

## INTERVIEWS AND QUESTIONING OF STUDENTS BY LAW ENFORCEMENT

The Bonneville Joint School District No. 93 Board of Trustees recognizes the primary responsibility for maintaining proper order and conduct in the Bonneville Joint School District No. 93 schools is that of District staff. The Board of Trustees further recognizes the authority of law enforcement to carry out the duties assigned to them by law.

The District strives to maintain a cooperative working relationship with law enforcement and ensure the right of privacy of both parents and students are protected.

To this end, the following policies and procedures are meant to guide interactions with law enforcement on District property.

### 1. Reporting

- A. In the case of a health and safety emergency, any District staff shall have the authority to notify law enforcement. Excepting immediate danger, staff shall notify their school principal / designee of the situation and the school principal / designee shall determine if law enforcement shall be notified.
- B. In the case of reported threats of mass violence, mass demonstrations with threat of violence, individual threats of substantial bodily harm, trafficking in people or prohibited drugs, or the scheduling of events where large crowds may be difficult to handle, the school principal/designee shall call the appropriate law enforcement agency for assistance.
- C. Whenever school principals or their designees have reasonable grounds to believe that a criminal act has likely occurred on school grounds, at a school sponsored activity, or an activity involving the educational process, they may notify the appropriate law enforcement agency to request a criminal investigation. Circumstances or illegal actions that substantially threaten the health and safety of students, staff, and facilities, including violations of the Code of Student Conduct should be immediately referred to local law enforcement.
  - i. In most situations, the school administrator/designee will interview a student in accordance with District Policy [#3375 Student Interviews by District Staff](#) prior to a report to law enforcement.
  - ii. If the school principal believes there is an immediate danger to the health and safety of students and staff, they do not need to interview students before notifying law enforcement.

- iii. School principals shall have the professional discretion to determine which violations of the Code of Student Conduct and/or Board policies require notification to law enforcement.

## 2. Interviews on District Property

- A. Law enforcement officers, including School Resource Officers (SRO) may choose to interview a student while they are on District property during the school day. When this occurs, staff will follow the following procedure:
  - i. All law enforcement officers not regularly assigned to the school, such as the SRO, must present appropriate agency identification to the school principal / designee, which may not include photo identification, but at a minimum will include a badge number and agency.
    - a. Pursuant to [Board Policy #3557 School Visitations](#), law enforcement officers should sign in/out on the visitor log. If they do not, the school principal / designee shall document their visit on the school visitor log.
    - b. The SRO who is regularly assigned to the school does not need to sign in/out of the visitor log unless a student is being removed from campus. The sign out time will be used when reporting the situation to the parent/guardian.
  - ii. Whenever possible, the identified student(s) will be called out of class in a manner that protects their privacy and minimizes the disruption of school operations and the educational process.
  - iii. If the student is testing, off-site for a field trip or extra-curricular activity, or in a situation that would harm the student mentally or physically by removing them from their current activity, the administrator/designee may offer an alternative time for the law enforcement officer to meet with the student.
    - a. Pursuant to their authority granted in Idaho Code § 20-516, if a law enforcement officer requests to speak to the student immediately, the school principal / designee will arrange for the student to be brought to the administrative office immediately if the student is on campus. If the student is not on campus, the school principal / designee will inform the officer of the student's location and expected time of return to the school campus.

- iv. Whenever possible, an on-campus meeting location will be identified that protects the privacy of the student(s).
- B. The law enforcement officer will determine who may be present and/or participate in student interviews. This means that they may choose to exclude or to invite District staff and/or parents/guardians to be present during the interview. They may also record the interview at their discretion.
- i. It is appropriate for the school principal / designee to advise the law enforcement officer of any relevant accommodations that the student needs to participate in the interview as a method of preventing health and safety emergencies.
  - ii. It is appropriate for the school principal / designee to request that police officers observe all procedural safeguards prescribed by law.
    - a. District personnel are not responsible for a police officer's compliance with the law.
    - b. 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.

### **3. Removal of Students from District Property**

- A. Minor students under the age of 18:
- i. A minor student who is under the age of 18 may not leave campus with a law enforcement officer without the consent of the parent/guardian unless that student has been taken into custody.
  - ii. A law enforcement officer may take a minor student into custody and remove them from campus with, or without a warrant.
- B. Adult students age 18 or older:
- i. A student over the age of 18 may choose to leave with law enforcement even if they are not under arrest without the consent of the parent.
  - ii. A law enforcement officer may arrest the student and remove them from campus with, or without, a warrant.
- C. The school principal / designee will notify the Superintendent / designee of the removal of any student from school by law enforcement under any

circumstance and document the removal as a log entry in the student's record in the District Student Information System (SIS)

- D. If the school principal / designee has reason to believe that a student was removed from the school by a law enforcement officer without taking the student into custody, making an arrest, or without the consent of the student or the parent/guardian, the school principal / designee will attempt to immediately contact the Superintendent/designee or legal counsel and document the removal as a log entry in the student's record in the District Student Information System (SIS).

#### 4. Notification of Parent/Guardian

- A. Per [Idaho Code 33-6001](#), the District is required to notify a parent/guardian if their child has been, or may be, questioned by law enforcement, including School Resource Officers, unless the student is a victim or a suspected victim of physical child abuse.
- i. Whenever possible, the school principal / designee should notify parents / guardians that their child will be questioned by law enforcement officers prior to the student being interviewed.
  - ii. As stated in the Definitions section of this policy, questioning only refers to formal conversations with law enforcement with the intent of furthering an investigation into criminal acts. It does not include informal conversations between School Resource Officers and students that are not intended to further an investigation.
  - iii. Notification to parents/guardians in the case of suspected child abuse is the responsibility of the department and will be made at the discretion of the child protection worker or law enforcement officer.
- B. Building administrators/designee shall make a good faith effort to notify the parent/guardian of a student who has been questioned by a law enforcement officer, including a school resource officer, as soon as they are able to after being made aware of the situation.
- C. Each parent/guardian notification attempt shall be made using an official school notification system or documented as a log entry in the student's record in the District Student Information System (SIS). Documentation should include the following information:
- i. The name of the District staff that contacted, or attempted to contact, the parent/guardian,

- ii. the person contacted,
  - iii. the method of contact,
  - iv. the time and date of the contact, or the time and date of the attempted contact, and
  - v. a summary of the information provided.
- D. Notification shall be attempted with the current parent/guardian contact information on file with the District.
- i. If the school principal / designee is unable to contact the parent/guardian because there is no response, or the information on file is out of date, the school principal / designee will make a reasonable attempt to contact individuals identified as Emergency Contacts for the student, however; the school principal / designee shall be under no obligation to search for new contact information should the contact information on file be out of date.

### **DEFINITIONS**

**Department:** means the Idaho Department of Health and Welfare. In this policy, notification of abuse, neglect, or abandonment is made specifically to the Division of Family and Community Services under the child welfare program, also known as child protection services.

**Health and Safety Emergency:** means any situation which may cause harm, either physically or mentally, to a student, and require the care of an outside medical professional and/or limit the student's ability to learn in their regular educational setting.

**Interview:** The questioning of a student who may be a witness or victim of an incident.

**Investigation:** to search out and examine the particulars in an attempt to learn the facts about something hidden, unique, or complex, especially in an attempt to find a motive, cause or culprit.

**Law Enforcement Agency:** means a city police department, the office of a sheriff of any county, the prosecuting attorney of any county, state law enforcement officers, and federal agencies tasked with protecting the peace and upholding the law.

**Reasonable Grounds to Suspect:** More than a generalized suspicion or a mere hunch, but not requiring certainty that a violation has occurred. It may be based upon direct observations or the reported observations or experiences of others. It involves a common-sense conclusion about human behavior based upon all the circumstances presented.

**Staff:** includes all District employees, including administrators, certified and classified personnel.

**Substantial Threat:** means a reasonable belief that the threat will be carried out and it will reduce safety, and/or directly or indirectly result in injury or damage to people or property.

**Question:** means a formal conversation with law enforcement that is intended to further an investigation into criminal acts. It does not include conversations between law enforcement, including school resource officers, and students that are of a casual nature or not intended to further an investigation.

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Reviewed:

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11-08-2023

Cross Reference: #3375 Student Interviews by District Staff  
#5260 Interactions with Child Protection Agencies and Reporting Abuse, Abandonment, or Neglect

Legal Reference: 34 CFR § 99.31(a)(10) Family Educational Rights and Privacy  
34 CFR § 99.36(a) Family Educational Rights and Privacy  
Idaho Code § 6-904(1) Exceptions to Governmental Liability  
Idaho Code § 33-205 Denial of School Attendance  
Idaho Code § 33-6001 Parental Rights