

Student Interviews, Interrogations, Searches and Arrests

The Board seeks to maintain a climate in the schools which is conducive to learning and protective of the safety and welfare of staff and students. To achieve this goal, it may be necessary for school personnel to search a student's person and/or personal property and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff.

Searches conducted by school personnel

Searches may be conducted by the principal or designee who has reasonable grounds for suspecting that a search will turn up evidence that the student has violated or is violating laws or school rules or Board policy. When reasonable grounds for a search exist, the principal or designee may search a student and/or his or her personal property while on school premises or during a school activity under the circumstances outlined in this policy and may seize any illegal, unauthorized or contraband materials.

Any search conducted by the principal or designee shall respect the privacy of the student and not be any more intrusive than necessary, considering the age and sex of the student and nature of the suspected infraction.

Whenever possible, the student shall be informed of the reason(s) for conducting the search and the student's permission to perform the search shall be requested. However a student's refusal to grant such permission shall not prevent the search from taking place. A student's failure to cooperate with the principal or designee conducting a search shall be considered grounds for disciplinary action.

A report shall be prepared by the school staff member who has conducted a search explaining the reasons for the search, the results and the names of any witnesses to the search. If the search produces evidence to be used as the basis for disciplinary action, the report shall be filed in the student's cumulative folder.

Definitions

1. "Reasonable grounds" is the standard for a search on school property or at school or district activities carried out by the principal or designee. Reasonable grounds should be based on facts provided by a reliable informant or personal observation which cause the principal or designee to believe, based on their own experience that searching a particular student, place or thing would lead to the discovery of evidence of a violation of state or federal laws or school rules or Board policy. Reasonable grounds require more than a mere hunch.
2. "Contraband" consists of all substances or materials prohibited by laws or school rules or Board policy including but not limited to drugs or controlled substances, alcohol, guns, knives, other weapons and incendiary devices or any other personal property which the principal or designee deem potentially injurious or detrimental to the safety or welfare of students or staff.

Inspections of school property; canine inspections

School lockers, desks and other storage areas are school property and remain at all times under the control of the school. School property provided for the use of students is subject to inspection at any time, to cleanouts, to access for maintenance and to inspection or search pursuant to this policy.

Students shall assume full responsibility for the security of their lockers and/or other storage areas in the manner approved by the administration. Students shall be responsible for whatever is contained in desks and lockers assigned to them by the school.

The principal or designee may search a particular desk, locker or any other storage area and its contents at any time. Whenever possible, another person shall be available to witness the search.

In order to ensure schools and school property are reasonably safe and drug-free, it is appropriate to implement a policy for the use of specially-trained dogs to assist in detecting the presence of contraband drugs, alcohol, and explosive materials on school premises. The following shall apply when conducting sweeps using specially-trained dogs:

1. Every canine inspection shall only be authorized by the building principal or his/her designee, and shall utilize district approved and specially trained dogs.
2. Canine inspections of district facilities and property are not considered "searches" and may be conducted on district property at any time with or without reasonable suspicion.
3. District authorized and specially-trained dogs may be used to search the air around lockers, desks, vehicles on district property, or on district vehicles. At no time shall the specially-trained dog have direct contact with any student or a student's personal possessions. Therefore, such searches are best conducted before and after school hours when students are not present.
4. Canine inspections shall be conducted in the presence of a local law enforcement officer and a member of the administrative team.
5. A canine alert to the possible presence of contraband shall constitute reasonable suspicion for school staff to initiate search procedures of personal property as described in this policy.

Searches of the student's person

The principal or designee may search the person of a student if the principal or designee has reasonable grounds to believe that the student is in possession of contraband.

Search of the person shall be limited to the student's pockets and/or socks and shoes, any object in the student's possession such as a purse, backpack or briefcase, and/or a "pat down" of the exterior of the student's clothing.

Searches of the person shall be conducted out of the presence of other students and as privately as possible. At least one but not more than three additional district

employees of the same sex as the student being searched shall witness but not participate in the search.

The parent or guardian of any student searched shall be notified of the search as soon as reasonably possible.

No strip search of a student shall be carried out by any employee of the district. Searches of the person which require removal of clothing other than outer clothing such as a coat or jacket or shoes or socks shall be referred to a law enforcement officer.

Seizure of items

Any personal property found in the course of a search conducted by school officials which is evidence of a violation of laws, school rules or Board policy or which by its presence presents an immediate danger of physical harm may be:

1. Seized and offered as evidence in any suspension or expulsion proceeding;
2. Returned to the parent or guardian of the student from whom it was seized;
3. Turned over to any law enforcement officer in accordance with this policy.

Law enforcement officers' involvement

The principal or designee may request a search on school premises be conducted by a law enforcement officer. When law enforcement authorities are involved in the search, the search will be conducted under criminal law standards rather than under the provisions of this policy.

When law enforcement officers respond to such a request, no district employee shall assist or otherwise participate in any search unless under the direct order of the law enforcement officer.

If law enforcement personnel seek permission from the principal or designee to search a student, the student's personal property or school property, to obtain evidence related to criminal activities, the principal or designee shall require the police to produce a valid search warrant before the search is conducted unless:

1. There is uncoerced consent by the student;
2. There is probable cause and circumstances such that taking the time to obtain a search warrant would frustrate the purpose of the search or create the potential for injury to the student or others;
3. The search is incident to an arrest and is limited to the person and immediate surroundings.

Interviews/interrogation

When law enforcement officials request permission to interview students who are victims of or witnesses to a crime when students are in school or participating in school activities, the principal or designee shall be present and parents or guardians shall be notified. If, during the course of the interview, it becomes suspected that the

student may be involved in the commission of a criminal act, the interview will stop until the student's parents/guardian are present unless the juvenile is emancipated as that term is defined in state law.

Law enforcement may interrogate a student who is suspected of committing a criminal act when students are in school or participating in school activities. The student's parent/guardian must be present during the interrogation unless an emergency exists. If the parent/guardian or student refuses to consent to questioning, police authorities will determine the course of action to be pursued.

Reasonable effort shall be made not to draw attention to the student being questioned by conducting the interrogation in private and with as little disruption to the schedule as possible.

Appeals

Within five school days after a search, the student may appeal the search decision to the area assistant superintendent, who shall investigate in a timely manner the reasons for, and circumstances of, the search. These findings shall constitute the basis for the decision on the student's appeal.

The area assistant superintendent shall forward a written copy of the findings and appeal decision to the student and the superintendent. Within five school days after receipt of this written report, the student may appeal the decision to the superintendent.

The superintendent or designee shall review the case and issue a decision in writing to the student. The decision of the superintendent or designee shall constitute the final district determination.

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LEGAL REFS.: C.R.S. 19-2-511 *et seq.* (statements)
C.R.S. 22-32-109.1 (2)(a) (I)(I) (policy required as part of safe schools plan)

CROSS REFS.: JIHB, Parking Lot Searches
JK, Student Discipline, and subcodes
KLG, Relations with State Agencies