

## **Questioning And Apprehension**

### Interviewing Students on School Grounds

The school shall keep a record of any interviews of students by law officers on school premises. Such records shall include 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, and any other pertinent information.

### Apprehension

Police officers, counselors 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 a lawful arrest of a student.

If the student is arrested, the principal or designee shall release the student into the custody of the officer and shall immediately attempt to contact the parent/guardian or designated responsible relative.

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 and the place to which he/she was reportedly taken.

If a private interview is not requested, the principal or designee may be present at all interviews. The officer's identification should be verified before the request is granted. Representatives of the following agencies shall be allowed to interview students at school:

1. Fresno City Police Department
2. Fresno City Fire Department
3. Sheriff's Department
4. Fresno County Probation Department
5. District Attorney's Office
6. California Youth Authority
7. Federal enforcement agencies
8. California Highway Patrol
9. Fresno County Child Protective Services: the child has the option of being interviewed in private or with any adult staff member--classified, certificated, or volunteer aide--in the room.

10. Fresno County Social Workers: when the minor is a ward of the court or when the social worker has reasonable cause to believe that the minor may be subject to a declaration of court dependency.

11. Counselors of Juvenile Court

#### Subpoenas

Although police officers have the legal right to serve a subpoena at school, the district believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. The student may be escorted to the office by a staff member.

In all situations, every possible step should be taken to minimize disruption to the school's program, students and staff.

#### Victim Interviews

Upon request, a child protective agency representative may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child.

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her, before the interview takes place, of the following legal requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of Article 2.5 (Penal Code 11165 et seq.), a violation of which is punishable as specified by Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

#### Removing Pupils From School During School Hours

No student shall be taken from school during school hours by any person other than a school employee with the following exceptions:

1. By a parent or guardian when properly identified (in cases in which the parents have been divorced and only one parent is listed on the emergency card, the child may be released only to the parent having physical custody who enrolled the child or other documents for joint custody and visitation rights).

2. By another person upon the written request, properly verified, by the parent or guardian.
3. By properly identified representatives of law enforcement agencies:
  - a. Making an arrest, with or without a warrant under Section 836 of the California Penal Code; (minor is suspected of a crime)
  - b. Presenting a warrant for the arrest of the student;
  - c. Taking the student into custody without a warrant under Section 625 or 305 of the California Welfare and Institutions Code; (protective custody)
4. By properly identified representatives of law enforcement agencies when not making an arrest or taking the child into custody as stated above under the following conditions:
  - a. With the express permission of the parent obtained prior to the release of the student;
  - b. In cases of emergency when the parents cannot be reached;
  - c. In cases of emergency when ". . .the rights of one of the parties involved would be seriously impaired by upholding that of the parent. . ."
5. By properly identified representatives of the Department of Children's Services when taking a child into custody pursuant to Section 306 of the Welfare and Institutions Code. (protective custody)

When a peace officer is seeking to remove a child from school during school hours, the interpretation of what constitutes an "emergency" is the responsibility of the principal of the school.

While it is a duty of the peace officer to notify the parents or guardian of the student taken into custody of the place of detention (Section 627) (a) of the Welfare and Institutions Code, it is still the responsibility of the principal, except when the minor is taken into custody as a victim of suspected child abuse (protective custody) or pursuant to the special provisions of Section 305 of the Welfare and Institutions Code, to notify the parent or guardian of the student.

#### Release of School Records

Notwithstanding any other provision of law, information relating to the taking of a minor into custody on the basis that he or she has committed a crime against the property, students, or personnel of a school district or a finding by the juvenile court that the minor has committed such a crime may be exchanged between law enforcement personnel, the school district superintendent, and the principal of a public school in which a minor is enrolled as a student, if the offense was against the property, students, or personnel of that school. (Welfare and Institution Code 828.3)

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