Policy

**STUDENT INTERROGATIONS, SEARCHES, AND ARRESTS**

*Code* **JIH** *Issued* **DRAFT/19**

The board seeks to maintain a climate in the schools which is conducive to learning and protective of the safety and welfare of staff and students. To achieve this goal, it may be necessary for school staff to search the person and/or the personal property of a student and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff.

Students and their belongings are subject to reasonable searches and seizures when administrators have a belief considered to be reasonable under these circumstances:

* A student committed a crime or a violation of a school rule.
* Such a search may reveal contraband or evidence of a violation of a school rule or a criminal law.

Any search conducted must be reasonable in scope given the age and sex of the student and the nature of the alleged infraction.

Only the principal or his/her designee may conduct such searches within the Constitutional parameters outlined above unless exigent circumstances exist which require another staff member to take immediate action for safety reasons.

# School Lockers and Desks

All lockers are the property of the district. School staff may conduct searches of lockers in accordance with publicized administrative rules.

# Motor Vehicles

The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the student driver to allow a search of that motor vehicle when there is reasonable suspicion for such a search. School officials may conduct searches of motor vehicles in accordance with publicized administrative rules.

# Interrogations by School Staff

Teachers and principals may question students about any matter pertaining to the operation of a school and/or enforcement of its rules. The staff member will conduct the questioning discreetly and under circumstances which will avoid unnecessary embarrassment to the student being questioned. Any student who answers falsely or evasively or who refuses to answer a proper question may be disciplined in accordance with the Code of Conduct.

# Contacting Law Enforcement

School administrators will contact law enforcement authorities immediately upon notice that a student is engaging in, or has engaged in, certain activities on school property or at a school sanctioned or sponsored activity. Those activities are ones which may result, or do in fact result, in injury or serious threat of injury to the person or to another person or his/her property.

# Interrogations by Police

When law enforcement officers find it necessary to question students during the school day, the school principal or his/her designee may be present. Officers will conduct the questioning discreetly and under circumstances which will avoid unnecessary embarrassment to the student being questioned. The principal or his/her designee will attempt to contact the parent/legal guardian and request his/her attendance.

**Custody or Arrest**

Law enforcement authorities have the right to enter the school to take a student into custody or to make a lawful arrest of a student provided that they act pursuant to lawful procedure. The principal will assist the law enforcement officer in assuring that all procedural safeguards as prescribed by law are observed. If a student is arrested or taken into custody at school, the principal or his/her designee will make a reasonable effort to notify the parents/legal guardians.

Adopted ^

Legal References:

A. S.C. Code of Laws, 1976, as amended:

1. Section 59-24-60 - Requires administrators to contact law enforcement.
2. Section 59-63-1110, *et seq*. - Search of persons and effects on school property.

B. Federal Cases:

 1. *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).