

<u>Section J:</u>  <b>Students</b>	<b>Knox County Board of Education</b>		
	Descriptor Term:	Descriptor Code:	Issued:
	<b>Interrogations and Searches</b>	<b>J-200</b>	<b>7/95</b>
		Reviewed:	Revised:
	<b>12/23</b>	<b>7/16</b>	

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**INTERROGATIONS BY SCHOOL PERSONNEL**

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

If a student is suspected or accused of any offense committed in a school during school hours or on school property at any time, the principal may interrogate the student, without the presence of parent(s) and without giving the student constitutional warnings.

If a student is a suspect or is accused of a crime not involving the operation of a school or if interrogation of a particular student is police instigated, a parent shall be notified and constitutional warnings shall be given to the student before interrogation begins.

**INTERROGATIONS BY POLICE**

If the principal has requested assistance by the police department to investigate a crime involving his or her school, the police shall have permission to interrogate a student suspect in school during school hours. The principal shall first attempt to notify the parent(s) of the student of the intended interrogation, but the interrogation may proceed if the parent is unavailable or unwilling to attend. The principal or his or her designee shall be present during the interrogation.

If criminal prosecution is contemplated by the police or the school principal, interrogation shall not commence unless a parent or legal guardian of the student is present. Prior to interrogation, the principal or his or her designee shall note that the police officer advises the student of the nature of the crime for which he is a suspect, that he has the right to remain silent, that anything he says may be used against him or her in criminal or juvenile court, that he has the right to have an attorney present, or a court-appointed attorney if the parents are indigent, and that a student or parent may stop the interrogation at any time.

If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated crimes committed outside of school hours, the police department shall first contact the principal regarding the planned interrogation and inform him or her of the probable cause to investigate within the school. The police shall not commence interrogation until the approval of the principal is obtained and a parent or legal guardian of the student is present. The principal or his or her designee shall be present during the interrogation.

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

## SEARCHES BY SCHOOL PERSONNEL

Any principal, or his or her designee, having reasonable suspicion for a search may search any student, place or thing on school property or in the actual or constructive possession of any student during any organized school activity off campus, including buses, if he receives information which would cause a reasonable belief that the search will lead to the discovery of:

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

All lockers or other storage areas provided for student use on school premises remain the property of the school system and are provided for the use of students subject to inspection, access for maintenance and search. Notice shall be posted in each school that lockers and other storage areas are school property and are subject to search.

Rooms for overnight stays during off-campus field trips are subject to search by school personnel on reasonable suspicion that a student has violated school board policy.

A student may be subject to physical search or a student's pocket, purse or other container may be required to be emptied because of the results of a locker search, or because of information received from a teacher, staff member or other student if such action is reasonable to the principal. All student searches must have at least two (2) adults present during a search. All of the following standards of reasonableness shall be met:

1. A particular student has violated policy;
2. The search could be expected to yield evidence of the violation of school policy or disclosure of a dangerous weapon or drug;
3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students; and
4. The primary purpose of the search is not to collect evidence for a criminal prosecution.

A principal or his or her designee, or both such persons, may search any vehicle parked or otherwise located on school property if there is reasonable suspicion to believe that the vehicle contains a dangerous weapon or drug or contains evidence of a violation of school rules or regulations which endangers or has endangered the health or safety of any member of the student body.<sup>1</sup>

The principal or his or her designee should notify the parent or legal guardian when a search has been conducted involving an individual student's person or possession(s). In the case of school-wide searches, a general notification will be disseminated to all parents/legal guardians of the applicable school.

**SEARCHES BY POLICE**

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

If the principal has received reliable information which he believes to be true that evidence of a crime or of stolen goods, not involving school property of members of the school staff or student body, is located on school property and that any search for such evidence or goods would be unrelated to school discipline or to the health and safety of a student or the student body, he shall request police assistance; and procedures to obtain and execute a search warrant shall thereafter be followed. Anything found in the course of the search conducted in accordance with this policy which is evidence of a violation of the law or a violation of student conduct standards may be:

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

Whenever the possibility of uncovering evidence of a criminal nature exists, the principal or his or her designee may request the assistance of a law enforcement officer to:

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

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

**ARREST OF A STUDENT AT SCHOOL**

The principal shall notify the parent or legal guardian as soon as possible after the student is placed under arrest while under the supervision of the school.

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Legal Reference:

1. T.C.A. § 49-6-4202 through T.C.A. § 49-6-4212.

Cross Reference:

- Knox County Board of Education Policy J-201 Random Searches for Dangerous Weapons, Drugs and Drug Paraphernalia.

Approved as to Legal Form  
By Knox County Law Director 5/9/2016  
*/Gary T. Dupler/Deputy Law Director*