

SEARCHES, SEIZURES, AND INTERVIEWS POLICY

Students have a right to be protected from unreasonable searches by school officials. However, it is the intent of the Board of Trustees to provide a safe and orderly environment for all students that is conducive to the pursuit of educational goals. As a result, it may be necessary for school officials to search a student, his/her personal belongings, locker, desk, or vehicle, when it is in the interest of the overall welfare of other students or is necessary to preserve the good order and discipline of the school.

Only district personnel authorized by the superintendent may conduct a search pursuant to this policy. This policy applies to only those searches conducted by school officials; it does not apply to search by law enforcement officers.

DEFINITIONS:

“Contraband” means all substances or materials that students are prohibited from possessing by district policy. Examples include, but are not limited to, cell phones, and articles containing gang symbols.

“Reasonable suspicion” means that the school official initiating the search has a well-founded suspicion based on objective facts that can be articulated of either criminal activity or a violation of district policy by a particular student(s). Reasonable suspicion is more than a mere hunch or supposition.

RANDOM SEARCHES:

In the interest of maintaining safe and drug-free schools, school officials may conduct random or “blanket” searches of student lockers, desks, and the school parking lot. School officials will conduct such searches in a random and systematic manner that is minimally intrusive, and it is not required that reasonable suspicion exist.

The superintendent or designee will develop and implement a “lottery” system by which lockers, desks, student belongings, and vehicles will be randomly selected to be searched. Random searches may be conducted for any reason at any time without notice, without student consent, and without a search warrant. Random searches may involve the use of drug dogs, metal detectors, or surveillance cameras.

REASONABLE SUSPICION SEARCHES:

To initiate a reasonable suspicion search, the school official must have a reasonable suspicion as to all of the following:

1. A crime or violation of school policy has been or is being committed;

2. A particular student has committed a crime or violated district policy;
3. Physical evidence of the suspected crime or violation of district policy is likely to exist; and
4. Such physical evidence would likely be found in a particular place associated with the student suspected of committing the crime or district policy violation.

The search based on reasonable suspicion must be reasonable in its scope. The areas or items to be searched and the methods utilized must be reasonably related to finding physical evidence of the crime or violation of district policy. The search must not be excessively intrusive, given the age and gender of the student, and the circumstance of the search.

School officials will make a reasonable effort to obtain the consent of a student before initiating a reasonable suspicion search, unless the circumstances constitute an emergency.

STUDENT'S PERSON OR POSSESSIONS:

At any time when the student is on school property or at a school-sponsored event, school officials may search the student's person or possessions (backpack, purse, etc.) if the school official has reasonable suspicion to believe that the student is in possession of illegal or contraband materials or are otherwise secreting evidence of a crime or violation of district policy.

Such searches shall be conducted in an appropriate manner, in private and witnessed by another adult. Students may be required to remove outer clothing (jacket, shoes, etc.) and empty pockets as part of the search. If the search is of the student's person ("pat-down" search), the school official conducting the search and the witness must be of the same sex as the student. Under no circumstance is a school official authorized to conduct a "strip search" of a student.

LOCKERS:

Lockers assigned to students are the property of the school district and remain under the control of the district at all times. The student will be responsible for the proper care and use of the locker assigned for his or her use. Students are prohibited from using a locker for the storage of illegal, contraband, or potentially harmful items, including, but not limited to, weapons, drugs, and alcohol.

School officials may randomly open and inspect lockers for any reason at any time. If the random search produces evidence of criminal activity or violation of district policy, it may serve as a basis for a reasonable suspicion search of the locker's contents, including the student's property.

School officials may open and inspect lockers when there is reason at any time. If the random search produces evidence of criminal activity or violation of district policy, it may serve as a basis for a reasonable suspicion search of the locker's contents, including the student's property.

School officials may open and inspect lockers when there is reasonable suspicion that the lockers may contain illegal or contraband materials, other evidence of a crime, or violation of district

policy, or items that may be a threat to safety or security. Searches of lockers, whether random or reasonable suspicion, may be conducted without notice, without consent, and without a search warrant.

AUTOMOBILES:

Students are permitted to park on school premises as a matter of privilege, not of right. School officials are authorized to conduct routine patrols of school parking lots, inspecting the exteriors of vehicles parked on school property. The interiors of vehicles on school property may be searched whenever an authorized school official has reasonable suspicion to believe that illegal or contraband materials, other evidence of a crime, or violation of district policy, or items that which may be a threat to safety or security, are contained inside. Such patrols and searches may be conducted without notice, without consent, and without a search warrant.

USE OF DRUG DOGS:

The district may elect to use specially trained drug dogs to alert the dog's handler to the presence of controlled substances, at the discretion of the superintendent or designee. The use of a drug dog shall comply with district policy and applicable law.

The drug dogs will be present for the purpose of detecting controlled substances in lockers, personal items, or vehicles on district property, only when there are no students or employees present. Only the trained dog's handler will determine what constitutes an alert by the dog.

A drug dog's alert constitutes reasonable suspicion for the district officials to search the lockers, personal items, or vehicles. Such a search by district officials may be conducted without notice or consent, and without a search warrant.

SEIZURE OF CONTRABAND OR ILLEGAL MATERIALS:

School officials may seize and retain, or turn over to law enforcement officials, any contraband or illegal items, or evidence of a crime, or violation of district policy, found as a result of any search conducted pursuant to this policy.

STUDENT INTERVIEWS ON SCHOOL PREMISES BY OTHER THAN SCHOOL OFFICIALS: *(Idaho Attorney General Opinion No. 93-2)*

The Board of Trustees of this district recognizes that cooperation with law enforcement agencies is essential for the protection of students, maintenance of a safe environment in this district's schools, and the safeguard of all district property.

The district will also cooperate with other state and local public agencies insofar as those agencies' responsibilities and duties relate to public school students.

This district will allow law enforcement and health and welfare agents to interview students relative to child protection or criminal investigations at school facilities during school hours upon

notice of the need for such interview. Upon notice of the need for such interview and identification of the interviewer as a law enforcement agent, the superintendent or designee will provide a private location/office/room in which the interview(s) may be conducted. No school official or staff member will be present during the interview unless requested to do so by the law enforcement agent.

School officials will take no actions to delay or otherwise interfere with law enforcement's interview, removal into protective custody, or arrest of the student.

NOTIFICATION OF PARENTS

Law enforcement is not required to notify the parent that his/her student is being interviewed relative to a child protection investigation. School officials will not notify the parent regarding the fact that the student is being interviewed by law enforcement, unless specifically requested to do so by the law enforcement agent. In the event that a parent queries regarding the interview, the school officials will refer the parent to law enforcement.

RELEASE OF A STUDENT TO LAW ENFORCEMENT OFFICIALS (Juvenile Release to Law Enforcement): (I.C. 20-516)

In the absence of parental or guardian consent, the school administrator or designee, may release a student to law enforcement officials if a warrant is issued, if the officer is arresting the student without a warrant, and/or the student is released by school officials, to law enforcement officials.

Prior to the release of the student to the law enforcement official, the school administrator or designee will have the officer and administrator or designee sign and date the Searches, Seizures, and Interviews Form (542F1) Juvenile Release to Law Enforcement Form. It is the responsibility of the investigating officer to notify the parent/guardian of the student.

1. A law enforcement official may take a juvenile into custody, or a private citizen may detain a juvenile until the juvenile can be delivered forthwith into the custody of a law enforcement official, without order of the court:
 - a. When he or she has reasonable cause to believe that the juvenile has committed an act which would be a misdemeanor or felony if committed by an adult; or
 - b. When in the presence of a law enforcement official or private citizen the juvenile has violated any local, state or federal law, or municipal ordinance; or
 - c. When there are reasonable grounds to believe the juvenile has committed a status offense.
 - Status offenses are truancy, running away from or being beyond the control of parents, guardian, or legal custodian, and curfew violations.

2. A law enforcement official may take a juvenile into custody upon a written order or warrant signed by a judge.
 - a. Such taking into custody shall not be deemed an arrest.
 - b. When a law enforcement official takes a juvenile into custody, he/she shall notify the parent, guardian, or custodian of the juvenile as soon as possible. Unless it appears to the officer taking the juvenile into custody that it is contrary to the welfare of society or the juvenile
3. A juvenile taken into custody may be fingerprinted and photographed. If the court finds good cause, it may order any fingerprints and photographs expunged.

NOTICE:

Students and parents/guardians shall be informed of this policy at the beginning of each school year through publication of the policy or an age-appropriate summary in the student handbook. This policy is published on the school district website, under Policies.



LEGAL REFERENCE:

Idaho Code Sections:
Title 18 – Crimes & Punishments
Title 18, Chapter 33 – Firearms, Explosives, & Other Deadly Weapons
 18-3302D – Possessing Weapons or Firearms on School Property
Title 20 – State Prisons & County Jails
Title 20, Chapter 5 – Juvenile Corrections Act
 20-516 – Apprehension & Release of Juveniles – Detention
Title 33 – Education
Title 33, Chapter 2 – Attendance at Schools
 33-210 – Students Using or Under the Influence of Alcohol or Controlled Substances
Title 33, Chapter 5 – District Trustees
 33-512 – Governance of Schools
Idaho Attorney General Opinion No. 93-2
New Jersey v. TLO, 469 U.S. 325 (1985)
Tinker v. Des Moines, 393 U.S. 503 (1969)

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