

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 staff and students. To achieve this goal, it may be necessary for school personnel or, in certain scenarios, law enforcement officials 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. 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.

Interviews by school 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 school official is investigating a report of child abuse 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 school official has reasonable grounds to suspect that such a violation has occurred. The nature and extent of the questioning must be reasonably 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 School Personnel

Within reasonable suspension, school personnel may search a student and/or the student's personal property while on school premises or during a school activity in accordance with this policy and may seize any illegal, unauthorized, or contraband material.s

Whenever possible, the student will be informed of the reason(s) for conducting the search, and the student's permission to perform the search will be requested. A student's failure to cooperate with school officials conducting a search will be considered grounds for disciplinary action.

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

Search of School Property

School lockers, desks and other storage areas are school property and remain at all times under the control of the school. All such lockers, desks, and other storage areas, as well as their contents, are subject to inspection at any time, with or without notice.

Students will assume full responsibility for the security of their lockers and/or other storage areas in the manner approved by the administration. Students will be responsible for whatever is contained in desks and lockers assigned to them by the school, as well as for any loss or damage relating to the contents of such desks and lockers.

Search of the Student's Person or Personal Effects

The principal or designee may search the person of a student or a student's personal effects, such as a purse, backpack, footwear, book bag, or briefcase, on school property or at school-sponsored events or activities if the school official has reasonable grounds to suspect that the search will uncover:

- a. Evidence of a violation of Board and/or district policies, 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.

A search of the person will be limited to the student's pockets, any object in the student's possession, such as a purse or briefcase, and/or a "pat down" of the exterior of the student's clothing.

Searches of the person shall be conducted out of the presence of other students and as privately as possible by a person of the same sex as the student being searched. At least one person of the same sex as the student being searched will witness but not participate in the search.

Searches of a student's person and/or personal effects may be conducted without the prior consent of the student's parent/guardian. However, the parent/guardian of any student searched will be notified of the search as soon as reasonably possible.

Searches of the person who requires the removal of clothing other than a coat or jacket will be referred to a law enforcement officer. School personnel will not participate in such searches.

Seizure of Items

Anything found in the course of a search conducted by school officials that 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 will be kept in a secure place by the principal until it is presented at the hearing.
2. Returned to the student or the parent/guardian.
3. Turned over to a law enforcement officer in accordance with this policy.

Law Enforcement Officers' Involvement

Interrogations and Interviews

When law enforcement officials request permission to question students when students are in school or participating in school activities, the principal or designee will ascertain that the law enforcement officer has proper identification. Except when law enforcement officers have a warrant or other court order, or when an emergency or other exigent circumstances exist, such interrogations and interviews are discouraged during students' class time and should be scheduled in advance and held in a private area out of sight of other students.

No school presence or involvement is required during law enforcement officials' interviews or interrogations. School officials will attempt to contact the student's parent/guardian prior to the interview/interrogation. However, this policy places the responsibility on law enforcement to decide whether to wait for the parent/guardian's presence.

It is the responsibility of the law enforcement officer interviewing student witnesses or interrogating student suspects to ensure compliance with all applicable procedural safeguards. Upon request by law enforcement to interview a student witness or interrogate a student suspect, school officials will the student's parent/guardian, except in cases involving an investigation of reported child abuse where the suspected perpetrator is a member of the student's family when law enforcement has a court order directing that the student's parent/guardian not be notified, or when an emergency or other exigent circumstances exist. However, whether or not to postpone the interview or interrogation until the parent/guardian arrives is the law enforcement officer's decision.

Search and Seizure

The principal or designee may request a search of school premises be conducted by a law enforcement officer. When law enforcement officers respond to such a request, no school employee will 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, school 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.

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LEGAL REFS.:

C.R.S. 22-32-109.1 (2)(a)(l)(l) *(policy required as part of safe schools plan)*

C.R.S. 22-108-103 (1)(f) *(justice-engaged students entitled to privacy when questioned about a crime)*

CROSS REFS.: JIHB, Parking Lot Searches

JK, Student Discipline, and subcodes

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