

Policy JIH- Student Interrogations, Searches and Arrests

Denver Public Schools seeks to maintain a climate in the schools which is conducive to learning and protective of the safety and welfare of staff and students. To achieve this goal, it may be necessary for school personnel to search the person and or the personal property of a student and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff. The school administration shall cooperate fully with local law enforcement agencies with respect to searches of school property and on school premises when investigations and searches related to drug or other offenses are in progress.

Searches Conducted by School Personnel:

A principal or school official who has a reasonable suspicion that a search will turn up evidence that a student has violated school policy or the law may conduct a search. When reasonable grounds for a search exist, school personnel may search a student and/or the student's personal property while on school premises or during a school activity and may seize any illegal, unauthorized or contraband materials as defined by this policy.

Any search conducted by a school official shall respect the privacy of the student and not be any more intrusive than necessary, considering the age and sex of the student and the nature of the suspected infraction.

Search of School Property:

All lockers, desks and other storage areas used by students in all Denver Public Schools are owned by the District, and all are under control of the principals of the respective schools. Additionally, all locks are issued to students by the school principal or his designee, and master lists of lock or locker combinations are maintained by the principal or his designee. School property provided for the use of students is subject to inspection, clean outs, access for maintenance and search pursuant to this policy.

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 held responsible for whatever is contained in desks, lockers and other storage areas assigned to them by the school.

The principal or designee may search a school desk, locker or any other school storage area at any time, with or without reasonable suspicion and its contents when there are reasonable grounds for a search. Contents shall include such items as purses, wallets, back packs and pockets of clothing. School officials may also search vehicles parked on school property if there is reasonable suspicion. Whenever reasonably possible, another person should be available to witness the search.

Searches of the Student's Person:

The principal or designee may search the person of a student if the school official has a reasonable suspicion that the student is in possession of contraband or that the search may yield evidence of a violation of the law, school district policies, or school rules.

Search of the person shall be limited to the student's pockets, any objects in the student's possession such as a purse or briefcase, and/or a "pat down" of the exterior clothing. No strip searches, i.e searches requiring the removal of shirts, blouses, or pants, shall be carried out by district employees.

Searches should be conducted outside of the presence of other students and as privately as possible. An attempt shall be made to have the search done by a staff person of the same sex in the presence of a second adult witness.

Seizure of Items:

Anything found in the course of a search conducted by school officials which is evidence of a violation of law or district policy or school rule or which by its presence presents an immediate danger of physical harm, may be seized.

Interrogation by School Officials:

Students may be subject to questioning by District personnel at any time. A student who is believed to have committed an offense for which expulsion is mandatory shall not be required to give a written statement regarding the offense until his or her parent or guardian is present or a reasonable attempt has been made to contact the parent or guardian by calling all phone numbers provided to the school by the parent, guardian, or student.

Definitions:

"Reasonable suspicion" is based on facts provided by a reliable informant or personal observations which cause the school official to believe, based on personal experience, that search of a particular person, place or thing would lead to the discovery of evidence of a violation of Board policy, school rule or state or federal laws.

"Contraband" consists of all substances or materials prohibited by Board policy or state or federal law including but not limited to drugs, alcohol, guns, knives, other weapons or incendiary devices.

Law Enforcement Search and Seizure:

The principal or designees may request that a search on school premises be conducted by a law enforcement officer. When law enforcement officers conduct a search, school employees shall refrain from assisting or otherwise participating in the search unless under the direct order of the law enforcement officer.

If law enforcement personnel seek permission from school authorities to search a student or student's property, the school officials shall require the police to produce a valid search warrant before the search is executed unless law enforcement personnel advise the principal that:

1. There is un-coerced consent by the student;
2. There is probable cause and circumstances such that taking the time to obtain a search warrant would frustrate the purpose of the search; or
3. The search is incident to an arrest and is limited to the person and immediate surroundings.

Interrogation by Police:

When law enforcement officials request permission to question student(s) suspected of violating a law or Board policy when that student is in school or participating in school activities, the principal or designee shall be present. If the student is under 18, the student's parent/guardian also shall be present unless the juvenile is emancipated as that term is defined in state law.

An effort shall be made to minimize attention drawn to the student being questioned by conducting the interrogation in private and with as little disruption to the schedule as possible.

Custody/Arrests:

Whenever custody and/or arrest by the police are involved, the principal shall request that all legally required procedural safeguards be observed. The principal shall release the student to the police officer and shall notify the student's parents of the action. The police officer shall notify the principal of the specific grounds for taking the student into temporary custody. The principal shall advise the student's parents of the grounds stated and shall note this information on the notification memorandum. One copy of the notification is to be maintained in the school file and one copy should be sent to the parents.

Adopted April 15, 1971

Revised February 1, 1983

Revised February 15, 2001

Revised October 21, 2004

LEGAL REF.: C.R.S. 19-2-201 et seq.

C.R.S. 19-2-511 at seq.

C.R.S. 22-32-109.1(2)(a)(VIII) (policy required as part of safe schools plan)

C.R.S. 22-33-106.3

CROSS REFS.: JK, Student Discipline, and subcodes

JLIB, Student Dismissal Precautions