

Policy JFGA: LAW ENFORCEMENT AND DEPARTMENT OF SOCIAL SERVICES STUDENT INTERVIEWS**Status:** ADOPTED**Adopted Date:** 07/21/2023

When students are at school or involved in a school activity off school grounds, the school has an obligation to the students and their parents, and also an obligation to authorities such as law enforcement and the Department of Social Services. This policy balances the rights of students and parents with the rights and responsibilities of law enforcement and the Department of Social Services as those entities investigate juvenile delinquency/criminal matters and matters related to suspected child abuse and neglect.

For all action permitted by this policy and/or law, it is the responsibility of law enforcement officers to assure compliance with procedural and constitutional safeguards.

For purposes of this policy:

1. "Interview" means a discussion between a law enforcement officer and a student regarding the student's or another person's actions, statements, or behavior that threaten or could threaten the life, safety, or well-being of a student or regarding anyone's possession of illegal or unauthorized material, assuming that the student is not officially under arrest or in the custody of the law enforcement officer.
2. "Parent/guardian" means the biological or adoptive mother or father, guardian, responsible relative, or any other person who has claimed legal or actual charge or control of the student pursuant to South Dakota law.
3. "Law Enforcement Officer" means any employee of a law enforcement agency.

Requests from law enforcement officers and persons other than parents, school district officials, and personnel to interview students shall be made through the superintendent or building principal's office. To minimize disruptions to the school environment and embarrassment to students involved, all interviews by law enforcement should be held in private unless the urgent nature of the situation prevents compliance with this requirement. The building principal should be present during all interviews when the parent/guardian cannot be present, unless compelling reasons for exclusion are provided by the law enforcement officer.

It is therefore the policy of the District that:

1. **Interview of Alleged Perpetrator**-Should a law enforcement officer or DSS or CPS personnel wish to interview a student who is an alleged perpetrator of a crime under the age of 18* while the student is at school or at a school activity, the officer will notify the building principal before interviewing the student. The building principal will notify the student's parent/guardian to receive permission before the student is to be interviewed by the law enforcement officer and to provide the opportunity for the parent/guardian or other adult of the parent/guardian's choosing to be present during the interview by a law enforcement officer. If the principal has made a reasonable effort to notify the parent/guardian but is unable to contact the parent/guardian, the principal should document that attempts were made to do so and the student may be interviewed only if the law enforcement officer identifies emergency circumstances requiring immediate questioning or orders/requires the student to be presented to law enforcement. The parent/guardian will be notified by the principal as soon as possible after the interview. However, should the law enforcement officer order school personnel to present the student so that the officer may interview the student, such as pursuant to a warrant or court order, after documenting the law officer's order to present the student, the school personnel shall comply with the officer's order and the building principal shall then immediately contact the student's parent.

It is the responsibility of the law enforcement officer to advise an alleged perpetrator of his or her rights against self-incrimination.

2. **Student Victim or Witness:** Should law enforcement desire to interview a student regarding a school-related event who is a victim of a crime other than suspected child abuse or neglect, or who is a witness of a crime, the building principal will contact the student's parent/guardian before the discussion so that the parent/guardian may be notified of the situation, unless (1) the urgent nature of the situation or other exigent circumstances exist which demand that the interview be conducted immediately or (2) law enforcement believes that interviewing the student without parental notification may prevent imminent physical harm to that student or other students within the immediate school setting. If the parent/guardian is not contacted prior to the interview, school personnel will notify the parent/guardian prior to the end of the school day during which the discussion took place. If circumstances do not allow for verbal notification on the same day, a letter will be sent.

If, during the interview, the student becomes suspected of a crime, the procedures as outlined in Section 1 herein will be followed.

3. **Abuse or Neglect:** Should the Department of Social Services (DSS), Division of Child Protection Services (CPS), or a law enforcement officer be investigating suspected child abuse or neglect and wish to talk with a student under the age of 18* while the student is at school, the request to talk with a student shall be documented by the building principal, including the name of the person making the request, date of request, date of interview, and that the request is made for the reason of investigating suspected child abuse or neglect. The law in South Dakota requires investigation of suspected child abuse to be kept confidential and can be done without notification to parents. Therefore, the school will not notify parents of a request by the Department of Social Services/Division of Child Protection Services or law enforcement to talk with a student in such instances. The student will be given the option of being represented by an administrator and/or school guidance counselor will be present during an interview with the student.

* Upon the student reaching the age of 18, the student is a legal adult and has the authority to make the decision whether or not to talk with the law enforcement officer or DSS/CPS and without parental involvement. However, the student shall be afforded the opportunity to contact his/her parents for advice before responding to a request by the authorities to be interviewed by law enforcement and/or talk to the Department of Social Services/Division of Child Protection Services. The student shall also be provided the opportunity to select an adult of their choice to be present during an interview by law enforcement.