

Policy JH Student Interrogations, Searches and Arrests

Issued 10/22

Purpose: To establish the basic structure for conducting searches of students or their property.

Students do not lose their constitutional rights upon entering school premises. The [Fourth Amendment to the United States Constitution](#) protects all citizens, including students, from unreasonable searches.

However, students and their belongings are subject to reasonable searches and seizures when administrators have a belief considered to be reasonable under the following circumstances:

- A student committed a crime or a violation of a school rule.
- Such a search will reveal contraband or evidence of a violation of a school rule or a criminal law.

Any search conducted must be reasonable in scope given the age and sex of the student and the nature of the alleged infraction.

Only the school administrative staff may conduct such searches within the Constitutional parameters outlined above unless exigent circumstances exist which require another staff member to take immediate action for safety reasons.

Searches of a Person, a Person's Personal Belongings, or School Property

Accordingly, school officials are authorized to conduct reasonable searches and seizures on district property or during district-sponsored activities and events in accordance with this policy and applicable federal and South Carolina law. In conducting a search, school officials will ensure that legitimate privacy interests and expectations are respected consistent with the need of the district to maintain a safe environment conducive to education. The district's express intention for this policy is to enhance security in the schools and to prevent students and other persons on school grounds and at school activities from violating a district policy, school rule, federal law, or state law (policy, rule, or law).

If a properly conducted search yields evidence that a policy, rule, or law has been violated, appropriate disciplinary action will be taken, and in cases where the evidence suggests a violation of law, law enforcement will be notified. Any contraband items or evidence of a violation of a policy, rule, or law may be retained by school officials and/or turned over to an appropriate law enforcement agency, as required by law.

Searches must comply fully with the "reasonableness standard" set forth in [New Jersey v. T.L.O.](#), 469 U.S. 325 (1985).

This reasonableness standard recognized that balancing the privacy interests of students with the substantial need of teachers and administrators to maintain order in the schools does not require that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. Rather, the appropriateness of a search depends on the reasonableness, under all the circumstances, of the search. Determining the reasonableness of any search will involve a two-fold inquiry. First, a school official must determine that the search is justified at its inception and second, that the scope and conduct of the search is reasonably related to the circumstances justifying the search at its inception. In other words, searches hereunder must be determined to: (1) have reasonable grounds for suspecting that the search will disclose evidence the student or other person has violated or is violating either a policy, rule, or law and (2) be limited in scope and conduct to the extent that the measures utilized to carry out the search are reasonably related to the objective of the

search and not excessively intrusive in light of the age and sex of the person searched and the nature of the suspected infraction of a policy, rule, or law.

Reasonable Suspicion for Conducting a Search

For reasonable suspicion to exist, a school official conducting a search must be able to articulate why, based on all the circumstances, he/she objectively and reasonably suspects the search of the person or personal property is likely to yield evidence of a violation of a policy, rule, or law. In formulating a reasonable suspicion, a school official may rely on information he/she considers reliable, including reports from students, as well as the school official's own observations, knowledge, and experience; however, a mere hunch or guess that a search will uncover evidence of a violation of a policy, rule, or law is insufficient to justify a search.

A search must be carried out in such a manner that it targets the object of the search or the suspected evidence of a violation of a policy, rule, or law. The proper scope of the search is a case-by-case determination and is generally limited to the places in which it is reasonably suspected that the object of the search may be found. A search may be as extensive as is reasonably required to locate the object of the search and may extend to all areas, containers, and personal effects in which the object of the search may be found. In addition, when determining the reasonableness of the scope and manner of a search, the school official must take into account the age, sex, and special circumstances of the person being searched and the object of the search, as well as the nature of the suspected infraction. Should the school official determine that a pat-down search is necessary, the school official must escort the person to a private area where the pat-down search may be conducted by a person who is the same sex as the person being searched. A witness must be present during such searches. If a student refuses to comply, the student should be escorted to the office and discipline procedures may be initiated and/or, if warranted, the police should be contacted. If another individual refuses to comply, the police may be called.

School Lockers and Desks

All lockers and desks are the property of the school district. School officials may conduct searches of lockers and desks, including random and unannounced searches, with or without reasonable suspicion, in accordance with publicized administrative rules. However, objects belonging to students contained in such school property will not be opened or searched except as provided in the section above.

Motor Vehicles

The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the student driver to allow a search of that motor vehicle when there is reasonable suspicion for a search of that motor vehicle. School officials may conduct searches of motor vehicles in accordance with publicized administrative rules. When a school official needs to gain access to the interior of a vehicle parked on school premises for purposes of conducting a search in compliance with the "reasonableness standard," he/she will first ask the student to provide access. If a student refuses to provide the school official with access to the interior of the vehicle, he/she may be subject to disciplinary action including loss of all parking privileges and the possible towing of the vehicle at the student's expense.

Metal Detectors

The district authorizes the use of metal detectors in order to enhance security in an attempt to prevent students and/or other individuals from bringing weapons or other dangerous objects into the school, on school property, or to school functions. Metal detectors may be used in places such as, but not limited

to, entrances to the buildings, classrooms, auditoriums, and gymnasiums, or as individuals enter and exit district or S.C. school buses. They may also be used at activities hosted by the district, such as, but not limited to, sporting events, performing arts shows, and graduation ceremonies.

At the beginning of each school year or as new students enroll, students and their parents/legal guardians will be notified that searches involving the use of metal detectors may take place and that written procedures for the search process are available upon request.

Students must submit to a screening and/or search conducted in accordance with district policy and/or with written procedures. Students who fail to cooperate may be subject to discipline for insubordination. Students or other individuals who may be unable to be screened with a walk-through metal detector because of a medical condition will so notify the school official at the screening site. Those students or other individuals will be escorted elsewhere where an alternative method of search may be conducted pursuant to district policy and procedures.

Handheld scanning devices should be used only by a member of the same sex as the student or other individual being scanned.

Interrogations by School Personnel

Teachers and principals may question students about any matter pertaining to the operation of a school and/or enforcement of its rules. The staff member will conduct the questioning discreetly and under circumstances which will avoid unnecessary embarrassment to the student being questioned. Any student who answers falsely or evasively or who refuses to answer a proper question may be disciplined.

Contacting Law Enforcement

School administrators will contact law enforcement authorities immediately upon notice that a person is engaging in, or has engaged in, certain activities on school property or at a school sanctioned or sponsored activity. Those activities are ones which may result, or do in fact result, in injury or serious threat of injury to the person or to another person or his/her property.

Interrogations by Police

When law enforcement officers find it necessary to question students during the school day, the school principal or his/her designee will be present. Officers will conduct the questioning discreetly and under circumstances which will avoid unnecessary embarrassment to the student being questioned. The principal or his/her designee will attempt to contact the parent or legal guardian and request his/her attendance.

If police intend to take a student into custody or arrest a student, they must present an official warrant. The principal will assist the law enforcement officer in assuring that all procedural safeguards as prescribed by law are observed.

Custody or Arrest

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. The principal will assist the law enforcement officer in assuring that all procedural safeguards as prescribed by law are observed. If a student is arrested or taken into custody at school, the principal or his/her designee will make a reasonable effort to notify the parents/legal guardians.

Adopted 8/29/00; Revised 10/18/22

Legal References:

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

[Section 59-24-60](#) - Requires administrators to contact law enforcement.

[Section 59-63-1110](#), *et seq.* - Search of persons and effects on school property.

[Section 63-19-810](#) – Taking a child into custody.

Federal Cases:

[New Jersey v. T.L.O.](#), 469 U.S. 325 (1985).

Dorchester County School District Four
