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.

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.

1. **When the student is the suspect of a crime (police interrogation)**: The Superintendent or building principal 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 *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.

Students taken into Custody at School

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 if not previously aware that these actions were to occur.

1. Student 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 an order signed by a judge of the juvenile court authorizing the taking of the student into custody, 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.
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 off campus whenever possible.

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

- LBB, Relations with Department of Human Services

End of Manvel School District #125 Policy FGCC ..... Adopted: 2/10/20