done by an SSA of the same sex as the student being searched, unless there is no alternative.

Are strip searches allowed?

No! Under no circumstances may a strip search of a student be done.

METAL DETECTORS

Schools can use metal detectors to scan students and their belongings for things that aren't allowed in school.

What happens if I set off the metal detector?

If the metal detector shows that you have metal on you, an SSA may scan you with a hand-held metal detector.

The SSA has to avoid physical contact with your body during this second scan.

What if I set off the hand-held detector?

If you set off the hand-held metal detector and the SSA doesn't know why, the SSA will ask you to remove any other metal and be scanned again.

If you set off the hand-held detector again, the SSA will continue the search by hand in a separate more private area and while the principal is present. The search should **only be of the area of your body that activated the hand-held metal detector**. Also, you must be given another chance to remove any metal objects.

Example: if the hand-held metal detector is set off while scanning the area around your pockets, then the SSA can search your pockets.

The principal must be present. If the principal is not present, then a representative of the principal may take his/her place.

Once the scanner no longer goes off, the search is over.

Can scanning and searching be performed by a school safety agent of the opposite sex?

Scanning and searching must be done by an SSA of the same sex as the student, unless there is no alternative.



YOU HAVE THE RIGHT TO REMAIN SILENT

Do I have to answer if police personnel question me about a school crime?

No. It is your choice whether or not to speak to police officers or to SSAs.

If you do speak, understand that everything you say can be used against you in a suspension hearing or in court. If you choose not to speak, remember to be polite when you inform them of your decision.

Should my parent be called before police personnel question me about a school crime?

Yes. The principal or his or her representative must try to contact your parent or guardian.

What happens if the principal reaches my parent or guardian?

If your parent does not want the questioning to take place, they must tell school staff and/or police personnel, and the questioning should not take place.

If your parent is contacted and doesn't object, the questioning can continue.

However, you do not have to answer questions even if your parent says it is ok that school officials question you. Remember to be polite if you refuse to answer questions.