

STUDENT INTERROGATIONS/SEARCHES/ARRESTS

FILE: JIH-R1

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- I. Searches of students and student's property on Board of Education property and/or school sponsored trips
 - A. Authority to search in school
 1. An authorized searcher may make a search of the physical plant of the school and its appurtenances, including the lockers of students, with or without student permission.
 2. The right of the authorized searcher to search the locker shall be announced or published in the school at least annually.
 - B. Authority to search student
 1. An authorized searcher may make a reasonable search of a student on school premises if he/she has reasonable belief that the student has in his/her possession an item, the possession of which is a criminal offense under the laws of this state or a violation of any other state law or a rule or regulation of the Board of Education of Allegany County.
 2. A reasonable belief/reasonable search – The legality of a search of a student will depend upon the “reasonableness” of the search in light of all circumstances. There must be reasonable grounds to believe that the search will reveal an item, the possession of which is a criminal offense under the laws of this state or a violation of ACPS policy. Two considerations are relevant in determining the reasonableness of a search. First, the search must be justified at its inception by a reasonable suspicion. Second, the scope and conduct of the search must be reasonably related to the circumstances which gave rise to the search, taking into account the student's age, gender, and the nature of the offense.
 3. The search shall be made in the presence of a third party.
 - C. Authority to search students on school-sponsored trips
 1. Before, during, or after a school-sponsored trip, an authorized searcher or designated teacher may make a reasonable search of a student and his/her belongings.
 2. Before, during, or after a school-sponsored trip, a K-9 team may scan all belongings.
 3. An authorized searcher or designated teacher who has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or a rule or regulation of the Board may conduct a reasonable personal search of a student. The search shall be made in the presence of a third party.
 - D. Refusal of student to allow search
 1. A student's willful refusal to cooperate with an authorized searcher or designated teacher at any time during a search of the person or property may result in disciplinary action.
 2. If a student refuses to permit a search, the authorized searcher or designated teacher should advise the student that the parent/guardian and/or police will be contacted and that the school system may take disciplinary action against that student.
 3. If the student still refuses to permit a search, the administrator should cease his/her attempt to conduct the search and notify the parent/guardian and/or police department of the circumstances. Disciplinary action beyond this contact may be taken based on the particular situation.

E. Items that may be the object of a search

The object of a search must be an item, the possession of which is a criminal offense under the laws of this state or a violation of any other state law or a rule or regulation of the Board of Education of Allegany County. Such items include but are not limited to weapons, illegal drugs, controlled dangerous substances, substances which have the appearance of a controlled dangerous substance, drug paraphernalia, portable pagers, alcoholic beverages, explosive devices, fireworks, tobacco, and stolen items.

F. An authorized searcher or designated teacher may not conduct a search of a student based solely on the request of a police officer (13A.08.01.01D).

G. Guidelines for personal searches by a principal, assistant principal/coordinating teacher, or a designated teacher.

1. The authorized searcher or designated teacher should begin the search by informing the student that he/she has a reasonable belief that the student is in possession of an unlawful item(s). The authorized searcher or designated teacher should then state the object of the search to the student and explain the anticipated scope of the search.
2. Searches must be conducted in the presence of another adult of the same gender as the person being searched. Authorized searchers or designated teachers should not pat down a student of the opposite gender unless it is not feasible to have an authorized searcher or designated teacher of the same gender as the student conduct the pat down or search. In all instances, an adult of the same gender as the student must be present during the search.
 - a. The search or pat down must avoid intimate parts of the body.
 - b. Students shall be required to empty their pockets, purses, billfolds, etc., prior to a personal search.

H. Guidelines for search of student vehicles by authorized searchers.

If an authorized searcher has a reasonable belief that a student has concealed an unlawful item in the student's vehicle, the authorized searcher should contact the police. The school administrator(s) may contact the driver of the vehicle in order to request the vehicle to be made available for inspection by the administration or may defer to the police for further investigation.

I. Search by Police

Police officers, upon the authority of a search warrant, may search that part of the school premises described in the search warrant. School officials should cooperate with the police officers performing the search. Investigative searches of school premises by police officers shall only be permitted upon the authority of a search warrant or in any case where the search is essential to prevent imminent danger to the safety or welfare of the students or of persons or school property. A police officer may not search the person of a student not under arrest, unless the police officer has a reasonable suspicion that the pupil is concealing an item, the possession of which is a criminal offense under the laws of this state. Every effort shall be made to conduct searches in a manner which will minimize a disruption of the normal school routine and minimize embarrassment to students affected.

J. Drug Investigations – Searches and Seizures Using Drug Detection Dogs

Administrative procedures to be implemented by school administrators when drug detection dogs are used:

1. Students and parents will be notified early in the school year by appropriate media such as newsletters, and/or student/parent handbooks and/or newspapers that drug detection dogs may be used on school property.
2. Allegany County Public Schools endorses a drug-free school environment. Use of drug detection dogs is authorized as a possible resource by school officials in drug investigations and for drug deterrence. There shall be mutual agreement between school and law enforcement officials that the use of drug detection dogs is appropriate.
3. Procedures to be followed by the building principal prior to and during the use of the drug detection dogs on school property:
 - a. The principal desiring drug scans will make a request to the appropriate law enforcement agency.
 - b. The principal will facilitate the scans with the building administrators and the appropriate law enforcement agencies.
 - c. Targeted areas will be student lockers and vehicles on the parking lots. Students will not be scanned.
 - d. If practicable, scans will be timed to occur when students are in classes or not in the school building; times during lunch periods and change of classes will be avoided. If a class change occurs during scanning, scanning will cease until the halls are clear of students.
 - e. Administrator(s) will accompany the canine team and route any students who may be in the vicinity away from the area being scanned.

K. Procedures to be followed if a drug detection dog alerts on an area or object on school property:

1. If a K-9 team alerts on an area or object on school property, school personnel may elect to conduct a search of the area or object. The search should be conducted once the K-9 team leaves the school. The search will be conducted in the presence of another member of the school staff.
2. Throughout the search, the school administrator will secure the area or object in question. At the conclusion of the search, the student(s) to whom the area or object is assigned will be notified of the search and its results. An attempt will be made to contact the parents/guardians of any student(s) whose area or objects were searched to share the information conveyed to the student(s).
3. If a K-9 team alerts on a vehicle on school property, the school administrator(s) may contact the driver of the vehicle in order to request the vehicle to be made available for inspection by the administration or may defer to the police for further investigation.

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L. Procedures to be followed after using the drug detection dogs on school property.

1. Disciplinary action taken by school officials is independent from action taken by the law enforcement officers.
2. The principal will report the results of the investigation to the superintendent.

II. Seizure

All items that are the object of a search and unlawful items found during the search will be seized by the authorized searcher or designated teacher. As required by law and Allegany County Public Schools' regulations, all items shall be turned over to police.

Board Reviewed 10/11/16	Superintendent Approved 10/11/16
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