

Policy Title: **SEARCHES, INTERROGATIONS, AND INTERVIEWS OF HIGH SCHOOL-AGE STUDENTS BY NON-SCHOOL PERSONNEL**

Students in secondary schools in Wisconsin have specific statutory and constitutional protections that must be observed when conducting searches or interviews/interrogations. Fox Valley Technical College (FVTC) staff are expected to observe the defined directions within this policy as they apply to high school students under contract with FVTC.

Non-school personnel include, but are not limited to, law enforcement officers, liaison officers, and social services personnel.

No FVTC personnel shall disclose any information regarding contact with the law enforcement officer and/or social services personnel and a minor student to anyone except a superior or the student's parent or legal guardian. If a student is over 18 years of age, adult privacy rights apply.

To minimize classroom interruptions and to prevent interference with instruction, when a student is to be questioned by non-school personnel, the following steps must be taken:

- Non-school personnel will interview students outside of school hours and outside of the school setting in cases where law enforcement has not been requested by school authorities.
- Non-school personnel will first contact the FVTC's Security Services in Appleton or Oshkosh to obtain approval when it is necessary to interview/interrogate students at school. Security staff will then request the appropriate permissions and facilitate the necessary interactions with the student(s) in accordance with policy.
- For interrogations involving law enforcement personnel, FVTC personnel or law enforcement officer shall attempt to notify the student's parent or legal guardian concerning the intended interrogation if the student is under 18 years of age. If an attempt to notify a parent or guardian prior to the student search, interrogation, or interview is not successful, FVTC Security Services shall contact a parent or legal guardian as soon as possible after the student is questioned or placed in custody. The FVTC staff involved will send a copy of all such requests made by non-school personnel and notifications to parents or legal guardians. A record of all law enforcement requests to conduct interrogations and the circumstances under which the right has been waived to have parent, guardian, or lawyer present shall be kept in the student file at the location of the incident.
- When a law enforcement officer comes to the FVTC program site, he/she shall be as inconspicuous as possible. Whenever possible, he/she shall wear plain clothes and drive an unmarked car. The law enforcement officer shall be as unobtrusive as possible, and the student should be questioned in a setting which assures privacy, so as to avoid any possible embarrassment to and/or stereotyping of the student as a consequence of the law enforcement officer contact.

- The actual summoning of a student from classes shall be done by FVTC designated personnel.

A law enforcement officer may remove a student from the FVTC site while the student is in attendance without written permission of a parent or legal guardian if the officer possesses an arrest warrant, *capias*, or order from a court to do so; or if the officer is in “hot pursuit;” or if the student is taken into custody as part of the officer’s official investigation. However, if a law enforcement officer or social services personnel is investigating suspected physical or sexual abuse of a student, whether self-inflicted or inflicted by another, FVTC personnel shall cooperate to the fullest extent possible with these non-school personnel, and permit officials to take a student into immediate custody if the officials deem it necessary.

If the student is in a state of emergency as defined in Section 51.15, *Wis. Stats.*, (i.e., the student is mentally ill, drug dependent, or developmentally disabled and there is substantial probability of physical harm, either to the student or to others), a law enforcement officer or other authorized person may immediately remove the student from the FVTC site and place him/her in emergency detention. A parent or legal guardian of the student shall be notified as soon as possible of the student’s removal from the FVTC site.

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