

Policies and Procedures for Conducting Student Interrogations, Searches and Arrests

Investigations Conducted in the Educational Environment

A. Initiated by school administrators

1. Conducted by administrators

Principals or their designees will have the authority and duty to conduct investigations and to question students pertaining to infractions of school rules or Board policy whether or not the alleged conduct is a violation of criminal law. Such investigations will be conducted in a way which does not unduly interfere with school activities. Due process which requires that a student be allowed to present their version of the facts will be followed at all times.

2. Conducted by police authorities

- a. The principal or designee will determine when the necessity exists for police authorities to be contacted to quell a disturbance or to conduct an investigation of alleged criminal behavior which jeopardizes the safety of school property or interferes with the operation of the school or education of other students. To be in compliance with law, it will be the responsibility of the principal or designee to notify police authorities of any criminal investigation.
- b. Should alleged criminal behavior occur during school hours, the principal or designee will request that police authorities conduct an investigation and question students who are potential witnesses of such behavior.

Reasonable attempts will be made to contact the student's parent/guardian prior to questioning by police authorities. Such contacts or attempted contacts with parent/guardian must be documented by the administrator involved. In the absence of the student's parent/guardian during any questioning of the student, the principal or designee must be present and must document what generally occurred during the interview.

- c. If child abuse allegedly involving the parent/guardian is suspected, the parent/guardian should not be contacted prior to questioning of the student by police authorities.
- d. If the investigation has centered on any particular student suspected of alleged criminal activity, the procedures for taking students into temporary custody by the police as set forth below will be followed to the extent that they do not interfere with reasonable law enforcement procedures.

B. Initiated by police authorities

Although cooperation with police authorities will be maintained, normally it should not be necessary for police authorities to initiate and conduct any investigation and questioning on school premises during school hours pertaining to criminal activities unrelated to the operation of the school.

Only when police authorities can show compelling circumstances to do so will they be permitted to conduct such an investigation during school hours. The circumstances ordinarily should be limited to those in which delay might result in danger to any person, flight from the jurisdiction by a person reasonably suspected of a crime, or destruction of evidence.

In such cases, the officers will be requested to obtain prior approval of the principal or designee before beginning such an investigation on school premises. The administrator will document the circumstances of such investigations as soon as possible.

Alleged criminal behavior related to the school environment brought to the principal's or other designee's attention by police authorities will be dealt with under the provisions of #2 above.

C. Questioning of students during investigation for violations of criminal law

1. During an investigation of a violation of school rules or Board policy, it may come to the attention of the administrator that the investigated activity also may be a violation of criminal law. In proceeding with the investigation, the principal or designee will attempt to ascertain whether a criminal offense was committed.
2. Where a suspected violation of criminal law has occurred on school grounds involving the operation of the school or during a school-sponsored activity, police authorities will be notified and their presence requested for the questioning of suspected students.

Attempts will be made to contact a student's parent/guardian who will be given the opportunity to confer with the student and to be present with the student during such questioning unless an emergency exists. The administrator will document the contact or attempted contact with the student's parent/guardian.

If the parent/guardian or student refuses to consent to the questioning, police authorities will determine the course of action to be pursued.

Taking a student into custody

Students may not be released to police authorities voluntarily by school officials unless the student has been placed under arrest or temporary custody or unless the parent/guardian and the student agree to the release. Administrators will make reasonable objections to police authorities who attempt to remove students from school without placing them under arrest or temporary custody or without the approval of the parent/guardian and the student.

When students are removed from school for any reason by police authorities, reasonable efforts will be made to contact the student's parent/guardian immediately. Such efforts must be documented.

Whenever a student is removed from school without an arrest being made or being placed in temporary custody or without approval of the parent/guardian and/or the student, the administrator immediately must contact a superior of the police authorities involved and make objection to the removal of the student.

The Superintendent's office must be notified immediately of any removal of a student from school by police authorities under any circumstances.

The principal or designee may request that police authorities not make arrests or take students into temporary custody on school premises.

Where it is necessary to take a student into temporary custody on school premises and time permits, the police authority will be requested to contact the school principal or designee and to relate the circumstances necessitating such action. When possible, the principal or designee will have the student summoned to the principal's office where the student may be taken into temporary custody.

The principal or designee may summon police authorities to the school to take a student into temporary custody. The Superintendent or designee must be notified immediately.

When a student has been taken into temporary custody or arrested on school premises without prior notification to the principal or designee, the school staff present may request the police authorities notify the principal or designee of the circumstances as quickly as possible. In the event that the police to decline to notify the principal or designee, the school staff members must notify the principal or designee immediately.

If possible, parents/guardians of the student will be notified by the principal or designee before the student is taken into temporary custody by police authorities or as quickly thereafter as can be accomplished. The administrator must document such notification or attempted notification.

Approved February 25, 1987
Revised to conform with practice June 8, 1994
Revised October 12, 2005

St. Vrain Valley School District RE-1J, Longmont, Colorado