School officials shall cooperate with appropriate law enforcement agencies regarding the investigation, interrogation, arrest and search of students on school property or in the school building according to established procedure.

**PROCEDURE INVESTIGATION, INTERROGATION, ARREST AND SEARCH 4400 Students**

Investigation in Schools

1. By Police, on request of School Authorities:
   a. A PRINCIPAL, in accordance with available DISTRICT-level guidance, may exercise her/his discretion in determining whether to request assistance of police in investigating a crime, or the allegation of a crime, committed in her/his school building and/or on school grounds during school hours. If assistance is so requested, it shall be directed to the Police Department of the municipality in which the school building and/or grounds are located.
   b. If the PRINCIPAL requests assistance, a police officer may conduct an investigation within the school building and/or on school grounds and interview students as possible witnesses in school during the school day. The PRINCIPAL or her/his representative shall be present during the interview unless the student requests that they not be there.
   c. If the investigation focuses on a particular student as a suspect of a crime, the PRINCIPAL shall, prior to the commencement of the investigative interview, attempt to notify the student’s parents or legal guardian, unless advised otherwise by an adult student, and shall inform the parents or legal guardian of the nature of the crime of which the student is suspected, that the student has a right to remain silent, that anything the student says may be used against her/him in juvenile or criminal court, that the student has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the student or parent may stop the interrogation at any time. The PRINCIPAL or a Staff member of the student’s choice shall be present unless the student requests otherwise. Prior to commencing the investigative interview the PRINCIPAL shall advise the student of the nature of the crime of which she or he is suspected, that s/he has a right to remain silent, that anything she or he says may be used against her/him in juvenile or criminal court, that s/he has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the student or parent may stop the interrogation at any time. School officials and/or parents cannot waive these rights on
behalf of the student and it is the school official's responsibility to insure that the student fully understands all of her/his rights. The investigative interview should not commence unless a parent or legal guardian of the student is present except in circumstances where an adult student consents to the investigative interview without his/her parent or legal guardian being present or the parent or guardian of a minor student waives their presence at the investigative interview.

2. By Police, without request of School Authorities:

a. Police officers will make every effort to interview students outside of school hours and outside of the building and/or school grounds in those cases in which assistance by School Authorities has not been requested. This requirement does not apply to circumstances in which there is an imminent threat to the health or safety of persons or property, including imminent threats to the health, safety or property of MMSD students, staff members or visitors who are at school and/or the members of the community. If there is not an imminent threat as described above, the police may interview a student if 1) an adult student consents to the interview or the parent(s) or legal guardian of a minor student has given the police permission to do so or 2) in cases of child abuse or neglect in which the parent or legal guardian or other member of the student’s household is suspected of abusing or neglecting the child.

b. If the police deem it absolutely necessary to interview students at school and/or on school grounds, the Police Department shall first contact the PRINCIPAL or her/his representative regarding the planned visit and inform the PRINCIPAL (1) of the reason(s) why the police believe that it is necessary to interview the student(s) at school because of the imminent threat to the health or safety of persons or property, including the imminent threat to the health, safety or property of MMSD students, staff members or visitors who are at school, (2) that an adult student consents to the interview, (3) that the police have been given permission by the minor student’s parent(s) or legal guardian to interview the student(s) at school or (4) that there is a child abuse or neglect investigation in which the student’s parent(s), legal guardian or member of the student’s household is suspected of abusing or neglecting the child. The police officer shall not commence her/his investigation until the approval of the PRINCIPAL has been obtained. Prior to approving an investigative interview with a student where there is not an imminent threat as described in (a), above, or suspicion of child abuse or neglect as described above, the PRINCIPAL shall confirm with the adult student and/or the student’s parent(s) or legal guardian that they have given permission for the interview. If the PRINCIPAL is unavailable, such approval may be secured from the SUPERINTENDENT or his/her designee.
c. The PRINCIPAL or his/her designee shall advise the student of the nature of the crime of which she or he is suspected, that s/he has a right to remain silent, that anything she or he says may be used against her/him in juvenile or criminal court, that s/he has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the child or parent may stop the interrogation at any time. The school officials or parents cannot waive these rights on behalf of the student and it is the school official's responsibility to insure that the student fully understands all of her/his rights. The PRINCIPAL or a Staff member of the student's choice shall be present unless the student requests otherwise.

3. By Police, in Collaboration with Child Protective Services:
   
a. Police may interview students on school grounds and during school hours in collaboration with Child Protective Services (CPS). Such interviews shall be for the purpose of determining whether a caregiver is engaging or have engaged in abuse and/or neglect of the student. Prior to the interview, CPS and the police shall notify the PRINCIPAL, or designee, of the request for such an interview. Once the notice is provided, the PRINCIPAL, without notification to the parent or guardian, will provide access to the student and a private room to conduct the interview.

4. By School Administrators:
   
a. If upon interrogation relating to school matters, the PRINCIPAL has reason to believe that a crime has been committed and desires police involvement, s/he shall notify the police who will complete the investigation with all constitutional safeguards attached.

Arrest by Police Officers:

1. No police officer shall arrest or take into custody a student in the school building and/or on school grounds during school hours unless upon lawful request by the PRINCIPAL, or unless the officer has "Probable Cause" to arrest for a felony or misdemeanor. "Probable Cause" shall be determined by the arresting officer.

2. In cases where the student is to be taken into custody, the police officer shall first contact the PRINCIPAL and advise her/him of such fact. The student shall first be summoned to the office by the PRINCIPAL unless this could compromise the safety of the student, other students, staff or visitors to the school.

3. In emergency situations where the commission of a serious felony or misdemeanor has been witnessed by a police officer or if the police officer is in pursuit of a student for such crime, the police shall have the legal right to
apprehend such student. However, before removing such juvenile student from the school building and/or school grounds, the police officer shall inform the PRINCIPAL or her/his representative of such apprehension.

4. The PRINCIPAL shall record the name of the police officer, the time of the arrest, the name of the issuing authority of any arrest warrant, the nature of the crime for which apprehension is made, and the place of custody or detention. The parents or legal guardians of the student should be notified immediately thereof by the PRINCIPAL. It is of course also incumbent upon the police to notify parents immediately after an arrest of a student is made.

Search of School Building or on School Property:

1. By Police, on request of School Authorities:
   
a. If a PRINCIPAL has information, which s/he believes to be true that evidence of a crime is located on a student's person, in a student's locker, desk, or student's or non-student's automobile, the PRINCIPAL shall request police assistance in accordance with written guidance by the SUPERINTENDENT or his/her designee.
   
b. Periodic sweeps of common areas, storage facilities, vehicles parked on school property and lockers owned by the DISTRICT for contraband including drugs, weapons or other items of an illegal or prohibited nature may be conducted with cooperation by police and/or law enforcement.
      
i. Police-trained K9 teams (scent dogs and officer/handler) may be used to conduct such sweeps where there is a suspicion of illegal drug activity.
         
(1) K9 sweeps will only be conducted in secondary schools.
         
(2) K9 sweeps may only be conducted following consultation and coordination with the SUPERINTENDENT or his/her designee.
         
(3) K9 sweeps will be conducted by a team including the PRINCIPAL or his/her designee, the school’s Educational Resource Officer, if available, and the police-trained K9 team.
         
(4) K9 sweeps may only be conducted outside regular school hours or while students are in class unless exigent circumstances exist or with approval of the SUPERINTENDENT or his/her designee.
(5) Examination of a student’s person, including clothing while the student is wearing such clothing, by a K9 team is prohibited.

(6) If the K9 “alerts” to an item, vehicle or place, the PRINCIPAL or his/her designee will determine, in collaboration with the K9 officer or supervisor, the most appropriate course of action.

(7) If drugs, weapons or other contraband are found, they will be immediately seized and a police investigation will be conducted in compliance with the terms of this Policy with respect to investigation or interrogation.

c. Strip searches shall not be conducted on school premises or in school buildings.

2. By Police, without request of School Authorities:

a. Police officers may not search students' lockers or desks or automobiles unless they have a search warrant or as otherwise provided by law, and may not search a student's person in the school building and/or on school grounds unless the student is under arrest or as otherwise provided by law.

3. By School Administrators:

a. The school administration maintains control over lockers and desks loaned to students. The PRINCIPAL may search a locker or desk and/or the contents therein if s/he has reasonable suspicion to believe that missing school materials or items that would endanger the health or safety of the school population may be present or that other material or items are present that would constitute a violation of school rules, Board Policy or the law.

b. The school administration may verbally request that students empty their pockets, backpacks and other bags. Such requests must be reasonable in scope based on the information available at the time. School administration may also request that students disclose the content of their cellular phones or other communication devices.

c. Whenever practicable, a student shall be present when her/his locker, backpack, and/or desk is being searched.

d. The school administration may develop an individualized student safety plan that requires searches in response to a prior incident of possession of
objects or items that are prohibited by school rules, Board Policy or the law. (See BOE Policy 4502A, 4502B). Such plans shall be developed in consultation with the parent and student and the adult student or parent must provide consent for implementation of a search contained within a safety plan.

4. Use of Metal Detectors

   a. The District may use hand-held wand metal detectors to conduct screenings of students. Searches using hand-held metal detectors may only be conducted if the PRINCIPAL has reasonable suspicion to believe that missing school materials or items that would endanger the health or safety of the school population may be present or that other material or items are present that would constitute a violation of school rules, Board Policy or the law. Parents and students shall be provided written notice that screenings using metal detection devices may be conducted and signs must be posted to alert students, parents and community members that screenings may occur.

   b. Random screenings are screenings that do not occur on a regularly scheduled basis, are conducted on all students or a randomly selected number of students and are not necessitated by particularized safety concerns or a special event. Random screenings are for the dual purposes of detecting the possession of weapons and deterring students from bringing weapons on to school grounds. The procedures associated with random screenings shall be as follows:

      i. The school PRINCIPAL must consult with and obtain approval from the SUPERINTENDENT and COORDINATOR OF SCHOOL SAFETY AND SECURITY prior to scheduling a random screening.

      ii. Random screenings should occur at the beginning of the school day and all students entering the building should be screened. If lines become too long or a screening of all students is not feasible, the PRINCIPAL may select students based upon a random and predetermined basis, for example every fifth student.

      iii. No student or group of students may be singled out for screening.

      iv. Screenings shall be conducted by school staff who have been trained in the use of the specific metal detection device and a minimum of four staff members must be present during random screenings. Law enforcement should be present during a random screening.
v. When using hand-held metal detection devices students shall be screened only by staff of the same gender as the student, or for students identifying as non-binary, the screener of the student’s choice.

vi. If the metal detection device is activated during a screening, and staff are unable to determine the cause for the alert, the student should be asked to remove all metal items from their person and bag. After removing all metal items, the student should be scanned again. If the device is not activated a second time, and the student did not remove any weapons from their person or bag, the student shall be directed into the school.

vii. If, after a second screening, the device is again activated, the student will be escorted to a private area to determine the cause of the alert. At least two staff members shall be present with the student in the private area.

viii. If at any time school staff reasonably suspect a student is in possession of a weapon or discover a weapon, law enforcement shall be contacted.

c. As-needed screenings are screenings conducted to address particular safety concerns, such as recent violence in the community or in response to an event in which additional security is required. The procedures associated with as-needed screenings shall be as follows:

i. The school PRINCIPAL must consult with and obtain approval from the SUPERINTENDENT and COORDINATOR OF SCHOOL SAFETY AND SECURITY prior to scheduling a random screening. During consultation, the school PRINCIPAL shall provide the rationale for the need for the screening.

ii. As-needed screenings may occur at any time during the school day or school event and all students entering the building should be screened.

iii. No student or group of students may be singled out for screening.

iv. Screenings shall be conducted by school staff who have been trained in the use of the specific metal detection device and a minimum of four staff members must be present during random screenings. Law enforcement should be present during an as-needed screening.
v. When using hand-held metal detection devices students shall be screened only by staff of the same gender as the student, or for students identifying as non-binary, the screener of the student’s choice.

vi. If the metal detection device is activated during a screening, and staff are unable to determine the cause for the alert, the student should be asked to remove all metal items from their person and bag. After removing all metal items, the student should be scanned again. If the device is not activated a second time, and the student did not remove any weapons from their person or bag, the student shall be directed into the school.

vii. If, after a second screening, the device is again activated, the student will be escorted to a private area to determine the cause of the alert. At least two staff members shall be present with the student in the private area.

viii. If at any time school staff reasonably suspect a student is in possession of a weapon or discover a weapon, law enforcement shall be contacted.

d. Students or visitors with disabilities may request to be excluded from a random or as-needed screening based upon the need for a reasonable accommodation due to their disability.

e. A student who refuses to comply with a screening may be determined to be in violation of the Behavior Education Plan.

f. Annually, after the conclusion of each school year, the Coordinator of School Safety and Security shall submit a report to the BOARD regarding the number of random and as-needed screenings conducted, the location(s) of those screenings, the results of those screenings and any recommendations for future use of metal detectors.

Annual Inservice Training

Annually, Legal Counsel and/or his/her designee shall provide inservice training to all the PRINCIPALS and ASSISTANT PRINCIPALS in the District relative to the provisions of this policy regarding the Investigation, Interrogation, Arrest and Search of students in the District. The inservice training shall include, but not be limited to, an in-depth explanation of the specific policy requirements, such as notification of parents and providing students and parents with information about their rights, the basis for the investigation, search and/or arrest of a student, etc., the importance of complying with the policy and the possible consequences for failing to comply with policy.