

GUIDELINES FOR POLICE INTERVIEW OF STUDENTS

445-Rule

Definitions

<u>Interview:</u>	Questioning of an individual by a police officer.
<u>Non-custodial interview:</u>	Questioning by a police officer of a student who is not in custody and not expected to be taken into custody. A student will be advised that he/she is not in custody, does not have to talk if he/she does not wish, and can leave any time he/she wishes.
<u>Custodial interview:</u>	Questioning by a police officer of a student who is in police custody. A student shall be informed of his/her Constitutional rights by the investigating officer(s) and these rights shall be given full consideration by the investigating officer(s).
<u>Child rights:</u>	Rights conferred on a child by the Constitution of the United States, the Wisconsin Constitution, state and federal Statutes, and by confirming court decisions and precedents. As a matter of law, parents, school administrators, and other third parties can neither waive nor assert a child's rights. The child can, however, assert those rights at any time.
<u>Police officer and law enforcement officer:</u>	All officers of the federal, state, and local governments charged with the duty and authority for law enforcement and the conducting of official investigations in connection therewith.

Procedural Guidelines

School administration will be notified any time police are on school grounds. All formal interviews with an individual student on school grounds and in school buildings will be conducted as discretely as possible, with the knowledge and assistance of the school administration. Informal conversations between a police officer and groups of students does not constitute a formal interview. Before custodial interviews, the police officer shall advise the student of his/her rights during the interview and confirm with the student that he/she understands these rights.

1. Police officers and administration will confer prior to the interview of students on school premises or grounds. Each police officer will determine whether the circumstances in each case are serious enough to require such a presence on school grounds.

2. If, upon questioning relating to school matters, the principal or his/her designee has reason to believe that a crime has been committed, he/she should cease questioning the student and refer the investigation to the police.

3. School administration generally may sit in on all interviews conducted at school including abuse and neglect cases.

Notification of Parents Prior to Interview

Elementary Students

Prior to any interview of an elementary student who is the victim, witness, or complainant, (except in case of an abuse situation) the principal shall contact the parents or legal guardian unless otherwise instructed by the officer in charge. If the officer so requests, it shall become the officer's responsibility to communicate with the parents. Unless otherwise requested by the officer, the principal or his/her designee shall sit in on the interview for the expressed purpose of providing emotional support for the elementary child. Students in elementary schools will not be interviewed without the notification of parent or guardian except in the case of serious emergency where the parent or a relative is the focus of the investigation or as otherwise provided by law.

Grades 6-12 Students

The officer will communicate with administration but shall ultimately be responsible for determining if, when, and how parents will be communicated with.

Interviews of Students in Schools Related to Abuse and Neglect

Any contact with parents in an abuse or neglect case will be made by Human Services or the Police Department.

Adopted: 01/13/1976

Revised: 03/09/1993

Revised: 03/18/2013