

Law Enforcement Interviews and Investigations

1. General Provisions

The procedures listed in this regulation are not applicable in emergency situations (for example, where law enforcement authorities are pursuing a student suspect fleeing onto school property, acting to prevent or stop a crime, an act or imminent act of violence, a school disturbance, or implementing the safe school protocols) and child abuse investigation as described in policy JHFE-AR.

When a law enforcement officer desires to interview a student on campus during school hours, he/she shall contact the building principal or his/her designee, properly identify himself/herself, inform the principal or his/her designee of the nature of the investigation, provide the name of the student to be questioned, and state whether the student to be interviewed is a criminal suspect or a fact witness. At no time shall the officer contact the involved student on campus during school hours without the approval of the principal or his/her designee.

In nonemergency situations, the student shall be removed from his/her classroom by the principal or by his/her designee in a manner which is most reasonably calculated to cause the least amount of interference to the educational process while providing maximum safety for all students, teachers, classified employees, and administrators.

The principal or his/her designee shall be present at all times during the interview unless the student is 18 years or older and objects, or unless the parent(s) or guardian objects or unless the matter involves a child abuse investigation. (See JHFE-AR, Child Abuse Investigations.)

The principal or his/her designee shall maintain a written record of the process followed in granting the interview and, if present during the interview, will maintain a written record of the substance of the interview.

2. Student to be interviewed as Criminal Suspects

- a. Unless the student is 18 years or older, the principal or his/her designee shall first attempt to contact the student's parent or guardian and advise him/her of the contact by law enforcement authorities and the nature thereof. In the event the parent's/guardian's are contacted and object to the interview, no interview will be permitted on school ground.
- b. In the event consent is obtained, the building principal shall insure that the student is aware of his/her right that he/she is not legally required to answer questions by the law enforcement authority.
- c. In the event the principal or his/her designee are unable to make contact with the student's parent(s) or guardian, the principal may allow the interview to proceed but shall be present at all times during the interview unless the matter involves a child abuse investigation. The

principal or his/her designee shall, however, contact the parent(s) or guardian, unless they are suspects, as soon after the interview as possible to advise them of the contact by law enforcement authorities, the nature thereof and the substance of the interview.

3. Students to be Interviewed as Fact Witnesses:

A law enforcement officer may seek to interview a student only as a fact witness. A fact witness may be the victim of the crime or someone who the law enforcement officer believes has information that will aid in criminal investigation in which the student is not a suspect. In these instances, unless the student is 18 years or older, the principal or his/her designee shall first attempt to contact the student's parent or guardian and advise him/her of the contact by law enforcement authorities and the nature thereof. In the event the parent/guardian objects to the interview, no interview will be permitted on school grounds. In the event the principal or his/her designee are unable to make contact with the student's parent(s) or guardian, the principal may allow the interview to proceed but shall be present at all times during the interview unless the matter involves a child abuse investigation. The principal or his/her designee shall, however, contact the parent(s) or guardian (unless they are suspects) as soon after the interview as possible to advise them of the contact by law enforcement authorities, the nature thereof and the substance of the interview. The principal or his/her designee may refuse to permit the interview if he/she believes that it is not in the best interest of the student.

In the event consent is obtained, the building principal shall insure that the student is aware of his/her right and that he/she is not legally required to cooperate with the law enforcement authority.

4. Release of Student:

At no time shall a student be released to the custody of an officer unless:

- a. There is a warrant;
- b. There is a court order;
- c. There is an arrest;
- d. Permission of parent(s) or guardian is obtained;
- e. Safe schools protocols are implemented;
- f. Or there are other circumstances authorized by law.

5. Child Abuse Investigation

The parent(s) or guardian shall not be contacted if the questioning and investigation concern allegations regarding child abuse for which the parent(s) or guardian is a suspect. In the event, the procedure outlined in JHFE-R will be followed.