

INTERROGATIONS AND SEARCHES

Investigations By Staff

The right of interrogating and searches of students is inherent in the authority granted school boards and administrators. This authority may be reasonably exercised as needed in the interest of safeguarding children, and personal school property.

Nevertheless, exercise of that authority by school officials places unusual demands upon their judgment. Fundamental concerns are: to protect each child's constitutional rights to personal privacy and protection from coercion, and to act in the best interest of all students and the schools.

Searches will be reported to the Board of Education either before or after as appropriate.

What constitutes a reasonable search depends entirely upon the peculiar facts and circumstances existing at the time a search is contemplated. If a school official reasonably believes that a student is harboring a weapon or other substance imminently dangerous to persons or property, such official has not only a right but a duty to conduct an immediate search and seizure. On the other hand, a suspicion that a student is concealing evidence of a crime upon his person or property should ordinarily be handled by alerting the local police. This is especially true in those instances in which the student is not likely to dispose of the evidence prior to the police involvement. Objects in "plain view" may be seized if they are not the product of a search and the person seizing them had a right to be in a position to have that view.

Investigations by Police During School Day

- (1). When it becomes necessary for a student to become involved with the police regarding criminal activities, the officer may conduct a non student-initiated interview or interrogation of students on school premises under the following conditions:
 - (a) The police shall contact the parent(s) or guardian of a minor student prior to an interview. The police/school resource officer/designee shall proceed with the interview only after receiving verbal approval of the parent(s) or guardian or upon the arrival of the parent(s) or guardian.
 - (b) In all situations, every possible step should be taken to ensure minimum embarrassment or loss of class time for the student.
 - (c) A school administrator may be present at the interview.
 - (d) If the police find it necessary to interrogate students upon possible criminal conduct or activity, the students will be informed of their constitutional rights (Miranda warnings). A further explanation of these rights will be given using a printed form which they may sign if they so choose. The students will be informed whether or not they are free to go.
 - (e) If a student is taken into police custody, the student shall immediately be removed from school property.

- (2). The police or social worker may conduct interviews/interrogations without prior parental contact in situations where:
 - (a) The parent or guardian is suspected of a crime and the student has information as a witness or a victim;
 - (b) The student is a victim of a particularly sensitive crime such as sexual assault or child abuse;
 - (c) A delay may result in flight of the suspect;
 - (d) A delay may result in the destruction of evidence;
 - (e) A delay may result in the opportunity to cover up the crime;
 - (f) A delay may result in an unnecessary threat to the community;
 - (g) The student voluntarily approaches the police/school resource officer;
 - (h) There is a non-investigatory discussion.

- (3). The school administrator or designee will make an effort to contact the parent of any student taken into police custody.

Confidentiality of Information and Records

Sharing of confidential information and/or student record content with the police shall fully comply with statutory provisions and school district policies.

The Deerfield School District shall not discriminate in following these procedures on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. Discrimination complaints shall be processed in accordance with established procedures.