

## Investigations by Law Enforcement Officers

*Procedural Guidelines for School Administrators*

### **Investigations related to off-campus illegal acts & not school related:**

*(“Off Campus” means off the campus attended by the student)*

- The school administrator will make a reasonable effort to contact the parent when an officer comes to question a student, who is a suspect or a victim, related to criminal acts that are not school-related, unless:
  1. Notification would unduly interfere with the investigation.
  2. The issue pertains to alleged child abuse.
  3. The parent, guardian, or a close relative is a focal suspect in a criminal investigation, and there is a potential risk to the student if notification occurs.
- The school administrator should ask the police officer about the reason(s) for the interview.
- District policy does not require that parents be contacted prior to interviews of students who are witnesses, and are not, nor likely to become suspects. However, it is recommended that you attempt to make contact with the parent to inform them of the situation.
- If the school administrator is **NOT** successful in contacting the parent they should then:
  1. Attempt to leave a message to inform the parent of the circumstances of the situation, and leave contact information (name and phone number) for both the school official and police officer.
  2. The school administrator should then allow the police officer to proceed with the interview so long as a school administrator, or designee, is present, unless the issue pertains to child abuse.

***Note:*** *The administrator, or designee, should not actively participate in the interview process, and should allow the police officer to fully conduct the investigation.*

- If the school administrator is **successful** in contacting the parent:
  1. Let the parent know the police are present and will be questioning their student, as a suspect or a victim, regarding an off-campus criminal act.

2. If the parent indicates they can arrive within a short period (20 minutes) the school administrator will request the police officer wait for the parent to arrive before questioning begins. However, if the parent does not arrive within the twenty (20) minute period, and cannot be contacted, the officer may be allowed to proceed with questioning the student.
3. If the parent objects, expresses concerns about the police questioning their student, or wants to be present during the interview, but cannot arrive within a short period (20 minutes), ask the parent to speak directly to the police officer. The officer can then determine how to proceed based on their conversation with the parent.
4. If the parent says they have no concerns about the police questioning their student, and/or indicates they are unable to attend, the school administrator may allow the police officer to proceed. However, a school administrator, or designee, will be present during the interview as an observer, unless the issue pertains to child abuse.

***Note:** The administrator, or designee, should not actively participate in the interview process, and should allow the police officer to fully conduct the investigation.*

### **Investigations related to violations of school policies and rules:**

- Under “normal” circumstances the law enforcement officer should **NOT** be involved during investigations of school policy or rule violations. School administrators may pursue such investigations, including interviewing students, without first contacting a parent. In this instance, the administrator is conducting the interview process under the standard of “reasonable suspicion.” (See attached “*Guidelines for Searches of Students*”)
- If during the course of the investigation or search, it is clear a school policy violation occurred, and it reveals evidence of a crime (e.g., possession of drugs, stolen property, etc.), then the parent and law enforcement must be notified (as outlined under “illegal acts that occur off-campus”) to report a crime may have been committed. Once parent notification (or an attempt) has occurred then contact law enforcement to investigate the alleged crime. “Crime” in this instance does not include “minor-in-possession” charges for tobacco.

### **When should you have an officer present during an investigation of school policies and rules violation?:**

There are some situations when it is appropriate to have an officer present during investigations regarding violations of school policies and/or rules:

1. It is recommended you include the police officer when there are personal safety/security concerns for district staff during an interview or search.
2. It is generally recommended you attempt to make contact with the parent of a suspect or a victim, to inform them of the situation, and to let them know you have requested the police officer sit in as an observer. However, there is no requirement for the parent to be contacted unless the line of questioning leads to information that a criminal act has been committed. (*District policy does not require that parents be contacted prior to interviews of students who are witnesses and are not, nor likely to become, suspects.*)
3. If during the course of the investigation or search, it is clear a school policy violation occurred, and it reveals evidence of a crime (e.g., possession of drugs, stolen property, etc.), then the investigation must be turned over to the police officer and the parent must be notified (as outlined under “illegal acts that occur off-campus”). “Crime” in this instance does not include “minor-in-possession” charges for tobacco.
4. If there is reasonable suspicion\* that a student is in possession of a dangerous or deadly weapon\*\*, a police officer should be contacted immediately. The officer should then be allowed to proceed without delay on determining the appropriate strategy for intervention, including any necessary search of the student’s person.

**\* Reasonable suspicion defined:** *It is necessary that the school officials conducting the search have reasonable suspicion that the student being searched has violated a school rule or the law, and that the search be reasonably likely to elicit evidence of such violation.*

**\*\* Dangerous or deadly weapons defined:**

*“Dangerous weapon” means any weapon, device, instrument, material or substance which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious injury.*

*“Deadly weapon” means any instrument, article, or substance specifically designed for and capable of causing death or serious physical injury.*

*(4J Student Rights & Responsibilities Handbook, p. 28)*

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