**Students** BP 5145.11(a)

**QUESTIONING AND APPREHENSION**

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the Executive Director 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 Executive Director 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 Executive Director 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 Executive Director or designee may be present during the interview.

If the law officer finds it necessary to remove the student from school, the Executive Director or designee shall first ascertain the reason for such action. Upon releasing the student, the Executive Director or designee shall immediately attempt to inform the student's 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.

*(cf. 5142 - Safety)*

**Subpoenas**

Although subpoenas may legally be served at CCA, 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 ensure a minimum of embarrassment or loss of class time for the student.

*Legal Reference: (see next page)*

BP 5145.11(b)

**QUESTIONING AND APPREHENSION** (continued)

*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*

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

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

*32 Ops. Cal. Atty. Gen. 96 (1958)*

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