

# Desert Trails Preparatory Academy

## CAMPUS SEARCH AND SEIZURE POLICY

Desert Trails Preparatory Academy ("DTPA") recognizes and has determined that the occurrence of incidents which may include the possession of firearms, weapons, alcohol, controlled substances, or other item of contraband prohibited by law, or DTPA rules and regulations, jeopardizes the health, safety and welfare of students and DTPA employees. Incidents which jeopardize the health, safety and welfare of students and DTPA employees may necessitate the search of students and their property, student use areas, student lockers and/or student automobiles and may necessitate the seizure of any illegal, unauthorized or contraband materials in the search.

The California Constitution requires that all students and staff of public schools have the inalienable right to attend campuses which are safe, secure, and peaceful. As such, DTPA adopts this policy outlining the search of students and their property, student use areas, student lockers or student cubbies and/or student automobiles on campus and the seizure of illegal, unauthorized or contraband materials in the search.

### **Notice**

Written notice of this policy shall be provided to students and their parents and/or guardians at the commencement of each school year and upon enrollment during the school year. A summary of this policy shall also accompany the Student Handbook and other materials, as appropriate, to be disseminated by DTPA to students, parents and/or guardians and DTPA employees. In addition, DTPA shall place signs and/or other posted notifications on campus regarding this policy, as appropriate.

### **Student Searches**

A student's person (e.g. jacket, pockets, hems, cuffs, socks, etc) and/or personal effects (e.g. backpack, purse, fanny pack, etc.) may be searched if a school official has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or DTPA rules and regulations, including, but not limited to, possession of illegal, unauthorized or contraband materials. Illegal, unauthorized or contraband materials include those materials which are dangerous to the health or safety of students or school personnel, are disruptive or potentially disruptive, or which have been cited as unauthorized in school rules or regulations. These materials include, but are not limited to weapons, drugs and/or drug paraphernalia.

A search shall be conducted by a designated and authorized Search Team Member as defined by this policy. Said search shall occur only when the reporting school official has stated articulable facts which support the school official's reasonable suspicion that a search is justified. Articulable facts are such which would lead a person to believe that a student had

violated a school rule or the law. The facts should also indicate that a school rule or law was broken. In no case shall a search be conducted if predicated on mere curiosity, rumor or hunch. Safeguards within this policy will be implemented in order to assure individual's reasonable expectation of privacy is not subject to the discretion of the official in the field.

Any search of a student and/or their personal effects shall be conducted by a Search Team Member of the same gender as the student or the same gender by which the student identifies, and in the presence of another adult witness. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. For example, if a school official has reasonable suspicion to believe that a student has on his or her person an item imminently dangerous to the student or others, a more intrusive search of the student's person may be conducted.

In no case shall a strip search be conducted by school officials. These types of searches are prohibited by law and require a student to remove or arrange some or all of their clothing, and undergo the inspection of parts of the student's body.

A search of a group of students where no particular student within the group is suspected may be conducted only if there is reasonable suspicion of conduct imminently dangerous to students, others or school property.

### **Student Use Areas**

Student use areas, including, but not limited to, instructional and recreational space, are school property and remain at all times under the control of DTPA. However, students shall assume full responsibility for the security and condition of these areas. Periodic general inspections of instructional space and other areas of the school may be conducted by school officials as designated by the CEO/Principal/ for any reason at any time without notice.

### **Metal Detectors/Wand**

Schools are faced with instances of violence, including the use of weapons on or adjacent to school campuses. The District has implemented random metal detector/wand searches under settled principles of constitutional construction, which permits reasonable application of metal detectors/wands in schools.

The purpose of these searches is to deter weapons such as guns, knives or any other item which might cause harm or injury from being brought to schools.

Metal detectors/wands may be used to search a student's or ALL students' person and/or personal effects whenever a school official has reasonable suspicion to believe that student(s) are in possession of a weapon. The search must be conducted by a school official, to include private security personnel. "Reasonable Suspicion" includes the following: Reasonable suspicion

that the search will turn up evidence of the student's violation; the extent of the search is reasonably related to the suspected violation; and the search is not excessively intrusive considering the student's age, gender and the nature of the violation. No student or persons shall be selected to be searched based solely upon their gender, race, ethnicity, physical appearance, manner of dress, or association with any particular group of persons.

A pre-established random plan may also be used to select students and what articles are to be searched. It is important that sufficient staff be involved in the search to prevent the possibility of any selected student disposing of contraband or weapons while walking to the location where the metal detector search is being conducted.

Searches involving metal detectors/wands shall be minimally intrusive and involve the use of neutral criteria for selection. Metal detectors/wands shall not inappropriately touch students during the search and students will only be required to open pockets or jackets if the wand is triggered. For example, if the metal detector/wand goes off during the search, a school official shall have reasonable suspicion justifying a separate search of a jacket, backpack, etc.

#### Frequency of Metal Detector/Wand Searches:

- a.) Random searches of students shall occur daily.
- b.) Search operations should be conducted at all various hours of the school day to avoid predictability.
- c.) [SCHOOL] shall maintain a record/log of the random metal detector/wand searches. A logbook of the searches must be kept for the entire school by the administrator in charge and be readily available for review. These logs must be kept on file for a minimum of three (3) years.

#### Selection of Search Team Members

- a.) Designated by [Head of School/Executive Director/Principal/Superintendent].
- b.) The search team should be comprised of a private security, as needed, certificated employees, both male and female, and augmented with other staff as necessary.
- c.) Personnel selected to be members of the search team must be respectful and sensitive to the right of privacy and other concerns of the individual being searched.
- d.) The searching of any student, employee or visitor shall only be conducted by a search team member of the same gender or the same gender by which the student identifies.

e.) Private Security may be requested to accompany, observe and assist the search team.

f.) Metal Detector/Wand search team members must be familiar with DTPA policy and the operation of the equipment. All search team members, including the Principal, Admin. Designee and administrator in charge, must complete an annual training detailing *How to Conduct a Random Metal Detector/Wand Search* prior to conducting any searches and must submit a copy of their completion certificate to the Principal. Completion shall be maintained and available for review.

#### Locations for Conducting Metal Detection/Wand Searches

a.) Whenever possible, searches should be conducted in locations that do not expose students or other persons being searched to the view of the general student body population, particularly to the view of those who are not subjected to the search.

b.) A nearby vacant classroom, office or workroom should be available, whenever possible, in the event that it becomes necessary to more thoroughly search a particular student. This would be the case when a wand activates and it is not possible to satisfactorily determine the cause, either through questioning or a light pat-down of the person. Whenever it is necessary for a student to be removed for a more thorough search, the student shall be accompanied by at least two (2) employees, one of whom must be the same gender as the student or the same gender by which the student identifies. California Education Code Section 49050 prohibits removal or rearranging of a pupil's clothing in a manner to permit a visual inspection of the underclothing, breast, buttocks, or genitals of the pupils.

#### Procedures for Conducting Random Searches

a.) A random search establishes a specific, unbiased pattern of who is to be searched, i.e. every third person. Search personnel may not deviate from the search pattern during the course of that particular search.

b.) All students selected will be required to bring all of their personal effects in their possession at the time they are selected, e.g., coat, purse, book bag, lunch bag/box/container, backpack, jacket, or other similar articles.

c.) Upon entering the search location, the selected student shall be advised of the purpose of the search, the method in which the search will be conducted, and the fact that the selection was made in a random manner.

d.) A student or person to be searched shall be directed to remove all metal objects from their pockets, including coins. The student is to give their personal belongings, as described above, to a search team member or place them on a table or desk in plain view. The belongings shall then be physically searched only to the degree necessary to affirm that no weapons are concealed therein. The student shall then be scanned using a wand. Staff operating the device must use an identical scanning technique/pattern for each student.

e.) The staff member will scan/wand the entire student, including socks, legs, front and back pockets, waist and chest.

f.) If the wand activates, the student shall be asked if they are in possession of any metal object in the area scanned. After determining that the object is not a weapon and is removable, staff will request that the student remove the object and re-scan the student. If an activation reoccurs and the object cannot be removed, the operator shall visually confirm the student's explanation, e.g. jewelry, belt, buckle, rivets on pants or as a second alternative, by lightly touching (not grabbing) the area which is causing the repeated activation.

g.) If, during the course of a search, contraband is observed that is a violation of [SCHOOL] policy and/or regulations, such items may be confiscated and the student may be subject to disciplinary action, in accordance with school policy.

h.) Students who refuse to submit to a wand search consistent with these guidelines may be subject to disciplinary action in accordance with School discipline policies and procedures for defying the valid authority of school personnel. Other persons, non-students, refusing a search consistent with these guidelines must be escorted off campus.

#### Random Search versus Total Population Search

A total population search is one wherein every person who enters the premises is searched, such as at an athletic event, festival, after-school dance, etc. Total population searches will take place under specified circumstances, including:

- a.) of all students upon entry to campus each morning;
- b.) of any student who leaves campus and then returns during the school day;
- c.) of all students entering campus during non-school hours, including for events, festivals, programs, board meetings, etc.

## **Canine Searches**

School officials may use trained detection dogs in inspections for illegal, unauthorized or contraband materials in school facilities, grounds, and school parking lots. All dogs must be accompanied by a qualified and authorized trainer who will be responsible for the dog's actions and who can verify the reliability and accuracy in sniffing out contraband. Trained detection dogs may sniff lockers, student motor vehicles or other inanimate objects throughout school property. Such inspections are not considered searches and do not require reasonable suspicion.

## **Searching Other Areas of the School**

### **Lockers/Cubbies**

Student lockers/cubbies are school property and remain at all times under the control of DTPA. However, students shall assume full responsibility for the security of their lockers. Student lockers may not be used to store illegal, unauthorized, or contraband materials.

The acceptance and use of locker/cubby facilities on school campus by any student shall constitute consent by the student to the search of such locker facilities by authorized school personnel and/or law enforcement.

Inspections of lockers/cubbies may be conducted by school personnel as directed by the Principal and/or by law enforcement though the use of trained dogs.. These inspections shall not be arbitrary, capricious, or discriminatory. Either all lockers and/or cubbies must be inspected or the lockers/cubbies to be inspected must be randomly selected.

A locker/cubby search plan must be implemented in which a minimum of ten lockers and/or five cubbies per classroom are searched no less than once a quarter. Prior to the implementation, notification must be given to both students and parents. This may be accomplished by a letter or email to parents.

When lockers/cubbies are searched, written notification must be left within the locker/cubby informing the student that the locker/cubby was searched.

All members of the school staff should check their areas of responsibility, e.g., classrooms, restrooms or grounds for concealed weapons daily.

## **Vehicles**

Any public school ground utilized by any person contained therein or any other area that may be set aside for the personal use by any person remains under the exclusive control of DTPA. As such, vehicles may not be used to store illegal, unauthorized, or contraband materials.

The acceptance and use of the parking facilities for privately owned vehicles on school campus by any person shall constitute consent by the person to the search of such vehicles by authorized school personnel and/or law enforcement.

DTPA retains the authority to patrol and inspect parking lots at any time through the use of trained detection dogs. These inspections shall not be arbitrary, capricious, or discriminatory. Either all vehicles must be inspected or the vehicles to be inspected must be randomly selected.

### **Seizure of Illegal, Unauthorized, or Contraband Materials**

If a lawfully conducted search yields illegal, unauthorized, or contraband materials, such materials shall be turned over to the proper legal authorities for ultimate disposition.

### **Discipline**

If illegal, unauthorized or contraband materials are discovered through the use of a trained detection dog, school officials may impose discipline upon the student(s) (including suspension and/or expulsion) in accordance with [SCHOOL]'s discipline policies and procedures. [SCHOOL] shall notify law enforcement authorities if any search and/or seizure results in the discovery of illegal contraband.