

STUDENTS: QUESTIONING AND APPREHENSIONQuestioning

Law enforcement officers have the right to come on campus to interview students as suspects or witnesses. School officials shall not delay, hinder or obstruct law officers from the performance of their duties. Before any such interviews, the principal or designee shall carefully ascertain the officer's identity, official capacity, and the authority under which he/she acts. The questioning should cause the least possible disruption to the school process, should give the student appropriate privacy and should model exemplary cooperation with law enforcement officials.

Except in cases of child abuse or neglect, the principal or designee shall attempt to contact the student's parent/guardian when a law enforcement officer interviews a 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.

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 inform the student's parent/guardian.

Apprehension

The Board of Trustees authorizes site administrators to release minor students into the custody of a law enforcement officer upon presentation of a court order or warrant for the student's arrest or to remove a student from school premises if the officer or school administrator has reason to believe that the student has violated the law. The principal or designee 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 or neglect.

Whenever a student is suspected of being a victim of child abuse or neglect and is being removed from the school premises, the superintendent or designee must give the telephone number and address of the student's parent/guardian to the law enforcement officer. The officer then has the responsibility of immediately 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.

Legal References:

Education Code

- 44807 Teacher Control Over Student
- 48264 Temporary Arrest or Custody
- 48265 Delivery of Minor by Person Temporarily Arresting or Assuming Custody
- 48902 Reporting Crimes to Law Enforcement
- 48906 Release of Minor to Police Officer
- 48909 Notification of Superintendent by Law Enforcement of Certain Crimes by Students

Penal Code

- 830-832.8 Peace Officers
- 833-847 Search for Dangerous Weapons
- 1328 Subpoena

Title 5

- 303 Duty to Remain at School

Board of Trustees

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References Reviewed: November 2003

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