

Student Interviews 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.

School Resource Officers

School Resource Officers (SRO) are defined as school officials per the Memorandum of Understanding. When acting in the role of a school official to investigate school policy violations and/or maintain the safety of the school environment, SROs may interview students without parental consent and, upon request of a school official may search students in accordance with applicable school district policy on searches by school officials. When a student is suspected of a crime, the SRO shall comply with the procedure below pertaining to police suspect interviews.

Communications with School Resource Officers

In all cases where any law enforcement officer, other than assigned SROs, needs to interview or take into custody a student, the law enforcement officer should make every attempt to contact the school's primary SRO and inform them of the need to contact a student unless there is an emergency. If the primary SRO cannot be contacted then the law enforcement officer should continue their attempt in contacting any other district SRO. If available, the SRO will assist and coordinate the interview/taking into custody of the student with school officials.

Police Suspect Interviews

To minimize disruptions to the school environment and embarrassment to students involved, all police suspect interviews 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 suspect interviews.

1. **When the student is the suspect of a crime (police suspect interviews):** The building principal shall only grant the suspect interview request if the following conditions are met:
 - a. The officer properly identifies themselves to the building principal or designee if the officer is unknown to the school, confirms the identity of the student to be interviewed, and confirms the reason and purpose of the suspect interview.
 - b. The suspect 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. The student's parent, guardian, or attorney is present for the suspect interview. 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 **building principal or administrative 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 themselves to the building principal or designee. If the officer is unknown to the school, confirms the identity of the student to be interviewed, and confirms the reason and purpose of that interview, as long as that information is not confidential.
 - 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 to be present at the interview if the interview is being conducted by outside law enforcement.
 - d. A building principal or designee may be present if the interview is being conducted by an SRO.
 - e. The building principal, SRO, 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 immediately.
 - f. If, during the interview, the student becomes a suspect of a crime, the requirements in no. 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. Determine that the issue requires immediacy and should be investigated during the school day.
2. Verify that the purpose of the interview is to investigate child abuse/neglect.
3. Require that the interviewer identify themselves.
4. 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.
5. Avoid sharing information related to a child abuse investigation with the public or the child's parents.
6. Determine whether to have a school official present during the interview. At a minimum, the Department of Human Services or an officer acting on the agency's behalf will debrief with the school official following the interview.

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.

- **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 law enforcement officials and the school official should make every effort to inform the parents as soon as possible/practicable.
- **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.

Complementary Documents

- LBB, Relations with Department of Human Services

End of Bismarck Public School District Policy FGCC

Adopted: 7/1/2015

Revised: 1/19/2022