

NEW SHOREHAM SCHOOL DISTRICT
BLOCK ISLAND SCHOOL

Police and School departments operate as essential elements of town government and services provided by the town to the community. Both come into regular contact with children and both work with students enrolled in the school. Effective town government requires that they work together in a coordinated fashion. This procedure governs how school officials oversee police interactions with students while they are under the care and custody of the school.

Police officers should not normally remove a pupil from the school for purposes of interrogation, and this should not be allowed in the absence of the specific consent of parent or guardian. Consistent with state statute, this procedure describes the conditions and limitations under which police may question students while under the care and control of the school department.

1. Before making a pupil in grades K-8 available to a law enforcement officer for the purpose of being questioned, the principal, or his or her designee, shall take immediate steps to obtain the oral consent of the parent or guardian of the pupil to permit the questioning.
 - (a) If the parent or guardian requests that the pupil not be questioned until he or she can be present, the pupil may not be made available to the law enforcement officer for questioning until the parent or guardian is present.
 - (b) If school officials are unable, after reasonable efforts undertaken within a period not to exceed one hour, to contact a parent or guardian in order to obtain consent, a school administrator, school counselor, or school teacher who is reasonably available and selected by the pupil, shall be present during the questioning.
 - (c) If the school administrator, school counselor, or school teacher selected by the pupil declines to be present during the questioning, the principal, or his or her designee, shall be present during the questioning.
 - (d) In those cases in which school officials are unable to contact the pupil's parent or guardian, after the questioning has been completed, the principal or his or her designee shall immediately notify the parent or guardian that the questioning has occurred and make the staff member who was present during the questioning available to inform the parent or guardian about questioning.

2. Before making a pupil in grades 9-12 and under eighteen (18) years of age available to a law enforcement officer for the purpose of questioning, the principal, or his or her designee, shall inform the pupil of his or her right to request that his or her parent or guardian or an adult family member, or person on the list of emergency contacts for the pupil be present during the questioning.
 - (a) If the person selected by the pupil cannot be made available within a reasonable period of time, not exceeding one hour, or declines to be present at the questioning, the principal or his or her designee shall inform the pupil that the pupil may select as an alternate a school administrator, school counselor, or school teacher who is reasonably available to be present during the questioning.
 - (b) If the person selected by the pupil declines to be present during the questioning, the principal, or his or her designee, shall so inform the pupil and advise the pupil that the principal, or his or her designee, will be present during the questioning if the pupil so requests.
 - (c) If the pupil exercises his or her right, pursuant to this subsection, to have one of the persons designated present during the questioning, the pupil may not be made available to the law enforcement officer for questioning until that person is present.
 - (d) Unless other provisions of this procedure preclude it (see section 3), where a student declines the presence of a parent or guardian or an adult family member, or person on the list of emergency contacts for the pupil be present during the questioning, the student's parent/guardian shall be notified after the interview.
3. The provisions of sections 1 and 2 above shall not apply if any of the following conditions exist:
 - (a) The law enforcement officer reasonably believes that, due to exigent circumstances, the inability of the officer to immediately question the pupil will materially interfere with the ability of the officer to conduct his or her investigation and any delay would significantly impede the timely apprehension of a suspect. In that case, if an elementary or middle school pupil is being questioned the principal or his or her designee shall be present during the questioning and shall take immediate and continuous steps to notify the parent or guardian by telephone about the questioning, and if unsuccessful in doing so before the questioning, shall take immediate steps to notify the parent or guardian about the questioning after the questioning has been completed. If a high school pupil is being questioned, the pupil shall be given

the option of having the principal, or his or her designee, present during the questioning.

- (b) The law enforcement officer reasonably believes that there is a substantial risk of immediate personal injury or substantial property damage. In that case, if an elementary or middle school pupil is being questioned, the principal or his or her designee shall be present during the questioning and shall take immediate and continuous steps to notify the parent or guardian by telephone regarding the questioning, and if unsuccessful in doing so before the questioning is completed, shall take immediate steps to notify the parent or guardian regarding the questioning after it has been completed. If a high school pupil is being questioned, the pupil shall be given the option of having the principal or his or her designee present during the questioning.
- (c) The minor pupil being questioned is suspected of being a victim of child abuse or neglect, and either the principal or his or her designee or the law enforcement officer has reasonable belief that the pupil would be endangered by the notification requirements this procedure. In that case, if the pupil is an elementary or middle school pupil, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to select a school administrator, school counselor or school teacher who is reasonably available to be present during the questioning, as provided in section 1 above. If the pupil is a high school pupil, the principal of the school, or his or her designee, shall inform the pupil that he or she has the right to select another person to be present during the questioning as provided in section 2 above.
- (d) In the case of an elementary or middle school pupil, the law enforcement officer's questioning of the pupil concerns the commission of criminal activity by the person who would otherwise be present during the questioning pursuant to section 1. In that case, the principal of the school, or his or her designee, shall inform the pupil of his or her right to select a school administrator, school counselor, or school teacher who is reasonably available to be present during the questioning as provided in section 1.
- (e) In the case of a high school pupil, the law enforcement officer's questioning of the pupil concerns the commission of criminal activity by the person selected by the pupil pursuant to section 2. In that case, the principal of the school, or his or her designee, shall advise the pupil of the right to select another person to be present during the questioning as provided in section 2.
- (f) The pupil is on probation or parole and is being interviewed or otherwise contacted by a probation or parole officer in the normal course of duties of the probation or parole officer.

4. Except in exigent circumstances as determined by the law enforcement officer, any questioning of a pupil by a law enforcement officer for any reason other than the ordinary, day-to-day conversation that is to be expected among members of a school community, shall take place in a private location, including, but not limited to, the principal's office, and may not take place in a classroom or hallway or other areas where pupils or others may be present.
5. A school official present during the questioning of a pupil under this procedure may not disclose matters discussed with the pupil other than to the parent or guardian of the pupil, the attorney for the pupil, other school officials, or a court.
6. Any school officer or staff member present at the questioning of the pupil by a law enforcement officer pursuant to this section is immune from civil or criminal liability arising from his or her participation during the questioning of the pupil.
7. For the purposes of this procedure, "questioning" means only formal questioning in which the principal, or his or her designee, makes a pupil available to a law enforcement officer, at the request of the law enforcement officer, the principal or his or her designee, for questioning as a victim, suspect, or person with information concerning a suspected violation of a school rule that constitutes grounds for expulsion or a suspected commission of a crime. For the purposes of this section, "formal questioning" means only questioning of a pupil by a law enforcement officer that occurs on school grounds. "Formal questioning" does not include ordinary, day-to-day conversations between a pupil and a law enforcement officer. In all of these situations, every possible step should be taken to ensure a minimum of embarrassment or loss of class time for the pupil.

The office of the superintendent should be notified immediately when any of the above actions have occurred.

Legal reference: R.I. General Laws § 16-21

Policy Adopted: 08/15/2011

New Shoreham School District, Block Island School