

Students

Welfare

Guidelines for Police Questioning of Students on School Grounds

The School Board encourages school administrators and District staff to work in close cooperation with law enforcement, social services, and other outside agency personnel for the safety and well-being of students and staff.

School Related Incidents

If law enforcement officials are summoned by school personnel, or become involved in an incident which has occurred on school grounds, or at a school sponsored activity away from school premises, it may become necessary for them to interview students during school hours.

Non-School Related Incidents

When law enforcement officials request access to a student on school grounds or at a school sponsored event for non-school related incidents, the officer must first contact the principal or the principal's designee and advise him/her of the need to speak with a student. The officer shall be requested to meet with the student at a time when the student is not under the jurisdiction of the school, unless the officer requests to interview the child in accordance with Wisconsin Statute 48.981. When it is impractical for the officer to do otherwise, a law enforcement official may be permitted to interview a student during regular school hours consistent with the established Interview Guidelines.

Law Enforcement Officer Interview Guidelines

The following guidelines are to be used by administrators when law enforcement officials interview students in school during regular school hours. These guidelines do not apply to interviews conducted by District professional staff including the District's Police Liaison Officer.

1. All student interviews with law enforcement officials conducted on school premises shall receive prior approval of the building principal or designee. Approval of an interview request shall take into consideration such factors as the age of the student, the purpose of the interview, the subject matter of the interview, whether the conduct occurred on school grounds, and the seriousness of the conduct at issue.
2. Interviews should be coordinated with the student's schedule in order to minimize disruption to the student. Interviews should not be conducted during an exam, except in an emergency.
3. Only school personnel should summon the student from his/her class, unless law enforcement and school administration feel the situation warrants personal contact by the officer. School personnel should guard against other students knowing about the matter.
4. Interviews should be conducted in a closed setting in order to allow confidentiality.
5. If the parent or guardian cannot be present, a school official may be present at any interview by law enforcement officers unless that would create a conflict of interest related to situations regarding child abuse/neglect.
6. The law enforcement officer shall inform the student that, at a minimum, the student does not have to speak to the officer if the student does not desire to do so. No student shall be required to participate or cooperate in an interview by law enforcement officers. If the student or the student's parent/guardian declines a student interview with a law enforcement officer

on school premises, the District will work cooperatively with the parent/guardian and law enforcement officials in their attempt to schedule a meeting away from school premises.

7. No District employee shall disclose any information regarding the contact between the law enforcement officer and the student to anyone except a superior, or under appropriate circumstances to a parent or legal guardian. Generally, no information will be shared with a parent or guardian in cases related to child abuse/neglect referrals under § 48,981, Wisconsin Statutes.

Notification of Parent/Guardian

1. For elementary students, when practicable, a reasonable effort will be made to contact the student's parent/guardian in advance of the interview, except in the case of child abuse/neglect referrals, (§ 48,981, Wisconsin Statutes). Reasonable effort being defined as contact by phone at home or place of employment. The interview may proceed prior to notification of the parent or guardian if (a) the situation is determined by law enforcement and administration to require prompt action; (b) the situation is determined to be of a serious nature; or (c) the attempt to contact the student's parent/guardian has been unsuccessful.
2. Middle and high school students may be interviewed without prior notification of parent/guardian.
3. Depending on the particular facts and circumstances, the parent/guardian may be notified in writing if their child has been interviewed by law enforcement officers on school grounds, except where prohibited by § 48.981, Wisconsin Statutes.

Subpoenas

The serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. If service at the student's home is not possible, service of subpoenas on any student while on school property or at a school-sponsored event shall be accomplished as follows:

1. The law enforcement officer shall request the building principal to produce the student or employee to be served.
2. The building principal or designee shall make arrangements for the student to come to the office. These arrangements shall be made in such a way as to cause the least disturbance possible to the educational process.
3. The building principal or designee shall witness the service of the subpoena.

In all of these situations, every possible step should be taken to insure a minimum of embarrassment or loss of class time for the student.

Generally, school liaison officers assigned to work with students in the school setting may communicate and interact with students in the same manner as school personnel except when required to carry out law enforcement activities.

In cases where the law enforcement officer takes the student into custody or asks the student to leave the school building and accompany the officer to another location for questioning or protection or services, the building principal or designee shall be notified of the action. If the student is a minor, the building principal or designee shall notify the student's parent or guardian that the student is no longer in school or under school supervision, except in cases involving allegations of child abuse or neglect.

The office of the District Superintendent shall be notified immediately when any of the actions addressed in these guidelines has occurred.

Legal References: **49.981, Wisconsin Statutes**

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