

Law Enforcement Investigations on School Grounds

Law enforcement investigations on school grounds fall into two primary categories:

1. Investigations at the request of a school official due to suspicion of a violation of school policy that may also be criminal.
– or –
2. Investigations that may occur without the initiation of school officials and may or may not involve activity on school grounds.

District guidelines for those investigations are as follows:

Investigation at the Request of School Officials

1. An administrator may exercise his/her discretion to determine whether to request the assistance of law enforcement officials.
2. To the extent possible, all such interviews will be conducted during non-instructional times. This procedure will not apply to circumstances where a serious crime may be involved or where imminent threats to people or property may be involved.
3. When students must be removed from class, it will be done by school personnel whenever possible.
4. Reasonable efforts should be made to interview suspects and witnesses in a private setting.
5. The principal/designee shall be present at in-school interviews of students, unless restricted by law. Under no circumstances shall the principal/designee provide legal advice to students when involved in interviews or apprehension of students by law enforcement officials.
6. The principal/designee shall notify a parent/guardian, as soon as practical, regarding the investigation, and shall document (date, time, issue, attempts to contact a parent) the interview or apprehension of a student by law enforcement officials.
7. When a student is interviewed as a victim of abuse or neglect, a parent/guardian need not be notified or involved if said notification might compromise the investigation or endanger the student. Additionally, law enforcement officials or social services personnel may conduct such interviews without the presence of a school official.

Investigation without the Request of School Officials and/or Regarding Non-School Related Incidents

1. Law enforcement officials shall make every effort to conduct their business with students outside of the school hours and outside of the school setting. The business should be based on immediate necessity, not based on convenience factors. This procedure will not apply when: a) circumstances indicate a serious crime may be involved, or where

imminent threats to people or property may be involved, or b) permission has been granted by the parent/guardian, or c) valid circuit court warrant (not a municipal court warrant) is presented to the principal/designee.

2. If deemed necessary to conduct business with students at school, law enforcement officials shall first contact the principal/designee to request approval. The law enforcement official may appeal to the superintendent if the principal/designee is believed to be unreasonable in withholding approval.
3. Every effort will be made to engage with students during non-instructional times. When students must be removed from class, it should be done by school personnel whenever possible.
4. Reasonable efforts shall be made to interview suspects and witnesses in a private setting.
5. The principal/designee shall be present, as a witness only, at in-school interviews of students, unless restricted by law. Under no circumstances shall the principal/designee provide legal advice to the student nor interfere or interject when involved in an interview or apprehension of students by law enforcement officials.
6. The principal/designee shall notify a parent/guardian, as soon as practical, regarding the investigation, and shall document (date, time, issue, attempts to contact a parent) the interview or apprehension of a student by law enforcement officials.
7. When a student is interviewed as a victim of abuse or neglect, a parent/guardian need not be notified if said notification might compromise the investigation or endanger the student. Additionally, law enforcement officials or social services personnel may conduct such interviews without the presence of a school official.

Custodial Arrests in the School Setting

No law enforcement official shall arrest or take custody of any student during school hours in the school setting unless: 1) the law enforcement official determines there is probably cause to arrest or remove, or 2) an arrest warrant or juvenile commitment order has been issued, or other reasons set forth by law. Before arresting or taking custody of a student during school hours in the school setting, the law enforcement official shall contact the principal or designee and advise him/her of the nature of the matter. The student shall be summoned by school personnel to the school office or other location of reasonable privacy for the arrest or taking custody by law enforcement officials.

If a student is arrested or taken into custody on school grounds, it is the responsibility of the law enforcement agency to notify the student's parent/guardians in accordance with state law. The principal or designee also shall attempt to notify the parent/guardian as practical.

When a student poses imminent threat to the safety of himself/herself or others, or if another emergency situation exists, the law enforcement official shall have the right to arrest or take custody of the student without first contacting the principal or designee. Immediately afterward, the principal or designee should be informed, in addition to notifying the student's parent/guardian.

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