

Dickson County Board of Education

Monitoring: Review: Annually, in August	Descriptor Term: Interrogations and Searches	Descriptor Code: 6.303	Issued Date: 04/22/21
		Rescinds: 6.303	Issued: 02/28/13

1 INTERROGATIONS BY SCHOOL PERSONNEL

2 School personnel have a duty to report any reasonable suspicion that a student is carrying, or has
3 carried a weapon or is violating or has violated a provision of the Tennessee Drug Control Act to the
4 principal/ designee or appropriate authorities¹.

5 Students may be questioned by teachers or principals/designee about any matter pertaining to the
6 operation of a school and/or the enforcement of its rules. Questioning must be conducted discreetly and
7 under circumstances which will avoid unnecessary embarrassment to the student being questioned.
8 Any student answering falsely, evasively or refusing to answer a proper question may be subject to
9 disciplinary action, including suspension.

10 If a student is suspected or accused of misconduct or infraction of the student code of conduct, the
11 principal/designee may interrogate the student, without the presence of parent(s)/guardian(s) or legal
12 custodians and without giving the student constitutional warnings. If a student is a suspect or is
13 accused of a crime not involving the operation of a school or if interrogation of a particular student is
14 police instigated, a parent shall be notified and constitutional warnings shall be given to the student
15 before interrogation begins.

16 INTERROGATIONS BY POLICE

17 If the principal/designee has requested assistance by the police department to investigate a crime
18 involving his/her school, the police shall have permission to interrogate a student suspect in school
19 during school hours. The principal or his/her designee shall first attempt to notify the
20 parent(s)/guardian(s) of the student of the intended interrogation, but the interrogation may proceed if
21 the parent(s)/guardian(s) are unwilling or unable to attend. The principal/designee shall be present
22 during the interrogation. If the parent cannot be notified, and the interrogation takes place on school
23 property, the principal/designee shall sit in on the interrogation but not participate.²

24 If criminal prosecution is contemplated by the police or the school principal, interrogation shall not
25 commence unless a parent/guardian of the student is present. Before interrogation, the police shall
26 advise the student of the nature of the crime for which he is suspect, that he has the right to remain
27 silent, that anything he says may be used against him in criminal/juvenile court, and that he has the
28 right to have an attorney present, or a court appointed attorney if the parents are indigent, and a student
29 or parent may stop the interrogation at any time.

30 If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated
31 crimes committed outside of school hours, the police shall first contact the principal regarding the
32 planned interrogation, and inform him/her of the probable cause to investigate within the school. The

1 police shall not commence interrogation until approval of the principal is obtained and a
2 parent/guardian is present, unless an articulable emergency exist. The principal/designee shall be
3 present during the interrogation.

4 The use of police women or female staff members is desirable in the interrogation of female students.

5 **SEARCHES BY SCHOOL PERSONNEL³**

6 Any principal/designee, having reasonable suspicion may search any student, place or thing on school
7 property or in the actual or constructive possession of any student during any organized school activity
8 off campus, including buses, vehicles of students or visitors (Notice shall be posted in the school
9 parking lot that vehicles parked on school property by students or visitors are subject to search for
10 drugs, drug paraphernalia or dangerous weapons), and containers or packages if he/she receives
11 information which would cause a reasonable belief that the search will lead to the discovery of:

- 12 1. Evidence of any violation of the law;
- 13 2. Evidence of any violation of school rules or regulations or proper standards of student or
14 faculty conduct;
- 15 3. Any object or substance which, because of its presence, presents an immediate danger of harm
16 or ill- ness to any person.

17 A student using a locker that is the property of the school system does not have the right of privacy in
18 that locker or its contents. All lockers or other storage areas provided for student use on school
19 premises remain the property of the school system and are provided for the use of students subject to
20 inspection, access for maintenance and search. Notice shall be posted in each school that lockers and
21 other storage areas are school property and are subject to search.

22 A student may be subject to physical search or a student's pocket, purse or other container may be
23 required to be emptied because of the results of a locker search, or because of information received
24 from a teacher, staff member or other student if such action is reasonable to the principal. All of the
25 following standards of reasonableness shall be met:

- 26 1. A particular student has violated policy;
- 27 2. The search could be expected to yield evidence of the violation of school policy or disclosure
28 of a dangerous weapon or drug;
- 29 3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline,
30 safety, supervision and education of students;
- 31 4. The primary purpose of the search is not to collect evidence for a criminal prosecution; and
32 5. The search shall be reasonably related to the objectives of the search and reasonably intrusive
33 in the light of the age and sex of the student, as well as the nature of the infraction alleged to
34 have been committed.

35 **USE OF ANIMALS**

36 When necessary, dogs or other animals trained to detect drugs or dangerous weapons may be used in
37 conducting searches, but the animals shall be used only to pinpoint areas which need to be searched
38 and shall not be used to search the persons of students or visitors.

1 **USE OF METAL DETECTORS**

2 In view of the escalating presence of weapons in the schools, the Board of Education authorizes the use
3 of hand-held or walk-through metal detectors to check a student's person or personal effects as follows:

4 School officials or law enforcement officers may conduct metal detector checks on groups of
5 individuals if the checks are done in a minimally-intrusive, non-discriminatory manner (e.g., on all
6 students in a randomly selected class; or every third individual entering an athletic event).

7 Metal detector checks of groups or individuals may not be used to single out a particular individual or
8 category of individuals.

9 If a school or law enforcement officer has reasonable suspicion to believe that a particular student is in
10 possession of an illegal or unauthorized metal-containing object or weapon, s/he may conduct a metal
11 detector check of the student's person or personal effects.

12 **SEARCHES BY POLICE**

13 If public health or safety is involved, upon request of the principal who shall be present, police officers
14 may make a general search of students' lockers and desks, or students' or nonstudents' automobiles for
15 drugs, weapons or items of an illegal or prohibited nature.

16 If the principal has received reliable information which he/she believes to be true that evidence of a
17 crime or of stolen goods, not involving school property of members of the school staff or student body,
18 is located on school property and that any search for such evidence or goods would be unrelated to
19 school discipline or to the health and safety of a student or the student body, he/she shall request police
20 assistance; and procedures to obtain and execute a search warrant shall thereafter be followed.

21 A school official may not consent to a search without a warrant initiated by a police officer.

22 Anything found in the course of the search conducted in accordance with this policy section which is
23 evidence of a violation of the law or a violation of student conduct standards may be:

- 24 1. Seized and admitted as evidence in any hearing, trial, suspension or dismissal proceeding. It
25 should be tagged for identification at the time it is seized and kept in a secure place by the
26 principal/designee until it is presented at the hearing. At the discretion of the principal, the
27 items seized may be returned to the parent or guardian of a student or, if it has no significant
28 value, the item may be destroyed, but only with the express written permission of the Director
29 of Schools/Designee.
- 30 2. Any seized item may be turned over to any law enforcement officer. Any dangerous weapon or
31 drug (as defined in state statute⁴) shall be turned over to an appropriate law enforcement
32 official after completion of an administrative proceeding at which its presence is reasonably
33 required.

34 Whenever the possibility of uncovering evidence of a criminal nature exists, the principal/designee
35 may request the assistance of a law enforcement officer to:

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- 1 1. Search any area of the school premises, any student or any motor vehicle on the school
 - 2 premises; or
 - 3 2. Identify or dispose of anything found in the course of a search conducted in accordance with
 - 4 this policy. The involvement of law enforcement officials is encouraged when there is
 - 5 reasonable cause to suspect that criminal evidence is about to be uncovered.
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¹ TCA 49-6-4202

² TCA 49-6-4203(b)

³ TCA 49-6-4203(b); TCA 49-6-4201 et seq;Tenn Op. Att’y Gen No. 14-21 (February 24, 2014)

⁴ TCA 49-6-4202