

Book	Board of Education Policies
Section	5000 Students
Title	Questioning and Apprehension by Law Enforcement
Number	5145.11
Status	Under Consideration
Origin	New Board Policy

San Francisco Unified School District and County Office of Education

Board Policy 5145.11

Questioning and Apprehension by Law Enforcement

This Board Policy applies to the San Francisco Unified School District and the County Office of Education.

The San Francisco Unified School District wishes to continue its successful collaboration with local law enforcement agencies to ensure safety in our schools, enhance the education of the San Francisco Unified School District staff and its students, and to strengthen the relationship of trust between schools and students' families. Moreover, the District recognizes the serious potential consequences for youth of juvenile court involvement and wishes to avoid unnecessary criminalization of our students. Therefore, in accordance with standards specified in law, law enforcement officers may only interview and question students on school premises when appropriate.

This policy applies only to questioning of students by law enforcement officers for law enforcement purposes.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 3515.3 - District Police/Security Department)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.12 - Search and Seizure)

Child Abuse Investigation

In order to interview a student about an allegation of child abuse, the child protective services worker and/or other law enforcement officer must verify that they have a warrant, court order, parent/guardian consent, or exigent circumstances.

Police Investigation

When investigating a possible criminal violation occurring off school premises or not part of a school program, law enforcement agencies will be encouraged to interview students away from school premises.

Properly identified law enforcement officers will be permitted to interview students on school premises as suspects or witnesses if the law enforcement officer has legal authority to conduct the interview, which includes: a warrant, court order, parent/guardian consent, or in exigent circumstances. The officer shall be required to provide their identification and verify the legal authority under which the interview is to be conducted. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

If the law enforcement officer has a warrant, court order, parent/guardian consent, or exigent circumstances exist, the principal or designee shall accommodate the interview in a way that causes the least possible disruption to the school process, gives the student appropriate privacy, models cooperation with local law enforcement agencies, and respects the interests of students, parents and the school community.

Except in situations where the student is a suspected victim of child abuse, the school must immediately call the student's parents. Efforts to contact parents must include calling all numbers listed on an emergency card, including work numbers, pager numbers, and any number supplied by the student. Parents must be given reasonable opportunity to come to the school and be present for any police interview. If a parent cannot be found, the school site should offer the student the option of having an adult of his or her choice from the school available during an interview. In cases where the principal or designee is unable to contact the student's parent/guardian before the interview begins, the principal or designee shall notify the parent/guardian as soon as practicable after the law enforcement officer has interviewed the student on school premises.

State law requires that prior to a custodial interrogation, and before the waiver of any Miranda rights, a student 15 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived. Welfare & Institutions Code Section 625.6.

The San Francisco Public Defender's Office has made a 24 hour phone line, staffed by qualified and trained legal defenders, available to all students age 15 and younger to receive legal consultation prior to a police interrogation or decision to waive the individual's Miranda Rights.

Immigration and Customs Enforcement

This policy does not apply to the interviewing of students by U.S. Immigration and Customs Enforcement.

(cf. 5145.10 - Protection of the Rights of Undocumented Students)

Police Arrests

Upon presentation of proper identification to the principal or designee, police officers have the authority to remove students from school premises. Principals shall take immediate steps to notify the parent/guardian/caregiver or relative of the minor regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse. In those cases, the school official shall provide the police officer with the address and telephone number of the minor's parent/guardian. Education Code Section 48906.

Subpoenas

The District strongly urges serving officials to serve subpoenas on students away from the school premises. The District will allow a serving official to serve subpoenas on students age 12 or older at school in an action connected to a school related offense, or with permission from the Legal Department. 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.

Legal Reference:

EDUCATION CODE

44807 Duty concerning conduct of pupils
48264 Arrest of truants
48265 Delivery of truant
48902 Notice to law enforcement authorities
48906 Release of minor pupil to peace officers; notice to parent, guardian
48909 Narcotics and other hallucinogenic drugs (re arrest)

CODE OF CIVIL PROCEDURE

416.60 Service of summons or complaint to a minor

PENAL CODE

830-832.17 Peace officers
1328 Service of subpoena

WELFARE AND INSTITUTIONS CODE

625 Interrogation of minor
627 Custody of minor

CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

COURT DECISIONS

Camreta v. Greene, (2011) 131 S.Ct. 2020
Dees v. County of San Diego (2017) U.S. Dist. LEXIS 167367
People v. Lessie, (2010) 47 Cal. 4th 1152
In re William V., (2003) 111 Cal.App.4th 1464

ATTORNEY GENERAL OPINIONS

54 Ops.Cal.Atty.Gen. 96 (1971)
34 Ops.Cal.Atty.Gen. 93 (1959)

Management Resources:

WEB SITES

California Department of Justice, Office of the Attorney General: <http://oag.ca.gov>

Please note that compare references, or “cf”, refer to CSBA model policies and do not necessarily indicate that the San Francisco Unified School District has adopted the referenced policy.

Cross References Second Reading: June 12, 2018
 Rules Committee: June 4, 2018
 First Reading: May 8, 2018

Last Modified by Danielle Houck on May 3, 2018