

# Washington West Supervisory Union Model Policy

## Policy F4

### **F4: SEARCHES, SEIZURES, AND INTERROGATION OF STUDENTS BY LAW ENFORCEMENT PERSONNEL OR OTHER NON-SCHOOL PERSONNEL**

The member district schools of the Washington West Supervisory Union: Fayston Elementary School, Harwood Union High School, Moretown Elementary School, Waitsfield Elementary School, Warren Elementary School, and the Waterbury/Duxbury Union School District (Crossett Brook Middle School and Thatcher Brook Primary School) will work with law enforcement officers and other non-school personnel as necessary to provide a safe school environment and a safe community.

School district officials may invite law enforcement officers to assist them in an emergency. Under certain circumstances, law enforcement officers may also have independent lawful grounds to enter school property and to conduct criminal investigations.

School officials who assist law enforcement officers (including school resource officers) in a search, seizure, or interrogation must follow the laws applicable to law enforcement.

#### **Searches and Seizures**

Generally, law enforcement officers may conduct searches and seizures of school property or student property if they have probable cause to believe such action will produce evidence of criminal activity.

If a law enforcement officer presents a proper warrant for the search or seizure of property, or for the arrest of a person, school officials must comply with the warrant and the officer's request. However, there are exceptions to the warrant requirement, and it will be up to the officer to determine whether a warrant is needed in the circumstances.

#### **Interrogation**

School officials may request the assistance of law enforcement officers to deal with an emergency potentially affecting the safety of the school population, and may give law enforcement officers permission to interview students as necessary. No advance notification of parents or guardians is required in this circumstance.<sup>1</sup> If a student is placed under arrest or removed from the school by a law enforcement officer, the student's parent(s) or guardian(s) should be notified of this action by school officials as soon as possible, as described below.

Non-school personnel may also question students under the age of eighteen without notification of parents if such questioning (1) is part of a child abuse or neglect investigation conducted by the Department of Social and Rehabilitation Services in accordance with Chapter 49 of Title 33 of the Vermont Statutes Annotated or (2) concerns possible criminal activity by the parent or guardian.

If school officials have not requested the assistance of law enforcement officers, there is no emergency potentially affecting the safety of the school population, and the questioning is not part of a child abuse or neglect investigation or an investigation of possible criminal activity by the parent or guardian, no questioning by non-school personnel of a student under the age of eighteen shall occur

without the knowledge of the school administrator and the knowledge and permission of a parent or guardian who will have been given the opportunity to be present at the time of the questioning.

### **Arrest**

If a law enforcement officer presents reasonable grounds for the arrest of a student or a subpoena for the student's appearance, school officials shall cooperate in locating the student within the school. Before releasing a student to law enforcement authorities under these circumstances, school officials shall ask for proper identification and request the officer to sign a form indicating the reason for the removal of the student from school.

If a student is placed under arrest or removed from the school by a law enforcement officer, the student's parent(s) or guardian(s) should be notified of this action by school officials as soon as possible.

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<sup>1</sup> *Wofford v. Evans*, 390 F.3d 318 (4<sup>th</sup> Cir. 2004).

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Legal Reference(s): 33 V.S.A. §4915 (Child welfare services)  
J. Rapp, *EDUCATION LAW* (Lexis 2006)  
W. LaFave, *SEARCH AND SEIZURE* (2006)  
Cross Reference: Search and Seizure (F3)