

**FILE: JFG**

**MEDFORD AREA PUBLIC SCHOOL DISTRICT**

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<b>DATE REVISED:</b>	<b>February 20, 2003</b>		<b>SEARCHES</b>
<b>DATE REVISED:</b>	<b>April 16, 2009</b>		
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The Medford Area Public School District Board of Education recognizes that the responsibility to cooperate with law enforcement agencies must be balanced with the district's duty to maintain an appropriate learning environment and protect the students in its charge.

School officials shall cooperate with appropriate law enforcement agencies regarding the investigation, interview, arrest, and search of students on school property or in the school building according to established procedure.

**CROSS REFERENCE: GBCE, JFAA, & JFG-R**  
**LEGAL REFERENCE: §48.981, 118.257, 118.32, 938.19, & 948.50 Wis. Stats. and US Constitution 4<sup>th</sup> Amendment**

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**INVESTIGATION AND INTERVIEW**

Investigation By Law Enforcement Upon Request of School Authorities

1. A principal, or designee, 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 school building or school grounds during school hours.
2. If the principal or his/her designee requests assistance, law enforcement may conduct an investigation within the school building and interview students as possible witnesses in school during the school day. The principal or his/her designee may be present during the interview unless the student requests they not be there.
3. If the investigation focuses on a student as a suspect of a crime, the principal or his/her designee, and the law enforcement officer will follow the general guidelines herein set forth with respect to interviews of suspects by law enforcement upon request of school authorities.

Investigation By Law Enforcement Without Request of School Authorities

1. If law enforcement deems it necessary to interview students (possible witnesses and/or victims) at school, the Law Enforcement Department shall first contact the principal or his/her designee, regarding the planned visit and inform the principal or his/her designee of the probable cause to investigate within the school. The Law Enforcement Department may contact the district administrator or his/her designee in the case of the principal or his/her designee not being available.
2. In other situations involving the interviewing of students by non-school personnel in relation to a child in need of protection or services, the principal or his/her designee shall comply with §48.981(3)(c) and relevant opinions from the State Attorney General and make every effort to cooperate with non-school personnel.
3. If the investigation focuses on a student as a suspect of a crime, the principal or his/her designee, and the law enforcement officer will follow the general guidelines herein set forth with respect to interviews of suspects by law enforcement without request of school authorities.

Interviews of Suspects By Law Enforcement Upon Request of School Authorities

1. If a principal or his/her designee, has requested assistance by a Law Enforcement Department to investigate a crime involving his/her school building or students, law enforcement shall have permission to interview a student suspect in school during school

hours. The principal or his/her designee shall make a good faith effort to notify the parent(s)/guardian(s) of the student of the intended interview. The principal or his/her designee of the student's choice may be present unless the student requests they not be there.

2. Before interview, the law enforcement officer shall advise the student of the nature of the crime of which he or she is suspected and inform them that he/she does not have to speak to officers if he/she does not desire to do so. The school officials or parent(s)/guardian(s) cannot waive these rights on behalf of the student.

If criminal prosecution is contemplated by law enforcement, interviews shall not commence unless an attempt is made to notify the parent(s)/guardian(s) of the student. In situations where the parent(s)/guardian(s) cannot be notified, it is the principal's or his/her designee's decision whether to proceed or not.

### Interview of Suspects By Law Enforcement Without Request of School Authorities

1. If law enforcement deems it necessary to interview suspects at school, law enforcement shall first contact the principal or his/her designee, regarding the planned interview, and inform the principal or his/her designee of the necessity to interview the student within the school. Under circumstances where the principal or his/her designee is not available, the notification of interview should be directed to the district administrator or his/her designee. Interviews should be arranged by methods that minimize disruptions. The principal or a guidance counselor of the student's choice may be present unless the student or his/her designee requests they not be there.
2. Before interviews, the law enforcement officer shall advise the student of the nature of the crime of which he or she is suspected and inform them that he/she does not have to speak to officers if he/she does not desire to do so. The school officials or parent(s)/guardian(s) cannot waive these rights on behalf of the student.

If criminal prosecution is contemplated by law enforcement, interview shall not commence unless an attempt is made to notify the parent(s)/guardian(s) of the child. In situations where the parent(s)/guardian(s) cannot be notified, it is the principal's or his/her designee's decision whether to proceed or not.

## **SEARCHES**

School officials have an affirmative duty to investigate any suspicious conduct, materials dangerous or harmful to the health and welfare of students, school personnel or property present within the school. They shall cooperate with law enforcement personnel in any such investigation.

### Search of School Building or On School Property, By Law Enforcement, Upon Request of School Authorities

If a principal or his/her designee has a reasonable suspicion, that evidence of a crime, stolen goods, drugs, weapons or items of an illegal or prohibited nature, is located in a certain student's locker, desk, property or student's or non-student's automobile, the principal or his/her designee, may request law enforcement assistance. Law enforcement or a police liaison officer may participate in searches at the request of school officials provided such reasonable suspicion exists.

## Search of School Buildings or On School Property, By Law Enforcement, Without Request of School Authorities

If law enforcement personnel seek permission from school authorities to search a student's property or locker to obtain evidence related to criminal activities, the school officials shall require law enforcement to obtain a valid search warrant unless: (1) there is uncoerced consent by the person whose interests are involved, (2) there is probable cause and circumstances are such that taking the time to obtain a warrant would frustrate the purpose of the search or, (3) a valid arrest has been made and the search is incident to the arrest. School officials shall make a good faith effort to notify the parent(s)/guardian(s) when a request is made to search a student or the student's property or locker.

## Search By School Authorities

Unreasonable searches and seizures shall not be conducted by school officials, and staff should remain sensitive so as not to invade the privacy of their students any more than necessary to achieve the legitimate end of preserving order in the schools. Rather than conduct a search, a school official or his/her designee has the right to contact a law enforcement official to take appropriate action.

Under no circumstance will a strip search be conducted by the school district at any time. A strip search as defined in Wisconsin statutes means "a search in which a detained person's genitals, pubic area, buttock or anus or a detained female person's breast is uncovered and either is exposed to view or touched by a person conducting a search". If the nature of the problem is so serious or severe that this type of search is to be considered, law enforcement agencies will be contacted immediately.

### 1. Who May Conduct a Student Search

A school official or his/her designee and one additional person may conduct a search. One of these two people must be of the same sex as the student being searched.

1. A school official is defined as a principal or other administrator.
2. A designee is defined as any school district employee designated by a school official for the purpose of conducting a search. If there is a certified school employee present, that individual shall be the designee.

### 2. Documentation

For all searches, the individual doing the search shall maintain a written record of all actions leading up to and including the search.

### 3. Search of Students

In the interest of the welfare of the students and the school community, it may be necessary to search a student or the student's property. The search may be conducted if the school official or his/her designee has obtained voluntary and uncoerced student consent for the search or a reasonable suspicion that the student has obtained, or has in his/her possession, items in violation of school regulation, local ordinance, or state law.

The manner in which the search is conducted must be reasonably related to the objective of the search and must not be overly intrusive in light of the age and sex of the student and the nature of the infraction.

No school official may conduct such search unless he/she suspects, from information or personal observation, that a student is in violation of school rule, local ordinance, or state statutes.

In such cases the following procedure will be used.

- A. Inform the student of the reason for conducting the search.
- B. Request permission of the student to conduct the search.

4. Search Conducted with the Student's Consent

The school official or his/her designee who is conducting this search has the right to request a student to empty pockets, purses, backpacks, or other articles used to carry personal effects; to remove hats, shoes, and/or to roll socks down. The school official or his/her designee can also request a student to remove outer garments, such as sweatshirts, sweaters, jackets or vests if worn over blouses, shirts or t-shirts. No school official or school employee has the right to request the removal of any other clothing or to conduct a strip search.

If the student cooperates, the school official or his/her designee may notify the student's parent(s)/guardian(s) if he/she deems it appropriate.

5. Search Procedure if a Student Refuses to Cooperate

If a student refuses to cooperate, the school official or his/her designee has the authority to proceed, if reasonable grounds to suspect that the search will reveal evidence of school or legal violations.

A school official may contact the student's parent(s)/guardian(s) in order to request him/her to encourage the student to cooperate. If the parent(s)/guardian(s) have not been contacted and the law enforcement officials are involved, the school official or his/her designee will make a good faith effort to notify the parent(s)/guardian(s) as soon as possible as to the reason for such search.

6. Danger to Students or Other Individuals

If a school official or his/her designee has reason to suspect that a student is carrying a dangerous or illegal item or substance and if a school official or his/her designee believes that an immediate search is necessary, he or she may search a student's pockets or belongings and conduct a pat-down search. The student may be detained until such time as a law enforcement official arrives.

7. Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever the student has given consent to search a vehicle or a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside. Such patrols and exterior inspections may be conducted without notice, without student consent, and without a search warrant.

8. Seizure of Illegal Materials

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

**ARREST BY LAW ENFORCEMENT**

1. No law enforcement officer shall arrest or take custody of any student in school during school hours unless upon lawful request by the principal or his/her designee, unless the officer makes an arrest for a felony or misdemeanor, or has an arrest warrant or juvenile commitment order, which the issuing authority of juvenile court directs be served at school.
2. In cases where the student is to be taken into custody, the law enforcement officer shall first contact the principal and advise him/her of such fact. When appropriate, the student shall first be summoned to the office by the principal.
3. In emergency situations where the commission of a serious felony or misdemeanor has been witnessed by a law enforcement officer or if the law enforcement officer is in pursuit of a student for such crime, law enforcement shall have the legal right to apprehend such student. However, before removing such individual from the school grounds, the law enforcement officer shall inform the principal or his/her designee of such apprehension.
4. The principal or his/her designee, shall record the name of the law enforcement 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 parent(s)/guardian(s) of the student shall be notified as soon as possible by the principal or his/her designee.