

Clark County School District No. 161

STUDENTS

3545

Student Questioning and Arrests

Interviews by School Administrators (Student Victims/Witnesses)

When a violation of Board policy or school rule occurs, the school principal or designee may question a potential student victim or students who may have relevant information without prior consent of the parent, guardian or legal custodian. Another adult should be present during the questioning of students.

Interviews by School Administrators (Student Suspect)

In situations where a student is suspected of violating Board policy or school rule, the principal or designee may interview or question the suspected student without the prior consent of the student's parent, guardian, or legal custodian. The school official must first have reasonable grounds to suspect that the student committed such a violation. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. If the student denies involvement or culpability in any part of the suspected activities, the student will be afforded the opportunity to present his or her side of the story, orally or in writing.

Interviews and Questioning by Law Enforcement Officials

If a law enforcement officer is present on school property solely to question a specific, identified student, the school's administrative personnel shall bring the student to a designated location for questioning. Law enforcement officers who are present for such an interview should not otherwise roam the school's facility in an effort to locate the student. They should remain in the administration office while school personnel seek out the student. However, if there is a safety concern or other emergency situation involving a student, the school and law enforcement official shall work together on the best way to contact that student.

Any questioning of a student by law enforcement should take place in a private room or area where confidentiality can be maintained.

When reasonably possible, parents/guardians should be given the chance to be present for questioning. A public school shall notify a student's parent or legal guardian by phone call or text message if a minor student has been or may be questioned by a school resource officer or other law enforcement official, unless the child is a victim or suspected victim of physical child abuse, abandonment, and/or neglect.

The District recognizes that it is not always possible to notify a parent/guardian of a student prior to an interview by law enforcement, whether by an SRO or otherwise. At minimum, when the District is aware that such questioning has occurred, the building principal or designee shall notify the parent/guardian of such event by phone call or text before the end of the day when the interview occurred.

School personnel shall not require any student to subject themselves to any law enforcement interview. If a parent/legal guardian directs that a student is not to be subject to a law enforcement interview, such direction will be honored by the school and law enforcement will have to make other arrangements to conduct such questioning. Such parental direction shall be required for each

case in which a law enforcement officer asks to question a student.

The building principal or their designee may request to be present at the interview, but should not take part in any questioning. If present, the principal or designee should at all times remain a neutral observer.

When students are questioned by law enforcement officers, District personnel are not responsible for a police officer's compliance with the law. If a parent/guardian or student refuses to consent to police questioning, it is the law enforcement officer's responsibility to respond appropriately to such refusal.

Questioning by Law Enforcement Officials about School-Related Violations

When a suspected violation of criminal law has occurred on school grounds, at a school sponsored activity, or at an activity involving school operations, law enforcement officers may be notified by school officials to request a criminal investigation. Law enforcement officers may also independently determine that an investigation requiring student interviews is necessary.

School discipline investigations conducted by school administrators and criminal investigations conducted by law enforcement officers -with the exception of SRO personnel - shall be conducted in a parallel manner rather than as a joint investigation. Therefore, a school discipline investigation need not stop as soon as the school administrator believes that a crime has been committed. The results of the parallel investigations may be shared among school officials and the police.

Questioning by Law Enforcement Officers about Non-School-Related Violations

The District strives to maintain cooperative working relations between law enforcement, child protective and school authorities. Law enforcement officers may wish to interview students regarding their knowledge of suspected criminal activity and may wish to question students who are themselves suspected of engaging in criminal activity. Except when law enforcement officers have a warrant or other court order, or when an emergency or other exigent circumstance exist, conducting such interviews during the student's class time is discouraged. Whenever possible, such questioning on matters not related to school should take place away from school and outside of school hours. Whether an interview will be permitted at school during school hours shall be at the discretion of the principal, except when a warrant or court order requires that it be conducted immediately. The principal and principal's designee have the right and the obligation to take reasonable steps to prevent disruption of school operations and the educational process while at the same time cooperating with law enforcement efforts. Accordingly, the principal or designee shall work together with law enforcement officers to coordinate efforts and minimize or prevent such disruption in cases of student interviews. In the event of disagreement, the principal or designee shall immediately contact the area administrator or District legal counsel for assistance.

Before any student interview begins regarding suspected criminal activity, the principal or designee shall ascertain that the law enforcement officer has proper identification evidencing affiliation with an identified law enforcement agency. The Idaho Department of Health and Welfare or law enforcement may exclude school personnel from any child abuse investigations/ and related interviews and may use a school building to conduct the interview.

Arrests by Law Enforcement Officers

A law enforcement officer may take a student into custody if the student has been placed under

arrest, if the officer declares the student to be in imminent danger or if the student's parent, guardian, or legal custodian and the student consent to such release. When practical, the officer must first notify the principal or designee so that the student may be summoned to the principal's office and taken into custody in a manner that is as inconspicuous as possible and minimizes disruption of school operations and the educational process. When an emergency situation arises and the student is taken into custody or arrested on school premises without prior notification to the principal or designee, the law enforcement officer should notify school authorities of the situation as soon as possible.

When a student is removed from school by law enforcement officers for any reason, the building principal or designee will make every reasonable effort to notify the student's parent, guardian or legal custodian, including attempts to contact them by phone call or text message. The school official will document such effort in writing. When law enforcement officers make a formal arrest or the student is otherwise in law enforcement custody, and all responsibility for that student is transferred to law enforcement personnel. If a school official has reason to believe that a student is wrongly detained or arrested, they shall not interfere in any way but will contact the Superintendent explaining their reason which will be documented by the Superintendent and reported to the parent, guardian, or legal custodian.

School officials will notify the appropriate area administrator of the removal of any student from school by law enforcement under any circumstance. District personnel are not responsible for an officer's legal compliance with respect to said arrest.

Definitions:

“Interview” or “questioning” means asking a student about an incident.

“Reasonable Suspicion” means a common-sense belief based on the information at hand that criminal activity or a violation of school rule/policy has happened or will happen.

Cross Reference: 4400 Relations with Law Enforcement and Child Protective Agencies
5260 Abused and Neglected Child Reporting

Legal Reference:	I.C. § 6-904(1)	Tort Claims Against Government Entities - Exceptions to Governmental Liability
	I.C. § 16-1605	Child Protective Act: Reporting of Abuse, Abandonment or Neglect
	I.C. § 16-1606	Child Protective Act: Immunity
	I.C. § 16-1607	Child Protective Act: Reporting in Bad Faith—Civil Penalties-Damages
	I.C. § 16-1631	Child Protective Act: Authorization for Department to Act
	I.C. § 20-516	Juvenile Corrections Act: Apprehension and Release of Juvenile—Detention

Other References: Idaho Attorney General Ann. Rpt 93-2 (1993) (available at <https://www.ag.idaho.gov/content/uploads/2017/12/1993.pdf>) (last accessed November 18, 2019)

Policy History:

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