

QUESTIONING OF STUDENTS BY LAW ENFORCEMENT

Questioning

The Board of Trustees believes that the safety of District students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

The Superintendent or designee shall collaborate with local law enforcement agencies to establish procedures, which enable law enforcement officers to carry out their duties on a school campus, including, when necessary, the questioning and/or apprehension of students.

When a law enforcement officer requests an interview with a student, 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 suspected child abuse or neglect, the principal or designee shall notify the student's parent/guardian as soon as practicable after the 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. Administrators will advocate for the legal rights of students suspected of a crime.

Administrations will ensure that law enforcement complies with Welfare and Institutions Code section 625.6. Effective January 1, 2018, Welfare and Institutions Code section 625.6 mandates that juveniles under the age of 16 consult with counsel prior to custodial interrogation and prior to any Miranda waivers. Prior to a custodial interrogation by law enforcement, and before the waiver of any Miranda rights, a youth 15 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived. This statute pertains only to a suspect of a crime, not to witnesses or victims. If the officer reasonably believes the information sought is necessary to protect life or property from an imminent threat, the officer may proceed without legal consultation.

The school shall keep a record of any interviews of students by law officers on school premises.

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Such records shall include the name and identifying number of the officer, the agency employing the officer, the time when he/she arrived and left, the fact that the principal or designee was or was not present during the interview, and any other pertinent information.

If a minor student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code § 48906)

The Superintendent or designee shall immediately be notified of the student's arrest. 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, the authority under which he/she acts, and the reason for release.

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. When a subpoena is served at school, the principal or designee shall take reasonable steps 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 enforcement authorities**48906 Release of minor pupil to peace officers; notice to parent, guardian**48909 Narcotics and other hallucinogenic drugs (re arrest)*CODE OF CIVIL PROCEDURE*416.60 Service of summons or complaint to a minor*PENAL CODE*830-832.17 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*

Students

BP 5153(c)

QUESTIONING OF STUDENTS BY LAW ENFORCEMENT (continued)

ATTORNEY GENERAL OPINIONS

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

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

Policy
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CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California