

STUDENT INTERROGATIONS, SEARCHES AND ARRESTS

File: JIH

TITLE: Criminal Investigations

POLICY:

When a student is involved in a criminal investigation, as an alleged perpetrator or as a witness, it may be necessary for a law enforcement officer to confer with the student at school. The following steps shall be taken to cooperate with the authorities.

- (1) The officer shall properly identify himself/herself.
- (2) Unless directed otherwise by the officer, in writing, the principal shall endeavor to notify a parent or guardian of the student before the student is questioned so that he/she may have an opportunity to be involved.
 - (a) If the parent is contacted and wishes the student to speak with law enforcement officers without parents or attorney present, the law enforcement officer may proceed with the questioning. Unless prohibited by the officer, in writing, the principal or designee may remain with the student during the interrogation/interview.
 - (b) If the parent is contacted and does not wish the student to speak with law enforcement officers without a parent or attorney present, the principal or designee shall transmit that information to the law enforcement official.
 - (c) If the parent cannot be contacted, the principal or designee shall explain to the student that the student may have the right to his/her parent and/or attorney being present during the questioning. If the student wishes to speak with the law enforcement officer without a parent or attorney present, the law enforcement officer may proceed. The principal or designee may remain with the student during the questioning. If the student does not wish to speak to the law enforcement officer without the parent or attorney present, the officer shall not be allowed to speak with the student at that time unless the officer demands, in writing, that the student speak with the officer.
- (3) Law enforcement officers have the right to remove a student from the school when the student is arrested. A warrant for the arrest is not necessary if the arresting officer indicates probable cause that the student has been involved in a felony.
- (4) Law enforcement officers have no legal right to remove a student from the school for purposes of interrogation, and this shall not be allowed without the consent of the parent or guardian.
- (5) If a student is arrested or taken into custody at a school, the school official shall make every effort to notify the parents or guardian immediately.
- (6) Law enforcement officers have the legal right to serve a subpoena at school.

LAWS IMPLEMENTED:

Sections 985.101; 1006.07; 1012.28; 1001.54,
Florida Statutes

ADOPTED: 11/17/08