

Policy

STUDENT INTERROGATIONS, SEARCHES AND ARRESTS

Code JCAB Issued 3/16/22

The Board by 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 accordingly directs all District personnel to conduct searches and seizures on District property or during District sponsored events in accordance with applicable federal and state law. 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.

Searches

As authorized by State law, District and school administrators and officials may conduct reasonable searches on District property of lockers, desks, vehicles and personal belongings such as purses, book bags, wallets and satchels, with or without probable cause, subject to the limitations and requirements of this policy.

The District administration is directed to ensure compliance with S.C. Code Ann. § 59-63-1150, which requires that administrators must receive training in the "reasonableness standard" under existing law and in District procedures regarding searches. The District administration is further authorized and directed to establish procedures to be followed in conducting searches. The Board further directs the District administration to ensure that notice is posted in compliance with S.C. Code Ann. § 59-63-1160 advising that any person entering the premises of any school in the District will be deemed to have consented to a reasonable search of his/her person and effects.

All searches must comply fully with the "reasonableness standard" set forth in *New Jersey v. T.L.O.*, 469 U.S. 328 (1985). This reasonableness standard recognizes 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 District or school administrator or 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, all 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 the law or the rules of the District or school; 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 objectives of the search and not excessively intrusive in light of the age

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and sex of the person searched and the nature of the suspected infraction of the law or District or school rules.

The Board further prohibits any District employee, including District administrators and officials, from conducting a strip search.

Any contraband items or evidence of a violation of law or District or school rules may be retained by school officials and/or turned over to an appropriate law enforcement agency, as required by law.

Contacting law enforcement

As required by S.C. Code Ann. § 59-24-60, school administrators will contact law enforcement immediately upon notice that a person is engaging, or has engaged, in activities on school property or at a school sanctioned or sponsored activity, which may result, or result in, injury or serious threat of injury to the person, another person or his/her property. Such reportable activities or conduct may include, but are not limited to, the examples of criminal conduct referenced in Level III of Board policy JCD/JCD-R (Code of Conduct).

Searches with 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 South Carolina school buses. They may also be used at activities hosted by the District, such as, but not limited to, football or basketball games.

At the beginning of each school year, or as new students enroll, students and their parents shall 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 shall so notify the supervisor or his/her designee 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 screening devices should be used only by a member of the same sex as the student or other individual being scanned. The superintendent or his/her designee will designate those individuals at each school or District facility who will be authorized to use metal detectors to conduct a search of students or individuals for possession of weapons. The designated individuals will be fully trained in accordance with the use of metal detectors.

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Metal detector operators will explain the scanning process to each student or individual prior to a search, or ask students or individuals to remove metal objects from their clothing. If a student's or individual's body activates the device, the operator will ask the student or individual to remove metal objects. A second scan will then be conducted. If the detector again indicates the presence of metal, the student or individual will again be asked to remove metal objects. A third scan will then be conducted. If the detector indicates the presence of metal for a third time, an operator, who must be the same sex as the student or individual, will escort the student or individual to a private area and will again ask the student or individual to remove metal objects. If the student or individual does not then produce the metal object, the operator may conduct a pat-down search. A witness will be present during all such searches. If the student or individual refuses to comply, the student's parent/legal guardian and/or the police will be called.

Interrogations by school personnel and school resource officers

Administrators and teachers, as well as school resource officers, may question students about any matter pertaining to the operation of a school and/or enforcement of its rules. The questioning will be conducted discreetly and under circumstances which will avoid, to the extent practical under the circumstances, unnecessary embarrassment to the person being questioned. School resource officers will act consistently with law enforcement guidelines should any routine questioning turn into a criminal investigation. Any student who answers falsely or evasively or who refuses to answer an appropriate question may be disciplined.

Interrogations by law enforcement

When law enforcement officers find it necessary to question a student during the school day regarding matters not connected to the school, the principal or his/her designee will cooperate with law enforcement and will request to be present, so long as his/her presence does not impede the investigation. The principal or his/her designee should make a reasonable attempt to contact the student's parent/legal guardian and request his/her presence. Should this attempt fail, the principal or his/her designee will continue to make a reasonable attempt to notify the student's parent/legal guardian that law enforcement questioning took place on school grounds. However, school officials will not act in such a manner which will interfere with an ongoing law enforcement investigation. Additionally, normal visitor's protocol must be followed by law enforcement officials at all times. Interrogations of students by law enforcement officials should generally take place in a private area, whether or not the principal or his/her designee is present.

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. If a student is arrested or taken into custody at school, school officials will make a reasonable effort to notify the parents/legal guardians immediately.

Adopted 6/28/16; Revised 3/15/22

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Legal references:

- A. United States Supreme Court Cases:
 - 1. New Jersey v. T.L.O.- U.S.-, 105 S. Ct. 733 (1985)
 - 2. United States Constitution, Fourth Amendment.
- B. S.C. Code, 1976, as amended:
 - 1. Section 59-24-60 - Requires administrators to contact law enforcement.
 - 2. Section 59-63-1110 et seq. - Search of persons and effects on school property.