

Barre Town Supervisory District Policy Manual

TITLE: Student Interrogations, Searches & Arrests CODE: JIH

Standard

Constitutional rights, when applied in the school environment, are applicable to all students. In case of the need to conduct interviews, searches or investigations, they will be done in a fashion to protect the constitutional rights of the individuals involved.

Guidelines

Interviews are defined to mean the questioning of students when such questioning is conducted for the purpose of determining the factual circumstances surrounding an incident or event.

1. If the interview relates to a school matter, the interview must be done by school staff.
 - a. Under no circumstances is a student to be interviewed by anyone other than school staff, except as set forth below.
 - b. Police interviews at school are prohibited except for exigent circumstances related to an emergency and/or other potential harm to a person(s). The declaration of such circumstance shall be at the sole discretion of the police. Staff shall not interfere in any way with the policy upon declaration of an emergency circumstance.
 - c. a student may not be released to the custody of persons other than a parent or legal guardian without the express consent of a parent or legal guardian, unless placed under arrest or removed by legal authority or removed by Department of Children and Families – Family Services (DCF);
 - d. If a student is removed from the school by legal authority and unless directed otherwise the student's parent(s) or guardian(s) should be notified of this action by school officials as soon as possible.
 - e. Department of Children and Families – Family Services (DCF) may conduct interviews using the protocol in the Child Abuse & Neglect Reporting Policy (JLF)

Search & Seizure Guidelines

Searches are defined to mean the seeking of specific items or individuals within the building or on school grounds.

1. In case of bomb scares, threats, actual or suspected danger, any part of the buildings, grounds may be inspected by school and authorized non-school staff.
 - a. No previous notice needs to be given to students.
 - b. If the sought item is located, appropriate action will be taken.
 - c. If the search located some other item which is in violation of policy or standards and procedures, this matter will promptly be brought to the attention of the principal who will take such action as deemed appropriate.
 - d. Search and/or seizure by law enforcement officials on school property may occur when a warrant or other legal basis exists authorizing such search and/or seizure and shall be at the sole discretion of police officials.

Personal Searches

1. Desks, lockers, textbooks and other materials, supplies and areas of personal storage loaned by the school to students remain the property of the school, and may be inspected by school staff. When prohibited items are found in the course of routine cleaning or maintenance, or in the case

of emergency, they will be confiscated and a report will be made to the principal who will determine whether further investigation is warranted.

Personal Search Guidelines

1. Parents will be notified before personal searches are conducted unless there is an imminent danger to the school community or there is a likelihood that the item(s) being sought will be hidden or destroyed.
2. Reasonable Suspicion: A search of a student will be justified when there are reasonable grounds for suspicion that the search will turn up evidence that the student has violated or is violating the law or the rules of the school.
3. Reasonable suspicion may be formed by considering factors such as the following:
 - eyewitness observations by school staff;
 - information received from reliable sources;
 - suspicious behavior by the students.
4. A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched when a school authority has reasonable suspicion to believe that the student is in possession of illegal or contraband items.
5. Personally intrusive searches will require more compelling circumstances to be considered reasonable.
6. Pat-Down Search: If a pat-down search or a search of a student's garments (such as jackets, socks, pockets, etc.) is conducted, it will be conducted in private by a school official of the same sex and with another adult witness present.
7. A more intrusive search of the student's person is permissible in emergency situations when the health and safety of the students, staff, or visitors on the school premises are threatened. Such a search may only be conducted in private by a school official of the same sex, with an adult of the same sex present, unless the health or safety of students will be endangered by the delay which may be caused by following these procedures.

Seizure of Illegal Materials

If a search yields illegal or contraband materials, such findings will be turned over to proper legal authorities for ultimate disposition.

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Legal Reference(s): 33 V.S.A. §4915 (Child welfare services)

Cross References: Use, Possession and Distribution of Substances (JICH), Weapons (JICI), Locker Searches (JIHA), Child Abuse & Neglect Reporting Policy (JLF)