

Students

QUESTIONING AND APPREHENSION

Questioning

Law enforcement officers have the right to come on campus to interview students as suspects or witnesses. School officials shall not delay, hinder or obstruct law officers from the performance of their duties. Before any such interviews, the principal or designee shall carefully ascertain the officer's identity, official capacity, and the authority under which he/she acts.

Except in cases of child abuse or neglect, the principal or designee shall attempt to contact the student's parent/guardian and solicit his/her consent 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 may be present during the interview. The law officer should advise the student that he/she has the right to remain silent, but that he/she is encouraged to cooperate with law enforcement agencies.

In the case of child abuse or neglect, the child is to be informed that they have a right to select a staff member to be present at the interview.

If in the course of the interview the law officer finds it necessary to remove the student from school so as to better aid the investigation, 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.

Apprehension

The Governing Board authorizes site administrators to release minor students into the custody of a law enforcement officer upon presentation of a court order or warrant for the student's arrest or to remove a student from school premises if the officer or school administrator has reason to believe that the student has violated the law. The principal or designee shall immediately notify the parent/guardian or responsible relative of the student's release and the place to which the student is reportedly taken, except in cases of suspected child abuse.

Whenever a student is suspected of being a victim of child abuse and is being removed from the school premises, the Superintendent or designee must give the telephone number and address of the student's parent/guardian to the law enforcement officer. The officer then has the responsibility of immediately notifying the parent/guardian.

(cf. 5141.4 - Child Abuse and Neglect)

Students

QUESTIONING AND APPREHENSION (continued)

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

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

32 Ops. Cal. Atty. Gen. 46

34 Ops. Cal. Atty. Gen. 93

54 Ops. Cal. Atty. Gen. 96