

# STUDENT INTERROGATIONS, SEARCHES, AND ARRESTS

Code **JIH** Issued **9/15**

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Purpose: To establish the basic structure for the following:

- searches of students and/or their property
- interviews of students
- other aspects of investigations

## Preface

In order to ensure a safe school environment and one conducive to teaching and learning, school district employees may have to conduct inquiries into matters of varying significance. Ultimately, district and school administrators are responsible for directing investigations.

## Searches

This policy recognizes that both state law and the Fourth Amendment to the United States Constitution protect citizens, including students, from unreasonable searches and seizures. The board's express intention for this policy is to enhance security in the schools; prevent students and other persons on school grounds from violating board policies, school rules, and state and federal laws; and to ensure that legitimate privacy interests and expectations are respected consistent with the need of the district to maintain a safe environment conducive to education.

### *Individuals*

Reasonable searches of individuals may be conducted by school personnel on school grounds or at school-sponsored activities. Determining the reasonableness of any search involves a determination of whether the search was justified at its inception and whether, as conducted, it was reasonably related in scope to the circumstances that justified the interference in the first place. In accordance with state law, all school administrators shall be trained in the "reasonableness" standard for searches.

In compliance with state law, principals shall post a notice at each entrance to the school and all other access points advising that any person entering the premises of any school will be deemed to have consented to a reasonable search of his/her person and effects.

Only trained school officials may conduct such searches unless exigent circumstances exist that require another staff member to take immediate action for safety reasons. For the purposes of this policy, a school official is any school or district-based administrator or the designee of the school principal or superintendent. ~~A school official must determine that the search is justified at its inception and that the scope and conduct of the search are reasonably related to the circumstances justifying the search.~~

Reasonable suspicion searches may be conducted if a school official reasonably suspects that the search will turn up evidence of a violation of law, Board policy, or rules of the school. All searches of students and their possessions ~~must be~~ based on reasonable suspicion ~~and must~~ take into consideration the age and gender of the student and the nature of the circumstances giving rise to the suspicion.

No school employee shall conduct a strip search.

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To deter individuals from bringing weapons and contraband to school or school-sponsored activities, curtail the threat of violence, and foster a safe learning environment, random and blanket searches may be conducted. Random searches must be truly random and conducted pursuant to a pre-established pattern or guideline.

Searches may involve metal detectors, but no search involving dogs will be conducted upon the person of any student.

### *School lockers and desks*

All lockers, desks, and CCSD-owned electronic devices are the property of the school district and are subject to search.

### *Motor vehicles*

The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the driver to allow a search of that motor vehicle when there is reasonable suspicion for a search of that motor vehicle.

Any contraband items or evidence of a violation of law or of the Student Code of Conduct may be retained by school officials and/or turned over to an appropriate law enforcement agency.

## **Questioning Students**

### *Questioning by school personnel*

District and school administrators and teachers may question students about any matter pertaining to the operation of a school and/or enforcement of its rules. The staff member shall conduct the questioning discreetly and under circumstances which shall avoid unnecessary embarrassment to the person being questioned. The school official shall make a good faith effort to have present another employee with whom the student is familiar as a witness to the questioning and shall document those efforts. Any student who answers falsely or evasively or who refuses to answer a proper question may be disciplined.

### *Questioning by law enforcement*

When law enforcement officers find it necessary to question students during the school day regarding matters not connected to school, the school principal or his/her designee will cooperate with law enforcement and shall request to be present, so long as his/her presence does not impede the investigation. Normal visitor protocol must be followed by law enforcement officials at all times. The principal or his/her designee shall make a reasonable attempt to contact the student's parent/legal guardian and request his/her presence. Should contact not be made, reasonable efforts shall continue to notify the student's parent/legal guardian that law enforcement questioning took place on school grounds. The police shall conduct any questioning in a private area.

## **Contacting Law Enforcement**

As required by state law, school administrators shall contact law enforcement authorities immediately upon notice that a person is engaging in, or has engaged in, any activity on school property or at a school sanctioned or sponsored activity which may result, or does in fact result, in injury or serious threat of injury to the person or to another person or his/her property.

## **Custody or Arrest**

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Law enforcement authorities have the right to enter the school to take a student into custody or to make a lawful arrest of a student, provided that they act pursuant to lawful procedure. If a student is arrested or taken into custody at school, school officials shall immediately make a reasonable effort to notify the parent/legal guardian.

Cf. KLG

Adopted 3/13/78; Revised 4/13/87, 11/28/94, 1/23/06, 9/14/15

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Legal references:

A. U.S. Constitution:

1. Fourth Amendment.

B. S.C. Constitution:

1. Article I, Section 10.

C. S.C. Code, 1976, as amended:

1. Section 59-5-65 - State board to set regulations for minimum standards for student conduct, attendance and scholastic achievement; enforcement.
2. Section 59-24-60 - Requires administrators to contact law enforcement.
3. Section 59-63-1110, *et seq.* - Search of persons and effects on school property.
4. Section 63-19-810 - Taking a child into custody.

D. Federal Cases:

1. *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).