

# ADMINISTRATIVE REGULATION

Placentia-Yorba Linda Unified School District

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Students

5145.11 - AR

## INTERVIEW AND REMOVAL OF STUDENTS

### A. Purpose and Scope

To provide administrative procedures in the event a student is interviewed by or removed from the school campus by a peace officer

### B. General

1. This policy pertains to all schools in the district.
2. "Peace officer" refers to any duly authorized law enforcement officer.

### C. Forms Used and Additional References

Release to Law Enforcement Agency Form (Exhibit A)

### D. Procedures

#### 1. Interview of Student

Absent extenuating circumstances, law enforcement officers will avoid interviewing students at school for non-school-related issues. Extenuating circumstances include the following:

- a. Officers entering school premises in "hot pursuit" of a suspect;
- b. An ongoing investigation of a serious nature or felony;
- c. Suspected child abuse or neglect investigations;
- d. Kidnapping or abduction investigations conducted by designated peace officers or federal law enforcement officers in accordance with Education Code section 49076.5;
- e. Situations where the officer has a lawful warrant or court order authorizing the interview;
- f. Response to an emergency at the school; or
- g. Response to a crime committed on school property

When any law enforcement officer requests an interview with a student, the principal or designee shall request that the officer provide official verification of his/her identity, his/her official capacity, and the purpose and legal authority under which the interview is to be conducted. If the officer refuses to provide certification of the legal authority for the interview, the principal or designee shall contact the district's Student Services Department, as appropriate, before allowing the interview to

proceed. The principal may seek clarification and/or additional information regarding the purpose and legal authority for the requested interview to take place on school grounds. The principal or designee shall ensure District policies and regulations regarding law enforcement interviews of students on campus are followed.

If an interview is permitted, consistent with District policy and this regulation, the principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and provides the student appropriate privacy and confidentiality.

- a. If the interview is permitted, the interview shall take place in confidential space to minimize disruption to the student's education and to ensure appropriate privacy and confidentiality.
- b. If the student requests the presence of his/her parent/legal guardian, the law enforcement officer makes the determination of whether to permit parent/legal guardian presence in accordance with law enforcement protocols.
- c. If a student declines to respond to the interview by the law enforcement officer, the officer shall follow his/her agency's protocols.

It is the responsibility of the law enforcement officer to meet any legal requirements from a law enforcement perspective relating to advising a student of constitutional or statutory rights. Unless the law enforcement officer provides authority otherwise, the principal or designee may be present during the on-campus interview. In cases of suspected child abuse or neglect, the child may request a school staff member to be present during the interview.

Except in cases of child abuse or neglect or kidnapping/abduction, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable when the law enforcement officer has interviewed the student on school premises.

In instances when the Principal or designee requests that the police respond to potential criminal activity which occurs at school or school sponsored event, every effort will be made to notify the parents or guardian as soon as possible following the interview. Principals shall request police interviews only when it appears criminal activity has taken place. Any related discipline issues shall be investigated in accordance with district policies and procedures regarding student misconduct, suspensions, and expulsions.

## 2. Removal of Student

When a peace officer wishes to take a student from the custody of the school, the officer must first complete the district "Release to Law Enforcement Agency" form (Exhibit A).

If the minor student is taken into custody by the law enforcement officer and removed from the school premises, the principal or designee shall take immediate steps to notify the parent, or legal guardian, or responsible relative of the student regarding the release of the student to the law enforcement officer and regarding the place to which the student is reportedly being taken (Education Code. 48906). The law enforcement officer's name and contact information will also be provided to the parent, legal guardian, or responsible relative.

If the minor student is taken into custody as a victim of suspected abuse or neglect, it is the law enforcement officer's responsibility to notify the parent or legal guardian. The

school shall provide the law enforcement officer who takes custody of a victim of suspected abuse or neglect with the name, address, and phone number for the parents/legal guardians.

### 3. Subpoenas

Although criminal 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. When 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. Schools are not authorized to accept service of a subpoena on behalf of a student and are not legally obligated to make a student available to be served on campus unless the student and parent or legal guardian authorize service. The school shall not disclose the home address of the student without a subpoena, lawful court order, or written authorization of the parent or legal guardian, or the school's determination, based on available information, that an emergency requires this disclosure to protect the health or safety of the student or others.

### E. Guidelines Regarding the Role of the School Resource Officer on Campus

In general, the School Resource Officer (SRO) may perform the following functions on a school campus, at the request of school authorities and consistent with District policies and procedures and the SRO's employment:

1. Act as a resource person from the law enforcement perspective for the schools, students, parents, teachers, and school staff and others involved in the welfare and education of youth;
2. Cooperate with school authorities in finding resources that may assist in helping at-risk students;
3. Inspect school facilities for reasonable security precautions, traffic patterns, and vandalism deterrents;
4. Give presentations to students on administration of justice, youth, and the law as well as rights and responsibilities of students and parents, bicycle and pedestrian safety, drug abuse, anti-gang messages and similar school safety topics.
5. Meet with PTA groups, teacher groups, student body groups, and other interested groups as mutually deemed necessary and appropriate
6. Handle and take reports of serious crimes that occur on campus;
7. Assist with crisis intervention and threat assessment as needed

### F. Reports Required

Release to Law Enforcement Agency (if applicable)

### G. Record Retention

The Release to Law Enforcement Agency form shall be filed at the school site.

H. Responsible Administrative Unit  
Executive Services

I. Approved by:

<u>Richard McAlindin</u>	<u>11/16</u>	<u>Dr.Greg Plutko</u>	<u>11/16</u>
Responsible Division Head	Date	Superintendent	Date

**RELEASE TO LAW ENFORCEMENT AGENCY**

Date: \_\_\_\_\_

Name of School: \_\_\_\_\_

Student Name: \_\_\_\_\_ Grade \_\_\_\_\_

**Name and Position of School Personnel releasing student to Law Enforcement Agency:**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

**Name of Law Enforcement Officer and Agency taking custody of student:**

Officer/Deputy Name: \_\_\_\_\_ Badge Number: \_\_\_\_\_

Name of Agency: \_\_\_\_\_

Student left campus at \_\_\_\_\_  AM  
 PM

\_\_\_\_\_ Contact parent/guardian (action taken and contact time)

\_\_\_\_\_  
\_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
School Representative Signature

\_\_\_\_\_  
Officer/Deputy Signature