

## **STUDENT INTERVIEWS, INTERROGATIONS, SEARCHES AND ARRESTS**

The Board of Education seeks to maintain a climate in the schools that is conducive to learning and protective of the safety and welfare of employees and students. To achieve this goal, it may be necessary for district employees to search the person and/or the personal property of the student and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff.

### **Interview by District Administrators**

When a violation of Board policy or school rules occurs, the principal or designee may question potential student victims and witnesses without prior consent of the student's parent/guardian. If a district official is investigating a report of child abuse regarding the student and the suspected perpetrator is a member of the student's family, no contact with the student's family will be made.

In situations where a student is suspected of violating Board policies or school rules, the principal or designee may interview the suspected student if the district official has reasonable grounds to suspect that such a violation has occurred. The nature or extent of the questioning must be reasonable related to the objectives of the questioning. If the student denies any involvement or culpability, the student will have the opportunity to present his or her side of the story, orally, or in writing.

### **Searches Conducted by District Employees**

District employees may search a student and/or his property while on district premises or during a district activity in accordance with this policy and may seize any illegal, unauthorized or contraband materials.

Whenever possible, the student shall be informed of the reason(s) for conducting the search prior to the actual search. A student's failure to cooperate with district officials conducting a search shall be considered grounds for disciplinary action.

An administrative report shall be prepared by the district official conducting a search explaining the reasons for the search, the results and the names of any witnesses.

### ***Search of District Property***

All lockers, desks, storage, and similar areas provided for student use on district premises are district property and remain at all times under the control of the district. All such lockers, desks, and other storage areas, as well as their contents, are subject to inspection at any time, with or without notice.

No student shall lock or impede access to any locker or storage area except with a lock provided or approved by district officials. Unapproved locks or impediments will be removed and destroyed. Students assume full responsibility for the security of their lockers and storage areas and any loss of or damage to the contents therein.

### ***Search of the Student's Person or Personal Effects***

The principal or designee may search the person of a student if the district official has reasonable grounds that the search will uncover the following:

- a. evidence of a violation of Board policies/regulations, school rules, or federal, state, or local laws
- b. anything which, because of its presence, presents an immediate danger of physical harm or

illness to any person

Search of the person can include the student's pockets, any object in the student's possession such as a purse, backpack, book bag, or briefcase, and/or a "pat down" and manipulation of the exterior of the students' clothing.

These searches may include removal of extra layers of clothing such as extra shirts, a sweatshirt over another shirt, and jackets. Removal of hats, socks, and shoes is also permitted.

The extent of the search of a student's person or personal effects, as well as the means to conduct the search, must be reasonably related to the objectives of the search and the nature of the suspected violation. Additionally, district officials conducting the search shall be respectful of privacy considerations, in light of the sex and age of the student.

Searches of the person shall be conducted out of the presence of other students and as privately as possible. At least one additional person shall witness but not participate in the search. A person of the same gender as the student shall conduct any pat-down portion of the search.

The parent/guardian of any student searched shall be notified of the search as soon as reasonably possible.

Searches of the person that require removal of clothing other than a coat or jacket shall be referred to a law enforcement officer. District employees shall not participate in such searches.

### ***Seizure of Items***

Anything found in the course of a search conducted by district officials which is evidence of a violation of law or Board policy or school rules or which by its presence presents an immediate danger of physical harm may be:

1. seized and offered as evidence in any suspension or expulsion proceeding. Such material shall be kept in a secure place by the principal until it is presented at the hearing.
2. returned to the student or the parent or guardian
3. turned over to any law enforcement officer in accordance with this policy
4. destroyed

### **Law Enforcement Officer Involvement**

#### ***Interrogations and Interviews***

When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the principal or designee shall ascertain that the law enforcement officer has proper identification. Except when law enforcement officers have a warrant or other court order, or when emergency or other exigent circumstances exist, such interrogations and interview are discouraged during students' class time.

It is the responsibility of the law enforcement office interviewing student witnesses or interrogating student suspects to assure compliance with all applicable procedural safeguards. Upon request by law enforcement officer to interview a student witness or interrogate a student suspect, district officials shall make an effort to notify the student's parent/guardian, except in cases involving investigation of reported child abuse of a student where the suspected perpetrator is a member of the student's family. However, whether or not to postpone the interview or interrogation until the parent arrives is the law enforcement officer's decision.

An effort shall be made to contact the parent or guardian of the student so that he or she may be notified of the situation. An effort shall also be made not to draw undue attention to the student being questioned by conducting the interrogation in private and with as little disruption to the schedule as possible. If custody and/or arrest are involved, the principal or designee shall request that all procedural safeguards, as prescribed by law, will be observed by the law enforcement officials.

***Search and Seizure***

The principal or designee may request a search on district premises be conducted by a law enforcement officer. When law enforcement officers respond to such a request, no district employee shall assist or otherwise participate in the search. It is expected that searches by law enforcement will be conducted in accordance with the requirements of applicable law.

***Custody and/or Arrest***

Students will be released to law enforcement officers if the student has been placed under arrest or if the student's parent/guardian and the student consent to such release. When a student is removed from school by law enforcement officers for any reason, district officials will make reasonable efforts to notify the student's parent/guardian.

It is expected that all procedural safeguards prescribed by law are followed by law enforcement officers conducting student arrests. However, district staff is not responsible for an officer's legal compliance when arresting a student.

Adopted August 17, 1988

Revised June 20, 2007

Revised June 4, 2008 (CASB-Jul)

Reviewed September 5, 2012

Revised September 18, 2013

Legal refs.: C.R.S. 19-2-511 et seq.  
C.R.S. 22-32-109.1(2)(a)(I)(I) (policy required as part of safe schools plan)

Cross refs.: JIHB, Parking Lot Searches  
JK, Student Discipline, and sub codes  
JLIE, Student Automobile Use and Parking