

J-3400 © JIH

STUDENT INTERVIEWS/INTERROGATIONS, SEARCHES, AND ARRESTS

Any request by Law Enforcement agencies and/or other government agencies (i.e., Children Youth and Families Department) to see a student, interview a student or make an arrest at school, must be verified by the principal and/or their designee, to be assured that such request is authorized by that individual's agency. The principal will request identification and written authorization from the individual, and will verify the legitimate request by the individual's agency.

Interviews/Interrogations

Interviews

~~A parent may be present during an interview except when interviews are conducted pursuant to a report of child abuse and the interview is by a Children, Youth, and Family Department worker or a peace officer.~~

~~Except in child abuse and abandonment situations, should a peace officer appear on campus requesting to interview a student attending the school, the school administrator shall be notified and the school office shall contact the student's parent(s). The parent(s) will be asked if they wish the student to be interviewed and, if so, will be requested to be present or to authorize the interview in their absence.~~

~~If the parent(s) cannot be reached, the peace officer should be requested to contact the parent(s) and make arrangements to question the student at another time and place.~~

~~If a student is taken into custody (arrested), the arresting officer shall be requested to notify the student's parents or guardian. The arresting officer will be asked to complete and sign a "Form for Signature of Arresting Officer." School personnel shall make every reasonable effort to make sure parents have been notified that a student has been taken into custody. The personnel of the District shall cooperate fully with the police.~~

Interviews and interrogations are not the same thing. An interview is an informal fact-finding conversation. Usually conducted with witnesses or victims of a crime. The person being interviewed is not suspected of committing a crime.

Interrogations are a more structured conversation conducted with individuals suspected of committing a crime. In most cases there is reasonable suspicion to detain the person. Students under interrogation will be afforded their Juvenile Miranda Warnings when interrogated by Law Enforcement and allowed to have a parent or representative present before questioning.

Parents/guardians shall be notified prior to students being interviewed or interrogated by Law Enforcement or School Administration involving an incident.

The exception to parental/guardian notification would be if a parent/guardian is the suspect of child abuse or any other crime against the child/student.

Searches

School property assigned to a student and a student's person or property while under the authority of the public schools are subject to search, and items found are subject to seizure, in accordance with the requirements below.

Notice of search policy. Students shall be given reasonable notice, through distribution of written policies or otherwise, of each school's policy on searches at the beginning of each school year or upon admission for students entering during the school year.

Who may search. Certificated school personnel, school security personnel and school bus drivers are "authorized persons" to conduct searches when a search is permissible as set forth below. An authorized person who is conducting a search may request the assistance of some other person, who upon consent becomes an authorized person for the purpose of that search only.

When search permissible. Unless Local School Board policy provides otherwise, an authorized person may conduct a search when he or she has a reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred. An administrative authority may direct or conduct a search under the same conditions and also when he or she has reasonable cause to believe that a search is necessary to help maintain school discipline.

Conduct of searches; witnesses. The following requirements govern the conduct of permissible searches by authorized persons:

- School property, including lockers and school buses, may be searched with or without students present unless a local school board or administrative authority provides otherwise. When students are not present for locker searches, another authorized person shall serve as a witness whenever possible. Locks furnished by students should not be destroyed unless a student refuses to open one or circumstances otherwise render such action necessary in the judgment of the administrative authority.
- Student vehicles when on campus or otherwise under school control and students' personal effects which are not within their immediate physical possession may be searched in accordance with the requirements for locker searches.
- Physical searches of a student's person may be conducted only by an authorized person who is of the same sex as the student, and except when circumstances render it impossible may be conducted only in the presence of another authorized person of the same sex. The extent of the search must be reasonably related to the infraction, and the search must not be excessively intrusive in light of the student's age and sex and the nature of the infraction. Strip searches are inappropriate without approval of school district counsel.

Seizure of items. Illegal items, legal items which threaten the safety or security of others and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parent or returned to the student when and if the administrative authority deems appropriate.

Notification of law enforcement authorities. Unless a local school board policy provides otherwise, an administrative authority shall have discretion to notify the local children's court attorney, district attorney or other law enforcement officers when a search discloses illegally possessed contraband material or evidence of some other crime or delinquent act.

The administration has the right to search and seize property, including school property temporarily assigned to students, when there is reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred.

Items provided by the District for storage (e.g., lockers, desks) of personal items are provided as a convenience to the student but remain the property of the school and are subject to its control and supervision. (Students have no reasonable expectancy of privacy, and lockers, desks, storage areas, etc., may be inspected at any time with or without reason, or with or without notice, by school personnel.)

Arrest

When a peace officer enters a campus and indicates an intent to take a student into custody or arrest a student, the office staff shall request the peace officer to establish proper identification, complete, and sign a "~~Form for Signature of Arresting Officer.~~". The school staff shall cooperate with the officer in locating the child within the school. **Once the student has been taken into custody, parents/guardians should be notified of the arrest by Law Enforcement or School Officials.** School officials may respond to parental inquiries about the arrest or may contact the parents, if necessary, to explain the relinquishment of custody by the school and the location of the student, if known.

Adopted: date of manual adoption

LEGAL REF.: [32A-4-3 NMSA](#) (1978)

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