

QUESTIONING AND APPREHENSION

BP 5145.11 (a)

~~Law enforcement officers may interview students on school premises, as suspects or witnesses. When such an interview is requested, the site administrator or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview the student immediately, the site administrator or designee shall accommodate the questioning in a way that causes the least possible disruption to the school process, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.~~

~~Except when prohibited by law enforcement, such as in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian when a law enforcement officer requests an interview on school premises.~~

~~At the law officer's discretion and with the student's approval, the site administrator or designee may be present during the interview.~~

~~When a site administrator releases a student into the custody of a law enforcement officer, he/she shall immediately notify the parent/guardian or responsible relative of the student's release and the place to which the student is reportedly taken, except when prohibited by law enforcement such as in cases of suspected child abuse.~~

~~Whenever a student is suspected of being a victim of child abuse and is being removed from the school premises, the Superintendent or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer so that the appropriate authorities may contact the parent/guardian.~~

a. Law Enforcement interviews related to onsite incidents

Law enforcement officers may interview students on school premises as suspects or witnesses if the offense directly relates to actions which took place on school premises.

If the act is school-related, the site administrator will allow the law enforcement officer to talk with the student at school after making reasonable attempts to notify the student's parent or guardian prior to the start of the interview. It is the responsibility of the law enforcement officer interviewing the student to assure compliance with all applicable procedural safeguards.

If the parent or guardian are not able to be contacted, the site administrator shall offer to the student their attendance in the interview. The student may refuse that offer. In the event a site administrator attends an interview, they shall act as a neutral observer.

b. Law Enforcement interviews related to offsite incidents

Interviews of students at school by law enforcement officers regarding incidents not related to school are strongly discouraged. Law enforcement officers are to make a reasonable attempt to question students outside the school environment.

When a law enforcement officer asserts to the site administrator there is no other reasonable means of securing an interview with a student, the site administrator will only allow the officer to proceed after notifying the student's parent or guardian and obtaining consent to proceed outside their presence.

Assuming the parent or guardian consents to an interview on school grounds, the site administrator shall offer to the student, and the student's parent or guardian, their attendance in the interview.

QUESTIONING AND APPREHENSION

BP 5145.11 (b)

In the event a site administrator attends an interview, they are encouraged to inform the student of the right to refuse to talk to law enforcement prior to the interview. The site administrator shall act as a neutral observer during any interview.

Interviews conducted by law enforcement responding to a reported suspicion of child abuse or neglect is an exception to this policy but only if the law enforcement officer first certifies the following in writing:

I, Officer _____, certify that
Pursuant to Alaska Statute 47.17.027, I wish to interview
_____, a student at
_____, while the student is on
school grounds. The parent or guardian of the above-named child shall
not be contacted prior to the interview for the following reasons. There is
reasonable cause to suspect the child named above has been abused or
neglected by a person responsible for the child's welfare or as a result of
conditions created by a person responsible for the child's welfare. An
interview at school is a necessary part of an investigation to determine
whether the child has been abused or neglected. The interview at the
school is in the best interests of the child. The interview will be conducted
pursuant to all applicable laws, including AS 47.17.033.

(cf. 5030 - School Discipline and Safety)

(cf. 5141.4 - Child Abuse and Neglect)

(cf. 5142 - Safety)

Legal References:

ALASKA STATUTES

47.17.027 Duties of school officials

Adopted 6/01

Revised __/23