

CCSD #46 Procedures for DCFS or Police Interviews of Students

The priority in approaching the procedures outlined below is to protect the students rights during the interview process.

DCFS agents'/designees' authority to interview a child derives from the authority to investigate reports of suspected abuse or neglect and/or remove the student from school ground into temporary protective custody. However, DCFS agents/designees do not have the authority to interview students on school grounds in the absence of school personnel or parents.

Department of Child and Family Services (DCFS)	Police, SRO, School Security Personnel
<p>1. Upon arrival, request and make a copy of the DCFS credentials and any papers pertaining to the legal process.</p> <p>2. The Building Principal will ask the DCFS agent to provide the reason for the interview and determining whether to allow the interview based upon the disruption of the student's instructional time and the school environment. EXCEPT where</p> <ol style="list-style-type: none"> a. a court order authorizes the interview at school b. A District employee is the subject or the DCFS investigation c. The DCFS agent is interviewing a report of suspected abuse or neglect made by a District employee d. The DCFS agent is taking or retaining temporary custody e. Other extreme emergencies <p>3. The Building Principal will attempt to contact the student's parent/guardian and inform him or her that the student is subject to an interview by DCFS agents, <i>except in circumstances in 2(c)- (e) above</i>. The Building Principal will document the date(s) and time(s) of the attempts.</p> <p>4. If DCFS requests that the parent/guardian not be notified or present during the interview, the Building Principal will require the request</p>	<p>1. Upon arrival, request a copy of the order that requires them to interview the student at school. This could include any documentation that they have describing the need for the interview. (could include: warrants for arrest, search warrants, or subpoenas to be serviced)</p> <ul style="list-style-type: none"> • Some scenarios do not require documentation for the interview to occur <p>2. Ask for appropriate identification and credentials from the law enforcement authority.</p> <p>3. Before detaining and questioning of a student age 17 and under, the law enforcement personnel and District MUST:</p> <ol style="list-style-type: none"> a. Ensure that notification or attempted notification of the student's parent or guardian is made. b. Document the time and manner in which notification or attempted notification was made. <p>4. Before questioning about suspected criminal behavior, law enforcement personnel and District must make "reasonable" efforts to ensure the student's parent or guardian are present during questioning.</p> <p>*** Should a parent or guardian not be</p>

to be in writing and signed by the DCFS agent.

5. Interviews shall be conducted in a private setting and in the least disruptive manner. If a parent or guardian is absent, the Building Principal or other administrator, or other staff member will be present for the interview.

6. The student may be removed from the school by the DCFS agent when taking or retaining temporary protective custody or in case of an emergency.

A local law enforcement officer or designated DCFS employee, or physician treating the child may take or retain temporary protective custody of the child without consent of the person responsible for the child's welfare, if:

- a. He or she has reason to believe that the child's circumstances or conditions are such that continuing in his or her place of residence or in the care and custody of the person responsible for the child's welfare presents imminent danger to the child's life or health
- b. The person responsible for the child's welfare is unavailable or has been asked and does not consent to the child's removal from his or her custody; or
- c. There is not time to apply for a court order under the Juvenile Court Act for temporary custody of the child. The person taking or retaining a child in temporary protective custody shall immediately make every reasonable effort to notify the person responsible for the child's welfare and shall immediately notify the Department.

7. No District employee may act as a DCFS agent.

present during questioning, law enforcement personnel or district MUST ensure that a mental health professional is present during questioning. (i.e. Social Worker, Psychologist, School Nurse)

5. Interviews shall be conducted in a private setting.

6. Interview proceedings will be documented in writing for inclusion in the student's temporary records.

7. No minor student shall be removed from the school by a police officer without the consent of a parent/guardian EXCEPT upon service of a valid warrant of arrest exists or in cases of warrantless temporary custody, or when probable cause exists.

When a police officer has no warrant and asserts that probable cause exists, the Building Principal shall inform the police officer that removal of the student from the school will occur in the least disruptive manner as determined by the Principal. If the Parent/Guardian is absent, the Building Principal will be present during the removal of the student from the school building.

**This does not limit the authority of a law enforcement officer to make an arrest on school grounds. Nor does it apply to circumstances that would cause a reasonable person to believe that urgent or immediate action is necessary to:

- a. Prevent bodily harm or injury to the student or any other person
- b. Apprehend an armed or fleeing suspect
- c. Prevent destruction of evidence
- d. Address and emergency or other dangerous situation