

## Staff Investigation Procedures re: Student Incidents

### Part I: The Incident

#### 1) Report to Administrator:

- ❑ When a discipline issue comes to the attention of any adult, or is suspected to have taken place, and/or is reported by a student to an adult, the reporting adult will notify the administration of the school as quickly as possible.

#### 2) Administrator will begin an investigation by:

- ❑ Taking verbal statements from the student(s) involved.
  - An administrator must be present during student interviews
  - Students will be given the business card of all adults doing the questioning
  - Students will be told the purpose of the investigation
  - Students may ask for parent to be present
  - Students will be told if Davis PD will be involved
  - Remember to let the student tell their story (listen more and talk less)
- ❑ New legal statute mandates that when administrators or police are interviewing juveniles they can only ask the student to “tell me what happened”. Questions cannot be leading or infer that you already know that the student is guilty. Violations of this can lead to the district being sued for violating a student’s 14<sup>th</sup> amendment rights.
- ❑ Taking written statements of witnesses with special effort to have adult witnesses.
  - Students must write their own statements. If the student is an English Language Learner, then have the student write the statement in the language they are most comfortable with—we can have it translated later.
- ❑ Assessing the need for intervention and/or support of the student’s school counselor, the Prevention/ Crisis Manager, the Climate Coordinator, or the school nurse.

#### 3) Administrator notifies the District Safety Coordinator (DSC: Marc Hicks) if there is any possibility of the need for police intervention or if the student is on probation. Do not start interviewing the student until the DSC arrives because this can compromise the case.

- ❑ If the level of infraction requires mandatory police intervention, the DSC will notify the School Resource Office (SRO: Keirith Briesenick) or another officer if the SRO is unavailable. Mandatory police intervention includes:
  - Drug/alcohol violations
  - Vandalism
  - Theft
  - Sexual assault allegations
  - Domestic violence allegations

- ❑ If the offense includes child abuse, sexual assault, or domestic violence allegations always make a CPS referral to the police or to CPS. Failure to report can lead to prosecution by the Yolo County DA.
- ❑ If the level of infraction is discretionary (i.e. mutually combative fight with no injury), the administration may consult with the SRO to assist in that determination. That determination is *separate from* decisions made by the site administrators for school-based discipline.
- ❑ If the “victim” is not the school, or if the crime did not occur during the school day, coming to or from the school day, on a school campus or school event then the Davis Police Department (DPD) has jurisdiction and ideally the interviews should occur at the DPD.
  - If the student is the alleged victim, then the parent should be called and asked to accompany the student to the DPD for questioning.
  - The alleged perpetrator should not be informed of the investigation (law enforcement will decide when to inform the student). May need to immediately take measures to protect the victim (i.e. change class schedule).
  - Schools cannot levy discipline if there is not a nexus to the school district.
  - Exception: The school may have jurisdiction if it is an act of bullying by electronic means (consult Director Student Support Services: Laura Juanitas)

**4) When disciplinary action is taken, the administrator should:**

- ❑ Determine the level of infraction within the DJUSD Behavior Standards.
- ❑ Consult the student’s discipline record to ensure progressive intervention/discipline.
- ❑ Create consequences that are most likely to redirect or improve future behavior.
- ❑ Seek options to minimize the impact to academic opportunities while maintaining the Behavior Standards.
- ❑ Ensure fairness and equity when delivering consequences when multiple students are involved.
- ❑ Utilize Restorative Practice methods to repair harm to the community.

**5) For tobacco violations, local agreements prescribe that:**

- ❑ The first offense is a referral to the school counselor and penalty should be an alternative to suspension and citation.
- ❑ Failure to comply with the alternative to suspension penalty and/ or a second offense will invoke both a police citation and suspension.

**6) When law enforcement conducts investigations/interviews on school campus:**

- ❑ It is district practice and the expectation of our Board that an administrator must be present during the interview unless the student declines or the nature of the incident requires confidentiality.
- ❑ If an officer is required to be present in the interview, then the officer will take the lead in asking the student questions.
- ❑ If the administration initiates the presence of law enforcement, then administration is responsible for notifying the parents/guardians that the student has been interviewed by law enforcement as soon as possible while still maintaining the collective safety of all students. (Board Policy)
- ❑ If the police initiate contact with a student, their job responsibility requires them to notify parents.

- ❑ CPS may come to school to conduct an interview with a student if abuse is suspected.
  - Offer to have an administrator, counselor, or someone of the student's own choosing present during the interview to offer support for student
  - DO NOT inform parents that the student has been interviewed.
  - If parents complain that a student has been interviewed, refer them to the CPS caseworker for information.
  - If court documents are presented by CPS, fax a copy of the document to Student Support Services.

**7) Investigations should be concluded in a timely fashion.**

- ❑ Once concluded, loop back to students and parents to report the outcome.

**Part II: The Actions**

- 1) Try to slow the pace for consultation and analysis: Use your site and district team members to help determine next steps. You do not have to make immediate decisions, *especially* if expulsion is a possibility. If you aren't prepared to finish your interview with the student immediately, send the student back to class.
- 2) Do not pull students from class until you are ready to interview them. Students are at school to be educated and missed classroom time will impact their learning potential. Return students to class as quickly as possible. **Keeping students alone for any length of time is considered false imprisonment and can lead to ACLU charges.**
- 3) Manage expectations: It is alright to delay final decisions. You can say: "I will consult my (principal) (advisors) (district office) and get back to you as soon as I can but no later than (time), even if that is just to let you know we are still working on this to ensure appropriate action."
- 4) If the incident is sexual in nature involve law enforcement immediately and do not question the student without law enforcement present.
- 5) If there are special education issues involved, consult the case manager immediately.
- 6) If it is a potential expulsion case, then call the Director of Student Support Services for consultation.
- 7) It is important to maintain the students' confidentiality during and at the conclusion of the investigation. Please limit your conversations to those with a direct need to know.
- 8) Notify the student's teachers when there has been a suspension and provide specifics for violent crimes that may impact the safety of the learning environment.

**Part III: The Closure and Restorative Action**

- 1) Seek ways to communicate responsive actions to all parties.
- 2) Always consider whether restorative practices can be implemented regardless of whether there was discipline involved.

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- 3) If there are cultural or racial elements involved, call the Climate Coordinator or Director of Student Support Services for consultation.
- 4) Offer the victim's parents information about "typical" responses since you cannot provide specifics without violating the perpetrator's confidentiality.
- 5) Offer follow-up of some kind (yourself or counselor) and always communicate it to student and parents.