

STUDENT INTERVIEWS, INTERROGATIONS, AND CUSTODY BY SCHOOL RESOURCE OFFICERS AND OUTSIDE AUTHORITIES

General Provisions

For all action permitted by this policy and/or law, it is the responsibility of law enforcement officials, not district employees, to assure compliance with procedural and constitutional safeguards.

School Resource Officers (SROs)

When acting in the role of a school official to investigate school policy violations and/or maintain the safety of the school environment, SROs may interview students without parental consent and may search students in accordance with applicable school district policy on searches by school officials. When a student is suspected of a crime, the SRO shall comply with the procedure below pertaining to police interrogations.

~~[Communications with School Resource Officer (SRO)~~

~~In all cases where any law enforcement officer, other than assigned SROs, needs to interview or take into custody a student, the law enforcement officer should make every attempt to contact the school's primary SRO and inform them of the need to contact a student unless there is an emergency. If the primary SRO cannot be contacted, then the law enforcement officer should continue their attempt in contacting any other district SRO. If available, the SRO will assist and coordinate the interview/taking into custody of the student with school officials.]~~

Police Interviews and Interrogations

To minimize disruptions to the school environment and embarrassment to students involved, all police interviews and interrogations of students on school property shall be held in private unless the urgent nature of the situation prevents compliance with this requirement as determined by the building principal or designee in consultation with law enforcement. Students shall not be subject to coercion or illegal restraint during police interviews and interrogations.

~~Police do not have a right to interview a student on school property or remove students from school property for purposes of an interview. Administrators shall encourage law enforcement to schedule interviews with students at times when students are not under the district's jurisdiction. When such scheduling is not feasible as determined by the building principal or Superintendent, the building principal or Superintendent shall allow an on-campus interview of a student so long as the following criteria is met:~~

- ~~1. The officer is properly identified.~~
- ~~2. Parents are notified and provide consent. When an attempt to notify a parent is made and s/he cannot be reached, the law enforcement official shall be required to make alternative arrangements with the student/parent to conduct the interview off campus. If the student's parent is the suspect of a crime and the subject of the law enforcement interview, this requirement may be waived. In such cases, administration shall inform the student of his/her right to decline an interview by law enforcement. If an investigation of an offense focuses upon the child as the person who~~

~~committed the offense, any statement of the child must be made in the presence of that child's parent, guardian, or custodian, or in their absence, in the presence of an attorney.~~

- ~~3. If the parent or guardian cannot be present, then a school official should sit in the conference in the parent's stead. Except when a student is the subject of a law enforcement investigation.~~
- ~~4. Students shall not be subject to coercion or illegal restraint.~~
- ~~5. Students shall not be removed from school property without proper legal documentation as delineated below.~~

- 1. When the student is the suspect of a crime (police interrogation):** The Superintendent building principal or designee shall only grant the interrogation request if the following conditions are met:
 - a. The officer properly identifies him/herself to the building principal or designee if the officer is unknown to the school, confirms the identity of the student to be interrogated, and confirms the reason and purpose of the interrogation.
 - b. The interrogation relates to a school matter or needs to be held at school because of justifiable law enforcement need that is explained to the building principal or designee.
 - c. The student's parent, guardian, or attorney is present for the interrogation. This requirement does not apply to students of legal age.
 - d. The student is read their *Miranda* rights.

These requirements do not apply to crimes in progress, which are covered under this policy's section on taking students into custody.

- 2. When a student is a witness or victim of a crime:** The Superintendent building principal or designee may grant requests for a police interview of a student who is a witness or victim of a crime if the following conditions are met:
 - a. The officer properly identifies him/herself to the building principal or designee if the officer is unknown to the school, confirms the identity of the student to be interview, and confirms the reason and purpose of the interview.
 - b. The interview relates to a school matter or needs to be held at school because of justifiable law enforcement need that is explained to the building principal or designee.
 - c. At a minimum, a school official is available to be present at the police interview. The building principal or designee should attempt to contact the student's parent or guardian and allow them to attend the interview unless the urgent nature of the situation demands that the interview be conducted as soon as possible. The building principal or designee, in consultation with law enforcement, shall make the determination of whether or not to contact parents/guardians on a case-by-case basis.
 - d. If, during the interview, the student becomes a suspect of a crime, the requirements in #1 shall be implemented as soon as this suspicion arises.

Interviews of Students by Officials of Other Agencies

When the Department of Human Services or an officer acting on the agency's behalf requests to interview a student as part of a child abuse/neglect investigation the building principal shall:

1. Verify that the purpose of the interview is to investigate child abuse/neglect.
2. Require that the interviewer identify him/herself.
3. Allow a student to be interviewed if the student is the subject of, sibling of, or living with a child the subject of abuse/neglect.
4. School staff shall not share information related to a child abuse investigation with the public or the child's parents.

Police Officer's Rights

In all of the situations listed below, efforts should be made to minimize embarrassment or loss of class time for the student. The Office of the superintendent and principal should be notified immediately when any of the actions listed below has occurred.

Right to Students Taken into Custody: Police officers, counselors of the juvenile court, or other authorized law enforcement officials have the right to enter the school to take a student into custody or to make a lawful arrest of a student, provided the officer displays ~~either~~ an order signed by a judge of the juvenile court authorizing the taking of the student into custody, ~~or to~~ displays a warrant for the student's arrest, **or has probable cause to make an arrest**. If the student is arrested and/or taken into custody at a school, the school officials should make every effort to notify the parents immediately.

Right to Serve Subpoena in School: While police officers have the legal right to serve a subpoena at school, the serving officials should be strongly urged to serve these subpoenas ~~at the home of the student~~ **off campus whenever possible**.

Complementary Documents

- LBB, Relations with Department of Human Services

End of Dickinson School District #1 Policy FGCC Amended: 12/12/11