

Sherwood School District 88J

Code: KN-AR(1)
Revised/Reviewed: 1/10/18; 12/12/18

Relations with Law Enforcement Agencies

Notice of Request to Interview Student

1. When a law enforcement official seeks to interview a student, the official will contact the school administrator or designee, provide adequate identification, inform the school administrator or designee of the nature of the interview, except for cases of child abuse, and provide the name of the student to be interviewed.
2. The school administrator or designee will ask to see identification, verify and record the identity of the law enforcement official and maintain a written record of all requests for interviews.

Law Enforcement Initiated Requests

1. When law enforcement officials seek to interview a student at the school for investigations not related to child abuse, the request will be granted only when the official can demonstrate authority to interview the student based on:
 - a. A warrant or court order;
 - b. Exigent circumstances;
 - c. Parental/guardian consent; or
 - d. Interview not being considered a “seizure” under state and federal law.

The school administrator or designee will request the law enforcement official to complete the form, KN-AR(2) - Investigations Conducted on District Premises. If the law enforcement official refuses to complete the form, the school administrator or designee will complete the form.

2. When a law enforcement official seeks to interview a student without parental or guardian consent, the following two requirements must be met:
 - a. The student agrees to be interviewed; or
 - b. The school administrator or designee must determine whether there is an objectively sufficient reason for the interview. The school administrator or designee will use the following to make this determination:
 - (1) The nature and immediacy of the law enforcement official’s concern.
 - (2) The anticipated length of the interview.
 - (3) The location of the student at the time of the request.
 - (4) The efficacy of the interview to address the law enforcement official’s concern.

The school administrator or designee will attempt to contact the student’s parents or guardians to notify the family of the law enforcement interview, if appropriate. If the administrator or

designee is unable to contact the parents prior to the interview, the administrator shall make a reasonable attempt to notify the parents as soon after the interview is completed.

Granted Requests

When the school administrator or designee grants a request from a law enforcement official to interview a student, the interview will be conducted in private, out of the view of staff, students and others. The school administrator or designee may be present at all times during the interview if the parent or student requests their presence, unless:

1. Otherwise prohibited from being present by law; or
2. A student's parents or guardians is present and asks the school administrator or designee not to participate.

Questioning of a Student Suspected of a Crime, Arrest or Taking a Student into Custody

1. When law enforcement officials seek to interview a student regarding possession of a firearm or other destructive device in school, the school administrator or designee will allow law enforcement officials to interview the student.
2. When a student is a suspect in a criminal act and is to be questioned by a law enforcement official for the purpose of establishing involvement in the act, questioning will be allowed on district property only with parental consent. Normally, such questioning should occur outside school hours, off district property.
3. Students will only be released into the custody of an officer under one of the following conditions:
 - a. A warrant;
 - b. A court order;
 - c. Arrest;
 - d. Protective custody as per Oregon Revised Statute (ORS) 419B.150;
 - e. Permission of the parent.
4. In all cases, **other than** child abuse cases, where a student is to be taken from the building by a law enforcement official, the school administrator or designee will verify the official's identity and make a reasonable effort to notify the student's parents or guardians. Law enforcement officials have the primary responsibility for notifying the parent(s) in such instances. The school administrator or designee must request law enforcement officials to complete the appropriate form provided by the district. (see KN-AR(2) - Investigations Conducted on District Premises)

Abuse of a Child Investigations

Any investigation of abuse of a child will be directed by the Oregon Department of Human Services (DHS) or law enforcement officials as required by law. The DHS or law enforcement agency will first notify the administrator of the investigation, unless the administrator is a subject of the investigation. The school administrator or designee must request the investigating official to fill out the appropriate form (See JHFE-AR(2) - Abuse of a Child Investigations Conducted on District Premises). If the investigating official does not have this identification or refuses to fill out the form, the administrator may complete the

form but should not deny the official's request to interview the student on school property. If the investigating official does not have adequate identification the administrator shall refuse access to the students. The administrator or designee may be present at the interview of the student at the discretion of the investigating official. When the subject matter of the interview or investigation involves abuse of a child, administrators and school employees shall not notify the parents.

Administrator-Initiated Requests

On occasion, school administrators or designees may need or be required to seek law enforcement assistance. Any student violation of the district's weapons policy shall be reported to the appropriate law enforcement agency. Child abuse also requires immediate referral to the DHS or law enforcement officials. Additionally, school administrators and/or designees may report to law enforcement officials other violations of law occurring on district property or at school-sponsored activities, as deemed appropriate.