

## **Student Interrogations, Searches and Arrests**

(Additional Guidelines for Student Interviews/  
Interrogations by Law Enforcement Officers)

Law enforcement officers, including school resource officers, may wish to interview students regarding their knowledge of suspected criminal activity as a victim or witness and may wish to interrogate students who are themselves suspected of engaging in criminal activity. Student Lockers, desks, vehicles, and personal items not worn by the student may be subject to sniffs by dogs trained to alert at the scent of drugs, alcohol, explosives, or other contraband. If an alert occurs, that will be deemed reasonable suspicion to search further. These guidelines are intended to clarify district policy concerning student interviews and interrogations by law enforcement officers.

It remains the goal of the district to take reasonable steps to prevent disruption of school operations and the educational process while at the same time cooperating with law enforcement efforts.

The district is not responsible for the conduct of school resource officers or other law enforcement officers. It is the responsibility of law enforcement officers to adhere to applicable legal standards with regard to any contact with students, including interviews and interrogations which they conduct.

These guidelines are subject to change and do not create any new rights for students or parents. Parents or students who have questions regarding their rights in criminal investigations should consult an attorney.

School officials and law enforcement officers retain the authority to override these guidelines when, in their reasonable judgment, different action is needed to address the safety of students/staff, an emergency or other exigent circumstances.

### **Consensual/voluntary contact by school resource officer**

One of the essential purposes of school resource officers is to promote relations between students and law enforcement. As long as it does not disrupt school operations or the educational process, school resource officers are free to speak with students before or after school, during free periods, between classes or during lunch in consensual/voluntary situations, where the officer does not use his or her authority to restrict the student's freedom of movement, or otherwise subject the student to a custodial interrogation. It is the responsibility of the school resource officer to adhere to applicable legal standards concerning any contact with students.

During these consensual/voluntary contacts, students do not have to answer the school resource officer's questions and are free to leave without further questioning

by the school resource officer. Students are reminded, however, that they have the obligation at all times to provide identification upon the request of a school employee or school resource officers.

### **Emergency or other exigent circumstances**

The district recognizes that parental notification in advance of law enforcement contact is not possible in cases of emergency or other exigent circumstances. School resource officers or other law enforcement officers may therefore contact and interview students on school grounds or at school-sponsored activities without parental consent or a parent being present when an emergency or other exigent circumstances exist, including concerns for the safety of students/staff. Even in the event of an emergency or other exigent circumstances, it is the responsibility of law enforcement officers to adhere to applicable legal standards with regard to any contact with students, including interviews and interrogations which they conduct.

### **Warrant/court order/arrest**

When law enforcement officers have a warrant or other court order authorizing contact with a student, it shall be presented to the principal or principal's designee. School officials shall cooperate to permit the action commanded by the warrant or other court order. To the extent practicable, every effort shall be made to prevent disruption of school operations and the educational process, not to draw any attention to the student, and to protect the student's privacy. Accordingly, the principal or designee shall work with law enforcement officers to coordinate efforts and minimize or prevent such disruption, not to draw any attention to the student, and to protect the student's privacy.

Whenever a student is removed from school by law enforcement, school officials shall make an effort to notify the student's parent, guardian, or legal custodian.

### **Incidents occurring on school grounds or at school-sponsored activities**

In the event the school resource officer or other law enforcement officers observe a violation of law on school grounds or at school-sponsored activities, or are called upon by school officials as a result of an incident occurring on school grounds or at school-sponsored activities, the school resource officer or other officers responding may take all reasonable and lawful action as a result thereof, including questioning victims, witnesses, or suspects. To the extent practicable, the responding officer or school resource officer will communicate with school officials regarding the response to minimize disruption of school operations and the educational process, not to draw any attention to the students involved, and to protect the privacy of the students involved. School officials shall make an effort to notify the parent, guardian, or legal custodian of the students involved. The necessity and appropriateness of parental involvement varies with the circumstances surrounding the contact between law enforcement and the student. Students have the right, under most circumstances, to

have parents, guardians or legal custodians with them when subjected to a custodial interrogation. Whether or not to postpone the interview until the parent, guardian, or legal custodian arrives is ultimately the law enforcement officer's decision. If a law enforcement officer advances without parental presence and then determines, during the course of an interview, that parental presence is required, the law enforcement official should terminate the interview and not question the student any further without a parent, guardian, or legal custodian present. Law enforcement officers should contact the parent, guardian or legal custodian in these circumstances. It is the responsibility of the law enforcement officer to adhere to applicable legal standards with regard to such interviews and assure compliance with all applicable laws.

### **Requests for interviews based on incidents occurring off school grounds**

When a school resource officer, other law enforcement officer, or representative from the Department of Human Services requests an interview with a student at school regarding a non-school related matter, the following procedures shall be followed:

1. School officials shall inquire if there is an urgency requiring the officer to interview the student at school (and that the request is not merely a matter of convenience). The school resource officer, other law enforcement officer, or representative from the Department of Human Services shall certify in writing that there is an urgency requiring the officer to interview the student at school. If there is no urgency requiring the interview to be conducted at school, the officer should be requested to make arrangements to question the student at another time and place.
2. The officer shall provide the principal or principal's designee proper identification evidencing affiliation with a recognized law enforcement agency and the authority to conduct the requested interview.
3. Every effort shall be made to prevent disruption of school operations and the educational process. Accordingly, the principal or designee shall work with law enforcement officers to coordinate efforts and minimize or prevent such disruption.
4. Every effort shall be made to avoid removing a student from class or an activity for the interview. Whenever possible, the interview should be conducted before or after school, during free periods or during lunch.
5. Every effort shall be made not to draw any attention to the student being questioned by conducting the interview in private. Care should be taken to interview students in a setting that is as private as practicable so as to protect student privacy.

6. Except in cases involving investigation of reported child abuse of a student where the suspected perpetrator is a member of the student's family or other person residing in the same household as the student, school officials shall make an effort to notify the student's parent, guardian, or legal custodian of the request for interview. When a law enforcement officer or representative from the Department of Human Services indicates the need to interview a student at school for the purposes of investigating reported child abuse involving a student and the suspected perpetrator is a member of the student's family or other person residing in the same household as the student, school officials will not contact the student's family, unless requested to do so by law enforcement.
7. The necessity and appropriateness of parental involvement varies with the circumstances surrounding the contact between law enforcement and the student. Students have the right, under most circumstances, to have parents, guardians or legal custodians with them when subjected to a custodial interrogation. Whether or not to postpone the interview until the parent, guardian or legal custodian arrives is ultimate the law enforcement officer's decision. If a law enforcement officer advances without parental presence and then determines that parental presence is required, the law enforcement official should terminate the interview and not question the student any further without a parent, guardian or legal custodian present. Law enforcement officers should contact the parent or guardian in these circumstances. It is the responsibility of the law enforcement officer to adhere to applicable legal standards with regard to such interviews and assure compliance with all applicable laws.

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Garfield School District No. Re-2, Rifle, Colorado