

STUDENT INTERROGATIONS

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.

Police Interviews

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, with parental consent, a school administrator may 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.

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/Principal should be notified immediately when any of the actions listed below has occurred.

1. **Right to Take 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 display a warrant for the student's 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.
2. **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 whenever possible.

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.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- LBB, Relations with Department of Human Services

End of Velva Public School Policy FGCC.....Adopted: 12.12.2016