

Policy 5145.11: Questioning And Apprehension By Law Enforcement Status: ADOPTED

Original Adopted Date: 10/01/1996 | **Last Revised Date:** 07/01/2011 | **Last Reviewed Date:** 07/01/2011

The Governing Board 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. (Education Code 48906)

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 reasonable steps to protect the student's privacy rights and to minimize loss of class time for the student.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 303	Duty to remain at school
Code of Civil Procedure 416.60	Service of summons or complaint to a minor
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48264	Arrest of truants
Ed. Code 48265	Delivery of truant
Ed. Code 48902	Notice to law enforcement authorities
Ed. Code 48906	Release of minor pupil to peace officers; notice to parent, guardian
Ed. Code 48909	Narcotics and other hallucinogenic drugs (re arrest)
Pen. Code 1328	Service of subpoena
Pen. Code 830-832.17	Peace officers
W&I Code 627	Custody of minor
Management Resources	Description
Attorney General Opinion	34 Ops.Cal.Atty.Gen. 93 (1959)
Attorney General Opinion	54 Ops.Cal.Atty.Gen. 96 (1971)
Court Decision	In re William V. (2003) 111 Cal.App.4th 1464
Court Decision	People v. Lessie (2010) 47 Cal. 4th 1152
Court Decision	Camreta v. Greene (2011) 131 S.Ct. 2020
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office

Cross References

Code	Description
3513.4	Drug And Alcohol Free Schools
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs

5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5142	<u>Safety</u>
5142	<u>Safety</u>
5145.12	<u>Search And Seizure</u>
5145.12	<u>Search And Seizure</u>
5145.9	<u>Hate-Motivated Behavior</u>