

HONOLULU POLICE DEPARTMENT

POLICY LAW ENFORCEMENT OPERATIONS

June 17, 2015

Policy Number 4.34

TRUANCY

POLICY

The truancy law shall be enforced in accordance with this directive.

PROCEDURE

I. COMPULSORY SCHOOL ATTENDANCE

- A. Section 302A-1132, Hawaii Revised Statutes (HRS), provides that school attendance (public or private) is required of all children who will have arrived at the age of at least five years on or before July 31 of the school year and who will not have arrived at the age of eighteen years by January 1 of any school year, unless the child is excluded from school or excepted from attendance.

This section also provides that any parent, guardian, or other person having the responsibility for or care of a child must send the child to school unless the child is exempted by law.

- B. Section 302A-1135, HRS, provides that any parent, guardian, or other person who is responsible for a child and does not diligently enforce the child's regular school attendance shall be guilty of a petty misdemeanor.
- C. Under Section 302A-1136, HRS, the Department of Education (DOE) is charged with enforcement of the compulsory school attendance law. However, the police are also responsible for the enforcement of such laws subject to the plans and policies of the DOE.

II. PROCEDURES FOR ENFORCEMENT OF THE TRUANCY LAW

Officers of the Honolulu Police Department shall be guided by this directive when enforcing the truancy law. During their tour of duty, officers may come across juveniles suspected of violating truancy laws. Officers should stop and check all suspected truants during their tour of duty.

- A. Any student found off campus during normal school hours should have in his or her possession a pass authorizing the student to be out of school. The DOE has a standard pass for all public school students; the private schools have individualized passes for their students. Any student without a pass may be considered a truant and should be arrested for truancy.
- B. If a juvenile is found to be a nonstudent, (e.g., is not registered in a public or private school and is not exempted from attendance), he or she shall be taken into custody and charged for the applicable section(s) of 571-11, HRS, such as:
 - 1. 571-11(2)(A), which addresses juveniles who are neglected as to or deprived of educational services; or
 - 2. 571-11(2)(C), which addresses juveniles who are neither attending school nor receiving educational services required by law through their own misbehavior, nonattendance, or otherwise.
- C. If a juvenile is arrested for a criminal offense and is found to be a truant, he or she will also be processed for truancy. The truancy will not be handled as a separate case and will remain with the criminal case for disposition by the investigator.
- D. If a student arrested for truancy cannot be returned to a parent or guardian because the officer cannot locate or notify the truant's family, the student may be released to the counselor or principal of the student's school.

III. TRUANCY DISPOSITION AFTER ARREST

After a juvenile is arrested for truancy, each arrest report will be forwarded to the state Attorney General's office for proper disposition.

IV. REQUIRED REPORTS

Whenever a student is arrested for truancy, a numbered police report and Juvenile Arrest Report (JAR) shall be submitted by the officer and a copy forwarded to the Records and Identification Division.

- A. Truancy arrests should be processed by the arresting officer as an absentee booking via the JAR.
- B. All of the information blocks on the JAR must be filled in completely. The original JAR and two copies of the arrest report shall be forwarded to the Records and Identification Division.
- C. The circumstances under which the student is detained and the actions taken by the department shall be clearly explained.


LOUIS M. KEALOHA
Chief of Police

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board for one week

Policy first issued
March 29, 2002