



SCHOOL SITE GUIDE FOR A LAW ENFORCEMENT INVESTIGATION ON A SCHOOL CAMPUS

The purpose of this document is to serve as a reference guide to assist districts and schools in determining when to involve law enforcement (LE) for support and to assemble the requisite information to be communicated to a deputy or officer during their response to a service call on campus. This reference guide is to be used as a resource and it may not encompass every possible situation or crime that could require contacting LE for support. Furthermore, the information presented in this guide is not meant to discourage districts and schools from reporting incidents to LE whenever they deem appropriate. **Note:** All of the underlined sections and codes are linked to the related section, site, or law.

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The Law Pertaining to LE Questioning a Minor (625.6 W&I)

If a minor (under the age of 18) is detained or under arrest, they cannot be questioned by LE until they consult with the minor's lawyer in person, by telephone, or by video conference. The requirement for this consultation cannot be waived by the minor and/or the minor's parent. However, there is a legal exception that allows LE to ask questions of a minor if they reasonably believe it is necessary to protect life or property from an imminent threat. The officer's questions are limited to those reasonably necessary to obtain that information only. It is up to LE's discretion to decide if they can or will talk to the minor and the school should not interfere with that process. In a situation such as this, school staff can ask the student if they want an additional adult in the room. If the student indicates that they want a staff member to sit in then it should be permitted. However, the staff member should refrain from asking questions or involving themselves in the investigation unless previously discussed with LE.

Mandated Reporter Obligations

A mandated reporter is obligated to immediately, or as soon as is practicably possible, report a situation when there is reasonable suspicion that sexual abuse or neglect occurred. A mandated reporter **must** make a telephone report to **the local LE agency or Child Welfare Services (CWS)** (Pen. Code, § 11166, subd. (a)). Further, the reporter **must** make a written follow-up report by mail, fax, or electronic means within 36 hours of receiving the information about the incident. By default, the forms are designed to first go to CWS. This allows CWS to decide if LE needs to be involved in the investigation.

If the suspicion of abuse impacts the child's current safety, LE should be notified. For example, if the child goes home the abuse could continue, or if the abuse is happening at school. If it is your district's practice to first call CWS, rather than LE make sure to notify CWS that LE has not been contacted. It will be CWS' responsibility to get LE involved at that point.

For more information regarding mandated reporters, refer to the [Reporting Obligations Under the Child Abuse and Neglect Reporting Act](#) resource.

Understanding Sex Crimes Involving Minors

Some cases, by nature of suspicion or disclosure, may lead a school or district to call LE. If you call LE, the section [Guidelines for Gathering Information: Handling a Possible Sexual Assault...](#) will assist you with an outline of steps that can be used to safeguard the victim and the investigation.

Cases involving sexual misconduct with a child or minor can be very complicated. It is important in these serious cases that the school only obtain the basic information to determine whether a crime likely occurred. Refer to the section [Guidelines for Gathering](#)

[Information: Handling a Possible Sexual Assault...](#) below for specific follow-up questions that ideally need to be answered before calling LE. Once this information has been obtained, contact LE, and immediately provide support in the form of a parent, friend, trusted school staff member, or all three depending on the minor's request for the child/minor. Minors older than 12 have a right to refuse notification to parents of certain crimes (refer to the [Understanding Survivor's/Victim's Rights](#) resource). When LE arrives the minor has the right to continue to have their support person(s) present during the interview. Once LE has determined an unlawful sexual crime has been committed they are required to call for a [Rape Crisis Advocate in the North/Central County](#) and [STESA in the South County](#).

Patrol officers/deputies will only seek basic information to establish what crime has been committed and then the case is usually turned over to a detective. LE will also contact CWS and have them respond to the scene if needed.

If you choose to call LE, they will provide you with a case number and the investigator's name for your written report. Then you can share this information with CWS, allowing them the ability to reference the report and verify that LE has been notified.

Identifying and Understanding the Criteria for a Citizen's Arrest

In some cases, LE may request a citizen's arrest be signed by the victim. A citizen's arrest means that the deputy/officer was not there to witness the crime and the victim requests LE arrest the suspect on their behalf.

- A citizen's arrest could apply to a case where the crime is considered a misdemeanor.
- A citizen's arrest is rarely needed in a case involving a minor suspect because LE can arrest a minor even if the misdemeanor is not committed in their presence.
- A citizen's arrest is more likely to apply to a case that involves an adult suspect, including a staff member or a parent, who has committed a crime. LE cannot arrest or cite an adult in a misdemeanor case they did not witness.
- A citizen's arrest could include a citation or physical arrest of the suspect.
- The victim, witnesses, and staff may be requested to testify in court against the suspect. If a summons is sent from the court, having all the requested documentation is important as it would be included as part of the evidence (refer to the section [Guidelines for Gathering Information: Prior to LE's Arrival](#) below). You can also provide this information to LE to add to the report.

Deciding to Call Law Enforcement

Consider the questions below when deciding whether to call LE. When in doubt, call LE for assistance. It is better to err on the side of caution.

1. Has a crime been committed?
2. Is there a victim and/or suspect?
3. Does someone want to pursue prosecution in this case?

- School is pursuing prosecution
 - Parent is pursuing prosecution
 - Student is pursuing prosecution
 - Staff member is pursuing prosecution
4. Is there a safety concern on campus that requires LE assistance?
 5. Does the incident need to be reported to LE for documentation purposes?
 - If the request is for documentation purposes only, with no pursuit of prosecution, LE may or may not respond in person.

Identifying Incidents That May Involve LE

Student-to-Student Battery With Or Without Injury (When Prosecution is Desired)

1. Crimes associated with battery on school grounds - [243.2 PC](#)
 - Generally includes minimal injuries that don't require professional medical attention (i.e. scratches or similar injuries).
 - Misdemeanor crime which may result in a citation or request for prosecution.
2. Crimes associated with battery with serious injuries - [243\(d\)PC](#)
 - Injuries that require professional medical attention (i.e. a broken nose, a knocked-out tooth, a cut to the face or head area, a cut that needs stitches, etc.)
 - Felony crime which may result in arrest/citation or request for prosecution.

Crimes Involving Sexual Battery, Rape, Unlawful Sex Acts With A Minor/Child, and Distribution of Child Pornography

1. Crimes associated with sexual battery - [243.4PC](#)
 - Touching of intimate private parts of an unwilling party for the purpose of sexual gratification.
 - Felony/misdemeanor crime which may result in arrest/citation or request for prosecution.
2. Crimes associated with rape or attempted rape - [261PC](#)
 - Sexual intercourse by force or fear.
 - Felony crime which will likely result in arrest or request for prosecution.
3. Crimes associated with unlawful sexual intercourse with a minor - [261.5PC](#)
 - Unlawful sexual intercourse with a minor by an adult.
 - This situation often occurs with a minor who is in a relationship with a person who is 18 years old or older. Minors cannot provide consent.
 - Felony/misdemeanor depending on age difference; will likely result in arrest or request for prosecution.
4. Crimes associated with child molestation - [647.6PC](#)
 - Annoying or molesting a child.
 - This situation often occurs with a minor child and an adult. This is not the same as a minor in a relationship with an adult.

- Felony crime which will likely result in arrest or request for prosecution.
- 5. Distribution of child pornography - [311.10PC](#)
 - Any person who distributes or causes to be seen a picture/video of a minor displayed or engaged in a sexual manner.
 - Felony/misdemeanor depending on content and will likely result in arrest/citation or request for prosecution.
- 6. Lewd acts with a child under the age of 14 years old - [288\(a\) PC](#)
 - Any person who commits any lewd or lascivious act, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child.
 - Felony crime which will likely result in arrest or request for prosecution.

Crimes Of Suspected Narcotics and Controlled Substances on Campus

1. Personal Use ([11350 HS](#)) and ([11377 HS](#))
 - Examples of the type of drugs possessed for these two sections: methamphetamine, cocaine, heroin, fentanyl, and most narcotic-related pills.
 - Misdemeanor possession likely to result in citation or request for prosecution.
2. Possession For Sale ([11351 HS](#)) and ([11378 HS](#))
 - Possession for the sale of the drugs listed above under “personal use” should include, the amount possessed, the way it is possessed (individual packages), unexplained money, text messages supporting sales, and or they were observed providing drugs to others.
 - Felony possession for sale of the above listed substances is likely to result in arrest, citation, or request for prosecution.

Criminal Threats and Crimes Associated With Illegal Weapons

1. Crimes associated with a weapon on campus - [626.10PC](#)
 - Weapons banned from schools under PC 626.9 and PC 626.10 include: dirks, daggers, ice picks, folding knives with a locking blade 2.5 inches or longer, tasers, stun guns, BB guns or pellet guns, and firearms
 - Felony/misdemeanor depending on the severity of the crime; will likely result in arrest/citation or request for prosecution.
2. Crimes associated with threats of criminal violence against a person - [422 PC](#)
 - The defendant willfully threatened to unlawfully kill or unlawfully cause great bodily injury; the threat was made orally, in writing, or by an electronic communication device; the threat was meant to be taken as such; the threat was clear, immediate, unconditional, communicated with serious intention to carry out; the victim is/was in fear for their safety or immediate family and that fear was reasonable under the circumstances.
 - Felony crime which will likely result in arrest/citation or request for prosecution.

3. Crimes associated with threats against a school employee - [71PC](#)
 - The defendant attempts to cause, or causes any employee of any public or private educational institution to do, or refrain from doing any act in the performance of their duties by means of a threat: directly communicated to such person; to inflict an unlawful injury upon any person or property; and it reasonably appears to the recipient of the threat that such threat could be carried out.
 - Felony crime which will likely result in arrest/citation or request for prosecution.

Guidelines for Gathering Information

Prior To LE's Arrival

When a deputy/officer arrives on campus, they will collect information relative to the case being investigated. The school administrator will want to ask the officer for the following information:

1. The case number
2. The officer's name
3. The officer's body number or badge number
4. The officer's email address (If needed for follow-up)

Additionally, it is important to gather as much information as possible before LE's arrival. Information to be collected includes the following:

- **Identification of the victim and whether or not they want to prosecute.**
 - You may need to speak with the parents/guardians to determine this information. It is important to establish if prosecution is desired before the deputy/officer arrives as LE will ask if prosecution is desired by the victim. Prosecution pertains to crimes against persons and property.
- **Statements from witnesses.**
 - When taking statements, try to find neutral witnesses. If the witnesses are neutral only a few statements are needed. If the witnesses include only "friends" of the victim or suspect, obtain at least two statements from separate individuals from each side.
 - For each witness, collect their full name, date of birth, and contact information (phone number and address).
- **Statements from all staff members who witnessed or were involved in the incident.**
 - For each staff member, include their full name, title, and contact information. (The school address and phone number can be used for staff contact information.)
- **Video or photographs.**
 - LE will want to collect all videos and photographs. This would include video from the school's surveillance system or any video/photograph provided by a student or staff member. Include information about where the video/photo came from and when it was collected. If a student

supplied the video/photo and wants to remain anonymous, have the staff member who collected the video write a statement indicating that they collected the video/photo from a student who wants to remain anonymous.

- **Photographs of any sustained injuries.**
 - If possible, take photos before and after the injuries were treated. If the person requires transport to a hospital, try to obtain photos before the transportation. The staff member(s) who medically treated the injuries and took the photos will need to provide a statement, their full name, and contact information.
 - If the victim is being transported to the hospital by the parent or ambulance, attempt to get a statement from them as to what happened. Whoever collects the victim's statement needs to complete a report with the details.
- **Attempt to get a detailed statement from the suspect.**
 - Keep in mind LE is limited when it comes to interviewing minors. It is best practice for the school staff to obtain some sort of statement from the suspect as LE can only speak with a minor suspected of a crime on a case-by-case basis. If needed, LE will follow up with the suspect.

Handling A Possible Sexual Assault Or Crime Involving Lewd Acts With A Minor Case

When a minor discloses they are the victim of sexual misconduct it is important to establish some basic information to help decide which direction to proceed. Listed below are some helpful tips when collecting information regarding a possible sexual assault case or crime involving lewd acts with a minor.

- Allow the victim to disclose whatever information they want to. It is important, however, not to push the victim into answering additional questions if you have determined a crime has likely been committed.
 - Remember that telling the story is often traumatizing to the victim and limiting the amount of times they have to retell the story is important.
- Note **when, where, and with whom** the crime occurred. This information will be provided to LE when they arrive.
 - When: important for evidential collection reasons.
 - Where: important for LE to help them determine jurisdiction.
 - For example, if the crime occurred in a city it would be investigated by the City Police even if your school is in the county. The same rule applies if your school is in a city and the crime occurred in the county, the County Sheriff would investigate.
 - Who: especially important if it is a person on the campus or if it is happening at the victim's home.
 - Both create a situation that will have to be addressed immediately to ensure the safety of the victim.
- If the victim is older than 12 they have the right to refuse to speak with LE and to inform parents of the reported incident.

- For this reason, the victim must have the ability to meet or speak with an advocate to discuss their rights and the process if they choose to move forward or not.
- If the victim is supported by an Individualized Education Program (IEP) or is covered under laws defining them as disabled, LE should be aware of that. Refer to your district's policy on releasing information regarding the specifics of the disability to LE.
 - In most cases, the district will require LE to request the information by completing the request in writing, which provides LE with the right to obtain a copy of the files. However, it is **IMPORTANT** to check your district's policies and procedures to verify your district's expectations involving these types of cases.
 - Keep in mind if protected files are turned over to LE they are required to maintain the protection of the files. Review [Title 20 section 1415\(k\)\(6\)](#) for additional information.

Suspected Narcotics And Controlled Substance Case

With any suspected dangerous drug only handle it if absolutely necessary. Upon arrival, LE will assist with the safe removal of the drugs and will secure them for either destruction or prosecution depending on the situation.

1. Contact LE via 911 or the non-emergency line immediately if a powdered drug is found on campus (i.e. fentanyl, methamphetamine, etc.)
 - If the drug type is known, (i.e. fentanyl methamphetamine, etc) inform LE.
2. While handling the drug, the individual must properly protect themselves by wearing appropriate Personal Protective Equipment (PPE) such as gloves, eye protection, and a face covering.
 - If the drug is in pill or powder form, do not attempt to manipulate it or handle it outside of the packaging as this could cause an exposure.
 - Do not attempt to manipulate or remove the drugs inside an office with fans on or outside in windy areas. This could cause a mass exposure.
 - Place the suspected drugs in the original packaging inside a separate bag and seal it.
3. Anyone who assisted in finding or locating the suspected drugs should complete a statement, providing a detailed account of what they did and what they observed.
 - This is to identify who had possession of the drugs and to record the potential exposure to any of those persons.
4. If the drugs are found on a student, do not allow the student to leave campus. Provide the student with adult supervision until LE arrives.

Criminal Threat Investigation Case

In a criminal threat case, additional information may be requested: a [Threat Assessment questionnaire](#), a [Mental Health Assessment](#), and/or a [Behavioral Intervention Plan](#). (The three combined resources make up a full Threat assessment)

NOTE: If the threat includes using a **firearm, knife, or any other prohibited weapon** activating a Threat Assessment Team is required. The Threat Assessment Team will often invite or consult a member from LE and a mental health professional to review the assessment. There are requirements for LE to be involved if the threat is determined to be credible and the person is deemed to be a danger to themselves or to others. (Prop 63 & Assembly Bill 1968). LE will check the suspect's access to firearms, the safe storage of firearms in the suspect's home, and may conduct a record check for any registered firearms of the parent or guardian of the suspect. LE may also conduct a home visit. The incident may be referred back to the district or school for additional action or support even though LE is involved.

Violent Behavior Investigation Case

Before an arrest is made, it is important to note the victim has to perceive the threat to be an actual threat. The victim also has to be in fear for their safety, and they have to desire for LE to prosecute the action.

- Collect statements from all parties (i.e. witnesses, victim, bystanders, etc) involved including staff member(s) subject to the threat and those who heard or saw the threat.
 - Try to use the **exact** verbiage the suspect used in the statement. It is okay if the language is inappropriate.
- If a threat is made electronically provide a screenshot, hard copy, or photograph of the threat.
 - In rare cases, if the threat meets certain criteria the deputy/officer may take the suspect's phone as evidence.