

STUDENT INTERROGATIONS, SEARCHES AND ARRESTS

Code **JIH** Issued **9/04**

Purpose: To establish the basic structure for conducting searches of students or their property.

Students do not lose their constitutional rights upon entering center 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 center rule.
- Such a search will reveal contraband or evidence of a violation of a center 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 director 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.

Center lockers and desks

All lockers are the property of the center. Center administrators may conduct searches of lockers 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. Center officials may conduct searches of motor vehicles in accordance with publicized administrative rules.

Interrogations by school personnel

The director and the instructors may question students about any matter pertaining to the operation of the center and/or enforcement of its rules. The staff member will conduct the questioning discreetly and under circumstances which will avoid unnecessary embarrassment to the person being questioned. Any student who answers falsely or evasively or who refuses to answer a proper question may be disciplined.

Interrogations by police

When law enforcement officers find it necessary to question students during the school day, the director or his/her designee will be present. The police will conduct the questioning in the director's office with the director or his/her designee present. The director or his/her designee will attempt to contact the parent/legal guardian and request his/her attendance.

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If police intend to take a student into custody or arrest a student, they must present an official warrant. The director will assist the law enforcement officer in assuring that all procedural safeguards as prescribed by law are observed.

Contacting law enforcement

Center administrators will contact law enforcement authorities immediately upon notice that a person is engaging in, or has engaged in, certain activities on center property or at a center-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.

Specifically, the actions which will result in the immediate contact of law enforcement include, but are not limited to, the following.

- drugs
- alcohol
- weapons
- assault and battery
- trespassing

Adopted 9/14/04

Legal references:

- A. U. S. Supreme Court Cases:
 1. New Jersey v. T.L.O.. --U.S.--, 105 S. Ct. 733 (1985).
- B. United States Constitution, Fourth Amendment.
- C. South Carolina Constitution:
 1. Article I, Section 10.
- D. S.C. Code, 1976, as amended:
 1. Section 59-5-65 - State board to set regulations for minimum standards for student conduct, attendance and scholastic achievement; enforcement.
 2. Section 59-24-60 - Requires administrators to contact law enforcement.
 3. Section 59-63-1110, et seq. - Search of persons and effects on school property.
 4. Section 63-19-810 - Taking a child into custody.
- E. S. C. Acts and Joint Resolutions:
 1. 1994 Act #393, p. 4097 - Allows searches.