

YOU HAVE THE RIGHT TO REMAIN SILENT

Do I have to answer if a school safety agent, a police officer, or some other investigator asks me questions about my involvement in a school-related crime?

No. It is your choice whether or not to speak to any of the above.

Does the principal have to try to notify my parent before the police or some other investigator questions me about a school-related crime committed by a student?

Yes. The principal or his or her representative has to make “every reasonable effort” to contact your parent or guardian.

What happens if the principal reaches my parent or guardian?

If your parent or guardian is contacted and doesn’t object to the questioning, it will be permitted. The principal or his or her representative must be present for the questioning.

If the parent or guardian objects to the questioning, then it should not take place.

What happens if I’m a suspect and the principal can’t reach my parent?

If you’re a suspect, you may be questioned only if you are suspected of committing the school-related crime and the principal or his or her representative determines that there is a continued threat of imminent danger. For example, a police officer suspects that you will hurt someone if the police officer doesn’t question

you immediately. The principal or his or her representative must be present during the questioning.

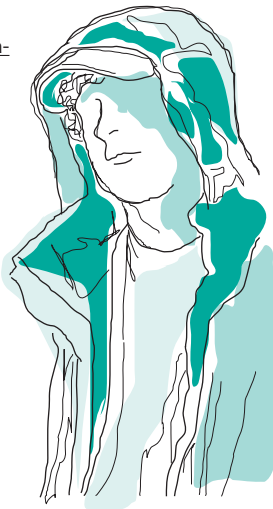
What happens if I’m not a suspect and the principal can’t reach my parent?

If you’re not a suspect, you may be questioned only if the principal determines that there are “exigent circumstances.” For example, the principal may permit the police officer to speak to you if the police officer is investigating a murder that took place in your school and determines that you may know something about this serious crime that will protect the safety of the students in your school.

The principal or his or her representative must be present during the questioning.

What if the police want to question me about a crime not related to school that they think I’ve committed?

In such situations, the principal or his or her representative must request that the questioning occur during non-school hours. If the police or other investigator still wants to question you during school hours because there are exigent circumstances, the school must contact the Department of Education.



YOU HAVE RIGHTS WHEN ARRESTED

Can I be arrested in school?

Yes, but only if the school safety agent or police officer thinks that there is probable cause to believe that you committed a crime. Probable cause means that the school safety agent or police officer has sufficient reason based upon facts to believe that you committed a crime. For example, a school safety agent can arrest you if the SSA saw you steal a computer from the school.

Does a school safety agent or police officer have to consult with 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.

Where should an arrest take place?

When arresting a student, a school safety agent or police officer must first remove the student, if possible, to a semi-private location, such as the principal’s office or a school security office. The arrest should not take place in the classroom if it can be avoided.

Must the school notify my parent once there is an arrest?

Yes. Once you are arrested, the principal must notify your parent or guardian.

What if my parent cannot be reached?

If your parent or guardian cannot be reached, a member of the school staff who was not involved in the incident that led to your arrest should accompany you to the police precinct. The staff member must remain with you for a reasonable time or until the staff member is no longer needed.

YOU HAVE THE RIGHT TO FILE A COMPLAINT

How do I file a complaint against police personnel in the school?

If a school safety agent curses at you, hits you, touches you inappropriately, or acts inappropriately against another student, you can file a complaint with the School Safety Division of the NYPD. The number to call if you want to file a complaint is (718) 730-8500. You can also file a complaint with the NYPD’s Internal Affairs Bureau by calling (212)741-8401 or 1-800-PRIDE-PD.

You should be prepared to describe where and when the incident happened, the school safety agent’s name, badge number and physical description (if possible), and what took place.

You may also want to tell your principal about the incident.

When should I file a complaint with the Civilian Complaint Review Board (CCRB)?

If a police officer treats you inappropriately in school, you should file a complaint with the Civilian Complaint Review Board (CCRB), which is an independent agency that takes complaints against police officers. Unfortunately, the CCRB claims that it does not have authority to hear complaints against school safety agents.

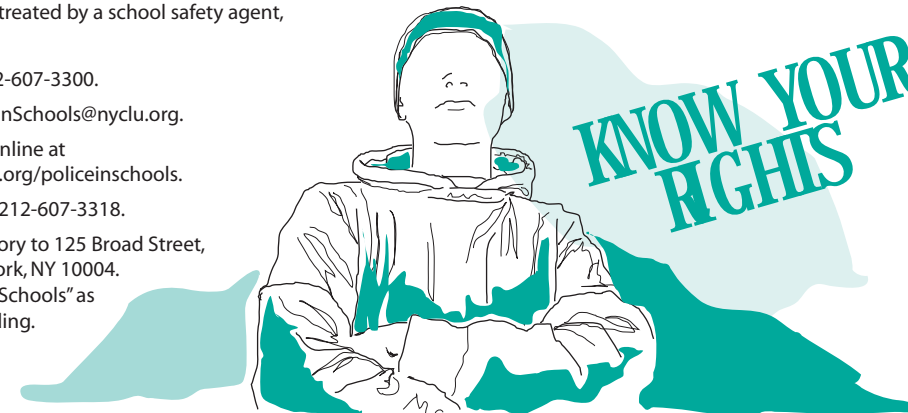
There are currently a number of ways to file a complaint with the CCRB:

- 📍 Visit the CCRB offices at 40 Rector Street, 2nd Floor, New York, NY 10006.
- 📞 By phone, dial 311 (outside NYC dial 212-NEW-YORK).
- 🌐 File a complaint online at: <https://www.nyc.gov/html/ccrb/html/complaint.html>.
- ✉ Write a letter to the CCRB at 40 Rector Street, 2nd Floor, New York, NY 10006.

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

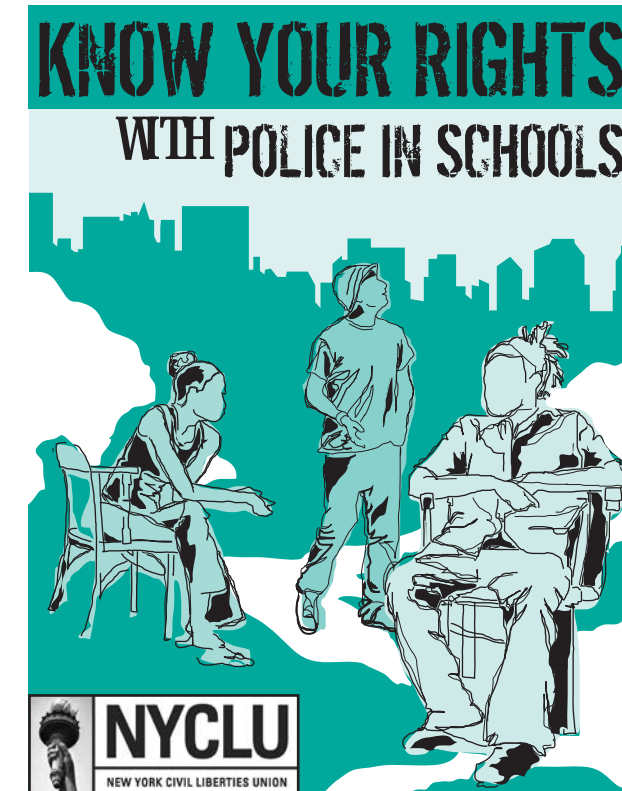
While the NYCLU cannot respond to every complaint of police misconduct in schools, we still want to hear your stories! If you or someone you know is mistreated by a school safety agent, contact us:

- 📞 By phone, dial 212-607-3300.
- ✉ Email us at PoliceInSchools@nyclu.org.
- 🌐 File a complaint online at <http://www.nyclu.org/policeinschools>.
- 📠 Fax the NYCLU at 212-607-3318.
- ✉ Or mail us your story to 125 Broad Street, 19th Floor, New York, NY 10004. Include “Police in Schools” as your subject heading.



ADDITIONAL RESOURCES AND PHONE NUMBERS:

- 1 If you were arrested in school and do not have a lawyer, you can contact the Legal Aid Society at 212-577-3300.
- 2 To read the Department of Education Chancellor’s Regulations log onto <http://schools.nyc.gov/Administration/ChancellorsRegulations/default.htm>. Section A-412 addresses security in the schools, and section A-432 covers searches and seizures.
- 3 You can find the New York City Department of Education Citywide Standards of Discipline and Intervention Measures (The Discipline Code) at <http://schools.nyc.gov/Parents/Essentials/School+Safety/default.htm>.



Students have the right to feel safe and secure in their schools. Students also have certain legal rights when interacting with police personnel who are charged with securing their safety.

The New York City Department of Education relies heavily on the Police Department, including more than 4,000 school safety agents (“SSAs”) to enforce discipline and maintain security in schools. School safety agents are uniformed civilian NYPD employees assigned to schools. Students are increasingly coming into contact – and, in some cases, conflict – with school safety agents. The law governing SSA conduct is complex and sometimes unclear, but understanding it as well as possible can help students protect their legal rights.

This card tries to answer students’ most common questions about their rights when interacting with school safety agents. Unless otherwise noted, it does not answer questions regarding students’ rights when interacting with police officers who are not school safety agents. For information on what to do when you’re stopped by a police officer, go to www.nyclu.org/bust_card or call 212-607-3300.

**KEEP THIS CARD HANDY!
IF A SCHOOL SAFETY AGENT TRIES TO VIOLATE YOUR RIGHTS, YOU CAN PROTECT YOURSELF!**

PROTECT YOURSELF: WHAT TO DO WHEN INTERACTING WITH A SCHOOL SAFETY AGENT

- Stay calm and in control of your words, body language and emotions.
- Remember, you have the **right to remain silent**, and **anything you say or do** can be used against you.
- Do not make any statements** to school safety agents regarding the incident.
- Keep your hands** where the school safety agent can see them.
- Don’t run away** from a school safety agent.
- Don’t resist** or interfere with an SSA, even if you think they are wrong.
- If you are arrested, **ask for a lawyer** immediately.
- Remember the **school safety agent’s badge number** and name.



WHAT TO DO AFTER A CONFLICT WITH A SCHOOL SAFETY AGENT

- Write down everything** you remember as soon as possible, including the school safety agent’s **badge number and name**.
- Try to find **witnesses** and their names and phone numbers.
- If you are injured, **take photos of the injuries** as soon as possible, but make sure **you get medical attention first**.

YOU HAVE A RIGHT TO PRIVACY

School safety agents often ask to search students’ bodies or belongings. You should remember that, in order to protect your rights most fully, you can state out loud that you do not consent to the search. If you do consent to a search, it will affect your rights later in court.

What’s a search?

Legally, a “search” takes place any time a school safety agent frisks you or goes through your pockets, backpack, locker, or any other property without your permission.

Can school safety agents legally search me?

Yes, but only under certain circumstances.

In most cases, in order to search you, a school safety agent needs to have reasonable suspicion to believe that you violated a school

rule or committed a crime. This means that the suspicion must be based on facts about you, and not just on a hunch, rumor or curiosity. For example, you can’t be searched because the SSA believes that you fit a stereotype of how a drug dealer looks.

When can they search my backpack or locker?

In most cases, to search your backpack, locker or other belongings, a school safety agent must first have reasonable suspicion to believe that you violated a school rule or criminal law. The SSA must also believe that searching your backpack or locker – or whatever other belonging the SSA wants to search – is related to what you’re suspected of. For example, if the agent has a reason to suspect that you may have a weapon in your backpack or locker, then the SSA can search your backpack or locker.

For information on searches involving metal detectors, see the next section.

What should I do if a school safety agent wants to search me, my backpack, or my locker?

You can’t stop a school safety agent from conducting a search. But you can protect your right to protest the search later. For example, in some cases you may be able to file a lawsuit challenging the search, or prevent evidence from being used against you. You can agree to the search – for example, by saying nothing at all – but this will mean that you will not be able to protest it later. You can object to the search by saying out loud, “I do not consent to this search.” This will not stop the search, but it will protect your right to protest the search later.

Even if you decide not to consent to the search, do not physically resist, because that could lead to your arrest.

Do school safety agents need to get the principal’s permission before searching me and my backpack?

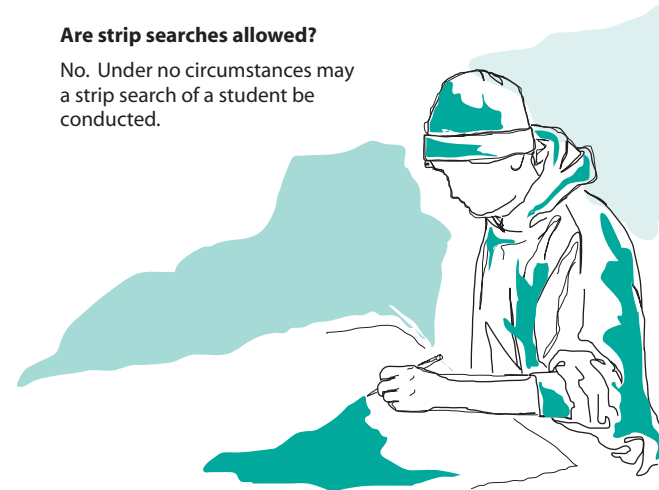
Yes, unless there’s an emergency situation. For example, the school safety agent can search you without the principal’s permission if she or he believes that you have a knife on you and that you’re about to use it against another student.

If the search involves physical contact, can the school safety agent be of the opposite sex?

To the maximum extent possible, a search involving contact with a student must be conducted by a school safety agent of the same sex as the student being searched.

Are strip searches allowed?

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



YOU HAVE A RIGHT TO PRIVACY WHEN BEING SCANNED BY A METAL DETECTOR

Can schools use metal detectors to scan students?

Yes: under current New York City policy, schools and the NYPD are permitted to use walk-through metal detectors and hand-held metal detectors to scan students and their belongings for items not permitted in school.

What happens if I set off the metal detector?

If the metal detector indicates that you have an unacceptable amount of metal on you, a school safety agent will ask that you be scanned with a hand-held metal detector. The SSA must make reasonable efforts to avoid all physical contact with your body – including contact by the hand-held metal detector— during this second scan.

What if I set off the hand-held detector?

If you set off the hand-held metal detector for a reason that is not obvious to the SSA conducting the scan, the SSA will ask you to remove any remaining metal and be scanned again.

If you set off the hand-held detector again, the principal or his or her representative will then tell the school safety agent to conduct a search by hand in a separate area under the supervision of the principal or his or her representative. The principal or his or her representative must be present.

What happens during this next search?

You must first be given another opportunity to remove any metal objects. If you do not remove such items, you’ll be searched, but only in the area of your body that activated the hand-held metal detector. For example, if the hand-held metal detector is set off while scanning the area around your pockets, then it would be permissible for the school safety agent to search your pockets.

Once an object is discovered that set off the hand-held metal detector, the SSA must cease performing the search, and then scan you again with the hand-held metal detector. If it doesn’t go off, the search is over. If it does go off, the search will continue.

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

To the maximum extent possible, scanning and searching must be performed by school safety agents of the same sex as the student.

