



STUDENTS

3545

Student Interviews, Interrogations or Arrests

Interviews by School Administrators (Student Victims/Witnesses)

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

Interrogations by Charter School Administrators (Student Suspect)

In situations where a student is suspected of violating Board policy or Charter School rule, the Executive Director and/or Principal or designee may interrogate the suspected student without the prior consent of the student's parent/guardian/custodian. The Charter 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 (Charter School-Related Violation)

When a suspected violation of criminal law has occurred on Charter School grounds, at a Charter School sponsored activity, or an activity involving Charter School operations, law enforcement officers may be notified by Charter School officials to request a criminal investigation. Law enforcement officers may also independently determine that an investigation requiring student interviews and interrogations is necessary. When law enforcement officers question a student victim, witness, or suspect in such instances, Charter School officials shall make an effort to notify the student's parent/guardian/custodian in advance of the interview or interrogation.

When students are interviewed or interrogated by law enforcement officers, the Executive Director and/or Principal or designee shall request that police officers observe all procedural safeguards prescribed by law. However, Charter School personnel are not responsible for a police officer's compliance with the law. If a parent or student refuses to consent to police questioning, it is the law enforcement officer's responsibility to respond appropriately to such refusal.

Charter School discipline investigations conducted by Charter 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 Charter School discipline investigation need not stop as soon as the Executive Director and/or Principal believes that a crime has been committed. The results of the parallel investigations may be shared among Charter School officials and the police.



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

The Charter School strives to maintain cooperative working relations between law enforcement, child protective, and Charter 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 an emergency or other exigent circumstance exists, such interviews and interrogations are discouraged during the student's class time. The Executive Director and/or Principal or designee have the right and the obligation to take reasonable steps to prevent disruption of Charter School operations and the educational process while at the same time cooperating with law enforcement efforts. Accordingly, the Executive Director and/or 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 Executive Director and/or Principal or designee shall immediately contact the area administrator or legal counsel for assistance.

Before any student interview or interrogation begins regarding suspected criminal activity, the Executive Director and/or Principal or designee shall ascertain that the law enforcement officer has proper identification evidencing affiliation with an identified law enforcement agency. The Executive Director and/or 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/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 Charter School personnel from any child abuse investigations/interviews and may use a Charter 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/custodian and the student consent to such release. The officer must first notify the Executive Director and/or Principal or designee so that the student may be summoned to the Executive Director and/or Principal's office and taken into custody in a manner that is as inconspicuous as possible and minimizes disruption of Charter School operations and the educational process. When an emergency situation arises and the student is taken into custody or arrested on Charter School premises without prior notification to the Executive Director and/or Principal or designee, the law enforcement officer should notify Charter School authorities of the situation as soon as possible.



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When a student is removed from school by law enforcement officers for any reason, Charter School officials will make every reasonable effort to notify the student's parent/guardian/custodian. The Charter School official will document such effort in writing. Before removing the student from the Charter School, the police shall sign a release form in which they assume full responsibility for the student. If a Charter School official has reason to believe that a student was removed from the school by a law enforcement officer without making a valid arrest or without the consent of the student and the parent/guardian/custodian, the Charter School official will attempt to immediately contact the Executive Director and/or Principal or legal counsel.

Charter School officials will notify the Executive Director and/or Principal of the removal of any student from school by law enforcement under any circumstance. Charter School officials shall request that all procedural safeguards prescribed by law are observed by law enforcement officers conducting an arrest. Charter School personnel are not, however, responsible for an officer's legal compliance with respect said arrest.

Definitions

“Interview” shall mean the questioning of a student who may be a witness or victim of an incident.

“Interrogation” shall mean the questioning of a student suspected of violating Board and/or Charter School policy, Charter School rules, or criminal law.

“Reasonable Grounds to Suspect” shall mean 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.

“Probable Cause” shall mean 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



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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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