

## INTERROGATIONS AND SEARCHES - AR

### I. Definitions and Discussion

A. **REASONABLE BELIEF** - The principal, assistant principal, or school security guard (**School Safety Officer**) must have a belief that the student has in his or her possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or rule or regulation of the local board (also known as an "item"). The belief must be supportable BEFORE the search; at the inception of the problem, not after the fact, or reasonable belief may be established, for example, by hearing a statement from a reliable source that the student may have such an item in his/her possession. A reliable source is someone who, from prior experience, can be believed. [A totally anonymous source may be viewed as substantiation of reasonable belief for a school administrator to search; however, a reliable (good information source before), anonymous source is better.] A principal who makes a search of a student may well be asked someday:

- Why did you search?
- Where did you get your information?
- What did you see or hear that made you decide to search?

Searches of groups or classes to find one person in possession of contraband would not be acceptable.

B. **PROBABLE CAUSE** is a higher standard to which police agencies must be accountable before searching. School principals and assistant principals need only a **REASONABLE BELIEF**.

C. **REASONABLE SEARCH** - When a reasonable belief has been established, a reasonable search may be made. However, a search, even if justified at its inception, crosses the constitutional boundary if it becomes excessively intrusive in light of the age and sex of the student and the nature of the infraction. A reasonable search may include asking a student to empty pockets, remove a jacket, empty a purse or backpack and may also include a "pat down." (There may be occasions when a more intrusive search is required.) Each situation should be evaluated on its merits. If time permits, guidance may be obtained from the Superintendent's office. Generally, the extent of the search will be determined by the circumstances. In all but the most urgent circumstances involving a likelihood of death or serious injury to person the student should be removed from the school population

## **INTERROGATIONS AND SEARCHES - ADMINISTRATIVE RULES**

while the search is being conducted and a witness not actually participating in the search should be present. If a student refuses to cooperate with a reasonable search he should be placed in a secure area and both police and parents notified.

- D. LOCKER SEARCH - Maryland law allows for the search of lockers if announced in advance. The easiest way to make the announcement is in the student handbook. Personal parcels in the locker may not be searched without reasonable belief that an item will be found. Refer to "Reasonable Search."

### **II. Procedures**

- A. All searches will be conducted in a manner which will minimize disruption of the normal school routine and minimize embarrassment to students affected.
- B. Principals will inform parents and students concerning policies and regulations regarding search and seizures through distribution of county/school handbooks, newsletters or other published materials.
- C. Authorized school personnel conducting a search of a student's person, possessions, locker, or assigned personal storage space will make a reasonable effort to inform the student prior to the search.
- D. Authorized school personnel may search a student's person, if the authorized person has a reasonable belief that the student has possession of an item, the possession of which is a criminal offense under the laws of Maryland or a violation of any other state law or TCPS policy, regulation or rule. A third party, who is a school employee, of majority age must be present at the time of a search of a student. When searching a student's person, the search is to be limited to outer clothing such as shirt and pants pockets, shoes, socks, and head coverings. Students may not be asked to remove any other clothing that covers underwear. If the item is suspected to be a firearm, immediate police assistance shall be requested in conducting the search. Under emergency circumstances, the search may be initiated prior to obtaining police assistance.
- E. Police officers may search students, their possessions, or lockers, in accordance with their regulations and state law if they have a search warrant. School personnel may not give permission to police to search lockers, or storage areas.
- F. A police officer may not search the person of a student not under arrest, unless the police officer has a reasonable suspicion that the student is concealing a weapon which poses a danger to others. A school official may not conduct a search of the person at the request of a police officer.

## **INTERROGATIONS AND SEARCHES - ADMINISTRATIVE RULES**

- G. A teacher, designated in writing by the principal, may conduct a search of students on a school-sponsored trip. (COMAR 13A.08.01.14C)
- H. Each arrest, or search, that occurs relative to this regulation will be reported in writing in detail and by telephone to the Supervisor of Student Services as soon as feasible after the incident.
- I. Materials will be confiscated as follows:
  - 1. If the article is harmful to students or others, may endanger property, is unlawful, or violates TCPS policies or regulations:
    - a) Place in a sealed envelope or other container.
    - b) Label the container with the staff member's name, date time, and the method of attainment (Indicate the name of the person from whom the material was obtained unless drugs were acquired during confidential counseling regarding a student's seeking help with overcoming drug use).
    - c) Store in a secure place until released to the proper authorities.
  - 2. If the article is a firearm, police/authorized school personnel will remove the weapon from the student or location when safe and practical.
  - 3. All other materials will be returned to the student or parent within a reasonable period of time.

**-END-**