

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/ICSAGuidelinesforInterviewsofStudents2015.pdf.

Police officer means an officer who is not specifically assigned to the Cooperative or any of its buildings.

School resource officer (SRO) means a police officer who is assigned to the Cooperative or any of its buildings through an intergovernmental agreement or a memorandum of understanding with the Cooperative's local law enforcement agency.

Interviews By Police at School for Law Enforcement Purposes

1. The Program Administrator or designee will check the police officer's credentials and any legal papers such as warrants for arrest, search warrants, or subpoenas to be served.
2. The Program Administrator or designee will make a written record of the police officer's request and any accompanying paperwork.
3. The Program Administrator or designee will copy the police officer's identification or note his or her badge number in the accompanying paperwork.
4. Interviews of minor students without permission of the parents/guardians are not permitted unless a legal process is presented or in extenuating circumstances. Prior to the interview, the Program Administrator or designee will attempt to contact the student's parent/guardian and inform him or her that their child is subject to an interview. In extreme emergency situations, DCFS employees, law enforcement personnel, or treating physicians may, in effecting temporary protective custody, request that the Cooperative not notify parents until the child's safety is ensured. The Program Administrator or designee should ask that such a request be made in writing. If possible, the parent/guardian will be given the opportunity to be present and be represented by legal counsel at his or her own expense. Examples of extenuating circumstances include, but are not limited to the following instances:
 - a. There is a risk that delay in proceeding with the interview may pose imminent danger to the health or safety of students, school employees, or other persons in the community.
 - b. The student's parent(s)/guardian(s) are suspected of serious criminal activity or of co-involvement with the student in criminal activity.
 - c. Law enforcement authorities need to act promptly to prevent destruction of evidence of a serious crime, or flight from the jurisdiction by a person suspected of serious criminal activity.
5. The Program Administrator or designee will document attempts to contact the student's parents/guardians. If the parent/guardian conditions consent on being present then, absent exigent circumstances, the interview should be delayed until the parent/guardian arrives.
6. Interviews will be conducted in a private setting. If the parent/guardian is absent, and the Program Administrator or designee determines that it is appropriate for the police officer to interview the student at school, the Program Administrator or designee and one other adult witness, selected by the Program Administrator or designee, will be present during the interview, unless the student requests them to leave. The Program Administrator may allow the student to choose another staff

member in the building to be present during the interview if the parent/guardian is not available. The SRO should also be present, if available.

7. If the student refuses to speak to law enforcement authorities, the interview may not proceed on school grounds.
8. Interview proceedings will be documented in writing for inclusion in the student's temporary records.
9. 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, in cases of warrantless temporary protective custody or when probable cause for arrest exists. When a police officer has no warrant and asserts that probable cause exists, the Program Administrator or designee shall inform the police officer that removal of the student from the school will occur in the least disruptive setting as determined by the Program Administrator or designee. To protect the student's privacy and limit notoriety of the student, removal of the student from the building should occur through the shortest, least conspicuous, route possible. The least conspicuous route possible includes not using handcuffs during removal of the student from the building, unless the Program Administrator and police officer agree that safety concerns exist. If a parent/guardian is absent, the Program Administrator or designee and one other adult witness, selected by the Program Administrator or designee, will be present during the removal of the student from the school building.

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

1. The Program Administrator or designee will check the agent's credentials and any papers pertaining to a legal process. If DCFS presents a court order, an interview must be allowed. If no court order is presented by DCFS, the Program Administrator or designee will allow reasonable access to interview the student who is a suspected victim of child abuse or neglect.
2. The Program Administrator or designee shall immediately coordinate the timing of any necessary notifications to the student's parent(s)/guardian(s) with DCFS, the applicable school resource officer (SRO), and/or local law enforcement when contacting or attempting to contact the student's parent/guardian to inform him or her that the student is subject to an interview.
3. If the DCFS agent does not want parents/guardians to be notified or present during the interview, this stipulation must be in writing and signed by the DCFS agent.
4. Interviews will be conducted in a private setting. If the parent/guardian is absent, the Program Administrator or designee will condition the interview upon his or her presence along with one other adult witness, a member of the Cooperative staff.
5. If circumstances warrant, the student may be removed from school by the DCFS agent pursuant to the Juvenile Court Act, or if the police officer or a DCFS agent assumes temporary protective custody pursuant to the Illinois Abused and Neglected Child Reporting Act. The Program Administrator or designee will request that the DCFS employee/agent or police officer: (1) sign an appropriate document memorializing that fact before assuming custody; or (2) provide permission for the Program Administrator or designee to create a copy of the documentation presented authorizing the temporary custody of the student. The person taking or retaining a student in temporary protective custody shall immediately make every reasonable effort to notify the person responsible for the student's welfare and shall immediately notify DCFS.
6. No Cooperative employee may act as a DCFS agent.

LEGAL REF.: 55 ILCS 80/1 et seq., Children's Advocacy Center Act.
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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