

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 5000 – STUDENTS

Policy 5145.11

Questioning and Apprehension

The Solano County Office of Education (SCOE) 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.

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

When any law enforcement official requests an interview with a student, the principal or designee shall request that the official provide verification of his/her identity, official capacity, and legal authority under which the interview is being conducted. If the officer refuses to provide certification of the legal authority for the interview, the principal or designee shall document such refusal and should consult with legal counsel, as appropriate, before allowing the interview to proceed.

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 as soon as practicable after law enforcement has interviewed the student on school premises.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview.

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

Questioning on School Grounds

The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students on school premises. Such records shall include the date and time, name and identifying number of the officer, the agency employing the officer and his/her official capacity, the time when s/he arrived and left, the fact that the principal or designee was or was not present during the interview, the reason for the questioning and/or release, and any other pertinent information.

Apprehension

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

If a minor student is removed from school into the custody of a peace officer, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which s/he is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse.

The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

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Policy 5145.11 (Continued)

If the student is suspected of being a victim of child abuse, the County Superintendent or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer, and the officer then has the responsibility of immediately notifying the parent/guardian.

The Superintendent or designee shall immediately be notified of the student's removal. This initial verbal notice will be followed by a written report by the principal or designee and shall include the date and time of arrest; the identity, badge number, and official capacity of the officer; and the reason for release.

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the SCOE 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 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 authorities
- 48906 Release of minor pupil to peace 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

- 830-832.8 re 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)

Policy Cross-Reference:

- 0450 Comprehensive Safety Plan
- 1400 Relationships with Other Governmental Agencies
- 5141.4 Child Abuse Prevention and Reporting
- 5142 Safety
- 5145.12 Search and Seizure