

## **STUDENT INTERROGATIONS, SEARCH AND SEIZURE**

### Desks and School Lockers

Desks and school lockers are property of the schools. The right to inspect desks and lockers assigned to students may be exercised by school officials to safeguard students, their property and school property with reasonable care for the Fourth Amendment rights of students.

The exercise of the right to inspect also requires protection of each student's personal privacy and protection from coercion. An authorized school administrator may search a student's locker or desk under the following conditions.

There is reason to believe that the desk or locker assigned to a student contains contraband material, weapons or other material which could be used to carry out a threat against persons or property.

The probable presence of contraband material poses a serious threat to the maintenance of discipline, order, safety and health in the school.

The student has been informed in advance that school board policy allows desk and lockers to be inspected if the administration has reason to believe that materials injurious to the best interest of students and the school are contained therein.

At the time that the decision is made to search a desk, locker or other school property or site, access shall be denied to all except authorized officials.

The principal of the school or his/her designee may consent to an inspection of student lockers by police officers who are looking for evidence of a crime under the following conditions:

The police officer must obtain the written consent of the principal or his/her designee prior to any search of a locker. The principal should be completely satisfied prior to giving his/her consent that the police are justified in their request and that sufficient facts exist to require such a search. It should be absolutely clear that a principal is not obligated in any manner to consent to such a search if he/she feels that the search is not justified.

The principal or his/her designee must conduct the search himself/herself and turn over any evidence to the police. The police officer must accompany the school official during the search but cannot personally conduct the search of the locker. The student assigned to the locker being searched will have the right to be present during said search. In the event that the student is under 18 years of age, the student's parents should also be notified and have the opportunity to be present, insofar as possible. Consent of the parents of students under 18 years of age is not necessary to conduct such a search.

The principal or his/her designee should at all times be reasonable as to time, duration and scope of any search conducted by them.

Interrogations and Searches of Students

If there are reasonable grounds for suspecting that a search will turn up evidence that the student has violated or is violating either the law or the rules of the school, a search may be initiated under the following guidelines:

The parent or guardian will be notified and given the opportunity to be present.

The police will be notified and asked to conduct the search in the presence of the parent.

Until one and two above can be effected, the student will be detained in a safe and secure location under the supervision of school personnel.

School officials will also maintain the integrity of the contents of any locker or other container, such as a pocketbook or book bag, which may be subject to a police or official search.

A student may not be questioned in the school or taken from the school by a law enforcement agent or any other non-school personnel unless the student's parent or legal guardian first gives written permission or the interrogation is otherwise authorized by law. Except when previous written authorization has been obtained, principals will:

Make reasonable efforts to notify the parent or legal guardian of requests or demands to question the student in or to take the student from the school.

Make reasonable efforts to ensure that the student is informed of all his rights under law, in connection with such questioning in or removal from school, by the person or agency authorized by law to question or remove the student.

Urge the person or agency to defer questioning or removal until the parent or legal guardian is present.

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 infraction.

The school is always required to report to the police any activity, including threats to persons or property which may violate the law. In instances where the student exhibited and/or expressed criminal intent to harm someone, was dangerous or caused harm, the school will also seek criminal prosecution.

ADOPTED: October 4, 1993

REVISED: July 20, 1998

LEGAL REFS.:

CROSS REFS.:

BRISTOL WARREN REGIONAL SCHOOL DISTRICT, BRISTOL, RI