QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT

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 attempt to notify the student’s parent/guardian as soon as practicable after law enforcement has interviewed the student on school premises. At law enforcement’s discretion and with the student’s approval, the principal or designee may be present during the interview. The student will be advised of this option.

When a principal or other school official releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises, the school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Section 11165.6 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code. (Education Code 48906)

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

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to protect the student’s privacy rights and to minimize 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)

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

ATTORNEY GENERAL OPINIONS