

## **INTERVIEWS AND INTERROGATIONS OF STUDENTS ON SCHOOL PREMISES: 3226P**

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To minimize interruption to the instructional program, the District discourages interviews and interrogations of students on school premises by third party agencies. When the circumstances warrant an onsite interview/interrogation, staff will follow the protocols in this procedure.

### **I. Entry to a School**

- a. A law enforcement officer (e.g., police officer, sheriff deputy, and immigration agent), child protective services worker, or health department official shall contact the principal or designee upon entering a school building and present proper identification.
- b. School building administrative personnel will cooperate as specified below, treating interviews of students as witnesses, victims, and suspects differently.

### **II. Interview of Student Witness/Victim of Criminal Activity**

- a. Students of any age who are witnesses to a crime or victims of a crime may be interviewed without parent/guardian consent.
- b. Should it become apparent during a witness/victim interview that the student under the age of 12 years of age is the suspect of a crime, law enforcement shall immediately stop questioning until parental consent is obtained.
- c. Should it become apparent during a witness/victim interview that the student is the suspect of a crime, the principal shall stop the interview until the student has had the opportunity to contact legal counsel as outline in IV(e) below.
- d. The principal or designee will make a reasonable effort to notify the parent/guardian of the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation. By law, the principal or designee may not prevent the interview and will so inform the parent/guardian.
- e. When prior notice has been given to the parent/guardian, the principal or designee will convey any expression of objection by the parent/guardian about the interview to the law enforcement officer(s).
- f. If the parent/guardian is not present for the interview, the principal/designee will be present unless the student specifically requests otherwise.

### **III. Interview of Student Witness/Victim, Child Abuse or Neglect Investigation**

- a. Students of any age who are witness to, or victims of, abuse or neglect may be interviewed so long as the interviewer obtains the student's consent in the presence of the principal or principal designee. A student may not be interviewed without his or her consent unless the interviewer has a warrant or determines that exigent circumstances exist.
- b. Should it become apparent during a witness/victim interview that the student under 12 years of age is the suspect of a crime, law enforcement shall immediately stop questioning until parent/guardian consent is obtained.

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- c. Should it become apparent during a witness/victim interview that the student is the suspect of a crime, the principal shall stop the interview until the student has had the opportunity to contact legal counsel as outline in IV(e) below.
- d. The principal or designee will make a reasonable effort to notify the parent/guardian about the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation.
- e. When the parent/guardian has been given prior notice, the principal or designee will convey any expression of objection by the parent/guardian about the interview to the law enforcement officer(s).
- f. If the parent/guardian is not present, the principal/designee will be present unless the student specifically requests otherwise.
- g. If the principal or designee believes the student is being intimidated, threatened, or coerced he/she may request to take a break and make those concerns known to the interviewer. The principal or designee can then decide whether to continue, temporarily suspend, or terminate the interview.
- h. The school will document the date, time, place, interview length, student name, consent to be interviewed, the interviewer, and any additional parties present.

#### **IV. Interview of Student Suspected of Criminal Activity**

- a. Student suspected of criminal activity under the age of twelve may be interviewed only with parent/guardian consent.
- b. Washington State law permits students twelve years and older, who are suspects of a crime, to be interviewed without parent/guardian consent.
- c. The principal or designee will make a reasonable effort to notify the parent/guardian of the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation. By law, the principal or designee may not prevent the interview from taking place and will so inform the parent/guardian.
- d. When prior notice has been given to the parent/guardian, the principal/designee will convey any expression of objection about the interview made by the parent/guardian to the law enforcement officer(s).
- e. If the student is to be questioned at school, the principal/designee shall ensure that the student is read their Miranda rights and given the opportunity to contact legal counsel prior to allowing questioning to continue.
  - I. Officers will not question any person younger than 18 years of age or request consent from a juvenile to search their person, property, dwelling, or vehicle unless the juvenile has consulted with legal counsel.
  - II. The right to consult with legal counsel cannot be waived. Any assertion of rights by the youth via legal counsel shall be treated by an officer as though it came from the youth.

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- I. The school shall facilitate a phone call to an attorney in a private location, making a phone available to the student.
  - I. If the student does not have an attorney, the student may call The King County Public Defender’s Office at 206.477.8899.

### **V. Interview of Student Sought by Health Department Officials**

- a. The principal or designee will permit a health department official to conduct a confidential interview with a student suspected of being in contact with an individual infected with a communicable disease when the interview is during school hours, and the principal will not release the student to travel to the health department.

### **VI. Interview of Student Sought by Immigration Agents**

- a. If an immigration agent requests access to a student or a school site, staff shall deny immediate access, alert the principal, and forward the request to the Superintendent and General Counsel for review.
- b. The Superintendent and/or General Counsel shall ask for the immigration agent’s credentials, ask the agent why the agent is requesting access, and ask to see a warrant.
- c. To be valid, the warrant must state the purpose of the interview, identifies the search location, references a specific person, include an accurate date, and be signed by a federal or state judge.
- d. Immigration agents must also provide written authority, instructing them to enter District property, and for what purpose from one of the following Immigration and Customs Enforcement (ICE) officials, the Assistant Director of Operations, Homeland Security Investigation (HIS), the Executive Associate Director (EAD) of HIS, the Assistant Director for Field Operations, Enforcement and Removal Operations (ERO), or the EAD of ERO.
- e. Upon receipt and examination of the required information, the Superintendent and/or General Counsel will determine whether immigration agents will be allowed to contact or question the individual named on the warrant and will communicate that decision to the principal or designee.
- f. The Superintendent and/or General Counsel or designee will make a reasonable effort to notify the parent/guardian of the interview.
- g. The Superintendent/General Counsel or designee will ask to be present during the interview and ensure the agents are not given access to information, records, or areas beyond that specified in the warrant.

### **VII. Access to Student Records**

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- a. If the parent/guardian or student over 18 years of age has not filed a written objection to the release of directory information, anyone may request and be granted the directory information about students as designated in the district's Student Records policy and procedure. The actual residential addresses of participants in the state Address Confidentiality Program are not to be available for release as directory information. Social Security numbers, student identification numbers (with authentication factors such as a secret password or personal identification number), addresses, or other personally identifiable information is not considered directory information.
- b. Student records protected by the federal Family Educational Rights and Privacy Act (FERPA) may only be examined or released following written permission of a minor student's parent/guardian or and adult student, pursuant to a court order or subpoena, or in response to a health or safety emergency.

### **VIII. Taking a Student into Custody**

- a. In a criminal matter, an officer is not required to have a warrant in order for the school to release the student into law enforcement custody. The principal or designee will make immediate reasonable effort to notify the parent/guardian unless directed not to by the law enforcement officer because child abuse or neglect is alleged against the parent/guardian, or some other similar, specified reason exists for prohibiting notification.
- b. School authorities may request that the law enforcement officer put his or her reasoning for denial of parent/guardian notification into writing.
- c. A student may not be taken into custody at school on a truancy petition.
- d. Immigration agents are required to have a warrant signed by a judge in order for the District to release a student into custody.