

Interview, Investigation, Search and Arrest of Students

The School District of Bonduel recognizes that cooperation with law enforcement agencies is necessary for the education and protection of students, for maintaining a safe school environment, and for safeguarding all school property. At the same time, the District recognizes the responsibility to protect the educational process and to provide for concerns of the parents and guardians regarding the welfare of their children.

The district also recognizes that the rights of parents and guardians, law enforcement agencies, and the student must be understood and balanced with the district's responsibility to maintain an appropriate learning environment. To this end, school authorities, defined as the district administrator, principals, pupil services director or their designees, shall cooperate with law enforcement agencies regarding investigations, interviews, and arrests on school grounds as outlined in the procedures which follow.

For the purposes of this policy crime shall be defined according to Wis. Stats. 939.12 as conduct prohibited by state law and punishable by a fine, or imprisonment or both. Conduct, in violation of a Village or County Ordinance or by State Statute only punishable by fines, shall be considered a forfeiture.

Procedure

Law Enforcement Action at the Request of School Authorities

1. Investigation in Schools
 - a. School authorities may request law enforcement assistance for the investigation of violations of law or alleged violations of law that have been, are currently, or are likely to occur on school premises or grounds.
 - b. Law enforcement personnel may conduct an investigation within school buildings or on

school grounds at any time including during school hours.

- c. When practical, school authorities shall be present during the interview of a student suspected of having knowledge of a violation of a State Statute or local ordinance, unless the student requests that school personnel not be present. Law enforcement personnel and district officials shall conduct student interviews in the least conspicuous manner possible.
 - d. Students being interviewed, who are not the suspect in an investigation, shall be afforded the opportunity to have a school district representative present, if the student makes the request.
2. Interviewing a Suspect in School
- a. If school authorities have requested assistance from a law enforcement agency to investigate a violation of law involving school buildings, grounds or students, the police shall have permission to interview a student suspect in school or on school grounds during school hours.
 - b. It shall be the responsibility of the law enforcement officer to ensure that a student suspect, who is being interviewed, is advised of all applicable constitutional rights.
 - c. If during the course of interviewing a student suspect, it becomes imminent that the student will be taken into physical custody, the school district shall attempt to notify the parent or guardian of the student by telephone. If contact is not made and the student is removed from school grounds, it shall be the responsibility of law enforcement or the Department of Social Services to notify the parent or guardian.
3. Search of School buildings or Items on School Property
- a. School authorities, having reasonable suspicion that evidence of a crime, stolen goods, drugs, weapons or other items of an illegal or prohibited nature, are located on a student's person or in a student's locker, desk, or any vehicle on school property, may request law enforcement assistance in following procedures to secure any of the above mentioned items, as proscribed by law, while considering the student's constitutional protections under the fourth amendment.

Police Action Not Requested by School Authorities

1. Investigation in Schools
 - a. Law enforcement personnel shall make every effort to interview students outside of school hours and off school grounds as to matters that do not involve the school directly or indirectly.
 - b. If the law enforcement personnel deem it necessary to interview students at school, school authorities shall be contacted prior to the interview, unless impractical.
 - c. If criminal prosecution becomes likely, law enforcement personnel shall be responsible for advising the student of any applicable constitutional rights.
 - d. School authorities shall attempt to notify by telephone the parent or guardian of any student after the student has been interviewed by law enforcement personnel on school grounds. If unable to contact the parent or guardian by telephone, school authorities will mail a written notice to the parent or guardian.

2. Interviewing a Suspect in School
 - a. Law Enforcement officers will make every effort to interview students outside of school hours and off school grounds, pertaining to issues not directly or indirectly related to school, in those cases where assistance by school authorities has not been requested.
 - b. If law enforcement personnel deem it necessary to interview students at school, they shall first contact school authorities regarding the interview, explain the necessity of the interview at school and obtain permission to interview the suspect from school authorities. In cases involving exigent circumstances, no prior approval is necessary.

3. Search of School buildings or on School Property
 - a. Law enforcement officers may not search student lockers, desks, or automobiles unless they have a search warrant, probable cause under the automobile exception, or probable cause under the Terry Doctrine. Students and their immediate surroundings may be searched as incident to a lawful arrest.
 - b. The student, if available, shall be present during the search.

- c. School authorities may not consent to a request initiated by a law enforcement officer for a warrantless search of a student's locker, desk, or automobile.

Action By School Authorities

1. Interviewing a Suspect in School
 - a. If during an interview relating to school matters, school authorities have reason to believe that a crime has been committed and law enforcement involvement is necessary, school authorities shall cease questioning the student and turn the investigation over to law enforcement personnel.
2. Search of School buildings or on School Property
 - a. School authorities maintain control over all school property loaned to students including, but not limited to, lockers and desks. School authorities, having reasonable suspicion that evidence of a crime, stolen goods, drugs, weapons or other items of an illegal or prohibited nature, are located on a student's person or in a student's locker, desk, or any vehicle on school property, may secure any of the above mentioned items, as proscribed by law, while considering the student's constitutional protections under the fourth amendment. The search may occur during or after school, on school property, or off school property during a school-sponsored activity.
 - b. Whenever practicable, a student shall be present, when his or her locker and or desk is being searched. When appropriate an attempt will be made to contact the student's parents or guardians by telephone regarding the reasonable suspicion behind the search and the results of the search itself.
 - c. School authorities may request the aid of law enforcement personnel in conducting a search based upon reasonable suspicion. Law enforcement personnel may be asked to stand by as a witness to the search and or to take any contraband into evidence.

Arrest by Police Officers

1. No law enforcement officer shall arrest or take custody of any student in the school building or on school grounds during school hours unless upon lawful request by school authorities and unless the officer has "probable cause" to arrest for a felony or misdemeanor, or has an arrest warrant or juvenile commitment order, which the issuing authority of juvenile court directs be served at school. Law enforcement may take students into protective custody as provided by law in Chapter 51 of Wisconsin Statutes or under a need for protective services as outlined in the Children's Code.
2. In cases where the student is to be taken into custody, the law enforcement officer shall first contact and advise school authorities. The student shall be summoned and or escorted to the office by school authorities. Law enforcement officers shall attempt to make the arrest in a manner as discreet as possible.
3. In emergency situations where the commission of a serious felony or misdemeanor has been witnessed by a law enforcement officer, or if the police law enforcement officer is in pursuit of a student for such crime, law enforcement personnel shall have the legal right to apprehend such student. If there is an imminent threat to persons in school buildings or on school property, law enforcement officers shall have the full cooperation of school authorities in the removal of the threat. Upon removing a student from the school, law enforcement personnel shall inform school authorities of the apprehension. If circumstances do not permit immediate notification, law enforcement shall notify the school at the earliest convenient time.
4. School authorities will attempt to notify the parents by telephone immediately after a student is taken into custody.

Student Initiated Contacts

1. Students who initiate contact or desire to speak with a school liaison officer shall have the opportunity to do so in private and without the notification of their parents, if they so wish. A school administrator, counselor, or pupil service's representative may be present at the request of the student. School

authorities recognize that liaison officers and other law enforcement personnel are resources upon which a student can rely to receive legal services or to report a crime.

2. If a student wishes to report a crime of a sensitive nature, the student may request whom they wish to be present.
3. Students who wish to report a crime or contact law enforcement as witnesses to a crime shall be afforded the same confidential setting as mentioned above.
4. School authorities further recognize that once a student has initiated contact with a liaison officer, the officer, in the interest of following up on the initial contact, may wish to speak with the student in private. The privacy of these communications shall remain intact until revoked by the student.

Cross Reference: Wis. Stats. 939.12, 939.51, 939.52
Wis. Stats. Chapter 51

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