

Marion County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Interrogations and Searches	Descriptor Code: 6.303	Issued Date: 05/20/03
		Rescinds: 6.303	Issued: 04/24/01

1 **INTERROGATIONS BY SCHOOL PERSONNEL**

2
3 Students may be questioned by teachers or principals about any matter pertaining to the operation of a
4 school and/or the enforcement of its rules. Questioning must be conducted discreetly and under circum-
5 stances which will avoid unnecessary embarrassment to the student being questioned. Any student
6 answering falsely, evasively or refusing to answer a proper question may be subject to disciplinary action,
7 including suspension.
8

9 If a student is suspected or accused of misconduct or infraction of the student code of conduct any offense
10 committed in a school during school hours or on school property at any time, the principal may interrogate
11 the student, without the presence of parent(s)/guardian(s) or legal custodians and without giving the student
12 constitutional warnings.
13

14 If a student is a suspect or is accused of a crime not involving the operation of a school or if interrogation
15 of a particular student is police instigated, a parent shall be notified and constitutional warnings shall be
16 given to the student before interrogation begins.
17

18 **INTERROGATIONS BY POLICE (AT ADMINISTRATOR'S REQUEST)**

19
20 If the principal has requested assistance by the police department to investigate a crime involving his/her
21 school, the police shall have permission to interrogate a student suspect in school during school hours.
22 The principal shall first attempt to notify the parent(s)/guardian(s) or legal custodians of the student of
23 the intended interrogation, unless circumstances require otherwise. The interrogation may proceed without
24 attendance of the parent(s)/guardian(s) or legal custodians. The principal or his/her designee shall be present
25 during the interrogation.
26

27 If criminal prosecution is contemplated by the police or the school principal, interrogation shall not
28 commence unless a parent or guardian of the student is present. Prior to interrogation, the principal or
29 his/her designee shall note that the police officer advises the student of the nature of the crime for which
30 he/she is a suspect, that he/she has the right to remain silent, that anything he/she says may be used against
31 him/her in criminal or juvenile court, and that he/she has the right to have an attorney present, or a court-
32 appointed attorney if the parents are indigent, and a student or parent may stop the interrogation at any
33 time.
34

35 The use of police women or female staff members is desirable in the interrogation of female students.
36
37
38
39
40
41

POLICE-INITIATED INTERROGATIONS

If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated crimes committed outside of school hours, the police department shall first contact the principal regarding the planned interrogation, inform him/her of the probable cause to investigate within the school. The principal shall make reasonable effort to notify the parent(s)/guardian(s) or legal custodians of the interrogation unless circumstances require otherwise. The interrogation may proceed without attendance of the parent(s)/guardian(s) or legal custodians. The principal or his/her designee shall be present during the interrogation.

SEARCHES BY SCHOOL PERSONNEL

Any principal, or his/her designee, having reasonable suspicion may search any student, place or thing on school property or in the actual or constructive possession of any student during any organized school activity off campus, including buses, vehicles of students or visitors (*Notice shall be posted in the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia or dangerous weapons*), and containers or packages if he/she receives information which would cause a reasonable belief that the search will lead to the discovery of:

1. Evidence of any violation of the law;
2. Evidence of any violation of school rules or regulations or proper standards of student or faculty conduct;
3. Any object or substance which, because of its presence, presents an immediate danger of harm or illness to any person.

A student using a locker that is the property of the school system does not have the right of privacy in that locker or its contents. All lockers or other storage areas provided for student use on school premises remain the property of the school system and are provided for the use of students subject to inspection, access for maintenance and search. *Notice shall be posted in each school that lockers and other storage areas are school property and are subject to search.*

A student may be subject to physical search or a student's pocket, purse or other container may be required to be emptied because of the results of a locker search, or because of information received from a teacher, staff member or other student if such action is reasonable to the principal. All of the following standards of reasonableness shall be met:

1. A particular student has violated policy;
2. The search could be expected to yield evidence of the violation of school policy or disclosure of a dangerous weapon or drug;
3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;
4. The primary purpose of the search is not to collect evidence for a criminal prosecution; and
5. The search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student, as well as the nature of the infraction alleged to have been committed.

School officials may conduct hand-held or walk-through metal detector checks of a student's person or personal effects.

1
2 **USE OF ANIMALS**
3

4 When necessary, dogs or other animals trained to detect drugs or dangerous weapons may be used in
5 conducting searches, but the animals shall be used only to pinpoint areas which need to be searched and
6 shall not be used to search the persons of students or visitors.
7

8 **SEARCHES BY POLICE**
9

10 If public health or safety is involved, upon request of the principal who shall be present, police officers
11 may make a general search of students' lockers and desks, or students' or nonstudents' automobiles for drugs,
12 weapons or items of an illegal or prohibited nature.

13 If the principal has received reliable information which he/she believes to be true that evidence of a crime
14 or of stolen goods, not involving school property of members of the school staff or student body, is located
15 on school property and that any search for such evidence or goods would be unrelated to school discipline
16 or to the health and safety of a student or the student body, he/she shall request police assistance; and
17 procedures to obtain and execute a search warrant shall thereafter be followed.
18

19 Anything found in the course of the search conducted in accordance with this policy which is evidence
20 of a violation of the law or a violation of student conduct standards may be:
21

- 22 1. Seized and admitted as evidence in any hearing, trial, suspension or dismissal proceeding. It should
23 be tagged for identification at the time it is seized and kept in a secure place by the principal or
24 the principal's designee until it is presented at the hearing. At the discretion of the principal, the
25 items seized may be returned to the parent or guardian of a student or, if it has no significant value,
26 the item may be destroyed, but only with the express written permission of the director of schools.
27
- 28 2. Any seized item may be turned over to any law enforcement officer. Any dangerous weapon or
29 drug as defined in TCA 49-6-4202 shall be turned over to an appropriate law enforcement official
30 after completion of an administrative proceeding at which its presence is reasonably required.
31

32 Whenever the possibility of uncovering evidence of a criminal nature exists, the principal or his/her designee
33 may request the assistance of a law enforcement officer to:
34

- 35 1. Search any area of the school premises, any student or any motor vehicle on the school premises;
36 or
37
- 38 2. Identify or dispose of anything found in the course of a search conducted in accordance with this
39 policy.
40

41 The involvement of law enforcement officials is encouraged when there is reasonable cause to suspect that
42 criminal evidence is about to be uncovered.
43
44

45 _____
46 Legal References:

- 47 1. TCA 49-6-4202 through TCA 49-6-4212
48
49

- Cross References:
Procedural Due Process 6.302
Child Abuse and Neglect 6.409