

QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT**Students**

The Governing Board believes that the safety of district students and staff is essential to achieving the goal of student learning.

(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)

Law enforcement officers may seek to interview and question students on school premises regarding possible criminal activities. Unless the District contacts the policy agency requesting participation in an investigation, it is the general policy of this District to not allow the officer to question students at the site absent a warrant or other court order produced by the officer, or, in the alternative, a declaration under penalty of perjury executed by a sworn officer to the effect that such questioning on campus without a court order is necessary due to exigent circumstances.

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.

Apprehension

When a site administrator releases a student into the custody of a law enforcement officer, he/she 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. (Education Code 48906)

Subpoenas

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Although subpoenas may legally be served 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.

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 police officers; notice to parent, guardian or relative

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. 95 (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: November 14, 1995

Revised: December 19, 2013

PASADENA UNIFIED SCHOOL DISTRICT

Pasadena, California