

**Questioning and Apprehension**Questioning

Law enforcement officers have the right to interview students on school premises, as suspects or witnesses. 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 the student immediately, the principal or designee shall accommodate the questioning in a way that causes the least possible disruption to the school process, 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.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview. The law officer should advise the student that he/she has the right to remain silent, but that he/she is encouraged to cooperate with law enforcement agencies.

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

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.

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 address of the student's parent/guardian to the law enforcement officer. The officer then has the responsibility of immediately notifying the parent/guardian.

*(cf. 5141.4 - Child Abuse and Neglect)*

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

*(cf. 5142 - Safety)*

**Legal References: (see next page)**

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**Legal References:**

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

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

In re Donaldson 269 Cal. App. 2d 509

In the matter of Paul P., 85 Daily Journal D.A.R. 2594

32 Ops. Cal.Atty.Gen. 46

34 Ops. Cal.Atty.Gen. 93

54 Ops. Cal.Atty.Gen. 96