

SEARCH and SEIZURE

1.0 Authority to Search. School and District officials are authorized to conduct a search of a person or property when on school grounds, in a vehicle owned, leased or otherwise used by the District or school, or at a school activity. A search may be initiated when there are grounds for reasonable suspicion that the search will result in the discovery of contraband or other evidence of a violation of school rules or law, or of recovering anything which, because of its presence, presents an immediate danger of physical harm or illness to any person. In the event of a medical emergency staff members may search a student's person or belongings for the purpose of discovering the student's identity or other information that might enhance the prospect of administering appropriate medical assistance.

2.0 Definitions. For purposes of this policy, the following definitions shall apply:

2.1 Contraband. All substances or materials prohibited by District and/or school policy, state law, or the municipal code of the location of the material. Examples of contraband may include but are not limited to drugs, drug paraphernalia, alcoholic beverages, guns, knives, weapons, tobacco, graffiti instrumentation, items suspected of being stolen, and/or material or items which present an imminent danger of physical harm or illness.

2.2 Reasonable Suspicion. Standard required for searches conducted by school authorities. Reasonable suspicion exists when there are articulable facts and reasonable inferences from those facts which raise a moderate chance of finding evidence of wrongdoing.

2.3 Probable Cause. Standard required for searches conducted by law enforcement officers.

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2.5 Pat down. A pat down search consists of trained school officials using the back of the hand or a solid object such as a ruler or flashlight to slide across the outside of the student's clothing while checking for contraband.

2.6 Seizure. In conducting a search, school officials may restrict a student's freedom of movement as necessary to safely conduct the search. Anything found in the course of a search conducted by school officials which is evidence of a violation of school rules or law, or which by its presence presents an immediate danger of physical harm may be confiscated, tagged, secured and/or released to law enforcement.

3.0 Searches Conducted by School Personnel.

3.1 Whenever possible, the student shall be informed verbally of the reason(s) for conducting the search.

3.2 When practical under the circumstances, a student's permission to perform the search will be requested but is not required for school officials to continue with the search.

3.3 Once reasonable suspicion is established, a student's failure to cooperate with school officials conducting a search will be considered grounds for disciplinary action, independent of any violations of policy resulting from contraband that may be found during the search.

4.0 Searches Conducted by Law Enforcement Personnel.

4.1 When safety concerns exist and/or violations of criminal law are suspected, the building principal or designee may request that law enforcement be present for or otherwise conduct a search of a student's person and/or property on school premises. If the law enforcement officer(s) determines that probable cause exists to initiate a search, no school employee shall assist or otherwise participate in the law enforcement search. Searches by law enforcement will be conducted in accordance with the requirements of applicable law.

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5.0 Searches of Student's Person or Property. Pat downs and searches conducted by school staff shall respect the privacy of the student and shall not be any more intrusive than necessary considering the age and gender of the student and the nature of the suspected infraction.

5.1 When possible, searches of the person shall be conducted out of the presence of other students and as privately as possible under the circumstances.

5.2 When possible, two adults, including one person of the same gender as the student being searched shall be present during the search.

5.3 Searches of the person by school officials may include but are not limited to a "pat down" of the exterior of the student's clothing by a staff member who is the same gender as the student being searched.

5.4 Searches by school officials may necessitate the removal of coats, jackets, or any other layer of clothing not immediately covering the student's undergarments. Searches may also necessitate the removal of shoes, socks, gloves, caps or other items covering a student's head or limbs.

5.5 Searches by school officials may include backpacks, purses or other personal property in the student's possession as warranted by suspicion as described in this policy.

5.6 Strip searches are not to be conducted by or participated in by any school official. Law enforcement officials may initiate and conduct strip searches according to their agency's guidelines.

6.0 Searches of Vehicles.

6.1 The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the student driver, owner and/or parents to allow a search of the vehicle when there is reasonable suspicion that the search will yield evidence of contraband or violation of school rules or law.

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6.2 A school official who has reasonable suspicion to believe that a search of a student's vehicle will produce evidence of a violation of policy or law may ask the driver or owner of the vehicle to open the vehicle. The school official may inspect the inside of the vehicle in the driver, owner and / or parent's presence, depending upon the circumstances at the time.

6.3 Routine patrolling of student parking lots and visual inspection of visible contents of vehicles is permissible at all times.

7.0 Lockers, Desks and Storage Areas.

7.1 School lockers, desks, and storage areas are school property which the District makes available for use by students. The school is not responsible for private items or items of value stored in lockers, desks or storage areas, nor is the school or law enforcement responsible for investigating the loss or theft of such items.

7.2 School property provided for the use of students is subject to unannounced inspection, clean outs, access for maintenance and/or search. Such actions may occur without prior notice to the student, without the student's presence, or without student or parent permission.

7.3 Students shall assume full responsibility for the security of their lockers and/or other storage areas in the manner approved by the administration. Students shall be responsible for whatever is contained in desks, lockers and storage areas assigned to them by the school, as well as for any loss or damage relating to the contents of such desks and lockers.

7.4 Students should not lock or otherwise impede access to a locker, desk or storage area except as permitted or directed by school officials. Locks not issued or otherwise approved by school officials are subject to removal or destruction. Students who violate this policy may be subject to disciplinary sanctions.

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8.0 Metal Detectors.

8.1 The District may utilize metal detectors, including hand wands, as a safety precaution at schools or events. Such devices will not be used to target particular individuals or groups, although metal detectors may be used during searches initiated after reasonable suspicion has been established as described in this policy.

9.0 Portable Breathalyzer Testing.

9.1 Many Adams 12 administrators are trained to recognize indicators of drug or alcohol intoxication. Many are also trained to administer portable “field tests” such as breathalyzer tests or mouth swabs when reasonable suspicion exists to suggest that a student has consumed drugs or alcohol. Such tests will only be administered by trained staff.

9.2 In addition to the staff member conducting the portable breathalyzer test or mouth swab, one other staff member and/or law enforcement officer must be present during the administration of the test.

9.3 Portable breathalyzer tests or mouth swabs will be conducted out of the presence of other students and as privately as possible, under the circumstances.

9.4 Parent permission is not required to administer a portable breathalyzer test or mouth swab when a student is suspected of consuming drugs or alcohol. Should a student suspected of consuming alcohol refuse to submit to a breathalyzer assessment or mouth swab, the student will be considered to be under the influence of a controlled substance.

9.5 Results indicating the presence of drugs or alcohol will be considered to be under the influence of a controlled substance.

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9.6 Law enforcement will be notified when students are under the influence of drugs or alcohol. Law enforcement officers will determine whether the student should be detained for legal and/or medical reasons, and/or may assist school officials in safely releasing the student to a parent or guardian.

10.0 Canine Searches.

10.1 The District may use specially trained dogs to search the air around lockers, desks, personal items or vehicles on District property, on District buses or at District-sponsored events.

10.2 Canine inspections may be unannounced.

10.3 A canine alert to the possible presence of contraband shall constitute reasonable suspicion for school staff to initiate search procedures as described in this policy.

11.0 Contraband Recovered During Searches.

11.1 Contraband that violates state or municipal laws, or evidence of a crime discovered during a search, shall be photographed or photo copied and turned over to law enforcement. Contraband which is not taken into evidence by law enforcement shall be photographed or photo copied, tagged and stored at the school for a minimum of 10 days, after which it may be destroyed. Parents may request the return of contraband not confiscated by law enforcement during the 10-day school holding period. The timing of the return of such contraband to the parent will be determined by school administration. Subsequent offenses involving the same or similar contraband shall be photographed or photo copied then destroyed. If the contraband cannot be safely destroyed by the administrator, police shall be advised, and assistance requested in destroying the property. Perishable items will not be stored and will be destroyed on the date of the offense.

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11.2 Contraband may be tested and/or offered as evidence during any discipline proceedings up to and including expulsion.

13.0 Parent Notification. Parent(s) of any student who is the subject of a search, including portable breathalyzer testing or mouth swabs, shall be notified about the reason for the search and the results.

13.0 Documentation of Search. A written record of each search conducted by school officials will be completed. Parents may request a copy of the search record as permitted by District policy for requesting student records.

CROSS REFERENCE:

Code 5000
Code 5040
Code 8700