

Dietrich School District No. 314

3545

STUDENTS

Student Interviews, Interrogations or 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.

Interrogations by School Administrators (Student Suspect)

In situations where a student is suspected of violating Board policy or school rule, the principal or designee may interrogate the suspected student without the prior consent of the student's parent, guardian, or legal custodian. The school official must first have reasonable grounds, however, 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 any involvement or culpability, the student will be afforded the opportunity to present his or her side of the story, orally or in writing.

Interviews and Interrogations by Law Enforcement Officials (School-Related Violation)

When a suspected violation of criminal law has occurred on school grounds, at a school sponsored activity, or 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 and interrogations is necessary.

School discipline investigations conducted by school administrators and criminal investigations conducted by law enforcement officers 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.

Interviews and Interrogations by Law Enforcement Officers (Non-School-Related Violation)

The District strives to maintain cooperative working relations between law enforcement, child protective authorities, and school authorities. Law enforcement officers may wish to interview students regarding their knowledge of suspected criminal activity and may wish to interrogate students who are themselves suspected of engaging in criminal activity. Except when law enforcement officers have a warrant or other court order, or when emergency or other exigent circumstances exist, such interviews and interrogations are discouraged during the student's class time. 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 and interrogations. 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 or interrogation 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 principal or designee shall request that all procedural safeguards prescribed by law are observed by the law enforcement officers when interviewing student witnesses or interrogating student suspects. An effort shall be made to notify the student's parent, guardian or legal custodian in advance of the interview or interrogation regarding suspected criminal activity. Whether or not to postpone the interview or interrogation until the parent arrives is ultimately the law enforcement officer's decision. **In cases involving investigation of reported child abuse of a student where the suspected perpetrator is a member of the student's family, such parent/guardian contact would not be warranted. The Idaho Department of Health and Welfare or law enforcement may exclude school personnel from any child abuse investigations/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 or if the student's parent, guardian, or legal custodian and the student consent to such release. 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, school officials will make every reasonable effort to notify the student's parent, guardian, or legal custodian.

Definitions:

1. "Interview": The questioning of a student who may be a witness or victim of an incident.
2. "Interrogation": The questioning of a student suspected of violating Board and/or District policy, school rule, or criminal law.
3. "Reasonable Grounds to Suspect": More than a generalized suspicion or a mere hunch, but not requiring certainty that a violation has occurred. For example, it may be based upon, among other things, direct observations or the reported observations or experiences

of others. It involves a common-sense conclusion about human behavior based upon all of the circumstances presented.

4. “Probable Cause”: A set of probabilities grounded in factual and practical considerations, which would cause a reasonable person to believe that a violation has occurred. It requires having more evidence for than against.

Cross Reference: 4400 Relations with Law Enforcement and Child Protective Agencies
 4410 Investigations and Arrests by Police
 5260 Abused and Neglected Child Reporting

Legal Reference: I.C. § 6-904(1) Exceptions to Governmental Liability
 I.C. § 16-1605 Reporting of Abuse, Abandonment or Neglect
 I.C. § 16-1606 Immunity
 I.C. § 16-1607 Reporting in Bad Faith—Civil Penalties
 I.C. § 16-1631 Authorization for Department to Act
 I.C. § 20-516 Apprehension and Release of Juvenile—Detention
 Idaho Attorney General Opinion 93-2

Policy History:

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Revised on: