

# Dell Rapids School District #49-3

## Policies and Regulations Code: J-Students



### JFG-Interrogations and Searches

#### Interrogations by Police

When students are at school or involved in a school activity off school grounds, the school has an obligation to the students and their parents, guardians and custodian, and also an obligation to law enforcement and the Department of Social Services. The purpose of this policy is to balance the rights of students and parents, guardians and custodians with the rights, authority and responsibilities of law enforcement and the Department of Social Services as those entities investigate juvenile delinquency/criminal matters and matters related to suspected child abuse and neglect. It is therefore the policy of the District that

- (1) should a law enforcement officer wish to interview a student under the age of 18\* while the student is at school or at a school activity for a reason other than investigating suspected child abuse or neglect, the District will contact the parent and inform them of the request by the law enforcement officer(s) to interview the student prior to the officer(s) interviewing the student.
- (2) should a law enforcement officer or person from the Department of Social Services be investigating suspected child abuse or neglect and wish to interview a student under the age of 18 while the student is at school or at a school activity, the school administrator shall document the request, such documentation limited to the name and position of the person making the request and the date of the request, and that the request was being made for the reason of investigating suspected child abuse or neglect. South Dakota law authorizes investigating personnel to personally interview a child out of the presence of the child's parents, guardian or custodian without advance notice or consent, and therefore the District will not notify the parent, guardian or custodian in such instances.

When a student reaches the age of 18, the student is a legal adult and has the authority to make the decision whether or not to talk with a law enforcement officer or representative of the Department of Social Services. The District shall afford the student an opportunity to contact his/her parent(s) for advice before student responds to a request from a law enforcement officer for the student to be interviewed by the law enforcement officer.

#### Searches by Staff

The right of inspection of students' school lockers is inherent in the authority granted school boards and administrators. This authority may be exercised as needed in the interest of safeguarding children, their property and school property.

Nevertheless, exercise of that authority by school officials places unusual demands on their judgment so as to protect each child's constitutional rights to personal privacy and protection from coercion and to act in the best interest of all students and the schools.

The following rules apply to the search of school property assigned to a specific student (locker, desk, etc.), and the seizure of items in his possession:

1. There should be reasonable cause for school authorities to believe that articles are kept in the locker, desk, or other storage space whose possession constitutes a crime or rule violation.
2. Search of an area assigned to a student should be for a specifically identified item, and should be conducted in his or her presence and with his or her knowledge.
3. General housekeeping inspection of school property may be conducted with reasonable notice.
4. Illegal items (drugs, weapons, etc.) or other possessions reasonably determined to be a threat to the safety or security of others may be seized by school authorities at any time.

#### Searches of Student Property by Police

A proper search warrant is required for any search of a student's personal property kept on school premises; however, if the police have reason to believe any item that might pose an immediate threat to the safety or security of others, searches may be conducted without a previously issued warrant. A school official shall be present at the time of the search.

LEGAL REF.: SDCL 26-8A-9

Adopted: December 11, 2017