

# Dyersburg City Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Interrogations and Searches</b>	Descriptor Code: <b>6.303</b>	Issued Date: <b>04/02/18</b>
		Rescinds: <b>6.303</b>	Issued: <b>11/27/17</b>

## 1 INTERROGATIONS BY SCHOOL PERSONNEL

2 Students 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, the principal's designee or, if the principal and the principal's designee are unavailable and  
5 the offense was committed on school property, to the appropriate authorities.<sup>1</sup>

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

11 If a student is suspected or accused of misconduct or infraction of the student code of conduct , the  
12 principal may interrogate the student, without the presence of parent(s)/guardian(s) or legal custodians  
13 and without giving the student constitutional warnings.

## 14 INTERROGATIONS BY POLICE (AT ADMINISTRATOR'S REQUEST)

15 If the principal has requested assistance by the police department to investigate a crime involving his/her  
16 school, the police shall have permission to interrogate a student suspect in school during school hours.  
17 The principal shall first attempt to notify the parent(s)/guardian(s) or legal custodians of the student of  
18 the intended interrogation unless circumstances require otherwise. The interrogation may proceed  
19 without attendance of the parent(s)/guardian(s) or legal custodians. The principal or his/her designee  
20 shall be present during the interrogation.

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

## 22 POLICE-INITIATED INTERROGATIONS

23 If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated  
24 crimes committed outside of school hours, the police department shall first contact the principal  
25 regarding the planned interrogation, inform him/her of the probable cause to investigate within the  
26 school. The principal shall make reasonable effort to notify the parent(s)/guardian(s) or legal custodians  
27 of the interrogation unless circumstances require otherwise. The interrogation may proceed without  
28 attendance of the parent(s)/guardian(s) or legal custodians. The principal or his/her designee shall be  
29 present during the interrogation.

## 1 SEARCHES BY SCHOOL PERSONNEL

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

- 8 1. Evidence of any violation of the law;
- 9 2. Evidence of any violation of school rules or regulations or proper standards of student or faculty  
10 conduct;
- 11 3. Any object or substance which, because of its presence, presents an immediate danger of harm  
12 or illness to any person.

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

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

- 22 1. A particular student has violated policy;
- 23 2. The search could be expected to yield evidence of the violation of school policy or disclosure of  
24 a dangerous weapon or drug;
- 25 3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline,  
26 safety, supervision and education of students;
- 27 4. The primary purpose of the search is not to collect evidence for a criminal prosecution; and
- 28 5. The search shall be reasonably related to the objectives of the search and not excessively  
29 intrusive.

30 School officials may conduct hand-held or walk-through metal detector checks of a student's person or  
31 personal effects.

## 32 USE OF ANIMALS

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

## 1 SEARCHES BY POLICE

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

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

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

- 12 1. Seized and admitted as evidence in any hearing, trial, suspension or dismissal proceeding. It  
13 should be tagged for identification at the time it is seized and kept in a secure place by the  
14 principal or the principal's designee until it is presented at the hearing. At the discretion of the  
15 principal, the items seized may be returned to the parent or guardian of a student or, if it has no  
16 significant value, the item may be destroyed, but only with the express written permission of the  
17 director of schools.
- 18 2. Any seized item may be turned over to any law enforcement officer. Any dangerous weapon or  
19 drug as defined in TCA 49-6-4202 shall be turned over to an appropriate law enforcement official  
20 after completion of an administrative proceeding at which its presence is reasonably required.

21 The principal or his/her designee may request the assistance of a law enforcement officer to:

- 22 1. Search any area of the school premises, any student or any motor vehicle on the school premises;  
23 or
- 24 2. Identify or dispose of anything found in the course of a search conducted in accordance with this  
25 policy.

26 The involvement of law enforcement officials is encouraged when there is reasonable cause to suspect  
27 that criminal evidence is about to be uncovered.

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### Legal References

1. TCA 49-6-4201 to 4219

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### Cross References

- Procedural Due Process 6.302  
Child Abuse and Neglect 6.409