

Hamilton County Board of Education

Monitoring: Review: Annually in April	Descriptor Term: Interrogations and Searches	Descriptor Code: 6.303	Issued Date: 06/18/15
		Rescinded:	Revised: 05/11/23

INTERROGATIONS BY SCHOOL PERSONNEL

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

If a student is suspected or accused of misconduct or infraction of the student code of conduct, the principal may interrogate the student, without the presence of parent(s)/guardian(s) or legal custodians and without giving the student constitutional warnings.

INTERROGATIONS BY LAW ENFORCEMENT (AT ADMINISTRATOR'S REQUEST)

If the principal has requested assistance by law enforcement to investigate a crime involving his/her school, law enforcement shall have permission to interrogate a student suspect in school during school hours. The principal shall first attempt to notify the parent(s)/guardian(s) or legal custodians of the student of the intended interrogation, but 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.

The use of a female officer or female staff members is desirable in the interrogation of female students.

LAW ENFORCEMENT-INITIATED INTERROGATIONS

If the law enforcement deems circumstances of sufficient urgency to interrogate students at school for unrelated crimes committed outside of school hours, law enforcement 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, but 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.

A student, his/her possessions or room may be searched while the student is on a school-sponsored field trip. The reason for the search must be based on reasonable information or evidence that the student has violated or is violating a rule related to the trip. Students shall be advised of the above prior to the trip.

USE OF METAL DETECTORS

In view of the escalating presence of weapons in the schools, the Board of Education authorizes the use of hand-held or walk-through metal detectors to check a student's person or personal effects as follows: School officials or law enforcement officers may conduct metal detector checks of groups of individuals if the checks are done in a minimally intrusive, nondiscriminatory manner (e.g., on all students in a randomly selected class; or every third individual entering an athletic event). Metal detector checks of groups of individuals may not be used to single out a particular individual or category of individuals.

If a school official or a law enforcement officer has reasonable suspicion to believe that a particular student is in possession of an illegal or unauthorized metal-containing object or weapon, he/she may conduct a metal detector check of the student's person and personal effects.

A student's failure to permit a metal detector check as provided in this policy will be considered grounds for disciplinary action including possible suspension.

The Director of Schools shall develop procedures for the use of metal detectors.

SEARCHES BY LAW ENFORCEMENT

If public health or safety is involved, upon request of the principal who shall be present, law enforcement may make a general search of students' lockers and desks, or students' or non-students' automobiles for drugs, weapons, or items of an illegal or prohibited nature.

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

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

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

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

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

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

In order to facilitate a search, dogs or other animals trained to detect drugs by odor or other means may be used in conducting the search. Such animals shall be used only to pinpoint areas required to be searched and shall not be used to search the persons of students or visitors.

Legal References:

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

Cross References:

Procedural Due Process 6.302
Child Abuse and Neglect 6.409