

## INVESTIGATIONS CONDUCTED IN THE EDUCATIONAL ENVIRONMENT

### I. Investigations

#### A. School Administrators Initiating Investigation

##### 1. Administrative Investigation

Principals shall have the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. Such investigations shall be conducted in a manner which does not unduly interfere with school activities. The principal should work in cooperation with a law enforcement officer.

##### 2. Law Enforcement Investigation

- a. The principal shall determine when the necessity exists that law enforcement officers be contacted to conduct an investigation of alleged criminal behavior which jeopardizes the safety of school personnel or students, endangers school property, or interferes with the operation of the schools.
- b. The principal may request that law enforcement officers conduct an investigation and question students who are potential witnesses of such alleged criminal behavior during school hours. A reasonable attempt shall be made to contact the student's parent/guardian, or representative prior to questioning by law enforcement officers, but an exception to this general rule will be made for child abuse investigations. Reasonable requests by the parent/guardian, or representative shall be observed. Such contacts or attempted contacts with parent/guardian, or representative shall be documented by the administrator involved. In the absence of a student's parent/guardian, or representative during any questioning of such students, the principal or other designated certificated school staff person shall be present.

A reasonable effort to contact the student's parent/guardian would include attempts to contact at home, at work, or at places frequented by the parent/guardian. Reasonable requests of the parent/guardian would include requests to be present or to contact an attorney, if time and circumstances permit.

- c. If the investigation has centered on any particular student suspected of such alleged criminal activity, the procedure for taking the student into custody by the police [set forth in Section II] shall be followed to the extent it does not interfere with reasonable law enforcement procedures.

#### B. Law Enforcement Officials Initiating Investigation

Although cooperation with law enforcement officers will be maintained, it shall not normally be necessary for law enforcement officers to initiate and conduct any investigations and questioning on the school premises during school hours pertaining to criminal activities unrelated to the operation of the school. Only in demonstrated emergency situations, when law enforcement officers find it absolutely necessary will they voluntarily be permitted to conduct such an investigation during school hours. They shall be requested to obtain prior approval of

the principal or other designated person before beginning such an investigation on school premises. The administrator shall document the circumstances of such investigations as soon as practical.

Alleged criminal behavior related to the school environment brought to the principal's attention by a law enforcement officer shall be dealt with under the provisions of Section I, A, 2.

### C. Questioning of Students during Investigation

#### 1. Violations of School Rules

In the instances where school rules have allegedly been violated, the principal or designee may contact the suspected rule violator or potential witness to the infraction.

- a. The suspect student should be advised of the alleged offense and the evidence, if any, against the student.

COMMENT: When the investigation is completed and it is determined that disciplinary action may be in order, the due process requirement of allowing the student to present the student's version of the facts is necessary. See school procedures for due process in disciplinary matters.

- b. In questioning a potential student witness to an alleged disciplinary infraction, care should be taken by the administrator to ensure that there is a reasonable likelihood that the student was, indeed, a witness.

#### 2. Violations of Criminal Law

- a. During an investigation of violation of school rules, it may come to the attention of the administrator that the investigated activity may also be a violation of criminal law. In proceeding with the investigation, the principal can attempt to ascertain whether there is sufficient justification to believe that a criminal offense was committed that warrants contacting law officials.
- b. Where a suspected violation of criminal law has occurred on the school property involving the operation of the school or during a school-sponsored activity, law enforcement officials may be notified and their presence requested for the questioning of suspected students. Reasonable attempts shall be made to contact a student's parent/guardian, or representative, who, unless an emergency exists, shall be given the opportunity to confer with the student and to be present with the student during such questioning. The administrator shall document the contact or attempted contact with the student's parent/guardian, or representative. The law enforcement officers may wish to advise the student of the student's legal rights. If the parent/guardian and the student consent to the questioning, the investigation can continue. If the parent/guardian or student refuses consent to the questioning, the law enforcement officers will determine the course of action to be pursued.

There is no clear legal requirement that school administrators must give "Miranda"-type warnings to students suspected of criminal misconduct when such misconduct is also a violation of school rules.

## II. Taking a Student into Custody

- A. Students may not be released to law enforcement authorities voluntarily by school officials unless the student has been placed under arrest or court order, or unless a parent/guardian, or representative and the student agree to the release.
- B. Administrators shall make reasonable objections to law enforcement authorities who attempt to remove students from school without placing them under arrest or without the acquiescence of the parent/guardian, or representative and the student. When students are removed from school for any reason by law enforcement authorities, every reasonable effort will be made to contact the student's parent/guardian, or representative immediately. The superintendent's office shall be notified immediately of any removal of a student from school by law enforcement officers under any circumstance.
- C. Where it is necessary to take a student into custody on school premises, and time permits, the law enforcement officer shall be requested to contact the school principal and relate circumstances necessitating such action. When possible, the principal shall have the student summoned to the principal's office where the student may be taken into custody.
- D. When an emergency exists, the school principal may summon law enforcement officials to the school to take a student into custody.
- E. When a student has been taken into custody or arrested on school premises, without prior notification to the principal, the school staff present shall encourage the law enforcement officers to notify the principal of the circumstances as quickly as possible. In the event that the officers decline to notify the principal, the school staff members shall immediately notify the principal.
- F. If at all possible, a parent/guardian or representative of a student shall be notified by the principal or other school administrator before the student is taken into custody by law enforcement officials, or as quickly thereafter as can be accomplished.

## III. Law Enforcement Assistance

Law enforcement officers may be requested to assist in controlling disturbances of the school environment which the principal or other school administrator has found to be unmanageable by school personnel and which has the potential of causing harm to students and other persons or to property. Such potential for possible harm includes members of the general public who have exhibited undesirable or illegal conduct on school premises or at a school event held on school property and who have been requested to leave by an administrator but have refused or failed to do so.

## IV. School Officials and Local Enforcement Officials Meeting Annually

School administrators should meet annually with local law enforcement officials to discuss the school district's policy and rules regarding law enforcement contacts with the school district. Law enforcement officials will be asked to instruct their staff as to the terms of the school's policies and rules.

**Adopted:** 05/23/1988  
**Reviewed:** 06/09/1997; 03/12/2001; 03/29/2004; 03/12/2007; 03/21/2011  
**Revised:** 06/14/1993; 04/09/2001; 04/12/2004; 04/09/2007; 05/09/2011