

QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT

The Baldy View Regional Occupational Program Commission is committed to providing a safe learning environment and cooperating with law enforcement officials and peace officers as necessary to help ensure the safety of students, staff, and the community and in carrying out their official duties.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.3 - District Police/Security Department)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.12 - Search and Seizure)

In accordance with standards specified in law and court decisions, law enforcement officers may interview and question students on school premises. The Superintendent or designee shall collaborate with local law enforcement agencies to develop parameters under which law enforcement officers will interview students at school.

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

When any law enforcement official requests an interview with a student, the Director of Instructional Services or designee shall request that the official provide verification of his/her identity and official capacity and certify the legal authority under which the interview is being conducted. If the officer refuses to provide certification of the legal authority for the interview, the Director of Instructional Services or designee shall document such refusal and should consult with Baldy View Regional Occupational Program (ROP) legal counsel, as appropriate, before allowing the interview to proceed. The Director of Instructional Services or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

If the officer needs to interview or question the student immediately, the Director of Instructional Services or designee shall accommodate the process in a way that causes the least possible disruption for the student and school, gives the student appropriate privacy, and models exemplary cooperation with law enforcement authorities.

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

At law enforcement's discretion and with the student's approval, the Director of Instructional Services or designee may be present during the interview.

If a minor student is removed from school into the custody of law enforcement, the Director of Instructional Services 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)

QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT (continued)

Subpoenas

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

People v. Lessie, (2010) 47 Cal. 4th 1152

Greene v. Camreta, (2009, 9th Cir.) 588 F.3d 1011

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://caag.state.ca.us>