JIH Student Interrogations And, Searches, And Arrests

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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 these circumstances:

- A student committed a crime or a violation of a school rule.
- Such a search may 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 principal or his/her designee 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.

School Lockers and Desks

All lockers and desks are the property of the school district. School officials may conduct searches of lockers and desks in accordance with publicized administrative rules.

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.

**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**

*(See policy KLGA (School Resource Officers).)*

School administrators will contact law enforcement authorities immediately upon notice that a student 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 may be present. Officers will conduct the questioning discreetly and under circumstances which will avoid unnecessary embarrassment to the student being questioned. *Prior to the interrogation, the principal or his/her designee will attempt to contact the parent/legal guardian and request his/her attendance.*

**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 or his/her designee 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.

The board recognizes that the [Fourth Amendment](https://www.law.cornell.edu/wyx/const/ amend4.htm) protects citizens, including students, from unreasonable searches. Any person, including students, entering the premises of any school in the district will be deemed to have consented to a reasonable search of his/her person and personal property. Accordingly, district administrators and other designated school employees are authorized to conduct reasonable searches of students according to the procedures set forth in administrative rule JIH R, and...
appropriate notice will be posted on school property notifying individuals of this fact. In conducting the search, school officials will make every effort to protect the privacy interests of individuals. The district’s express intention for this policy is to enhance security in the schools and to prevent violations to board policies, school rules, and federal and state laws.

Adopted 4/25/78; Revised 10/18/95, 7/1/03

Legal References:

A. 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.

B. Federal Cases:

Legal references:
U.S. Supreme Court Cases:
United States Constitution, Fourth Amendment.
South Carolina Constitution:
Article I, Section 10.
S.C. Code, 1976, as amended:
Section 59-5-65 Minimum standards for student conduct, attendance and scholastic achievement; enforcement.
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 20-7-7205 - Requires law enforcement to notify principal of child’s school for certain offenses; confidentiality of information.
Section 63-19-810 - Taking a child into custody.