

Students

QUESTIONING AND APPREHENSION

Questioning

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

Except in cases of child abuse or neglect, the principal or designee shall notify the student's parent/guardian when a law enforcement officer requests an interview on school premises. This notification shall not delay the starting of the interview.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview. The principal or designee will inform the student of his/her right to request a staff member to be present during any 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 attempt to inform the student's parent/guardian.

Apprehension

Police officers, officers of the juvenile court, and other authorized law enforcement officials have an absolute right to enter a school and take a student into custody or make an arrest of a student.

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 minor regarding 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 addresses of the student's parent/guardian to the law enforcement officer. The officer then has the responsibility of notifying the parent/guardian.

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

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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

COURT DECISIONS

People v. Burton (1971) 6 Cal. 3d 375

In re Donaldson (1969) 269 Cal. App. 2d 509

Baines v. Brady (1953) 122 Cal. App. 2d 957, 960

In the matter of Paul P., 85 Daily Journal D.A.R. 2594 32 Ops. Cal. Atty. Gen. 46 (1958)

34 Ops. Cal. Atty. Gen. 93 (1959)

54 Ops. Cal. Atty. Gen. 96 (1971)

WESTMINSTER SCHOOL DISTRICT

Westminster, California

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