

Students

Interrogations and Searches

It is the policy of the New London Board of Education that the Board wishes to cooperate with law enforcement officials in the discharge of their lawful duties, yet recognition must be given to the fact that the public schools are primarily a place of learning and that extensive police presence in the public school setting can be both disruptive to the educational process and threatening to students.

This policy is intended to strike a balance between those interests by giving direction to the New London Public School staff and is not intended to interfere with law enforcement officials in the discharge of their duties.

Interrogations

It is recognized that law enforcement officials have certain responsibilities to the public, subject to the legal and constitutional rights of both child and parent.

However, in all instances involving the questioning of students on school grounds by law enforcement officials, the administrator or designee will be present. Efforts shall also be made to include the parent or guardian of the student in any interview which carries an implication of the possible allegation of criminal conduct or the furnishing of information leading to an indictment, except in those cases where the parent or guardian is a suspect (child battering, sexual abuse, etc.). The student has the right to be represented by an attorney, and in cases involving youth under the age of 16, the Department of Child and Families (DCF) should be contacted.

The administrator shall maintain a record of all interviews conducted in his or her building.

School officials should also attempt to ensure that, whenever possible, the questioning is conducted in such a manner as to avoid undue publicity.

1. The questioning should occur with others present, such as an administrator or parent(s).
2. If questioning takes place in the school setting, administrators should exercise care to make the questioning a private affair and to remind the law enforcement officials that it is more appropriate for such questioning to be done in the parents' home or at some other location away from the school setting.

A student and his or her belongings may be searched with a Principal's or Principal's designee's permission if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. The scope of the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

Students

Interrogations and Searches (continued)

Proper standards for conducting student searches shall consist of, but not be limited to, the following procedures:

1. All student searches must be conducted in the presence of two (2) faculty members. It is recommended that one faculty member be an administrator or an administrative designee. One faculty member will properly search the student/suspect while the second faculty member will serve as a witness to the procedure.
2. Female students should be searched by female faculty members.
3. Male students should be searched by male faculty members.

The Board of Education authorizes the search of student lockers, desks, and other school property used by students for the presence of weapons, contraband, or the fruits of a crime if the:

1. Search is justified at its inception, and
2. Search as actually conducted is reasonably related in scope to the circumstances which justified it in the first place.

A search is justified at its inception when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. A search is reasonably related in scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Whenever it is necessary for law enforcement officials to execute a search or arrest warrant on school grounds, the administrator shall attempt to notify the student's parent or guardian and refer him or her to the police. In addition, the administrator should make every effort, in cooperation with the participating law enforcement officials to ensure that student searches or arrests conducted pursuant to a warrant are conducted with as much respect for the student's privacy as possible.

Students

Interrogations and Searches (continued)

As used in this policy, the term “parent” means either the parent or guardian of a student. The term “student” or “pupil” refers to a student enrolled in the New London Public School System. Students who have reached the age of legal majority may have the right to consent to certain involvement with law enforcement officials which would normally require parental consent. However, even when dealing with a student who has reached the age of legal majority, the procedures set forth above should be followed.

(cf. 5131.6 Student Alcohol/Drug Abuse)

(cf. 5131 – Student Conduct)

(cf. 5145.121 – Vehicle Searches on School Grounds)

Note: This policy was written in consultation with the Chief of the New London Police Department.

Search and Seizure

Student Interrogations, Searches and Arrests

1. What factors cause you to have a reasonable suspicion that the search of this student or his or her effects, locker or automobile will turn up evidence that the student has violated or is violating the law or the rules of the school?

A. Eyewitness account:

1. By whom: _____
2. Date/time: _____
3. Place: _____
4. What was seen: _____

B. Information from a reliable source.

1. From whom: _____
2. Time received: _____
3. How information was received: _____
4. Who received the information: _____
5. Describe information: _____

C. Suspicious behavior. Explain: _____

D. Time of search: _____

E. Location of search: _____

F. Student told purpose of search: _____

G. Consent requested: _____

Search and Seizure

Student Interrogations, Searches and Arrests (continued)

2. Was the search you conducted reasonable in terms of scope and intrusiveness?

- A. What are you searching for: _____
- B. Sex of the student: _____
- C. Age of the student: _____
- D. Exigency of the situation: _____
- E. What type of search is being conducted: _____
- F. Who is conducting the search: _____
Position: _____
Sex: _____
- G. Witness(es): _____

3. Explanation of Search.

- A. Describe the time and location of the search: _____
- B. Describe exactly what was searched: _____
- C. What did the search yield: _____
- D. What was seized: _____
- E. Were any materials turned over to the police: _____
- F. Were parents notified of the search, including the reason for it and the scope:

Students

Search and Seizure

Vehicle Searches on School Grounds

The privilege of bringing a student-operated motor vehicle onto school premises is hereby conditioned on consent by the student driver to allow the search of that motor vehicle when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. The scope of the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction. The act of bringing a motor vehicle upon school premises will allow school officials to presume consent by the student, parent or guardian, or owner of the vehicle for a search of that motor vehicle. Refusal by a student, parent or guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the motor vehicle will be cause for termination, without further hearing, of the privilege of bringing a motor vehicle onto school premises. The Principal, or a building administrator, may request a law enforcement officer to search a motor vehicle on school premises, subject to provisions of this policy. This policy does not limit the right of law enforcement officials from searching vehicles on school property as allowed by law.

(cf. 5145.12 - Search and Seizure)

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules.

New Jersey v T.L.O., 53 U.S.L.W. 4083 (1985)

