

Students – Welfare

Questioning and Apprehension at School by Law Enforcement Officers

A. Questioning Students at School

1. Duly authorized representatives of law enforcement agencies shall be allowed to interview students on school premises as suspects or witnesses. The officer shall provide identification to the school administrator. At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview.

Law enforcement personnel entitled to interview students on school premises under the above conditions shall include the following:

- a. Police Officers of the City of Glendale.
 - b. The Sheriff of Los Angeles County or deputies.
 - c. The Probation Officer of Los Angeles County or officers.
 - d. The District Attorney or their investigators.
 - e. Investigators for the Domestic Relations Court.
 - f. Parole Officers of the United States or the State of California.
 - g. Agents of the Federal Bureau of Investigation.
 - h. Child Protective Agency personnel of the Department of Children and Family Services when investigating reported child abuse or neglect.
 - i. Arson Investigators.
2. Law enforcement representatives have no right to remove a student from school for the purposes of interrogation only, and this should not be allowed in the absence of the consent of parents or guardian.
 3. These regulations do apply where a school resource officer acts in the capacity of a peace officer.

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B. Removing Students from School During School Hours

1. No student shall be taken from school during school hours by any person other than a school employee, a parent or guardian when properly identified, or another person upon the written request, properly verified, of the parent or guardian, or:

a. By properly identified representatives of law enforcement agencies:

- (1) Making an arrest, with or without a warrant under Section 836 of the California Penal Code.
- (2) Presenting a warrant for the arrest of the student.
- (3) Taking the student into custody without a warrant under Section 625 or 305 of the California Welfare and Institution Code.

b. 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:

- (1) With the express permission of the parent obtained prior to the release of the student.
- (2) In cases of emergency when the parents cannot be reached.
- (3) In cases of emergency when "...the rights of one of the parties involved would be seriously impaired by upholding that of the parent..."

When a law enforcement officer is seeking to remove a child from school during school hours the interpretation of what constitutes an "emergency" is the responsibility of the Superintendent or Superintendent designee.

2. When a student is taken into custody and removed from school during school hours, it is essential that the District maintains a record of the circumstances involved. Included in the record, in addition to identifying data on the student,

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should be the date and time of the arrest or removal, the officer's name, badge number and official capacity, and the legal category under which the arrest or taking into custody was made.

C. Notification of Parents

1. In the case of an interview by a law enforcement officer, parents are to be notified as soon as practicable by the principal or designee, except in cases of suspected child abuse or neglect.
2. Both the law enforcement officer and the principal or designee are required to notify the parents or guardian of the person taken into custody or placed in detention, except in cases of suspected child abuse or neglect, when it is the responsibility of law enforcement to provide the notification.

Legal Reference: Welfare and Institutions Code, Sections 305; 625; 627(a)
People v. Burton (1971) 6 Cal. 3d 375

Rules Approved: 12/04/1956

Rules Revised: 06/16/1959; 06/04/1985; 05/21/1996; 12/17/2002; 11/20/2012; 03/03/2017

Formerly AR 5440