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## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

#### Law Enforcement

### LAW ENFORCEMENT PERSONNEL ON CAMPUS/QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT

#### A. Law Enforcement Officers

When students become involved with law enforcement personnel, either as suspects, witnesses, or as victims (where offense is not school-related), the investigating officer may determine that it is necessary to confer with the student at a time when the student is under the jurisdiction of school authorities. When such is the case, it is expected that the officer will report to the school office, notify the principal or designee of the need to confer with the student, the principal or designee will take the following actions:

1. *Law Enforcement Identification:* Ask for the law enforcement official's identification and the authority under which he or she is acting. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students, which will include, but is not limited to, this information.

NOTE: THE LAW ENFORCEMENT INTERVIEW/CONTACT RECORD DESCRIBED IN NO. 1 IS NOT REQUIRED FOR INTERVIEWS/CONTACTS THAT TAKE PLACE BETWEEN STUDENTS AND DISTRICT POLICE/SCHOOL RESOURCE OFFICERS.

2. *Notification of Parent/Guardian:* While not required by the law or necessary to allow a student to be interviewed by a law enforcement official at school, the principal or designee shall attempt to notify the parent/guardian as soon as practicable upon receiving law enforcement's request to interview the student at school. The District's practice is to attempt to provide notice to the parent/guardian on the same day that law enforcement requests to interview and conducts the interview of a student. Consistent with subdivision c. below, however, notice may not always be provided the same day that law enforcement requests to interview and conducts the interview of a student at school.
  - a. The exceptions to this parental notification procedure include cases of child abuse, neglect or under the legal authority of a law enforcement official who directs the principal or designee not to notify a parent/guardian.
  - b. When a law enforcement official desires to interview a student in the case of suspected child abuse or neglect by the student's parent/guardian, school officials shall cooperate in facilitating such interviews, but school officials shall not and cannot provide consent on behalf of the student or the student's parents for the interview and questioning.
  - c. If, after reasonable effort to give notice when appropriate, contact has not been made by telephone or otherwise to provide notice to a parent/guardian, the principal

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or principal's designee shall attempt to mail a copy of the record of the law enforcement interview to the parent/guardian on the same day the student was questioned/interviewed, and shall mail a copy of the record of the law enforcement interview to the parent/guardian no later than the school day following the interview.

- d. A law enforcement officer's statement that notification has been provided to the parent/guardian prior to the lawful request to interview/question a student may not be used in lieu to satisfy the principal or designee's responsibility to notify.

### 3. *Interview/Questioning of Student*

- a. The principal or designee should have the student report to the school office and introduce the officer to the student. The introduction preferably should take place in the privacy of an office.
- b. At this point, the principal or designee should ask the student if the student wants the principal or designee to remain for the conference. If the student does not request the principal or designee to remain for the conference, the principal or designee will allow the officer and student to confer in private. If the principal or designee is present during the interview or questioning of the student, the principal or designee shall not participate in the interview or assist the law enforcement officer in the interview or questioning.

NOTE: THE NATURE OF THE CONFERENCE (VICTIM OF RAPE, SEXUAL OR PHYSICAL ABUSE, WITNESS TO SOME CRIME) MAY DETERMINE THAT THE SCHOOL NURSE, LEARNING DIRECTOR, OR SOMEONE OTHER THAN THE PRINCIPAL OR DESIGNEE PARTICIPATE IN THE CONFERENCE.

### 4. *Custody and Removal of Student by Law Enforcement Personnel*

- a. When a student refuses to meet or discuss matters with law enforcement personnel, the officer may elect to place the student in custody and remove the student from the campus.
- b. If the officer determines it is necessary in the course of the investigation for the student to be removed from the campus either in custody, or so the student may better aid the officer by identifying suspects or physical evidence, or in any other way aid in the investigation, the principal or designee shall release the student to the officer.
- c. Parent permission is not required for the student to be released to the custody of the officer. However, in the event the officer removes the student from campus, the principal or designee, in accordance with Education Code section 48906, must take

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immediate steps to notify the parent/ guardian of the student regarding the release of the student to the officer and the place to which the student is reportedly being taken.

However, in cases where a law enforcement officer removes a minor from a school campus as a victim of suspected child abuse, it shall be the officer's responsibility (not the principal's or designee's) to take immediate steps to notify the parents that the minor is in custody and the place where the minor is being held.

In most instances, police officers, probation officers, and protective service personnel share a common concern with school administrators, the welfare of the individual student, the school environment and the environment in the community. These common concerns should be the basis of mutual supportive relationships between all parties.

### B. Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the principal or designee shall take reasonable steps to protect the student's privacy and to minimize loss of class time for the student.

### C. Immigration Enforcement Officers

For procedures regarding District personnel responses to immigration enforcement, refer to Administrative Regulation No. 5145.13 – Response to Immigration Enforcement.

Adopted: 07/23/1975

Reviewed: 03/06/2007, 10/03/2008

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