



## SNAPSHOT # 33

**TOPIC:** Search and Seizure Involving Students

Policy 9260

Rev. 7/14

### Who is authorized to search?

Principal  
Assistant Principal (or the person serving in the position of principal or assistant principal in the absence of the principal or assistant principal)  
Security assistant (at the direction of an Authorized Searcher)  
Teacher on school trip trained and designated in writing  
Special police officer appointed by Governor

### Who is **not** authorized to search?

Contracted school security guard  
Parent or volunteer on domestic or international travel  
Staff member supervising after-school activities  
School Resource Office or law enforcement officer

### When may a search occur?

A student or his/her belongings may be searched when the authorized searcher has a reasonable belief that the student is possessing an item, the possession or use of which is a criminal offense under the laws of Maryland, or a violation of any other state law or any rule or regulation of the HCPSS.

### What may be the object of a search?

The purpose of a search must be for an item, which may include but are not limited to weapons including look-alike and non-deadly weapons, controlled dangerous substances, medications or over-the-counter medications, drug paraphernalia, alcoholic beverages, explosive devices, fireworks, stolen items, tobacco products and personal electronic devices that are used in violation of HCPSS policy or the HCPSS Student Code of Conduct.

### Search Guidelines

**Consider** the nature of the suspicion and amount of evidence to determine reasonable belief.

**Consider** the age, gender, nature of the offense, and size of the suspected item to determine body parts and possessions to search.

**Inform** the student of the item he/she is thought to possess and the scope of the search.

**Conduct** the search with a third party present—if possible, an adult of the same gender as the student.

**Avoid** intimate parts of the body when searching. Strip searches are prohibited.

**Notify** a parent of the search.

**Document** the search--record date and time, reason for search, student's cooperation or refusal of search, student and staff statements, objects found, any resulting need for additional searching, any resulting disciplinary action, date and time of parent notification.

### Other Searches

Student lockers may be searched at any time. This right must be announced to students previously in the school year.

Automobiles may be searched if an impermissible item is in plain view, there is reasonable belief a impermissible item is in the car, or when a student consents.

Canine drug scans may be conducted in high schools by the Howard County Department of Police. Principals must make at least three school announcements that periodic scans will be conducted and must keep a record of the dates and times of the announcements.

# **Search and Seizure Short Course with Scenarios**

**Office of School Security  
*2014***

# **Instructional Objectives**

**After this class school staff should be able to demonstrate the following:**

- **An understanding of “Reasonable Belief”**
- **When it is appropriate to conduct a self search.**
- **Be able to identify when a search is legal and when they are not.**
- **Knowledge of Policy #9260**

# **Annotated Code of the Public General Laws of Maryland,**

## **Education Article 7-308 says:**

**“A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises or on a school-sponsored trip if the searcher has a reasonable belief that the student has in the student’s possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or a rule or regulation of the county board.”**



# Policy #9260

## Policy Statement:

The Board of Education of Howard County is committed to providing a safe and secure learning environment, free from dangerous or illegal items and those items that constitute a violation of Board policy. In order to ensure safety and security practices consistently across the Howard County Public School System, the Board authorizes statutorily designated employees to conduct reasonable searches of a student and of the student's personal belongings on school property or during any school-sponsored activity in accordance with Maryland law and this policy.

The purpose of this policy is to provide guidelines related to the school system's authority to conduct searches of students and their possessions and provide uniform procedures for the administration of such searches.

# **HCPSS personnel authorized to conduct student searches:**

- **Principal or assistant principal (or the person serving in the position of principal or assistant principal in the absence of the principal or assistant principal)**
- **Security assistant under the direction of the principal or assistant principal**
- **Teachers in charge on domestic or international travel who have been designated in writing by the principal and who have been trained in conducting searches.**

# The Reasonable Belief Standard

- The standard used for authorized school personnel to conduct a search.
- Searches must be based on a belief that the student possesses an item, the possession of which is a criminal offense under the laws of Maryland or a violation of any other state law or HCPSS policy or guideline.
- You must be able to articulate your reasonable belief when notifying the administrator or designee of the need for any search of a student.

# Reasonable belief standard met, yes or no

- Security finds a student entering the school campus carrying a McDonald's bag during normal class time. Upon questioning, the student shares that he left the campus to go to McDonald's and was now returning. The security person detects an odor of marijuana coming from the student.
  - **The odor of the marijuana satisfies the reasonable belief standard, a reasonable search is justified.**
  - **In this incident, if the odor of marijuana is not detected, is a search justified?**

# **Reasonable belief standard met, yes or no**

An AP returns to the office and finds an envelope taped to the door. She opens the envelope and finds a note saying a student has a weapon in school today! The note identifies the student but not the writer. What do you do?

What would you do differently if the information said the weapon is a gun?

When extraordinary danger is threatened, the expectation of privacy is reduced.

## **Reasonable belief standard met, yes or no**

It is Monday morning, a student that you have strived to build a professional relationship with tells you that last week a student was selling crack during open lunch everyday. She does not know the student's name but can point him out to you at lunch.

If a search is not justified how would you handle the situation?

# **Reasonable belief standard met, yes or no**

Working at your middle school you are called to the front office. As you arrive in the office you are directed to an administrator's office. As you enter the administrator's office you notice a student in the office and the administrator is clearly upset. The administrator tells you to search this student immediately. You ask the administrator for the reason for the search and what items are you looking for? The administrator says "do the search and don't worry about it". What do you do?



## **Reasonable belief standard met, yes or no**

While walking in the parking lot, you notice a locked car with a duffel bag in the back seat. The bag is slightly open and the wooden stock of what appears to be a rifle is barely exposed.

If a search is justified, how do you handle this?



## **Reasonable belief standard met, yes or no**

You are on bus duty in front of the school, a parent approaches you and tells you that when she pulled into the school parking lot she saw a student smoking in their car. When she walked by the student's car she detected the odor of marijuana. Does this pass the reasonable belief standard and can you search this student for drugs?

# Scope of Student Search

- The scope of a student search is directly linked to the item and/or contraband you are seeking to recover.
- If you recover the item you are looking for, for example, a stolen calculator, the search should cease at that point .
- Any other items obtained during a justified search may be the subject of disciplinary action even if it is not the item which was originally suspected.

**Know the Procedures for a  
Student Self-Search  
*The HCPSS Preferred Method***

# Strip Searches?

- Strip searches by school personnel are prohibited.
- Authorized searches should avoid a pat down or search of the opposite gender unless there is reason to believe a threat of danger exists. The search or pat down must avoid intimate parts of the body.

# Searches Requested by Law Enforcement

- An Authorized Searcher may not conduct a search of a student based solely on the request of a Law Enforcement Officer.
- Credible information from Law Enforcement may be used for the basis to conduct a “Reasonable Belief” search.

# Search of a Student's Vehicle

- John returns from his vehicle and you detect the odor of an alcoholic beverage coming from his facial area.

John's vehicle is parked on a public street across from the school.

# Search of a Student

- All searches will be made in the presence of a third party. If the authorized searcher is in fear of imminent bodily injury, a search may be made before a third party arrives.
- An authorized searcher has the right to search a school building or school property at anytime. This includes, but is not limited to, lockers, desks, and cubbies.

# Classroom Search, yes or no, why

A teacher calls the office to report the theft of a ten dollar bill from a student backpack. The students were working in groups and anyone could have been near the backpack. No one has left the room and the teacher wants all the students searched to find the ten dollar bill.



# Evidence Management

- Evidence of a criminal nature is to be brought to the attention of your principal immediately for referral to the police.
- Place evidence in sealed envelope or container.
- Label the container with your name, date, time and method of attainment.
- Maintain solid chain of custody.
- Ensure proper disposition of all criminal items, i.e., illegal drugs.
- Ensure seizure is documented.

# **Search and Seizure (Documentation)**

- **Any search conducted by an HCPSS staff member must be documented**
- **The Authorized Searcher must record and/or collect the following information:**
  - 1. The date and time of the search.**
  - 2. The reason for the search.**
  - 3. Whether the student cooperated or refused in the search.**
  - 4. Student and staff statements, as appropriate.**
  - 5. List clothing that is removed (if any).**
  - 6. All objects seized during the search and their disposition.**
  - 7. Whether objects seized in the search created reasonable suspicion for the additional search of a person or item.**
  - 8. Any student disciplinary action as a result of the search.**
  - 9. The date and time of any contact with the parent.**

# Search Scenario

- Security finds students on campus showing signs of being under the influence of drugs and/or alcohol
  - Signs of being under the influence satisfy the “Reasonable Belief” standard, and a reasonable search is justified.

# Search Scenario

- It is nearing the end of the day, a student tells you that he saw another student, whom he identifies, display a knife in the cafeteria earlier.
  - **The report of the knife would satisfy the “Reasonable Belief” standard allowing you to proceed with a reasonable search.**

# Search Scenario

- A student, who has proven to be unreliable in the past, gives you information that another student possesses marijuana today.
  - Without collaboration, the “Reasonable Belief” standard is not satisfied.
  - Without other students providing information about the incident or other evidence to substantiate the allegation, the “Reasonable Belief” standard is not satisfied.
- Would it be reasonable to question the suspect student?

# Search Scenario

Several students individually report to security that a student in Room 202 is under the influence of drugs or alcohol and has said he has a gun. This student is known to the administration as having drug and alcohol problems earlier in the school year. A knife was confiscated during a self search two weeks ago. This student has just returned from his suspension from that incident.

- **Immediately notify the administration.**
- **This student should be considered an immediate threat to the safety of other students and staff. A strategy should be developed to isolate this student from other students and staff so that law enforcement can provide assistance to make this situation safe.**
- **If available, the SRO or responding police officer should search the student using law enforcement procedures.**

# Search Scenario

- **It is Wednesday. Several students tell a security assistant in a middle school that a student sold marijuana to other students last Friday in the locker room.**
- **This does not satisfy the “Reasonable Belief” standard as the information is several days old and not current. A search is not authorized.**



# **Search Scenario 8**

## **(Scope of Search)**

- **A student reports the theft of an I-Phone. The student also related the name of the suspect whose identity was provided by witnesses of the theft. The student is brought to the office and a self-search begins. An I-Phone is recovered from the jacket pocket of the student.**
  - **The scope of the search has been satisfied. The search should be discontinued at this point.**



# Personal Electronic Devices

- Several students complain that Sam was taking pictures of them in the locker room while they were partially clothed.
- Do you have the authority to search the student's PED?

# Search Scenario

- A student reports the theft of an I-Phone. The student also related the name of the suspect whose identity was provided by witnesses of the theft. The student is brought to the office and a self-search begins. During the search, the student produces a folding knife.
  - **The scope of the search has now changed.**
  - **The search should continue as you now have reasonable belief that the safety of the students and staff is compromised. Complete your search even if the phone is found.**

# Search Scenario

- A security assistant receives information from several different students. They are very scared. All the information points to a student carrying a gun today in the school. That student is currently in the health room for daily medication.
  - **Notify the administration.**
  - **Assess the situation with the administration.**
  - **Notify SRO or call 911 for assistance.**
  - **Isolate the student.**
  - **Follow the directions of on scene police.**

# Refusal to Cooperate

- A student's refusal to permit a lawful search will constitute insubordination under the HCPSS Student Code of Conduct.
- This refusal is deemed detrimental to the security, discipline, or sound administration of the school.

# Locker Search

- While conducting a routine administrative Locker search, you see a book bag.

Do you have the authority to search the book bag?

# Parent Notification

- When a student or student's property is searched, the principal or principal's designee must make prompt notification to a parent or guardian.
- The parent will be informed of any administrative action pending or applied.

# Questions?

**If you have questions or concerns  
regarding search and seizure,  
contact your Security Coordinator at the  
Office of School Security,  
410.313.7329**



HOWARD COUNTY  
PUBLIC SCHOOL SYSTEM

# Kevin A. Burnett

## Security Coordinator, HCPSS

Ensuring excellence in teaching and learning so that each student will participate responsibly in a diverse and changing world.



# **Search & Seizure of Students**

Your Rights and Responsibilities

under Policy 9260

# Our Rights are Derived From

- The Constitution of the United States
- Education Article Section 7-308

# Why Are We Even in the Search Business?

- Safety is the first priority
  - Can't allow weapons in our buildings - ever!
  - Contraband (drugs, cigarettes, etc., are not allowed, and very disruptive)
  - Your ability to resolve a rumor or address a concern is critically important to your success

# **An Authorized Searcher is NOT:**

- A School Security Assistant
- Parent or Volunteer
- Teacher Supervising After-school Activities
- A School Resource Officer (SRO)

# Can a Teacher REALLY Conduct a Search?

- Yes, on a school-sponsored trip
  - If the teacher has the same reasonable suspicion
  - AND the teacher has been designated in writing by the principal
  - AND the teacher has received training to conduct searches

# When is a Search **REASONABLE**?

- How much evidence do you have?
- How credible is the source?
- How serious is the possession of the suspected item?

With a weapon, for example, less verifiable evidence is needed than the possession of cigarettes.

# Some Students May Resist a Search

- Those students are subject to disciplinary action if they make a willful decision not to cooperative
  - If it is detrimental to the security, discipline and sound administration of the school
  - The student should be warned that the parents or police may be contacted
  - Refusal is insubordination, uncooperative behavior, or the refusal to obey school rules

An assault on you is a whole new ballgame

# K-9 Drug Searches

- More information coming, but:
  - We do periodic drug scans of high schools
  - Police SRO's and the Street Drug Unit are involved
  - Only the principal and the police coordinators know the exact date and time



# How to Search a Person

- **Step 1:** Remove the person's outer clothing. Set aside hats, shoes, coats and accessories. If another person is available, have him call the police. If it's not possible to call the authorities, set the articles of clothing aside or check for weapons before returning them. If the person you're searching is in a violent state of mind, think carefully about the items that could be dangerous before giving them back. Someone could use pencils, pens, combs and keys as weapons.

# How to Search a Person continue

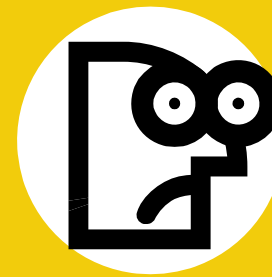
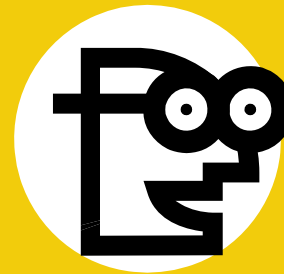
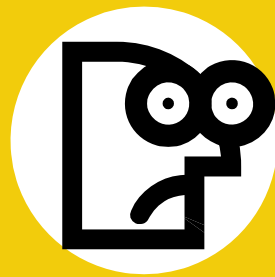
- **Step 2:** Have the person stand facing a wall, with his palms placed upon it and legs spread shoulder-width apart. If the person tries to assault you, you're in a position to overpower him.

# How to Search a Person continued

- **Step 3:** Pat down the person's body with your open palms. The palms of your hands are sensitive and can detect the difference between clothing, skin and hidden items. Begin at the head, feeling for items tucked into the hair.

# How to Search a Person continued

- **Step 4:** Move down the body, frisking gently as you perform the body search. Check all areas, including underarms and the crotch. Criminals know that many people can be squeamish about conducting thorough searches. They will hide items in “personal” areas, thinking you won’t go near them.



**It's QUESTION TIME !!**

Any questions?????