

COMMUNITY RELATIONS

Police Questioning and Apprehension of Pupils

Peace officers, including probation officers, have the right and responsibility to interview suspects and witnesses. To conduct such interviews, officers may call upon a suspect or witness at home or at a place of employment and, in the case of a minor, while the pupil is in attendance at school. The authority of an investigating officer regarding pupil interviews must include circumstances which warrant such inquiry.

When the officer's purpose is to arrest and/or remove a pupil from school, the officer should contact the school official, identify him/herself and give notice of the contemplated action. The school official should then assist the officer in carrying out his/her duty.

The investigating officer shall inform the pupil of his/her rights and is also required by law to notify parents or guardians of the interview and other action taken.

School officials have no right to prohibit an officer from interviewing a pupil. School officials shall ascertain the identity and official capacity of the officer, the authority for the investigation, and in the case of the arrest of a pupil, the reason for the arrest and the place where the pupil is to be taken.

School officials will:

1. Request to be present when a pupil is being questioned by a police official.
2. Request an opportunity to clarify the pupil's rights relative to not answering any questions without benefit of legal counsel prior to the questioning by a police official.
3. Request to notify the parent immediately that his/her child is being questioned by a police official.
4. Verify the identity of the police official with the official's law enforcement agency prior to a police official taking a pupil off campus.

The school official shall take immediate steps to notify parents of any investigation and/or release of a pupil except when the investigation and/or release is for suspected child abuse, neglect, or when directed not to contact the parent by a police officer.

Legal References: California Education Code: Sections 48264, 48906, 48913
Penal Code: Section 11165
Welfare and Institutions Code: Section 305
California Attorney General Opinions and Analysis:
No. 59-203 (August 27, 1959) and No. 71-28 (June 15, 1971)

Santa Clara County Deputy District Attorney letter, dated
November 25, 1985, regarding Peace Officer Interviewing
Students

Policy Adopted:	March 23, 1972
Revised Policy Adopted:	June 9, 1977
Revised Policy Adopted:	December 14, 1982
Revised Policy Adopted:	July 10, 1986

Renumbered BP 5145.1