

Students

Administrative Procedure – Agency and Police Interviews

These procedures should be used in conjunction with the Ill. Council of School Attorneys' *Guidelines for Interview of Students* which is available at www.iasb.com/law/intstudents.cfm.

Interviews by Police

These procedures apply where a request to interview a student who is suspected of committing a criminal act is made by a law enforcement officer, school resource officer, or other school security personnel.

1. The School Principal or other administrator will check and make a copy of the law enforcement officer's credentials and any legal papers, such as, warrants for arrest, search warrants, or subpoenas to be served.
2. No minor student will be interviewed by a law enforcement officer, school resource officer, or other school security personnel without notification or attempted notification of a parent/guardian unless urgent and immediate action is reasonably necessary.
 - a. The School Principal, other administrator, or law enforcement officer will attempt to contact the student's parent/guardian and inform him or her that the student is subject to an interview by law enforcement authority. The School Principal/administrator/law enforcement officer will document the date, time(s), and manner of the attempt(s).
 - b. Urgent and immediate action may be reasonably necessary to:
 - i. Prevent bodily harm or injury to the student or any other person;
 - ii. Apprehend an armed or fleeing suspect;
 - iii. Prevent the destruction of evidence; or
 - iv. Address an emergency or other dangerous situation.
 - c. The parent/guardian will be given the opportunity to be present for the interview and be represented by legal counsel at his or her own expense.
3. Interviews will be conducted in a private setting. If the parent/guardian is absent, the School Principal or other administrator and/or one other staff member, selected by the School Principal/administrator, will be present during the interview. The other staff member may be a school social worker, school psychologist, a school nurse, or any other mental health professional.
4. These procedures do not limit the authority of a law enforcement officer to make an arrest on school grounds.

These procedures apply in all other circumstances where a request to interview a student is made by a law enforcement authority.

1. The School Principal or other administrator will check and make a copy of the police officer's credentials and any legal papers, such as, warrants for arrest, search warrants, or subpoenas to be served.
2. No minor student will be interviewed by the police officer without the consent of a parent/guardian except in emergency situations.
 - a. The School Principal or other administrator will attempt to contact the student's parent/guardian, and inform him or her that the student is subject to an interview by police. The School Principal/administrator will document the date and time(s) of the attempt(s).
 - b. An emergency situation includes, but is not limited to, when DCFS employees or law enforcement personnel are effecting temporary protective custody of the minor student. If

a request is made to delay notifying the parent/guardian until the child's safety is ensured, the School Principal or other administrator will ask that such a request be made in writing.

- c. Except in cases of emergencies, the parent/guardian will be given the opportunity to be present for the interview and be represented by legal counsel at his or her own expense.
3. Interviews will be conducted in a private setting. If the parent/guardian is absent, the School Principal or other administrator and/or one other staff member, selected by the School Principal/administrator, will be present during the interview.
4. Interview proceedings will be documented in writing for inclusion in the student's temporary records.
5. No minor student shall be removed from the school by the police officer without the consent of a parent/guardian, except upon service of a valid warrant of arrest or in cases of warrantless temporary protective custody, or when probable cause for arrest exists. When a police officer has no warrant and asserts that a probable cause exists, the School Principal shall inform the police officer that removal of the student from the school will occur in the least disruptive manner as determined by the School Principal. If a parent/guardian is absent, the School Principal and/or one other staff member, selected by the School Principal, will be present during the removal of the student from the school building.

Interviews by the Illinois Department of Children and Family Services (DCFS)

DCFS agents'/designees authority to interview a child derives from the authority to investigate reports of suspected abuse or neglect and/or to remove the student from school grounds into temporary protective custody. However, DCFS agents'/designees do not have the authority to interview students on school grounds in the absence of school personnel or parents.

1. The School Principal or other administrator will check and make a copy of the DCFS agent's credentials and any papers pertaining to a legal process.
2. The School Principal or other administrator will ask the DCFS agent to provide the reason for the interview. The School Principal or other administrator will decide whether to allow the interview based upon the disruption to the student's instructional time and the school environment, as determined by the School Principal/administrator, except where (a) a court order authorizes the interview at school, (b) a District employee is the subject of the DCFS investigation, (c) the DCFS agent is interviewing a report of suspected abuse or neglect made by a District employee, (d) the DCFS agent is taking or retaining temporary protective custody, or (e) other extreme emergencies.
3. The School Principal or other administrator will attempt to contact the student's parent/guardian and inform him or her that the student is subject to an interview by a DCFS agents, except in circumstances stated in 2(c) - (e) above. The School Principal/administrator will document the date and time(s) of the attempt(s).
4. If the DCFS agent requests that the parent/guardian not be notified or present during the interview, the School Principal or other administrator will require the request to be in writing and signed by the DCFS agent.
5. Interviews will be conducted in a private setting and in the least disruptive manner, as determined by the School principal or other administrator. If a parent/guardian is absent, the School Principal or other administrator and/or one other staff member will be present during the interview.

6. The student may be removed from school by the DCFS agent when taking or retaining temporary protective custody or in case of an emergency. A local law enforcement agency officer or designated DCFS employee, or a physician treating a child may take or retain temporary protective custody of the child without the consent of the person responsible for the child's welfare, if: (a) he or she has reason to believe that the child's circumstances or conditions are such that continuing in his or her place of residence or in the care and custody of the person responsible for the child's welfare, presents an imminent danger to that child's life or health; (b) the person responsible for the child's welfare is unavailable or has been asked and does not consent to the child's removal from his or her custody; or (c) there is not time to apply for a court order under the Juvenile Court Act for temporary custody of the child. The person taking or retaining a child in temporary protective custody shall immediately make every reasonable effort to notify the person responsible for the child's welfare and shall immediately notify the Department.
7. No District employee may act as a DCFS agent.

LEGAL REF.: 55 ILCS 80/1 et seq., Children's Advocacy Center Act.
105 ILCS 5/10-20.68, School Resource Officer
105 ILCS 5/22-85
325 ILCS 5/1 et seq., Abused and Neglected Child Reporting Act.
720 ILCS 5/31-1 et seq., Interference with Public Officers Act.
725 ILCS 120/1 et seq., Rights of Crime Victims and Witnesses Act.

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