

**Regulation**

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SEARCH AND SEIZURE

The following procedures shall apply to the search and seizure of pupil's property:

- A. The principal shall conduct a pupil search on the request of a police officer only upon presentation of a duly authorized search warrant, on the voluntary and knowing consent of the parent/guardian of the pupil, or when the principal has independent grounds separate from those presented by the police officer to suspect the presence of an incriminating object;
- B. A request or attempt to arrest a pupil on school premises or while under the protection of the school shall be handled as follows:
- C. The police officer shall be required to ask the principal for access to the pupil, regardless of the pupil's location in or about school premises or on a school-sponsored trip or event;
- D. The police officer shall not be permitted to arrest or take custody of a pupil unless:
  - 1. The principal lawfully requests the removal of the pupil;
  - 2. The officer has probable cause to arrest the pupil for a criminal violation;
  - 3. The police officer has an arrest warrant or a judicial order requiring the custody of the pupil;
- E. The principal shall request the police officer to defer the arrest to another time and place or, if that is not possible, to take steps to protect the pupil's privacy, such as taking custody in a private place or assigning the taking of custody to a non-uniformed police officer;
- F. The principal shall make every reasonable effort to notify the pupil's parent/guardian as soon as possible;
- G. The principal shall determine the place to which the pupil will be removed and held in custody or detention and shall so inform the parent/guardian;
- H. The principal may require the police officer, in the presence of a warrant, to show cause why the taking of the pupil into custody must occur in school.

Notwithstanding anything to the contrary in this regulation, a police officer has the legal right to take direct and unhindered action in the schools in an emergency situation, where the commission of a crime or criminal act or serious breach of peace in school has been witnessed by the officer, the police officer is in "hot pursuit" of the pupil for a criminal act.

In any situation in which a police officer takes direct action, the principal shall be promptly notified.

Searches on School Premises

School administrators having a legitimate interest in maintaining pupil discipline are authorized to conduct investigations of suspected rule infractions and to subject pupils and pupils' property to reasonable searches and seizures according to the following procedures:

- A. A search conducted by a school employee of a pupil or a pupil's personal property or a place in which a pupil has a reasonable expectation of privacy must comply with policy;
- B. A law enforcement officer may be notified to assume the responsibility for conducting a search or seizure. Because law enforcement officers must meet a legal standard for the conduct of a search or seizure more

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stringent than that imposed on school officials, the law enforcement officer may decline to conduct the search;

- C. No school employee shall impede any law enforcement officer engaged in a lawful search or seizure, whether or not the officer has presented a search warrant;
- D. When law enforcement officers arrive on the scene of a joint and cooperative search commenced by school officials, the law enforcement officers will assume responsibility for the search and will conduct the search thereafter in accordance with standards governing the conduct of searches by law enforcement officers;
- E. Any substance believed to be a controlled dangerous substance that comes into the possession of a school employee, whether as the result of a search or otherwise, must be handled in accordance with policy and regulation 5131.5 Substance Abuse;
- F. A school employee is authorized to exercise independent judgment in the search of pupils and pupils' property. Unless the school employee has made an independent determination that a search or seizure is warranted under his or her authority to discipline pupils and maintain the order of the school, no school employee may be required to participate actively in a search or seizure:
  - 1. Conducted or supervised by a law enforcement officer; or
  - 2. On behalf of a law enforcement officer; or
  - 3. For the sole purpose of ultimately turning evidence of a crime over to a law enforcement agency;
- G. Any question regarding a search conducted by a school employee and relating to the use, distribution, or possession of a controlled dangerous substance shall be directed to the County Prosecutor;
- H. Any question regarding the legality of any contemplated or ongoing search or seizure conducted by a law enforcement officer and relating to the use, distribution, or possession of a controlled dangerous substance or the law regarding searches generally may be directed to the County Prosecutor. A question regarding a search undertaken by a member of the Statewide Narcotics Task Force may be directed to the Assistant Attorney General in charge;
- I. Under no circumstances are school employees permitted to conduct strip searches or body cavity searches.

Adopted:	January 20, 2005
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