

1 **Bainville School District**

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3 **COMMUNITY RELATIONS**

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6 Interrogation and Investigations Conducted by School Officials

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8 The administration has the authority and duty to conduct investigations and to question students  
9 pertaining to infractions of school rules, whether or not the alleged conduct is a violation of  
10 criminal law. The administration shall determine when the necessity exists that law enforcement  
11 officers be asked to conduct an investigation of alleged criminal behavior which jeopardizes the  
12 safety of other people or school property or which interferes with the operation of the schools.  
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14 In instances when the administration has reasonable suspicion that a violation of district policy or  
15 the student code of conduct has been violated, the administrator will investigate. The  
16 administrator will notify the suspected rule violator(s) or potential witness(es) to the infraction.  
17 The suspected student shall be advised orally or in writing of the nature of the alleged offense  
18 and of the evidence against the student. Circumstances may arise where it would be advisable to  
19 have another adult present during questioning of students.  
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21 Investigations by Law Enforcement

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23 When a student becomes involved with law enforcement officers due to events outside of the  
24 school environment and officers must interact with a student, the officer(s) is requested to confer  
25 with the student when he/she is being investigated for conduct not under the jurisdiction of the  
26 school. The following steps shall be taken to cooperate with the authorities.  
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- 28 a. The officer shall contact the school principal and present proper identification in all  
29 occasions upon his/her arrival on school premises.  
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31 b. Parents or guardians shall be notified by the law enforcement officer, school principal or  
32 assistant principal as soon as possible. The law enforcement officer, principal or assistant  
33 principal shall make every effort to inform parents or guardians of the intent of the law  
34 enforcement officers except when that notification may compromise the student's safety.  
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36 c. The student's parent or guardian should be present, if practicable, during any  
37 interrogation on school premises.  
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39 Cooperation with Law Enforcement

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41 Although cooperation with law enforcement officers will be maintained, it is the preference of  
42 the District that it will not normally be necessary for law enforcement officers to initiate, and  
43 conduct any investigation and interrogation on the school premises, during school hours,  
44 pertaining to criminal activities unrelated to the operation of the school. It is preferred that only  
45 in demonstrated emergencies, when law enforcement officers find it necessary, will they conduct  
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4 such an investigation during school hours. These circumstances might be limited to those in  
5 which delay might result in danger to any person, flight of a person reasonably suspected of a  
6 crime from the jurisdiction or local authorities, destruction of evidence, or continued criminal  
7 behavior.  
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9 No school official, however, should ever place him/herself in the position of interfering with a  
10 law enforcement official in the performance of his or her duties as an officer of the law. If the  
11 law enforcement officials are not recognized and/or are lacking a warrant or court order, the  
12 building principal shall require proper identification of such officials and the reason(s) for the  
13 visit to the school. If the principal is not satisfied, he/she shall attempt to notify the  
14 Superintendent and the officer's superior, documenting such action.  
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16 In all cases, the officers shall be requested to obtain prior approval of the principal or other  
17 designated person before beginning such an investigation on school premises. The administrator  
18 shall document the circumstances of such investigations as soon as practical. Alleged behavior  
19 related to the school environment brought to the Principal's attention by law enforcement  
20 officers shall be dealt with under the provisions of the two previous sections.  
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### 22 Taking a Student into Custody 23

24 School officials shall not release students to law enforcement authorities voluntarily unless the  
25 student has been placed under arrest or unless the parent or guardians and the student agree to the  
26 release. When students are removed from school for any reason by law enforcement authorities,  
27 every reasonable effort will be made to notify the student's parents or guardians immediately.  
28 Such effort shall be documented. Whenever an attempt to remove a student from school occurs  
29 without an arrest warrant, court order, or without acquiescence of the parent or guardian, or the  
30 student, the administrator shall immediately notify a superior of the law enforcement officers  
31 involved to make objection to the removal of the student and shall attempt to notify the parent or  
32 guardian of the student. The Superintendent's office shall be notified immediately of any  
33 removal of a student from school by law enforcement officers under any circumstances.  
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35 When it is necessary to take a student into custody on school premises and time permits, the law  
36 enforcement officer shall be requested to notify the principal and relate the circumstances  
37 necessitating such action. When possible, the principal shall have the student summoned to the  
38 principal's office where the student may be taken into custody. In all situations of interrogations,  
39 arrest or service of subpoenas of a student by law enforcement officers on school premises, all  
40 practicable steps shall be taken to ensure a minimum of embarrassment or invasion of privacy of  
41 the student and disruption to the school environment.  
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Disturbance of School Environment

Law enforcement officers may be requested to assist in controlling disturbances of the school environment which the Principal or other school administrator has found to be unmanageable by school personnel and which disturbances have the potential of causing harm to students, other persons, or school property. Staff members may also notify law enforcement officials.

Such potential of possible disturbance includes members of the public who have exhibited undesirable or illegal conduct on school premises or at a school event held on school property, and who have been requested to leave by an administrator or staff member, but have failed or refused to do so.

Legal Reference:	§ 20-1-206, MCA	Disturbance of school - penalty
	§ 20-5-201, MCA	Duties and sanctions
	§ 45-8-101, MCA	Disorderly conduct

Policy History:

Adopted on: Fall 2004  
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