

# Calling the Police Policy Q & A



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This policy Q & A addresses the topics related to the legal requirements for calling the police for events related to school activities.

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## When is a school official required to have to call the police?

A school official must call the police when a student has engaged in one or more of the acts in section [79-267 on student conduct](#), and the school official knows or suspects this student has violated the [Nebraska Criminal Code \(Neb. Rev. Stat. 79-293\(1\)\)](#).

The conduct which is grounds for discipline action under 79-267 includes the following:

- (1) Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;
- (2) Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value,
- (3) Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision;
- (4) Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student;
- (5) Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon;
- (6) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section [28-401](#), a substance represented to be a controlled substance, or alcoholic liquor as defined in section [53-103.02](#) or being under the influence of a controlled substance or alcoholic liquor;

- (7) Public indecency as defined in section [28-806](#), except that this subdivision shall apply only to students at least twelve years of age but less than nineteen years of age;
- (8) Engaging in bullying as defined in section [79-2,137](#);
- (9) Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function, activity, or event. For purposes of this subdivision, sexual assault means sexual assault in the first degree as defined in section [28-319](#), sexual assault in the second degree as defined in section [28-320](#), sexual assault of a child in the second or third degree as defined in section [28-320.01](#), or sexual assault of a child in the first degree as defined in section [28-319.01](#), as such sections now provide or may hereafter from time to time be amended;
- (10) Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes; or
- (11) A repeated violation of any rules and standards validly established pursuant to section [79-262](#) if such violations constitute a substantial interference with school purposes.

Generally, both the police and good practice indicate that the police should not be contacted related to ordinary classroom management problems, school behavior problems, or other types of student behavior, which do not constitute a crime.

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### **Who should call the police?**

Any school staff member should call the police when there is an emergency. Nebraska law states a principal or principal's designee should contact the police as soon as possible if there has been a violation of the Nebraska Criminal Code (Neb. Rev. Stat. 79-293, 1996) by either students or any adults in the school.

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### **Is contacting a school resource officer the same as calling the police?**

Generally, yes. If the message to the police officer indicates a crime may have been committed, the officer would report this to a dispatcher.

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### **If a school official calls the police and it turns out that the student did not violate the Nebraska Criminal Code, does the school official have immunity?**

Yes, as long as the report was not an intentionally false report. The person making the report could be prosecuted if he or she knew (or should have known) it was false, or if the report was made with negligent disregard for the truth or falsity of the report. As long as the school official is reporting an alleged violation of the Nebraska Criminal Code and the above two conditions don't apply, then the

school official is not civilly or criminally liable as a result of making the report ([Neb. Rev. Stat. 79-293\(2\)](#)).

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### **How quickly do you have to contact the police?**

This answer varies depending on each district's policies and procedures. There isn't an exact time in Nebraska statutes; however, section 79-293 states, "The principal of a school or the principal's designee shall notify as soon as possible the appropriate law enforcement authorities" ([79-293\(1\), 1996](#)).

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### **Who decides when the police should be called for minor violations?**

In cases of minor violations, there is some degree of discretion about calling the police. This is a question that can be addressed in a school district's policies and guidelines. Often these policies indicate that the school administrators make the decision about calling the police depending on the circumstances and when emergencies or serious crimes are not involved. As noted earlier, police should not be called to handle ordinary school discipline or classroom management problems.

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