

## STUDENTS

### Agency and Law Enforcement Interviews

#### I. Introduction

This administrative procedure is intended to provide general guidance on the manner agency and law enforcement interviews will be handled by school authorities. As guidance, these procedures are not intended to restrict the discretion of the authorities to deviate from these guidelines where appropriate.

#### II. Interviews of Students by Law Enforcement Authorities at School for Law Enforcement Purposes.

##### A. Law enforcement interviews about school related incidents

When a law enforcement authority seeks or is requested by school authorities to interview a student at school about a school related incident for law enforcement purposes, the following procedures ordinarily should apply:

1. If not known to the school authority, the law enforcement agent should upon arrival at the school contact the building principal or other designated school authority, identify or confirm the student sought to be interviewed, and identify or confirm the reason(s) for the interview.
2. When law enforcement authorities seek to interview a student, the school authority should, before allowing the law enforcement agent to interview the student, attempt to contact the student's parent or guardian unless extenuating circumstances dictate that this not be done. Extenuating circumstances may exist when, for example:
  - There is a risk that a delay in proceeding with the interview may pose imminent danger to the health or safety of students, school employees, or other persons in the community
  - The student's parent or parents are suspected of serious criminal activity or of co-involvement with the student in criminal activity
  - Law enforcement authorities need to act promptly to prevent destruction of evidence of a serious crime, or flight from the jurisdiction by a person suspected of serious criminal activity

- The student requests that the parent or guardian not be called and the student is sufficiently mature to make such a decision.
3. Any attempts to contact a student's parent(s) should be documented.
  4. If a parent requests to be present, then absent extenuating circumstances, the interview should be delayed until the parent arrives but school authorities will not prevent an agency or law enforcement authority from performing his or her duties under the law. This also does not prevent an agency or law enforcement authority from taking the student into custody.
  5. Absent an emergency or circumstances justifying other action, all interviews of students should be conducted in private to avoid disrupting school, to protect the student's privacy, and to preserve the integrity of the investigation.
  6. If the school authority determines it is appropriate for law agency or law enforcement authorities to interview the student at school without the presence of a parent or guardian, the school authority ordinarily should inform the students that, if requested, the school authority may remain in the room with the law enforcement agent and the student during the interview. The school authority is present only as a witness where the interview is for law enforcement purposes.

#### B. Law Enforcement Interviews About Non-School Related Matters

Absent extenuating circumstances (e.g. preventing destruction of evidence of a serious crime or preventing flight from the jurisdiction by a student suspected of serious criminal activity), interrogation of students by law enforcement authorities about matters unrelated to school should generally be conducted away from school. Should law enforcement remove a student from school to conduct a "non-school related matter" interview, school authorities will attempt to notify the student's parent or guardian. If a law enforcement agent wants to interview a student at school about non-school related matters, and extenuating circumstances exist, the procedures outlined in Part IA above would apply.

### II. Arrest and Removal of Students from School

School authorities must cooperate and not interfere with law enforcement authorities when law enforcement authorities deem it necessary to arrest or take into custody a student on school grounds. Law enforcement agents generally are authorized to arrest a student based upon a warrant or without a warrant if they determine there is a probable cause to believe that the individual has committed a crime. School authorities are not required as expected to determine validity of an arrest.

Upon the arrest of a student, the building principal or other appropriate person should make a reasonable attempt to notify the student's parent or legal guardian of the arrest and of the location to which the student will be taken unless the law enforcement agent is doing so. This would not apply if the parent or guardian was present at school with the student when the student was arrested.

### III. Interviews and Examinations of Students at School by DCFS

School employees are to cooperate with the Illinois Department of Children and Family Services (DCFS) in identifying child abuse or neglect.

#### A. Interviews

If DCFS employees or local law enforcement authorities seek to interview at school a student suspected of being abused or neglected, they should make the request to the building principal or to the principal's designee and present appropriate proof of identification.

1. The school district should provide DCFS investigators and local law enforcement authorities reasonable access (without a court order) to a suspected victim of child abuse or neglect for the purposes of interviewing the child at school. The principal or designee may be present at the interview if requested by the child, the parent or guardian of the child, or the interviewer.
2. An interview of the student at school must be allowed upon presentation of a court order. If the interview takes place based upon a court order, the principal or designee should request a copy of the order.
3. After the interview has been conducted, the principal or designee may notify the parent or guardian when appropriate (generally when the parent is not the subject of the investigation), of the fact that an interview was conducted, but may not disclose any information about the interview.

#### B. Temporary Custody/Temporary Protective Custody

If law enforcement authorities assume temporary custody of a student at school pursuant to the Juvenile Court Act or if a local law enforcement agent or a DCFS employee assumes temporary protective custody pursuant to the Illinois Abused and Neglected Child Reporting Act, the principal or principal's designee should request that the DCFS or law enforcement agent provide permission for the school authority to create a copy of the documentation presented authorizing the temporary custody of the child.

#### **IV. Interviews of Students by School Resource Officers (SRO)**

Where acting on their own initiative and authority to further a proper educational environment at the school or at the request of school personnel (as opposed to acting upon the request of outside law enforcement authorities), SRO's who are investigating a school related incident or any incident which may have potential consequences for the safety of the students or employees at the school may interview students without obtaining permission from parents. Examples of incidents which may have potential consequences for the safety of students or employees at the school include the following:

- Fights between students that may result in retaliation at school
- Threats made by a student against another student or employee at the school
- Gang related offenses such as assault, battery, and intimidation
- Possessing drugs or weapons while on school property

#### **V. Student Interviews by School Authorities**

The procedures above do not apply to nor restrict the discretion and authority of school authorities to interview students regarding school related matters or activities without informing parents. Requests or demands of parents that they be present need not be honored.