

Washington County Board of Education

Monitoring: Review: Annually	Descriptor Term: Interrogations and Searches	Descriptor Code: 6.303	Issued Date: 11/05/20
		Rescinds: 6.303	Issued: 05/07/98

1 INTERROGATIONS BY SCHOOL PERSONNEL

2 Students may be questioned by teachers or principals about any matter pertaining to the operation of a 3 school and/or the enforcement of its rules. Questioning must be conducted discreetly and under 4 circumstances which will avoid unnecessary embarrassment to the student. Any student answering 5 falsely or evasively or refusing to answer a question may be subject to disciplinary action, including 6 suspension.

7 If a student is suspected or accused of any offense committed in school during school hours or on school 8 property at any time the principal may interrogate the student without the presence of 9 parent(s)/guardian(s) and without giving the student constitutional warnings.

10 INTERROGATIONS BY POLICE (AT ADMINISTRATOR'S REQUEST)

11 If the principal has requested assistance by law enforcement to investigate a crime involving his/her 12 school, the police may interrogate a student suspect in school during school hours. The principal shall 13 first attempt to notify the parent(s)/guardian(s) of the student unless circumstances require otherwise. 14 However, the interrogation may proceed without attendance of the parent(s)/guardian(s), and the 15 principal or his/her designee shall be present during the interrogation.

16 The use of police women or female staff members is desirable in the interrogation of female students. 17

POLICE-INITIATED INTERROGATIONS

18 If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated 19 crimes committed outside of school hours, the police department shall first contact the principal 20 regarding the planned interrogation and inform him/her of the probable cause to investigate within the 21 school. The principal shall make reasonable effort to notify the parent(s)/guardian(s) of the 22 interrogation unless circumstances require otherwise. The interrogation may proceed without 23 attendance of the parent(s)/guardian(s), but the principal or his/her designee shall be present during the 24 interrogation.

25 SEARCHES BY SCHOOL PERSONNEL

26 Any principal having reasonable suspicion may search any student, place, or thing on school property or 27 in the actual or constructive possession of any student during any organized school activity off campus, 28 including buses, vehicles of students or visitors (*Notice shall be posted in the school parking lot that 29 vehicles parked on school property by students or visitors are subject to search for drugs, drug 30 paraphernalia or dangerous weapons*), and containers or packages if he/she receives information which 31 would cause a reasonable belief that the search will lead to the discovery of:

1. Evidence of any violation of the law;
2. Evidence of any violation of school rules or regulations or proper standards of student or faculty conduct;
3. Any object or substance which, because of its presence, presents an immediate danger of harm or illness to any person.

A student using a locker that is the property of the school system does not have the right of privacy in that locker or its contents. All lockers or other storage areas provided for student use on school premises remain the property of the school system and are provided for the use of students subject to inspection, access for maintenance, and search. *Notice shall be posted in each school that lockers and other storage areas are school property and are subject to search.*

A student may be subject to physical search or a student's pocket, purse, or other container may be required to be emptied because of the results of a locker search, or because of information received from a teacher, staff member, or other student if such action is reasonable to the principal. All of the following standards of reasonableness shall be met:

1. A particular student has violated policy;
2. The search could be expected to yield evidence of the violation of school policy or disclosure of a dangerous weapon or drug;
3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision, and education of students;
4. The primary purpose of the search is not to collect evidence for a criminal prosecution; and
5. The search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student, as well as the nature of the infraction alleged to have been committed.

School officials may conduct hand-held or walk-through metal detector checks of a student's person or personal effects.

SEARCHES BY POLICE

If public health or safety is involved, upon request of the principal who shall be present, police officers may make a general search of students' lockers and desks, or students' or nonstudents' automobiles for drugs, weapons, or items of an illegal or prohibited nature.

If the principal has received reliable information which he/she believes to be true that evidence of a crime or of stolen goods, not involving school property of members of the school staff or student body, is located on school property and that any search for such evidence or goods would be unrelated to school discipline or to the health and safety of a student or the student body, he/she shall request police assistance; and procedures to obtain and execute a search warrant shall thereafter be followed.

The involvement of law enforcement officials is encouraged when there is reasonable cause to suspect that criminal evidence is about to be uncovered.

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Procedural Due Process 6.302
Child Abuse and Neglect 6.409

