

Policy

BOARD OF EDUCATION
HORTONVILLE AREA SCHOOL DISTRICT

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INVESTIGATIONS INVOLVING LAW ENFORCEMENT AND OTHER GOVERNMENTAL AGENCIES

The Board is committed to maintaining the educational atmosphere of the schools and restricting access by individuals not part of the school system but also recognizes its responsibility to cooperate with law enforcement agencies and its need for assistance from law enforcement in certain circumstances.

The District contracts with one or more municipalities for the services of School Resources Officers (SROs) pursuant to its shared agreement or memorandum of Understanding, which sets for the relationship between school officials and SRO.

When law enforcement requests permission to interview a student at school, the District Administrator, building administrator or Resource Officer shall be contacted prior to any further action by law enforcement. The administrator of the Resource Officer shall determine whether it is appropriate to provide access to the student based on the officer's purpose or whether the officer has stated that there is an emergency involving imminent threat, or that the officer is in possession of a valid warrant. A warrant shall be deemed valid if executed by a judicial officer and describes the school premises.

When an agency requests permission to remove a student, or does remove a student without prior permission, the building administrator shall be notified.

Law enforcement investigations on school premises fall into two (2) primary categories. First, some investigations will occur at the request of school administration due to suspicion of a violation of school policy that may also be criminal. Second, law enforcement investigations may occur without the initiation of school officials and may or may not involve activity on school grounds.

Different procedures are to be followed each instance as outlined below:

A. By law enforcement personnel, on request of school authorities

1. An administrator may exercise ~~his/her~~ discretion in determining whether to request assistance of law enforcement in investigating a crime, or allegation of a crime, committed in the administrator's school building or on school grounds during school hours. When determining whether to contact law enforcement, a school administrator shall consider the mandatory reporting requirements of 48.981, Wis. Stats., in the event the allegations involve suspected child abuse or neglect.
2. If the administrator requests assistance, law enforcement may conduct an investigation within the school building and interview students as witnesses in school during the school day. Administrators shall take steps to assure that students are not removed from classes if at all possible. The administrator may be present during the interview unless the law enforcement officer requests that the school official not be present. The

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student may request other representation such as legal counsel. If a student requests legal counsel, the administrator will make an effort to contact the parent(s) and the student will be put in custody of the law enforcement agency. A decision whether to take a student into custody is the decision of the law enforcement officer.

3. If the investigation focuses on a particular student as a prime suspect of a crime, the administrator and the law enforcement officer shall abide by the guidelines with respect to any interrogation, search, and arrest. Once law enforcement is involved in an investigation of possible criminal activity on school grounds, assuring that the constitutionally protected rights are respected during the investigation process is the law enforcement officers' responsibility.
4. School officials shall assist and cooperate in investigations as requested by law enforcement and consistent with District responsibility to maintain the confidentiality of student records under State and Federal law.

B. By law enforcement personnel without request of school authorities

1. Depending on the circumstances, the Resource Officer will take into consideration a student's schedule before interviewing the student. This procedure will not apply to circumstances where a serious crime may be involved, or where imminent threats to persons or property may be involved or where law enforcement states that it is not feasible to interview the student outside of school due to the nature of the investigation and that they are not able to provide specific information substantiating the need to immediately interview the student. Law enforcement officers will be asked to make every effort to interview students outside of the school hours and outside of the school setting in those cases where assistance has not been requested by school authorities.
2. The administrator shall make every effort to maintain the privacy of the student.
3. If law enforcement officer is in possession of a valid warrant, school officials shall in no way interfere with the officer's execution of the warrant. A warrant shall be considered "valid" if it accurately describes the school facility and is executed by an authorized judicial official. District officials shall not attempt to evaluate the sufficiency of probable cause upon which the warrant is based.

Notify the law enforcement officer that the school official will be attempting to contact the student's parent prior to questioning, unless specifically requested not to because such contact would unduly impede the investigation.

In the event a law enforcement officer seeks to execute a warrant on school grounds, the officer is to be directed to the building administration. The administration shall attempt to assist in executing the warrant by directing the student to report to the office.

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118.257, Wis. Stats.
120.13(35), Wis. Stats.
175.32, Wis. Stats.
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