

LEGAL AUTHORITY FOR T.A.B.S.

California Education Codes (EC) that apply are:

- 48200 – Mandates school attendance for youths between the ages of 6 - 18 years. It also mandates that parents or guardians send the pupil to school.
- 48400 – If employed, 16 - 17 yr olds, may have a minimum schedule of attendance.
- 48412 – A 16 - 17 yr old may be exempt from EC48200 if they pass the California High School Proficiency Exam.
- 48260 – Any student who is absent without a valid excuse more than three days, or tardy in excess of 30 minutes on each of three or more days in any one school year, is a TRUANT.
- 48262 – Any student is deemed to be a **habitual truant** who has been reported truant three or more times per school year.

California Welfare and Institutions Code (W&I) that applies is:

- W&I 601 Any person under 18 who habitually refuses to obey the orders of parents or guardians, or violates any ordinance of the city, county, or state regarding curfew based on age, may be judged a ward of the court by the juvenile court. If a School Attendance Review Board (SARB) rules that available services cannot correct habitual truancy of a minor, the minor is then within the jurisdiction of the juvenile court.

Truancy Enforcement Codes:

- EC 48265 – A detained pupil must be transported to a non-secure youth service center for counseling prior to returning such student to the control of the school or parents/guardians. If the student is found to be a habitual truant he/she shall be brought to a probation officer for referral.
- W&I 625 – A peace officer may, without a warrant, take into temporary custody any minor described in Sections 300, 601, 602, 636, or 702.

Court decisions regarding truancy enforcement:

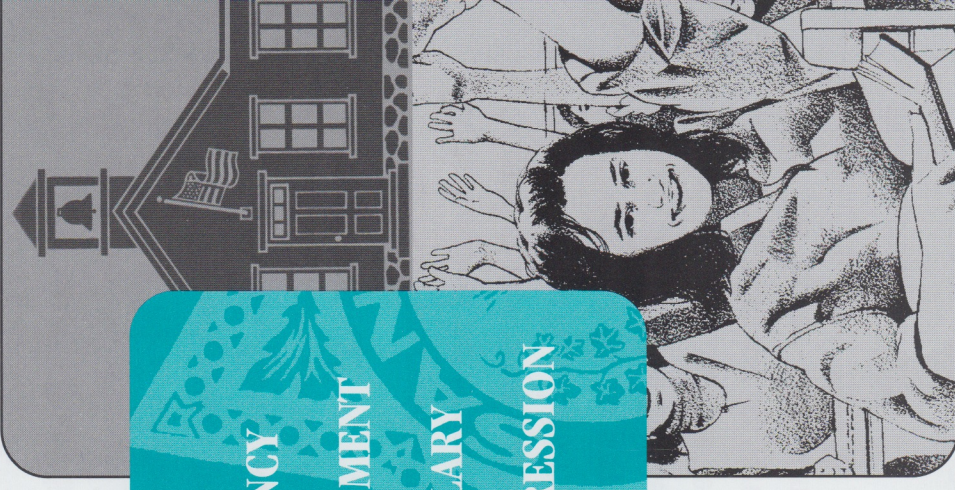
In a variety of cases, the courts have ruled that the police are justified in taking into custody any student who is more than thirty minutes tardy and is not proceeding directly toward his/her school of attendance.

Note: All codes and laws cited have been paraphrased or summarized. For a detailed explanation of the law consult the T.A.B.S. officer in charge of either center.

T.A.B.S.

*A Program Designed To Keep Kids
In School and Reduce Burglaries*

**TRUANCY
ABATEMENT
BURGLARY
SUPPRESSION**



T.A.B.S.

Is a program of the
SAN JOSE POLICE DEPARTMENT
CRIME PREVENTION UNIT
277-4133

SAN JOSE POLICE DEPARTMENT
CRIME PREVENTION UNIT

WHY T.A.B.S.?

Statistics show that most burglaries happen between 8 a.m. and 4 p.m. and that many burglars are of school age.

Truancy has been directly linked to daytime burglaries. Unsupervised students also face a high risk of victimization and involvement in youth violence. Hence, the concept of T.A.B.S. (Truancy Abatement Burglary Suppression) was born during the school year of 1981–82.

Half the city was chosen as a test area. During that school year, daytime burglaries decreased by approximately **35%** in the area chosen to test the program. Prior to the school year 1982–83 the program was expanded to include all of San Jose. During the decade of the 80's the residential burglary rate in San Jose was decreased by **70%**. This decrease saved homeowners approximately \$12.5 million in property that was not stolen in 1990.

We were not arresting more teenage burglars. We were keeping them in school, thereby removing the opportunity to commit burglaries.

HOW THE PROGRAM WORKS IN SAN JOSÉ:

The San Jose Police Department operates two truancy centers. One serves the geographic area east of Monterey Road. The telephone number is 926-TABS. The other center serves the area west of Monterey Rd. The telephone number is 723-TABS.

HOW DO STUDENTS PREVENT BEING PICKED UP BY T.A.B.S. OFFICERS?

To avoid being picked up for truancy, all students who are late or are leaving school during regular school hours must carry a note from their parent/guardian or a school pass.

A note from their parent/guardian containing the juvenile's name, the time they left home and an explanation of the tardiness will greatly expedite the student's trip to school in most cases.

The school shall supply temporary or semester passes for students who must leave campus before school is out. It is the student's responsibility to obtain the pass and carry it while school is in session.

WHAT HAPPENS AT THE CENTER?

- The officer who brings a truant to the center completes a Field Interview Card which contains all pertinent information regarding the student.
- Case-workers then complete a detailed form containing remarks regarding habitual

truancy, juvenile history and other information relevant to the incident.

- If the student is on probation from the juvenile courts, disposition is determined by the juvenile probation officer.
- If the truant was apprehended in the commission of a crime, he/she is processed into the juvenile probation system.
- If the school attendance officer attests to a history of truancy, the child and parent are referred for counseling.

HOW IS THE CASE DISPOSED?

- In the vast majority of cases the parents are called, informed of the truancy and are asked to pick up the student and return him/her to school.
- In the event the parent or other responsible adult is not available, an officer transports the student to his/her school.
- In case of a misdemeanor or felony offense or probation violation the child will be booked into Juvenile Hall.
- In cases of habitual truancy, the juvenile is transported to a counseling agency where the juvenile and family are programmed into counseling.
- In certain cases diversion programs are available to help the student adapt to school attendance laws.
- Being picked up by a T.A.B.S. officer does not constitute an arrest and no permanent record is kept as part of any criminal history.