

## Proposed Policy 3545

### STUDENT INTERVIEWS AND INVESTIGATIONS

The Board of Trustees recognizes the need of law enforcement officers and officers of the Department of Health and Welfare to conduct investigations which may involve ~~interrogating~~ interviewing minor students (under 18 years of age) of this district. The Board of Trustees also recognizes the duty of the district to protect the health, safety and welfare of students of this district, which includes protection of minor students during any such investigation.

It is the policy of the Board of Trustees to cooperate fully with all law enforcement agencies. For the purposes of this policy and related administrative regulations, the terms "casual conversations" and "formal interview" ~~"interrogation"~~ are defined as follows:

- Casual conversations – an informal meeting face to face, between a school administrator, law enforcement officer(s) of the court, or Department of Health and Welfare officer, with a minor student to confer, without the intention to detain or effect an arrest of the minor student. Student is free to leave at any time during a casual conversation. Whenever possible, students should be made aware ~~the building administrator should inform the student~~ that this is not a formal interview ~~interrogation~~ and they are free to leave at any time. Casual conversations are not intended to replace the formal interview process but may be used to determine if a further formal interview is warranted.
- Formal Interview ~~Interrogation~~ (including custodial interviews ~~interrogation~~) – a meeting, face to face, between a school administrator, law enforcement officer, Department of Health and Welfare officer, or officer of the court and a minor student. The purpose is to ask investigative questions regarding suspected violations of conduct, policy or criminal acts and to gather evidence for disciplinary purposes, successful criminal prosecution or to ~~effect ask questions formally to obtain evidence of criminal acts or to effectuate~~ an arrest, where the minor student is generally not free to leave or terminate the questioning.

Casual conversations with students by Administrators and School Resource Officers are encouraged, without the necessity of a more formal setting.

The policy of this district requires that when law enforcement officers, representatives of the Department of Health and Welfare or other court officers are seeking a student for a formal interview, the student shall be contacted through the office of the principal or designee. The District will have procedures for formal interviews of ~~interrogating~~ minor students.

School officials shall notify a student's parent/guardian by phone call or text message if a minor student has been, or may be, questioned by a school resource

officer or other law enforcement official, except in cases where one or both parent/guardian(s) are the suspect of physical abuse of the child.

#### Legal

I.C. § 6-904(1) Tort Claims Against Governmental Entities - Exceptions to Governmental Liability

I.C. § 16-1605 Child Protective Act: Reporting of Abuse, Abandonment or Neglect

I.C. § 16-1606 Child Protective Act: Immunity

I.C. § 16-1607 Child Protective Act: Reporting in Bad Faith- Civil Damages

I.C. § 16-1631 Child Protective Act: Authorization for Department to Act

I.C. § 20-516 Juvenile Corrections Act — Apprehension and Release of Juveniles — Detention

Idaho Attorney Gen. Ann. Rpt. 93-2 (19993) (last accessed November 18, 2019)

#### Cross References

4400 - Relations with the Law Enforcement and Child Protective Agencies

5260 - Abused and Neglected Child Reporting