

**QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT**

The Board of Trustees 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.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 3515.3 - District Police/Security Department)*

*(cf. 4158/4258/4358 - Employee Security)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5145.12 - Search and Seizure)*

The Superintendent/Principal 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 Superintendent/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 Superintendent/Principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

The Superintendent/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 Superintendent/Principal or designee may be present during the interview.

Except in cases of child abuse or neglect, the Superintendent/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 Superintendent/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

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

student whenever possible. When served at school, the Superintendent/Principal or designee shall take reasonable steps to protect the student's privacy rights and to minimize loss of class time for the student.

*Legal Reference:*

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>*