

JFG (also KNAJ)

QUESTIONING, INTERROGATING and SEARCHING STUDENTS

1. Definitions

As used herein these terms are defined as follows:

- A. "Interrogation" is an inquiry of a student by an agent or employee of any law enforcement agency, excluding inquiries that are not part of an investigation;
- B. "Investigation" is the gathering of information to determine whether, or to prove that, there has been a violation of law, or a breach of the rules and/or policies of the School District;
- C. "Parent" is a student's legal custodian or guardian.
- D. "Questioning" is an inquiry of a student by an employee of the School District, excluding inquiries that are not part of an investigation;
- E. "School District" shall mean the Rochester School Department.
- F. "School Property" means all property owned by the School District, and includes student lockers, desks, and similar items and locations owned by the School District.
- G. "Search" is a physical examination of a person or place, by either an employee of the School District or an employee or agent of any law enforcement agency as part of an investigation.
- H. "Student" means any student enrolled in the Rochester Public Schools, regardless of age.

2. Principles

- A. The School District has an absolute right to question students about the conduct of any student or School District employee or agent while the questioned student is on school premises, or engaged in school activities and under the control of school district employees or agents at any location, including extra-curricular activities.
- B. It is the policy of the school to cooperate with law enforcement agencies in the interest of the larger welfare of all citizens.
- C. The School District is responsible to parents for the welfare of the students while they are in the care of the school. This responsibility includes respecting the exclusive right of parents to advise their children, and acknowledging that students may not recognize and appreciate the different roles of school employees and law enforcement officials.
- D. School District employees shall not investigate violations of law, except when such conduct also constitutes a violation of School District policies. In such event, School District employees shall focus their inquiries on conduct that violates School District policies.
- E. School District employees shall not engage law enforcement officers or agents, or employees of law enforcement agencies, in investigations of violations of School District policies, regulations, rules, and procedures except to conduct or assist in a search as authorized in Paragraph 3-C-3 or to seek assistance in determining whether such violations may also constitute a violation of the law, requiring further involvement of law enforcement officers.
- F. Students shall have no reasonable expectations of privacy in School District property

3. Policies

A. Questioning:

1. A student may be questioned without prior notification to the student's parents.
2. Questioning will occur only on the property of the School District or at the location of a school sponsored event.
3. No law enforcement officer or agent, or employee of any law enforcement agency shall be present during questioning unless the school official conducting the questioning has a reasonable basis to believe that a person will likely suffer harm unless a law enforcement officer is present.
4. School District employees shall not provide law enforcement agencies with any information learned during questioning, except that School District employees shall comply with all statutes mandating reporting of information to any authority, with all court orders, and with all reporting requirements under School District policies.
5. The School District shall promptly notify the parents of any student who, during questioning, provides information implicating the student in any violation of law.

B. Interrogation:

1. No interrogation shall occur on the property of the School District, unless:
 - a. An authorized representative of a law enforcement agency requests permission to do so from the principal of the school where such interrogation is to occur; and
 - b. Such principal or his or her authorized representative, first determines that:
 - 1) Such interrogation is directed to a student who is the victim of a crime, such interrogation is about the crime of which the student is victim, and the circumstances do not allow time to take the student to an appropriate law enforcement agency; or,
 - 2) There is a reasonable basis to believe that a person will likely suffer harm unless the interrogation occurs at the school; or,
 - 3) The student's parent has been notified of the request to conduct an interrogation and has granted permission for such interrogation to occur on school property.
2. Upon making a determination under §1, above, that an interrogation on school property is appropriate, the principal or authorized representative shall immediately make every reasonable effort to contact and inform a parent or guardian of the student to be interrogated, unless the law enforcement officer requesting the interrogation informs the principal that doing so is contrary to the interests of the student to be interrogated. The principal or representative shall offer the parent or guardian an opportunity to immediately speak with the student, and if the parent or guardian accepts the opportunity, the principal or representative shall interrupt the interrogation and afford the student an opportunity to speak privately with the parent or guardian.
3. If a principal or authorized representative makes a determination under §1, above, that an interrogation on school property is appropriate, the person making the determination shall make a written report to the Superintendent of Schools by 9:00 AM of the next working day after making such determination, stating specifically and completely all information upon which the principal relied in making such determination, and all actions taken by the principal or representative with respect to the said interrogation. The Superintendent shall provide a complete copy of such report to the parent or guardian.
4. No employee of the School District shall participate in or be present during any interrogation.

C. Searches

1. School officials may:
 - a. Search school property at any time for any reason; and,
 - b. Investigate conduct of a student that violates the rules of the School District, by requiring the student to produce all contents of his or her pockets and clothing, pocketbook, purse, wallet, book bag, backpack or other carrying or storage device.
 - c. With the approval of the Superintendent or designee, conduct searches of school facilities and lockers, in cooperation with the Rochester Police Department and/or New Hampshire State Police, using dogs trained to detect illegal drugs or explosives. Except in emergency situations, such searches will be conducted during evening hours, on weekends, or at times when there are few or no students in the building being searched.
2. A search of a student must be reasonable under all of the circumstances. It must be justified at its inception and reasonably related in scope to the circumstances giving rise to the search. A school official conducting such a search must have reasonable grounds to believe that the search will turn up evidence that the student has violated or is violating the rules of the school. The search must be conducted in a way that is reasonably related to the objective of the search, and not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.
3. If a school official acts under C-1-b; no employee or agent of any law enforcement agency shall participate in or be present during such action, except that the school official authorizing the search may utilize law enforcement personnel to carry out or assist in the search if reasonably necessary to protect the safety of any person.
4. If a school official acting under C-1-a or C-1-b; above, finds what is believed to be any firearm, explosive device, controlled substance, or other contraband, the school official shall promptly turnover said material to the appropriate law enforcement agency.
5. When a search is conducted by an agent or employee of a law enforcement agency, the principal or authorized representative shall immediately make every reasonable effort to contact and inform a parent or guardian of the student whose person or effects are to be searched, unless the law enforcement officer requesting the search informs the principal that doing so is contrary to the interests of the student to be searched
6. The principal or authorized representative shall make and submit a written report to the Superintendent of Schools by 9:00 AM of the next working day after the search is conducted, stating specifically and completely all information pertaining to the search. The Superintendent shall provide a complete copy of such report to the parent or guardian unless parental notice has been withheld under ∂ 3-C-5.

D. Arrest

1. School officials shall cooperate with any court order to arrest or detain any student, by identifying and producing such student for any law enforcement official seeking to effectuate said order.
2. A student may not be released into the custody of persons other than a parent or legal guardian without permission from said parent or legal guardian unless placed under arrest or detained by court order
3. If a student is removed from the school by legal authority, school officials should notify parents of this action as soon as possible.

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