

ARREST AND INTERROGATION OF STUDENTS

This regulation shall provide rules for the conduct of school administrators and/or designees when peace officers wish to interact with students who are under the temporary guardianship of Monterey County Office of Education (MCOE) during the school day. This interaction may be in the form of questioning, or may result in students being arrested or otherwise removed from the school site premises. This regulation applies to all programs operated by MCOE; however, students attending the Alternative/Juvenile Court Schools administered by MCOE are subject to the rules of the Monterey County Probation Department, which shall take precedence over this regulation.

Questioning of Students on School Premises

Peace officers have the right to question students on school premises. However, this right is one which must be reasonably exercised.

School site principals or designees are responsible for taking the following steps in such circumstances:

- Determine that the person requesting permission to question and interview the student is an authorized representative of a law enforcement agency;
- Encourage the peace officer to question the student off-campus when school is not in session. However, if the peace officer is unable to question the student when school is not in session, the administrator or designee must permit the questioning;
- Cooperate with the peace officer;
- Make every effort to notify the parents/guardians at once, prior to the interview. If possible, arrange for the parents to be present. If the parents object to the interview, request that the officer conduct the interview off-campus, unless the officer states that it is necessary for the interview to take place on-campus;
- If parents could not be reached prior to the interview, notify them subsequently that an interview has taken place;
- Arrange for the interview to take place in the most private place available; Arrange for the student to be dismissed from the classroom in a manner that will not interrupt the educational program or call undue attention to the student;

- Be present or assign someone to be present throughout the interview. The principal or a designee must be present at all times, although actual participation is not required;

Ensure that the student is treated fairly. If there is a possibility that the student may be charged with the commission of a crime, the student must be advised of his/her rights

- before questioning begins. School officials stand in the position of the parent while a student is in their custody. A minor, like an adult, has a constitutional right to refuse to give testimony which might tend to incriminate him/her;
- Make a written record of who did the questioning, when it was done, who was present, what it was about, efforts to notify the parents, and what the reaction of the parents was to the notification.

Removal of Students from School Premises

When peace officers have duly identified themselves to the MCOE site principal or designee and have indicated that they wish to remove a student from the school premises, school officials shall follow the instructions below. Such removal may be to arrest the student or to take the student into protective custody:

- As soon as practicable, while attempting to avoid disruption of the educational function of the school site, deliver the student to the peace officer in the school office;
- Ascertain the place to which the peace officer is taking the student;
- Immediately take steps to inform the parent/guardian (by phone, in person, or, as a last resort, by registered letter) of the student's removal and of the place to which the student is to be taken, except when the student is being taken into custody as a victim of suspected child abuse. In such a case, the parent/guardian shall not be informed by the MCOE school administrator or designee; instead, the peace officer shall be provided with the address and telephone number of the parent/guardian. It is the responsibility of the peace officer to take immediate steps to notify the parent/guardian [Education Code (E.C.) 48906].

Note: If the peace officer has a reasonable belief that because of suspected child abuse, the student would be endangered by a disclosure of the place where

he/she is being taken, the officer may refuse to make such disclosure for a period not to exceed 24 hours [Penal Code 11165.6]