

**QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT**

**Questioning**

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the questioning in a way that causes the least possible disruption to the school process, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

Except in cases of child abuse or neglect, the principal or designee shall notify the student's parent/guardian when a law enforcement officer requests an interview on school premises.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview.

If in the course of the interview the law officer finds it necessary to remove the student from school, the principal or designee shall first ascertain the reason for such action. Upon releasing the student, the principal or designee shall immediately inform the student's parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.

*(cf. 5142 - Safety)*

**Subpoenas**

Although subpoenas may legally be served at school, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

*Legal Reference: (see next page)*

**QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT** (continued)

*Legal Reference:*

EDUCATION CODE

44807 *Duty concerning conduct of pupils*

48264 *Arrest of truants*

48265 *Delivery of truant*

48902 *Notice to law authorities*

48906 *Release of minor pupil to peace officers; notice to parent, guardian or relative*

48909 *Narcotics and other hallucinogenic drugs (re arrest)*

PENAL CODE

830-832.8 *re peace officers*

833-851.85 *re arrests*

1328 *Service of subpoena*

CODE OF REGULATIONS, TITLE 5

303 *Duty to remain at school*

*People v. Burton* (1971) 6 Cal. 3d 375

*In re Donaldson* 269 Cal. App. 2d 509

*Baines v. Brady* 122 Cal. App. 2d Supp. 957, 960

*In the matter of Paul P.*, 85 Daily Journal D.A.R. 2594

ATTORNEY GENERAL OPINIONS

32 *Ops. Cal. Atty. Gen.* 46 (1958)

34 *Ops. Cal. Atty. Gen.* 93 (1959)

54 *Ops. Cal. Atty. Gen.* 96 (1971)

## QUESTIONING AND APPREHENSION

### Questioning on School Grounds

The school shall keep a record of any interviews of students by law officers on school premises. Such records shall include the date and time, name and identifying number of the officer, the agency employing the officer and his/her official capacity, the time when he/she arrived and left, the fact that the principal or designee was or was not present during the interview, the reason for the questioning and/or release, and any other pertinent information.

### Apprehension

Police officers, officers of the juvenile court, and other authorized law enforcement officials have an absolute right to enter a school to take a student into custody or to make a lawful arrest of a student.

If a minor student is removed from school into the custody of a peace officer, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

If the student is suspected of being a victim of child abuse, the Superintendent or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer, and the officer then has the responsibility of immediately notifying the parent/guardian. (Education Code 48906)

*(cf. 5141.4 - Child Abuse Reporting Procedures)*

The Superintendent or designee shall immediately be notified of the student's removal. This initial verbal notice will be followed by a written report by the principal or designee and shall include the date and time of arrest, the identity, badge number and official capacity of the officer, and the reason for release.