

AR 5145.11 Students: Questioning and Apprehension

***Note:** This administrative regulation pertains to questioning and apprehension of students by law enforcement authorities other than officers or other authorities seeking to enforce immigration laws. For the detailed protocol to be followed when immigration law enforcement authorities seek access to a student or student records for purposes of immigration enforcement, see AR 5145.13.*

All visitors and outsiders, including law enforcement officers, shall register with the principal or designee upon entering school grounds during school hours. Each visitor or outsider shall provide the principal or designee with his/her name, address, occupation, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law. (Penal Code 627.2, 627.3)

1. Questioning

Law enforcement officers have the right to come on campus to interview students as suspects or witnesses. School officials shall not 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. ***Note:*** Parent/guardian consent is required before a student is interviewed or searched by an officer seeking to enforce civil immigration laws, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. (AR 5145.13)

When an officer needs to interview a student immediately, every effort shall be made to notify the student's parent or guardian as soon as the interview has concluded unless such notification is prohibited by law.

At the law officer's discretion and with the student's approval, the principal 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. The principal has the legal authority to release the student without first obtaining parental consent, but upon releasing the student, the principal or designee shall immediately inform the student's parent/guardian except when the student is suspected of being a victim of child abuse.

If the student is suspected of being a victim of child abuse, the Superintendent or principal 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

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person. The school shall keep a record of any interviews of students by law enforcement officers on school premises, indicating the name of the student, the date and time, name and identifying number of the officer, the agency employing the officer and his/her official capacity, the time when he/she 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 from school, and any other pertinent information.

AR 5145.11 Students: Questioning and Apprehension (continued)

2. 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 he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. When the minor is a suspected child abuse victim, the Superintendent or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer removing the child from school. The officer then has the responsibility of immediately notifying the parent/guardian. (Education Code 48906)

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

If, after reasonable effort, contact has not been made by telephone, a letter shall be mailed to the parent/guardian on the same day the student was arrested. The letter will contain information regarding the student's release, the place to which he/she was reportedly taken, and the time(s) of attempted contact with the parent/guardian.

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