

## **INTERVIEWS, INTERROGATIONS, SEARCHES AND LAW ENFORCEMENT RELATIONS**

### **Investigation by School Officials**

Sweetwater County School District Number One, State of Wyoming has certain legal rights and responsibilities with respect to the schools, school property and students.

The District stands "in loco parentis" (in the place of the parent), giving the District the ability to supervise students under the District's physical custody and control. School administrators may interview students regarding matters of school discipline. The District may request the participation of law enforcement officers during interviews regarding matters of school discipline. Students subject to school discipline shall be accorded the due process rights identified in Policy File JFC.

The District reserves all of its rights of inspection or search of school premises, including student lockers which are temporarily assigned to student use for the storage of books, clothing and other lawful articles. The District's authority to inspect or search school premises may be exercised in the interest of protecting students, maintaining discipline, protecting the academic environment, and student or school property.

Search of a student's personal possessions or person, without consent, requires that "reasonable grounds" exist to protect each child's constitutional rights and to act in the best interests of the school and all other students. School authorities base "reasonable grounds" on the observation of specific and describable behaviors that lead someone to believe that a student or group of students is engaging in or has engaged in prohibited behavior, such as a violation of law or rules of student conduct in the District. When reasonable grounds are present, school authorities can conduct a search, reasonably related in scope to the objectives sought, without a student's consent.

Without "reasonable grounds," student consent for a search may be obtained from the student. Student consent should be knowingly and voluntarily given.

Lockers are made available by assignment to a student as a privilege for the school year. Lockers are subject to inspection by school personnel at any time without notice. Misuse of locker privileges includes: storage, use or maintenance of products, substances or items deemed by the District to be inappropriate to the education, welfare, safety or morals of the student or other students. Misuse of locker privileges may result in disciplinary proceedings including, but not limited to, revocation of locker privileges and/or criminal prosecution.

Each student is responsible for the exterior and interior of his/her locker and should keep it neat, orderly, and clean. Students are discouraged from leaving articles of value or money in their lockers even if they feel their lockers are secure. Students should maintain the confidentiality of the lock combination. The District is not responsible for items lost or stolen from lockers.

Security screening, including the use of metal detectors and/or searches of bags and other personal property entering school premises, may be authorized by the District or building administrators to protect and maintain a proper educational environment for all students without the necessity of individualized suspicion. All students, personnel of the District, and visitors to school premises shall be similarly subjected to security screening as deemed necessary.

**Investigation by Law Enforcement.**

The District recognizes the importance of an appropriate working relationship with law enforcement agencies or other legally authorized investigation agencies in our communities. District administrators shall sign complaints or other legal documents necessary to authorize law enforcement officers to prosecute criminal conduct or threatened criminal conduct against District personnel, students or property.

School Resource Officers are professional law enforcement officers assigned to schools of the District by their respective law enforcement agencies to promote a positive relationship with law enforcement among students, staff and parents. School Resource Officers serve as a law enforcement resource in school/community relations and provide information to students, staff and parents about community concerns such as drug or alcohol abuse, and child abuse or neglect. School Resource Officers assist school administrators in providing security and maintaining discipline. School Resource Officers also serve as the liaisons between their respective law enforcement agencies and the District, helping to prevent criminal activity, conducting investigations of alleged criminal activity and enforcing applicable laws.

The District complies with all appropriate criminal warrants, subpoenas and similar legal documents presented by law enforcement officers. Under certain situations, law enforcement officers may utilize such legal documents to authorize interviews with a student, conduct a search, or take the actions permitted under the warrant or legal document. The District is not obligated to investigate the validity of such a legal document, unless there is a reasonable basis to believe the documentation is invalid. Any notices of legal rights to students, parents or other responsible parties under terms of a warrant, subpoena, or similar legal document shall be provided by the issuing court, prosecutor or law enforcement agency charged with such responsibility.

Law enforcement officers, acting in the scope of their duties, enjoy certain privileges not afforded to the general public. For example, school personnel may not hinder law enforcement personnel who state they are seeking to interview or arrest a criminal suspect or material witness who is believed to be on school premises. Similarly, school personnel will provide access to students when law enforcement personnel believe that a student is in danger of harm or could do harm to others. The District recognizes that particular privileges are granted by Wyoming statutes to law enforcement officers and the Wyoming Department of Family Services in the conduct of child abuse, child neglect or sexual assault investigations. The District grants deference to these law enforcement requests because of the exigency of the circumstances and the legal requirement to cooperate with law enforcement officers engaged in the performance of their duties.

When a law enforcement officer initiates a request to interview a student on District property during school hours, an administrator or designee shall escort the student to the interview and be present during the interview, unless restricted by court process such as an ex parte court order authorizing an interview. During such interviews, it is the responsibility of the law enforcement officer to advise the student of any applicable legal rights under criminal law and to obtain any necessary waiver of such rights. As soon as reasonably practical, following completion of the interview, the law enforcement officer or agency that initiated the interview request shall provide notice of the interview to the parents or legal guardians of the student.

Whenever a student is taken into custody by a law enforcement officer for an alleged act of juvenile delinquency or violation of criminal law and removed from school premises, the arresting officer is responsible to advise the student of any applicable legal rights and to obtain any necessary waiver of such rights. Furthermore, it is the responsibility of the arresting officer or the law enforcement agency to notify the student's parents or legal guardians of such custody and the nature of the alleged offense. To facilitate notice to the parents or legal guardians of the student by law enforcement, the school administrator or designee will provide any requested directory information disclosing the names of the student's parents or legal guardians and any address or telephone numbers listed. As soon as reasonably practical after the

student's removal from school premises, the school administrator or designee will make reasonable efforts to notify the parents or legal guardians of the student's custodial removal from school premises and identify the law enforcement agency involved, unless limited by applicable law or court process.

Adopted 0728/77

Revised 03/11/96 01/08/97 02/25/02 06/10/02

Legal References:      Policy File JFC  
                              Wyo. Stat. § 14-3-204(a)(2)  
                              Wyo. Stat. § 14-3-205(a)  
                              Wyo. Stat. § 14-3-206(a)  
                              Wyo. Stat. § 14-3-406  
                              Wyo. Stat. § 14-3-411  
                              18 U.S.C.A. § 5033  
                              Family Educational Rights and Privacy Act

School District #1, Sweetwater County, Wyoming