



## **Student Interviews, Interrogations, and Searches**

Colorado Early Colleges' Governing Board ("Board") seeks to maintain a climate in all Colorado Early Colleges' schools ("CEC schools") which is conducive to learning and protective of the safety and welfare of staff and students. To achieve this goal, it may be necessary for school staff to search the person and/or the personal property of a student and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff.

### **Definitions**

"Interview" – refers to speaking to a student(s) who is/are a victim(s) and/or witness(es) or alleged victim(s) and/or witness(es). Conducted for the purpose of gathering information about an incident.

"Interrogation" – speaking to a student who is suspected of violating CEC policy or federal, state, or local law. Conducted to obtain a confession and/or obtain information about the student's involvement in the violation of CEC policy or federal, state, or local law.

"Administrator"- refers to CEC's Chief Executive Administrator, a CEC Head of School, and/or their designee.

### **Interviews/Interrogations by School Administrators**

Any interrogations of students conducted pursuant to this policy shall be conducted by two CEC staff members when at all possible. The nature and extent of the questioning will be reasonably related to the objectives of the questioning.

Two staff members are not required for an interview.

When a suspected violation of CEC policy, or federal, state, or local law occurs, the Administrator may interview potential student victims, witnesses, and suspects without the prior consent of the student's parent/guardian. If CEC staff are investigating a report of child abuse and the suspected perpetrator is a member of the student's family, no contact with the student's family will be made. In such cases, CEC will follow CDE's Mandatory Reporter process.

### **Searches Conducted by CEC Staff**

CEC staff may search a student and/or the student's personal property while on school premises or during a school activity in accordance with this policy and may seize any illegal, unauthorized, or contraband materials.

Whenever possible, the student shall be informed of the reason(s) for conducting the search, and the student's permission to perform the search shall be requested. A student's failure to cooperate with school staff conducting a search shall be considered grounds for disciplinary action.

## **Search of School Property**

All storage areas located on CEC premises or CEC-sponsored premises are CEC property and remain at all times subject to search without notice pursuant to this policy.

Students shall assume full responsibility for the security of any storage areas authorized for their use in the manner approved by the administration. Unapproved locking devices shall be subject to removal.

## **Search of The Student's Person or Personal Effects**

An Administrator may search the person of a student or a student's personal effects such as a student's pockets, jackets, coats, other outerwear, hats, shoes, socks, and any object in the student's possession such as a purse, backpack, book bag, or briefcase on CEC property or at CEC school-sponsored events/activities if the search is done in compliance with the other provisions of this policy, and the search will likely uncover:

- Evidence of a violation of CEC policies, or federal, state, or local law.
- Anything which, because of its presence, presents an immediate danger of physical harm or illness to any person.

Searches of a student shall always be reasonable in scope. Searches may include, but are not limited to: a student's pockets, jackets, coats, other outerwear, hats, shoes, socks, and any object in the student's possession such as a purse, backpack, book bag, or briefcase. Pat downs of a student shall only be done on the exterior of the student's clothing and shall only be done using the back of the Administrator's, or designee's hand(s).

CEC staff conducting a search shall be respectful of privacy considerations of the student.

Searches of a student and their personal effects may be conducted without the prior consent of the student's parent/guardian. However, the parent/guardian of any student searched shall be notified of the search as soon as reasonably possible.

Searches of a student that require a pat down search may be conducted only with the consent of the student's parent/guardian unless there is an immediate danger of physical harm or illness to any person. CEC staff will request the parent/guardian of the student identify which gender they wish to conduct the pat down search of their child. Local law enforcement will be contacted if the parent/guardian refuses or CEC staff cannot acquire parental consent. Pat downs of a student shall only be conducted with at least two CEC staff members present and be conducted only on the exterior of the student's clothing and using the back of the Administrator's, or designee's hand(s).

Searches of student that requires removal of clothing other than coats, jackets, hats, shoes, socks, or other outer clothing shall be referred to law enforcement. CEC staff shall not participate in these types of searches except for in extremely limited circumstances where there is an immediate danger of physical harm or illness to any person.

An administrative written report shall be prepared and uploaded to the Behavior tab in the student's Infinite Campus record by the CEC staff members who conducted the search, explaining the reasons for the search, the results, any extenuating circumstances, and the names of any witnesses to the search. If applicable, the report should include the name of the parent/guardian who was contacted and whether they consented or refused the search. If the parent/guardian consented to the pat-down search, the report must also include the gender of the staff member they requested to conduct the search.

## **Search of Student Vehicle**

Students are permitted to park on CEC school property as a matter of privilege, not of right. The privilege of bringing a student-operated vehicle on to CEC school property is conditioned on consent by the student driver to allow a search of the vehicle when it's reasonably related to the objectives of the search and not excessively intrusive.

The refusal by a student, parent/guardian, or owner of a vehicle to allow access to and search of a vehicle on CEC school property shall be cause for termination of the privilege of bringing the vehicle onto CEC school property. Refusal to submit to a search also may result in disciplinary action and referral to law enforcement.

Routine patrolling of student parking lots and an open view inspection of student vehicles will be permitted at all times. Vehicles may be subjected to suspicionless sniffs by dogs trained to alert at the scent of drugs, alcohol, explosives, or other contraband.

## **Seizure of Items:**

Anything found in the course of a search conducted by CEC staff which is evidence of a violation of CEC policy/law, or which by its presence presents an immediate danger of physical harm may be:

- Seized and offered as evidence in any suspension or expulsion proceeding. Such material shall be kept in a secure place by CEC staff until it is presented at the hearing. If possession of the item is a violation of law (e.g., controlled substances and weapons), the items shall be turned over to law enforcement as soon as practicable.
- Photographs may be introduced as evidence at the expulsion hearing in lieu of the items themselves if the item(s) is no longer in CEC's possession.
- Returned to the student or the parent/guardian after a determination is made by CEC staff that the item is no longer needed as evidence.

## **Use of Metal Detectors and Drug Detecting Dogs and Mechanisms**

CEC may use metal detectors, drug dogs, or other minimally intrusive detecting mechanisms to conduct mass, general, or random screenings of school grounds, and any property on CEC school property without any individualized suspicion concerning a particular student or group of students in accordance with the rights of students under state and federal laws. Under no circumstances shall dogs be allowed to sniff any student. Students shall be separated from their property during drug dog sweeps as to avoid potential embarrassment to students, to ensure that students are not targeted by dogs, and to decrease the possibility of dangerous interactions between dogs and students.

## **Searches During Field Trips or Other CEC Network or School-Sponsored Events**

If conducted in accordance with the other terms of this policy, CEC staff may search student hotel rooms, luggage, and other property in possession of students during field trips, athletic trips, and other CEC-sponsored trips and events away from campus.

## **Involvement of Law Enforcement**

CEC will cooperate fully with law enforcement in its investigations. Upon request by law enforcement to speak to a student victim, witness or suspect. CEC staff shall make an effort to notify the student's parent/guardian, unless prohibited by law enforcement from doing so. When law enforcement is conducting an investigation of reported child abuse where the suspected perpetrator is a member of the

student's family or when law enforcement has a court order directing that the student's parent/guardian not be notified, or when an emergency or other exigent circumstances exist.

If the student is under 18, the student's parent/guardian also shall be present during the law enforcement interrogation or interview unless:

- the juvenile is emancipated as that term is defined in state law;
- the student's parent/guardian has not been notified pursuant to this policy; or
- the student's parent/guardian agrees to the interrogation or interview without being present.

If law enforcement arrives at a CEC campus and asks to speak to a student, a CEC staff member will do the following:

1. CEC staff will ask law enforcement to provide a copy of a court order or whether there is an emergency or other exigent circumstance.
  - If yes, CEC will allow the questioning to take place.
  - If no, CEC staff will ask law enforcement for proof of consent from the parent/guardian and follow steps 2 and 3.
2. Without proof of a court order or exigent circumstance, CEC will require law enforcement to show written evidence that the parent/guardian has agreed to allow their student to be questioned and agreed to allow this questioning without them present.
3. Suppose there is no consent from a parent/guardian. In that case, CEC staff will ask law enforcement if the investigation is about a report of child abuse where the suspected perpetrator is a member of the student's family, placing the child at risk of imminent harm if CEC was to ask the parent/guardian for consent.
  - If yes, CEC will allow law enforcement to proceed in a manner that assures the child's safety.
  - If no, CEC will inform law enforcement that CEC will need to first obtain parental consent before allowing them to speak to the student.

If law enforcement refuses to answer the above questions, please refer them to this policy. Failure by law enforcement to adhere to this policy will result in law enforcement being unable to interview a student on campus.

It is the responsibility of the law enforcement official questioning to comply with all applicable procedural safeguards. CEC staff are not responsible for a law enforcement official's compliance with the law. If the student or their parent/guardian refuses to consent to questioning by the law enforcement officials, it is the law enforcement official's responsibility to respond appropriately to such refusal.

CEC may request a search on CEC school property be conducted by law enforcement. No CEC staff will assist or otherwise participate in searches and arrests made by law enforcement.

Students may be released to law enforcement officers if the student has been arrested or if the student's parent/guardian consent to such release. When law enforcement officers remove a student from school for any reason, school officials will make reasonable efforts to notify the student's parent/guardian. All procedural safeguards prescribed by law are expected to be followed by law enforcement officers conducting student arrests. However, CEC staff are not responsible for an officer's legal compliance when arresting a student.

CEC staff shall make a written record when law enforcement questions or attempts to question a student on CEC school property. The record shall include the following: the name of the law enforcement officer, the name of the CEC staff that asked the questions to law enforcement, the answers provided, a copy of the written proof of parental consent or court order and any other pertinent details if applicable

### **Interviews by the Department of Human Services (often referred to as CPS or DHS)**

CEC will cooperate fully with the Colorado Department of Human Services in its investigations. The noninvolvement in these guidelines refers to the actual investigation of a child's case, which the appropriate officials should handle. It does not refer to CEC's actions to cooperate with DHS.

Upon request by DHS to interview a student witness, CEC staff shall notify the student's parent/guardian, except in cases involving the investigation of a child who may be the victim of abuse and would place the child at risk of imminent harm or when DHS has a court order directing that the student's parent/guardian not be notified, or when an emergency or other exigent circumstances exist.

In all cases where a student is under 18, the student's parent/guardian also shall be present during the interview unless:

- the juvenile is emancipated as that term is defined in state law;
- the student's parent/guardian has not been notified pursuant to this policy; or
- the student's parent/guardian agrees to the interview without being present.

If DHS arrives at a CEC campus and asks to speak to a student, a CEC staff member will ensure the individual has proper identification and then will do the following:

1. CEC staff will ask DHS to provide a copy of a court order or whether there is an emergency or other exigent circumstance.
  - If yes, CEC will allow the interview to take place.
  - If no, CEC staff will ask DHS for proof of consent from the parent/guardian and follow steps 2 and 3.
2. Without proof of a court order or exigent circumstance, CEC will require DHS to show written evidence that the parent/guardian has agreed to allow their student to be interviewed.
3. Suppose there is no consent from a parent/guardian. In that case, CEC staff will ask DHS if the investigation is about a report of child abuse, placing the child at risk of imminent harm if CEC were to ask the parent/guardian for consent.
  - If yes, CEC will allow DHS to proceed in a manner that assures the child's safety.
  - If no, CEC will inform DHS that CEC will need to first obtain parental consent before allowing DHS to speak to the student.

CEC staff will always act with the intent of the Child Abuse Reporting Act, and ensure appropriate cooperation with local law enforcement personnel and DHS employees. Remember that all aspects of a child abuse investigation are confidential, including the fact that a law enforcement official or DHS caseworker has conducted an interview.

CEC staff shall make a written record when DHS interviews or attempts to interview a student on CEC school property. The record shall include the following: the name of the DHS employee, the name of the

CEC staff that asked the questions to DHS, the answers provided, and, if applicable, a copy of the written proof of parental consent or court order.

### **Record of Search**

CEC staff shall make a written record of every search conducted on CEC school property or by CEC staff of a CEC student. The record shall include the following: name of the individual searched, the name of the CEC staff that both conducted and witnessed the search, the grade level of the student, the race and gender of the student, the reason for the search, and the outcome of the search.

### **Surveillance Cameras**

Video and audio surveillance recorders may be used by CEC or CEC-authorized representatives to monitor students on CEC school property, buses, at bus stops, and at CEC school-sponsored events on and off school property, except in areas that if monitored would violate a student's right to privacy (e.g., bathrooms, locker rooms, hotel rooms).