

JIH—Student Interrogations, Searches, Seizures, and Arrests

Interrogations

If a peace officer appears on campus requesting to interview a student attending the school, the Administrator shall be notified and the school office shall contact the student's parent(s).

The parent(s) will be asked if they wish the student to be interviewed and, if so, will be requested to be present or to authorize the interview in their absence. A parent may be present during an interview except when interviews are conducted by a child protective services worker. If the parent(s) cannot be reached, the peace officer should be requested to contact the parent(s) and make arrangements to question the student at another time and place.

The interviewing officer will be asked to complete and sign a "Form for Signature of Interviewing Officer."

Student Searches

School officials may search a student if a reasonable suspicion exists that the student has committed an offense and that the search will result in information. It is not necessary that the search actually prove that the student violated school policy or the law. Rather the search is legitimate if it is likely to produce evidence as to whether the student committed the violation and/or possesses relevant evidence. Further, the search must be reasonable at inception.

Even when a student is suspected of violating School policy, he/she is entitled to a reasonable level of privacy. Additional guidelines follow:

- A search of an individual student shall always be conducted in a non-public setting.
- An appropriate staff member should personally escort the student(s) to the office. The student(s) should not be left alone as he/she may attempt to dispose of contraband items.
- Before beginning a search, the Administrator, or designee, should ask the student if he/she is in possession of anything that violates school policy, is considered contraband, or violates the law. The Administrator, or designee, should tell the student what he/she is searching for and the parameters of the search and give the student an opportunity to produce the items
- If the student does not produce the item, the Administrator, or designee, should ask the student whether or not he/she will consent to the search. The Administrator, or designee, may conduct the search without consent if he/she has reasonable suspicion that the individual student has violated school policy.
- The Administrator, or designee, shall never attempt a "strip search." Students may be asked to remove heavy coats and outdoor wear (e.g., sweatshirts and boots). Students may be asked to remove items from their pockets. The actual

search of a student should be no more invasive than a “pat-down” search. If the Administrator, or designee, doesn’t think he/she will find the item in a pat-down search and the issue is vital, turn the matter over to law enforcement officers and they can determine whether they need to search the student.

- The Administrator, or designee, shall always have an adult witness to the search and have a staff member who is the same sex as the student, conduct the search.
- The Administrator, or designee, shall notify the parents of the fact that a search was conducted.

Search of Personal Items—

School officials may search backpacks, purses, and other personal items that a student has in his/her possession, based on a reasonable suspicion that the student may possess contraband or evidence of a violation of district policy. The key to such searches is that it should be reasonable.

As with other searches, the student should be present during the search, informed of the suspicions, and given an opportunity to voluntarily relinquish the item(s). Further, the student should be asked to consent to the search.

Relative to the scope of the search, the Administrator, or designee, must act reasonably. For example, if the suspected contraband is a relatively large item such as a gun, the search should not be extended to a coin purse.

Searches of School-Owned Property

The administration has the right to search and seize property, including school property temporarily assigned to students, when there is reason to believe that some material or matter detrimental to health, safety, and/or welfare of the student(s) exists.

Items provided by the School for storage (e.g., lockers, desks, computers, electronic storage devices) of personal items are provided as a convenience to the student but remain the property of the school and are subject to its control and supervision. (Students have no reasonable expectancy of privacy, and lockers, desks, storage areas, computers, electronic storage devices, etc., may be inspected at any time with or without reason, or with or without notice, by school personnel.)

Seizures

The Administrator, or designee, shall secure and inventory items seized as a result of any search. Dangerous items (firearms, weapons, etc.) and other items that may be used to disrupt the educational process may be temporarily removed from a student's possession or from anywhere on school property.

All items seized will be disposed of in accordance with legal procedures. The method of disposition is the responsibility of the school administrator. School records should reflect all items seized.

Arrests

If a student is taken into custody (arrested), the arresting officer shall be requested to notify the student's parents or guardian. The arresting officer will be asked to complete

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and sign a "Form for Signature of Arresting Officer." School personnel shall make every reasonable effort to make sure the student's parents have been notified that he/she has been taken into custody. School personnel shall cooperate fully with the police.

References 469 U.S. 325, 105 S. Ct. 733 (1985)