

Students

Questioning and Apprehension by Law Enforcement

Questioning

The Board of Education believes that the safety of district students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

The Superintendent or designee shall collaborate with local law enforcement agencies to establish procedures which enable law enforcement officers to carry out their duties on school campus, including, when necessary, the questioning and/or apprehension of students.

When any law enforcement officer requests an interview with a student, the principal or designee shall request the officer's identity, his/her official capacity, and the legal authority under which the interview is to be conducted. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

The principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and provides the student appropriate privacy.

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

Except in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable after the law enforcement officer has interviewed the student on school premises.

If a minor student is removed from school into the custody of law enforcement, 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.

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the principal or designee shall take all reasonable steps to ensure a minimum of embarrassment or loss of class time for the student.

Legal References: EDUCATION CODE
44807 Duty concerning conduct of pupils
48264 Arrest of truants
48265 Delivery of truant
48902 Notice to law enforcement authorities
48906 Release of minor pupil to peace officers; notice to parent, guardian
48909 Narcotics and other hallucinogenic drugs (re arrest)
CODE OF CIVIL PROCEDURE
416.60 Service of summons or complaint to a minor
PENAL CODE
830-832.17 Peace officers
1328 Service of subpoena
WELFARE AND INSTITUTIONS CODE
627 Custody of minor
CODE OF REGULATIONS, TITLE 5
303 Duty to remain at school
COURT DECISIONS
Camreta v. Greene, (2011) 131 S.Ct. 2020
People v. Lessie, (2010) 47 Cal. 4th 1152
In re William V., (2003) 111 Cal.App.4th 1464
ATTORNEY GENERAL OPINIONS
54 Ops.Cal.Atty.Gen. 96 (1971)
34 Ops.Cal.Atty.Gen. 93 (1959)

Management Resources:

WEB SITES

California Department of Justice, Office of the Attorney General:
<http://oag.ca.gov>

Policy

adopted: 06/02/98

revised: 09/07/10

revised: 02/07/12