

STUDENT INTERVIEWS BY POLICE AND OTHER OUTSIDE AGENCY PERSONNEL

The District recognizes that in order to protect students and staff, maintain a safe school environment, and safeguard all school and private property, cooperation with law enforcement and other outside agencies is necessary. The District also recognizes the need to minimize disruption of the educational process and protect the rights of all students while they are at school or under the supervision of school authorities. Therefore, school officials shall cooperate with appropriate law enforcement and other outside agencies regarding the interview, investigation, interrogation, search and/or arrest of students on school property owned, controlled or supervised by the District, according to established procedure. Generally, outside agency personnel will be expected to follow these guidelines when interviewing students at school and during school hours:

1. The principal or designee must be informed of all student interviews conducted at school. All such student interviews shall be held as discreetly as possible.
2. A District employee may be present during student interviews with outside agency personnel unless the student or minor student's parent/caregiver requests otherwise. An employee's presence during a law enforcement officer interview may be permitted as determined appropriate by the principal/designee and consistent with law enforcement agency standards and applicable legal requirements. Outside agency personnel conducting child abuse or neglect investigations may, in the exercise of professional judgment and in accordance with agency standards, exclude District employees from interviews.
3. A reasonable attempt shall be made to notify the student's parent/caregiver in advance of an interview at school, except for cases involving allegations of child abuse or neglect. If the parent/caregiver cannot be reached and the situation does not permit delaying the interview, the attempts to make contact shall be documented.
4. Law enforcement personnel may take a student into custody while he or she is in school as authorized by law. The principal shall be notified of such action and it should be done with as much discretion as possible.

The following additional procedures shall apply:

Investigation by law enforcement at the District's request for assistance.

The district administrator or a principal (district administrator must be promptly notified) may exercise his or her discretion in determining whether to request assistance of law enforcement personnel in investigating a crime, or the allegation of a crime, committed on or in school property owned, controlled or supervised by the District ("school property"), or when the alleged victim is a student or staff member. The request for assistance will generally be directed to the law enforcement agency of the municipality in which the school property is located, including the appropriate police department or sheriff's office. The investigation will then be conducted in a manner, which is the least disruptive to the educational process as a whole and to the individual student witnesses, victims and alleged perpetrators.

Police investigation not requested by District authorities.

When the District has not requested the assistance of law enforcement, the law enforcement officers will make every effort to interview students outside of school hours and off school property. This provision does not apply in cases in which there is a threat to the health or safety of persons or property, including a threat to the health or safety of students, school staff or the community, or to property at school. This provision also does not apply in cases of suspected child abuse or neglect.

LEGAL REF.: 48.19 - Wisconsin Statutes
48.981(3) – Wisconsin Statutes
118.125 – Wisconsin Statutes
118.127 – Wisconsin Statutes
120.13(1) – Wisconsin Statutes
938.396 – Wisconsin Statutes
946.40 – Wisconsin Statutes
946.41 – Wisconsin Statutes
Wisconsin Attorney General Opinions
(79 OAG 49 – 1990 and 81 OAG 126, 132-33 – 1994)

CROSS REF.: 347-Rule - Procedures for Maintenance & Confidentiality of Student Records
446 - Student Searches
454 - Reporting Child Abuse/Neglect

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