

Q: What do I do if the police are here and they want to speak to a student?

Category: Police

When a law enforcement officer wishes to speak with one of your students regarding an incident the officer is investigating, the officer should make contact with an administrator prior to the officer's contact with the child on campus. **The Police Questioning Form must be completed every time a police officer questions a student.**

The administrator should:

- **Verify if it is a school-related incident or not. Ask the officer, "Is this investigation related to a school incident?"**
 - **If not school-related**, say, "I would prefer that you speak to the student outside of the school day (outside of the school's jurisdiction). Are you able to do that?"
 - If the officer says, "Yes", then no interview takes place at that time.
 - If the officer says, "No", then allow the officer to discharge his duties on campus. Ask the officer:
 - "May I contact the parent/guardian prior to the student being questioned?"
 - "Did the student ask for a parent/guardian or other adult to be present?"
 - "May I or an adult staff member sit-in on the interview?" (take notes, support child; **do not interview!**).
 - If the parent has not been contacted prior to the interview, at the conclusion of the interview, ask the officer:
 - "Who will contact the parent regarding the interview?"
 - "When will that contact be made?"
 - If the **incident relates to an on-campus or school-related incident**, follow the same protocol above regarding police questioning **and** the following guidelines should also be followed:
 - Site administration must conduct its own investigation.
 - If law enforcement is conducting a criminal investigation, allow them to take the lead in the investigation, but the officer may share evidentiary information and the staff shall be allowed to gather copies of evidentiary information (photos of weapon, drugs, injuries, copies of witness statements, etc.) for the schools disciplinary process and prior to the officers leaving with the evidence.

- **Note:** School officials should not have law enforcement officers undertake duties usually performed by administrators, i.e. conducting an investigation or collecting evidence for an expulsion hearing.
- **Take student off campus?**
 - If the officer states that he is taking the student off-campus:
 - Advise the officer that as administrator, **you are required (per Ed Code 48906*) to take immediate steps to notify the parent or guardian of the student regarding the release of the student to the officer**, and where the student has been taken by the officer (except when taken into protective custody due to suspected child abuse).

***Education Code 48906.** When a principal or other school official releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises, the school official shall take immediate steps to notify the parent, guardian, or responsible 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, as defined in Section 11165.6 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code. In those cases, the school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian. The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative of the minor that the minor is in custody and the place where he or she is being held. If the officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held, or that the disclosure would cause the custody of the minor to be disturbed, the officer may refuse to disclose the place where the minor is being held for a period not to exceed 24 hours. The officer shall, however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at a subsequent detention hearing.