

Investigatory Interviews and Searches

Code #445.00

Tri-County Area School District school officials shall cooperate with appropriate law enforcement agencies regarding the investigation, arrest, and search of students on school property.

The interviewing of students by law enforcement should occur only when there are compelling reasons that lead the Principal to conclude that the interview cannot feasibly take place at another time or place.

The Principal shall ensure that:

- The students are notified of the interview by the Principal. The Principal shall make every effort to ensure that the details of the interview remain confidential.
- The parent(s) or legal guardian(s) of the student are notified of the interview if the student is a minor before the interview commences, unless it is impossible to reach the parent or guardian, unless the parent refuses to attend or unless the interview concerns a possible crime by a parent/legal guardian (e.g. child abuse or neglect).
- Before the interview, if criminal prosecution is contemplated, the police officer and/or the Principal shall advise the student of the nature of the crime/interview and that he/she has a right to remain silent, that anything said may be used against him/her in a court of law, that he or she has the right to have an attorney present, and that the student and/or parent/legal guardian may stop the interview at any time.
- The Principal may be present during the interview unless the student decides otherwise.

Search of Students

A limited search for dangerous or illegal items or substances on the person or within personal clothing, bags, purses, etc. of a student may take place. A search of a student may only be done if there is reasonable suspicion that the search will turn up evidence that the student has violated or is violating the law or the rules of the school, and/or if the search is a proper means of protecting the interests of education and property as well as the health and safety of all those in the school. Two adult members or officials of the school shall be present when conducting a search of a student, unless such search of a student must occur during an extra-curricular event or field trip when two adults or two school officials may not be available.

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Pat down searches of a student may be conducted by school officials provided that two adults are present when the pat down takes place. When a pat down of a student is to occur, the pat down shall be done by two adult school officials of the same sex as the student without an individual of the opposite sex present unless he or she is a law enforcement person. An adult school official is defined as: Board member, District Administrator, Principal, supervisor, teacher, teacher assistant, tutor, coach, advisor, guidance counselor, psychologist, secretary, custodian, police/liaison officer, or any other adult employed by the District or an assigned chaperone.

When a student refuses to cooperate with a search of himself/herself, an attempt will be made to contact the parent(s) or guardian(s) in order to request the parent(s) or guardian(s) to encourage the student to cooperate. If the parent(s) or guardian(s) cannot be reached, the parent(s) or guardian(s) refuses to allow the search, or if the student refuses to cooperate, the school official may turn the matter over to law enforcement officials for appropriate action. The student is to be detained until the law enforcement official arrives.

Strip searches shall not be conducted by District personnel. A strip search under Wisconsin law 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 exposed to view or touched by a person conducting a search."

In all searches of students, the parent(s) or guardian(s) are to be notified as soon as possible as to the reason for such search.

Legal Reference: Sections 48.981, 118.257, and 118.32, Wisconsin Statutes.

Cross Reference: 446.01, Locker Searches

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