

Regulation

QUESTIONING AND APPREHENSION

Student Interrogations

A request to interrogate pupils on school premises or while under the protection of the school, shall be handled as follows:

- A. The police officer shall be required to ask the principal for access to the pupil, regardless of the pupils' location in or about school premises or on a school- sponsored trip or event;
- B. The principal shall ascertain the reason for the interrogation and whether or not the pupil is suspected of having committed an offense or is merely being questioned for information;
- C. The principal shall ask the police officer to delay the interrogation or to conduct the interrogation away from school. In general, it should not be necessary to conduct an interrogation within the school unless the matter involves a crime committed in school, an investigation that would be compromised without the interrogation in school, or an endangerment to the lives or safety of other persons;
- D. The principal shall make every reasonable effort to notify the pupil's parent/guardian of the interrogation before it begins;
- E. The principal shall call the pupil to his or her office and shall remain present throughout the interrogation unless the principal is questioned in the investigation in which case the Chief School Administrator must be present;
- F. The principal shall make it clear to both the police officer and the pupil that his or her presence is for the protection of the pupil and not to assist the interrogation process.
- G. The principal shall neither encourage or discourage the pupil in his or her response to questioning nor counsel the pupil in any way, permit the use of threats or pressure of any kind on the part of the police officer to elicit a response from the pupil, shall refrain from conducting the interrogation on behalf of the police officer, and terminate the interview whenever he or she determines that it is conducted with less than fundamental fairness to the pupil.
- H. A pupil shall not be removed from school for interrogation unless the pupil has been lawfully arrested or the parent/guardian of the pupil has consented to the removal;

Police Investigations in the Schools

The principal shall verify proper identification of any individual who represents himself or herself as a police officer before the principal permits any investigation to go forward. The principal may verify this identification with the police department or the law enforcement agency that the individual claims to represent.

A police officer's request for access to school records will be dealt with as follows:

- A. A request for access to the public records of the district will be granted only in accordance with law and board policies 3570 District Records and Reports, 4112.6/4212.6 Personnel Records and 5125 Student Records;
- B. A request for access to district records classified as confidential shall be reported to the chief school administrator who will determine, in consultation with the district attorney, whether or not to release the records;

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- C. A request for access to personnel records classified as confidential shall be reported to the chief school administrator and shall be released only if:
 - 1. The employee concerned has consented to the inspection of the records;
 - 2. The police officer presents a warrant ordering the search of the file;
- D. A police officer's request for access to student records that are classified as confidential by law and policy 5125 Student Records shall be reported to the chief school administrator and shall be released only if:
 - 1. The concerned parent or legal guardian of the minor student has consented, in writing, to the inspection;
 - 2. The police officer presents to the chief school administrator a court order directing access to the record;
 - 3. The parent or legal guardian of the minor student has been given at least three days written notice of the name of the requesting agency and the records requested and has not obtained a judicial order barring access;
- E. The search and seizure of student's property shall be conducted in strict compliance with policy (5145.12 Search and Seizure). The principal shall conduct a student search on the request of a police officer only upon presentation of a duly authorized search warrant, on the voluntary and knowing consent of the parent or legal guardian of the student, or when the principal has independent grounds separate from those presented by the police officer to suspect the presence of incriminating object;
- F. A request of attempt to arrest a student on school premises or while under the protection of the school shall be handled as follows:
 - 1. The police officer shall be required to ask the principal for access to the student, regardless of the student's location in or about school premises or on a school- sponsored trip or event;
 - 2. The police officer shall not be permitted to arrest or take custody of a student unless the principal lawfully requests the removal of the student, the officer has probable cause to arrest the student for a criminal violation, the police officer has an arrest warrant or a judicial order requiring the custody of the student;
 - 3. The principal shall request the police officer to defer the arrest to another time and place or, if that is not possible, to take steps to protect the student's privacy, such as taking custody in a private place or assigning the taking of custody to a non- uniformed police officer;
 - 4. The principal shall make every reasonable effort to notify the student's parent/guardian as soon as possible (as detailed below);
 - 5. The principal shall determine the place to which the student will be removed and held in custody or detention and shall so inform the parent or legal guardian; and
 - 6. The principal may require the police officer, in the presence of a warrant, to show cause why the taking of the student into custody must occur in school;
- G. Notwithstanding anything to the contrary in this regulation, a police officer has the legal right to take direct and unhindered action in the schools in an emergency situation, where the commission of a crime or criminal act or serious breach of peace in school has been witnessed by the officer, the police officer is in "hot pursuit" of the student for a criminal act;
- H. In any situation in which a police officer takes direct action, the principal shall be promptly notified.

Arrest – Notification of Parent/Guardian

The following procedures shall apply when a student is arrested at school or a school sponsored activity:

- A. The principal will notify the pupil's parent/guardian as soon as possible whenever a pupil is arrested or taken into custody for violating any laws;

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- B. The principal will notify the pupil's parent/guardian as soon as possible whenever a pupil is interviewed regarding his or her involvement in illegal activity;
- C. Notification will be by telephone call to the parent's/guardian's home or place of work. If necessary and advisable, a school employee may be dispatched to deliver notice in person;
- D. The principal will make every reasonable effort to reach the parent/guardian and will record in writing the date, time, and nature of each such effort;
- E. If all reasonable efforts at telephone and personal notification have failed to locate and inform the parent/guardian, the principal will notify the parent/guardian by registered mail, return receipt requested, sent to the address indicated in the pupil's records.

Recording Incidents

The principal shall report to the chief school administrator each incident involving an interrogation, search, or arrest of a student by a law enforcement agency.

The principal shall record in writing and enter in the student's records the date, time, place, circumstances of the incident, name of the police officer, the name of the law enforcement agency represented, the name of the student, the notification or attempted notification the student's parent or legal guardian, and an anecdotal description of the incident including such information as may be necessary to show that the student was fairly or unfairly treated.

Adopted:	January 20, 2005
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See Also Policy and Regulations:	5131.6 Substance Abuse
	5145.12 Search and Seizure