

## **ARREST AND INTERROGATION OF STUDENTS**

It is the policy of the Monterey County Board of Education (County Board) that employees of the Monterey County Office of Education (MCOE) shall cooperate with law enforcement officials seeking to interrogate or arrest students who are enrolled in programs operated by the Monterey County Superintendent of Schools (County Superintendent).

The County Board acknowledges that law enforcement officials have the right to interrogate or arrest students. However, this right is one that must be reasonably exercised.

The County Board further recognizes that, while students are in their custody during the school day, school personnel stand in the position of parent. Every effort shall be made to dismiss a student from class in a manner that will not interrupt the educational program and will not call undue attention to the student.

The County Superintendent is expected to establish regulations outlining the responsibility of staff for contacting parents and arranging for a suitable location for the interrogation to take place.

*Legal Reference: (see next page)*

*Legal Reference:*

EDUCATION CODE

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

CODE OF CIVIL PROCEDURE

416.60	<i>Service of summons or complaint to a minor</i>
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PENAL CODE

830-832.17	<i>Peace officers</i>
1328	<i>Service of subpoena</i>

WELFARE AND INSTITUTIONS CODE

627	<i>Custody of minor</i>
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CODE OF REGULATIONS, TITLE 5

303	<i>Duty to remain at school</i>
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COURT DECISIONS

*Camreta v. Greene*, (2011) 131 S.Ct. 2020  
*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)

Adopted: 4/21/99