

INTERROGATIONS – STUDENT

POLICY STATEMENT

- A. If a situation arises in which law enforcement officers request permission to remove a student from class or school for the purpose of questioning, permission of the student's parent or guardian and the building principal will be necessary for such questioning. County officials may, however, contact, observe, or interview a student at school without parental permission if the child is in need of protection or services as determined by the building principal or designee.
- B. In cases where permission is granted to law enforcement officers to question a student on school grounds, the building principal or designee shall be present during the questioning.
- C. This policy is directed at situations during the regular school day and does not necessarily pertain to co-curricular activities.

PROCEDURE

- A. Guidelines: When officers will be used by the school.
 - 1. The police officer is responsible for areas where direct violations of the law have occurred and will not be used as an arm of the school discipline. The following guidelines provide the parameters as to when the police officer can assist the school.
 - a. School officials are to make attempts to resolve problems before involving a police officer.
 - b. Police officers can advise students who have questions or concerns about the law during the school day and how it affects them with permission of building principal or designee.
 - c. Police officers can assist school personnel in providing classroom presentations and discussions with students on legal issues, police profession, and other pertinent information.
 - d. Police officers can assist school officials in referring students to other social agencies when the need warrants.
 - e. Police officers may assist teachers, administrators, and other personnel in understanding the law, referral procedures, and other pertinent information.
 - f. Police officers are not to deal with issues that are the responsibilities of school officials. Such problems as attendance, discipline, student parking and other similar problems except where the law provides.
 - g. Police officers are to deal with issues considered criminal activities such as serious assaults, drugs, guns or other weapons, loitering, extortion, theft, alcohol, burglaries, etc.

- h. Police officers can be invited to faculty meetings and/or other meetings or committees upon the request of school officials.
- i. Police officers shall make every effort to conduct their non-school business with students at times other than class times except with the permission of the parents or guardians, unless a warrant for the student's arrest or an official order by a judge of a children's court is presented, or the officer has a probable cause to arrest for a felony or misdemeanor as provided under Wisconsin Statute 48.19 and/or emergency detention requirements under 51.15.

B. Investigation in schools.

- 1. By police on request of school authorities.
 - a. A building principal or designee may exercise his/her discretion in determining whether to request assistance of police in reasonable cause to believe an incidence of crime may occur or allegation of a crime, committed in his/her school building or school grounds during school hours or school activities.
 - b. If the building principal or designee requests assistance, the police officer may conduct an investigation within the school building and interview students as possible witnesses in school during the school days. The building principal or his/her designee shall be present during the interview unless the student requests that they not be there. A non-uniformed police officer shall be used if possible.
 - c. If the investigation focuses on a particular student as a prime suspect of a crime, the building principal and the police officer will follow the general guidelines herein set forth with respect to interrogation, search and arrest. When the investigation turns to allegations on a prime suspect in a crime, the parents are to be called.
- 2. By police, without request of school authorities.
 - a. Police officers will make every effort to interview students outside of the school hours and outside of the school setting in those cases where assistance by school authorities has not been requested. This procedure will not apply to circumstances where serious crimes are involved or where imminent threats to persons or property are involved.
 - b. If the police deem it absolutely necessary to interview students at school, the Police Department shall first contact the building principal or his/her representative regarding the planned visit and inform the building principal and/or his/her designee of the probable cause to investigate within the school and obtain his/her approval. The police officer shall not commence his/her investigation until such approval is obtained.
 - c. If the building principal or designee is unavailable in any school, such permission may be secured through the District Administrators' office. The Police Department may appeal to the District Administrator if it is deemed that approval was unreasonably withheld. The building principal or his/her designee shall be present during the interview unless the student requests they not be there. In

cases of suspected abuse in which the parent or guardian is suspect, they may not be notified, pending the outcome of the interviews.

- d. Before investigation, if criminal prosecution is contemplated, the police officer shall advise the student of the nature of the crime of which he or she is suspected, and advise the student of their rights based upon current federal and state law and department policy. The school officials or parents cannot waive these rights on behalf of the student and it is the school official's responsibility to insure that the student fully understands all of his/her rights.

C. Interrogation of suspects in schools.

1. If a building principal or designee has requested assistance by a Police Department to investigate a crime involving his/her school building or students, the police shall have permission to interrogate a student suspect in school during school hours. The building principal or his designee or the police shall first notify the parents of the student of the intended interrogation and the police shall inform the parents of all of the child's constitutional rights. The building principal or administrative designee shall be present unless the student requests otherwise.
2. Before interrogation, the police officer shall advise the student of the nature of the crimes of which he or she is suspected, and advise the student of their rights based upon current federal and state law and department policy. The police officials or parents cannot waive these rights on behalf of the student and it is the police official's responsibility to insure that the student fully understands all of his/her rights.
3. If criminal prosecution is contemplated by the police, interrogation should not commence unless a parent or guardian of the child is present. This does not apply if either the child or parent or guardian waives their presence at the interrogation. In situations where the parents cannot be reached, or are unwilling to attend, it is the building principal's or the designee's decision whether to proceed or not.
4. By police, without request of school authorities.
 - a. Police officers will make every effort to interview students outside of school hours and outside the school setting in these cases where assistance has not been requested by school authorities.
 - b. If the police deem it necessary to interrogate students at school, the police shall first contact the building principal or designee regarding the planned interrogation, inform the building principal or designee to the necessity to interrogate the child within the school, and to obtain the building principal's or designee's approval. The police officer shall not commence his/her investigation until such approval is obtained. Under the circumstances where the building principal or designee is not available to provide such approval, the approval may be obtained from his/her school representative. If the police believe approval is unreasonably withheld, an appeal may be made to the District Administrator. The building principal or his/her designee shall be present during the interview unless the student/parent requests they not be there.
5. By school administrators.
 - a. If upon interrogation relating to school matters the building principal or designee has reason to believe that a crime has been committed and desires police

involvement, he/she shall immediately cease questioning the student and turn the investigation over to the police, at which time all constitutional safeguards shall attach.

D. Arrest by police officers.

1. No police officer shall arrest or take custody of any student in school during school hours unless upon lawful request by the building principal or designee, or 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 or juvenile court direct be served at school.
2. In cases where the student is to be taken into custody, the police officer shall first contact the building principal or designee and advise him/her of such fact. The student shall first be summoned to the office by the building principal or his/her designee.
3. In emergency situations where the commission of a serious felony or misdemeanor has been witnessed by a police officer or if the police officer is in the pursuit of a student for such crime, the police shall have the legal right to apprehend such student. However, when removing such student from the school grounds, the police officer shall inform the building principal or his/her designee and the parents of such apprehension.
4. The building principal or designee shall record the name of the police officer, the time of the arrest, the name of the issuing authority of any arrest warrant, the nature of the crime for which apprehension is made, and the place of custody or detention. The parents or legal guardians of the student should be notified immediately thereof by the building principal or designee. It is of course also incumbent upon the police to notify parents immediately after an arrest of a student is made.

LEGAL REFERENCE: Section 49.981 Wisconsin Statutes

CROSS REFERENCE: 882.1 Police/School Liaison Program