



BOARD POLICY

AR 5145.11

Approved: 8-25-20

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Students Questioning and Apprehension

Questioning on School Grounds

The school shall keep a record of any interviews of SUSD students by law officers on school premises. Such records shall include the student's identification number, date and time, name of the officer, and for non-SUSD officers, the badge number of the officer, the agency employing the officer, and the officer's official capacity, the time when he/she arrived and left, whether contact was made with the parent/guardian and if contacted, the time of that contact, whether the principal or designee and parent or guardian was or was not present during the interview, the reason for questioning the student, whether the student was removed from school grounds or released from custody by the officer, and any other pertinent information.

Students 15 years of age or younger who are in temporary custody shall first consult with legal counsel prior to a waiver of their right to legal counsel or any waiver of their Miranda rights.

Apprehension on School Grounds

Police officers, officers of the juvenile court, and other authorized law enforcement officials may enter a school to take a student into custody or to make an arrest of a student but law enforcement, absent extenuating circumstances, such as an ongoing investigation of a serious nature or of a felony, shall avoid entering school grounds for the purpose of apprehending a SUSD student for non-school-related issues.

SUSD police officers shall not cite and/or book SUSD students for low-level disciplinary conduct listed in AR 5145.10, Police Assistance and Student Referrals, and for the following specific offenses (exceptions as noted):

1. Truancy
Officers will refer truancy students to the Child Welfare & Attendance (CWA) office. Citations may only be issued if the student is referred by CWA as a chronic truant. (See Education Code §§ 48263.6, 48264)
2. Resist, Delay Officer (California Penal Code § 148)
SUSD students shall not be cited or booked for delaying or resisting an officer as the sole result of low-level disciplinary conduct and truancy situations. Whether a student is booked for delaying or resisting an officer, when he/she is also being booked or cited for violating another section of the Penal Code, requires supervisor approval and will depend upon the totality of the circumstances. The totality of circumstances shall include both the severity of the underlying misconduct involved with the other violation(s) of the Penal Code as well as the severity of the student's resistance, delay, or obstruction of the officer in performing his/her duties.



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3. Disturbing the Peace (Penal Code §§ 415 and 415.5)

California Penal Code sections 415 and 415.5 do not apply to SUSD students as these sections apply to outsiders disturbing the peace on school grounds.

Notification of Parent/Guardian

If a minor student is removed from school into the custody of a peace officer, except when the minor student is suspected of being a victim of child abuse, the principal or designee shall immediately notify the parent/guardian or caregiver regarding the student's removal and the place to which he/she is reportedly being taken. (Education Code 48906) The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

If the minor student is suspected of being a victim of child abuse, the Superintendent or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer. In this circumstance, the officer has the responsibility of immediately notifying the parent/guardian that the minor student is in custody and of the place where the student is being held unless the officer has the reasonable belief that the student would be endangered by disclosing that the student is in custody, or if the disclosing the place would cause custody to be disturbed. (Education Code 48906)

(cf. 5141.4 - Child Abuse Reporting Procedures)

The Superintendent or designee shall immediately be notified of a SUSD student's removal. This initial verbal notice will be followed by a written report by the principal or designee and shall include the date and time of removal, the identity of the officer, and for non-SUSD officers, the badge number and official capacity of the officer, and the reason for the student's removal by the officer.

Replaces AR 5145.11 (8/99)