

Book	Policy Manual
Section	Policies for Cale to approve, 34-1 Technical Corrections
Title	Copy of THE SCHOOLS AND GOVERNMENTAL AGENCIES
Code	po5540 done cb
Status	
Adopted	December 9, 2019
Last Revised	February 14, 2022

5540 - ~~THE SCHOOLS AND GOVERNMENTAL AGENCIES~~ 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.

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

When law enforcement requests permission to interview a student at school, the District Administrator or building administrator shall be contacted prior to any further action by law enforcement. The administrator shall determine whether it is appropriate to provide access to the student based on the officer's purpose, 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.

If law enforcement is contacted by the administration for assistance, administration may maintain the lead role in the investigation and shall be present. If the situation requires law enforcement to lead to investigation and/or an administrator is not present, the officer will contact a parent to be present for any interview to the extent reasonable based on the immediate situation.

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 in 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 ~~his/her~~ the administrator's school building or on school grounds during school hours. If assistance is so requested, it shall be directed to the local law enforcement agency and the administration shall remain the primary investigator with assistance from law enforcement. When determining whether to contact law enforcement, a school administrator shall consider the mandatory reporting requirements of ~~Section 48.981, Wis. Stats.,~~ in the event the allegations involve suspected child abuse or neglect.
2. If the administrator requests assistance, a law enforcement officer may conduct an investigation within the school building and interview students as witnesses in school during the school day. The administrator shall be present during the interview unless the law enforcement officer, student or the student's ~~his/her~~ parent requests that the school official not be present. The 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. The administrator or law enforcement officer shall attempt to contact the parent(s) of any student prior to questioning by law enforcement. If

building level administration leads the investigation, with an officer present, prior parent contact is not required and administration will contact parents after completing the investigation (case specific - some may warrant prior parent contact). 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 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. 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. 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.
2. If law enforcement deems it absolutely necessary to interview a student at school, the law enforcement personnel shall first contact the administrator regarding the planned visit and inform the administrator of the circumstances that require ~~him/her~~ law enforcement to investigate within the school and obtain ~~his/her~~ the administrator's approval to interview a student during school hours. The law enforcement officer shall not commence ~~his/her~~ an investigation until such approval is obtained. The law enforcement personnel may appeal to the District Administrator if it is deemed that approval was unreasonably withheld.

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.

In the event a law enforcement officer seeks to execute a warrant on school grounds, the officer is to be directed to building administration. The administration shall attempt to assist in executing the warrant by directing the student to report to the office. The school administration shall then: (1) contact the student's parent if the student is a minor; and (2) contact the District Administrator. This process shall be followed unless the law enforcement official states that ~~s/he~~ the official has reason to believe that the subject of the warrant poses an immediate threat to the health and safety of others while in the school. In such a case, school officials shall grant access to the facility for execution of the warrant.

~~[] The District Administrator shall prepare guidelines to promote understanding and cooperation between staff members and students and these agencies.~~

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