

JCAB-R Interviews and Searches of Students

1/7/13

RATIONALE/OBJECTIVE:

The Cobb County School District (District) is dedicated to sound discipline practices in order to provide students in the District an effective and safe learning environment, to promote learning, and to encourage maturity during the school day as well as during all school-related activities. In order to maintain a safe and orderly environment, the principal or designee of each school in the District may conduct reasonable interrogations and searches of students including the use of a metal detector.

Additionally, the District recognizes concerns for the welfare of students; therefore, the District will, to the extent permitted by law, cooperate with law enforcement and other investigating agencies in the interest of the welfare of all citizens.

RULE:**A. INTERROGATIONS/INTERVIEWS:****1. School Personnel:**

The principal or designee of each school in the District is authorized to conduct reasonable interrogations and interviews of students in order to properly investigate and address student misconduct.

- a. Students who are suspected of misconduct or of violating the Student Code of Conduct, may be questioned about misconduct by school staff.
- b. Students who may have been witnesses to misconduct on the part of other students, faculty, and/or staff may be asked to provide oral or written statements regarding what they know about the event being investigated.
- c. Principals or designees may interview or interrogate students without prior notice or permission of parents/guardians.

2. Law Enforcement or Other Governmental Investigating Agency (Not Involving Child Abuse):

School officials shall observe the following:

- a. A student will not be interrogated or interviewed by any law enforcement or other governmental investigating agency except in a non-public/non-common area of the school and with the knowledge of the principal or his designee. The principal or designee may be present during the interview if the investigating agency requests that he or she be there for the comfort of the student; however, the principal or designee should not be a participant in the discussion. Otherwise, the principal or designee may place the student being interviewed in an area that can be visually observed by a school staff member. Probation Officers may meet with students in private and without prior notice to the student's parent/guardian if the Probation Officer provides the school with prior written parent/guardian/custodial agency consent (Form JCAB-3). Probation Officers may also meet with students in private and without prior notice to the student's parent/guardian/custodial agency if a court order specifically provides for such meetings. For additional guidelines regarding the school's interactions with Probation Officers and representatives of the Department of Juvenile Justice, see the Protocol for Students on Probation (Form JCAB-2).
- b. It is the responsibility of the investigating agency to inform the parent that an interview took place. The form "Outside Agency Interviews and Investigations" must be completed (see Form JCAB-1). If the parent/guardian contacts the school about the interview prior to the notification, the school will provide the parent/guardian the

contact information from the interviewing agency representative as provided on Form JCAB-1.

- c. A student should not be released to the custody of persons other than a parent/guardian unless removed by a law enforcement or other governmental investigating official. An Outside Agency Interviews and Investigations Form shall be completed and placed in a school confidential file when an interview occurs or when the student is released to governmental/law enforcement agencies. (See Form JCAB-1)
- d. In the event a student is removed from the school by a law enforcement or other governmental investigating official, the removing agency will be responsible for notifying the parent/legal guardian as soon as possible. If the parent/guardian contacts the school about the removal prior to the notification, the school will provide the parent/guardian the contact information from the removing agency representative as provided on Form JCAB-1.

3. Law Enforcement or Other Governmental Investigating Agency (Involving Child Abuse):

School officials shall observe the provisions of Administrative Rule JG-R (Student Welfare) and the current DFCS Protocol (Form JG-1).

B. SEARCHES:

The principal or designee of each school in the District may conduct reasonable inspection of students' school lockers, articles carried upon their persons, and vehicles in order to properly investigate and address student misconduct.

1. Searches based on reasonable suspicion may proceed without hindrance or delay, but they shall be conducted in a manner which ensures that students are not arbitrarily stripped of personal privacy.
2. Strip searches of students are not allowed.
3. Searches shall be based on a reasonable suspicion of the presence of harmful or prohibited items, including, but not limited to bombs, handguns, clubs, bludgeons or other dangerous weapons, contraband drugs, alcohol, tobacco, stink/smoke bombs, secreted noise makers, and look-alike weapons.
4. If a school official has reasonable suspicion to believe that a particular student is in possession of an illegal or unauthorized metal-containing object or weapon, the official may conduct a metal detector check of the student's person and personal effects in accordance with the procedures outlined in Section D below.
5. Lockers:
 - a. Lockers are the property of the District and are subject to the rules and regulations for use of lockers established by the principal of each school.
 - b. Principals or designees of each school in which lockers are issued shall ensure that:
 - (1) At the time lockers are made available to students, it is clearly specified in writing that lockers are subject to inspection and search by school officials.
 - (2) The school administration maintains duplicate/master keys or records of all locker combinations.

C. CONFISCATED ITEMS:

1. In the event the search of a student's person, personal possessions, locker, or vehicle reveals the student is concealing material, the possession of which is prohibited by federal, state or local law, the District Office of Public Safety shall be notified so that they may take appropriate action.
 - a. Confiscated contraband including, but not limited to, illegal drugs, alcohol and weapons or other harmful items, shall be forwarded to the Office of Public Safety or outside law enforcement.
 - b. The District Office of Public Safety shall dispose of such items according to established procedure.
2. Other items which are generally prohibited by the Student Code of Conduct may also be confiscated by the principal or designee.
3. Confiscated items must remain in the possession of a school official, which may include the Director of Public Safety or designee, unless the items are relinquished to the police or required for due process or judicial hearings.
4. Confiscated items required for a due process or judicial hearing:

- a. Must be given to outside law enforcement (if involved) or to the Director of Public Safety or authorized representative for the District; and
 - b. Must be treated according to the chain of evidence as established by the District's Office of Public Safety.
5. If there is no due process or judicial hearing involved, and the item is not in the possession of the Office of Public safety or outside law enforcement, the principal or designee shall determine the appropriate disposal procedure of the item by July 15 of each year. The principal or designee will determine if the item will be:
- a. Returned to the student, or
 - b. Given to the parent/guardian.

D. USE OF METAL DETECTOR:

The use of metal detectors is a protective measure to ensure the safety of all students and staff. An administrator of a Cobb County school may conduct a metal detector search of a student when the administrator has reasonable suspicion that the student is in violation of the law and/or school rules.

1. The administrator will be trained in the proper use of hand-held metal detectors to ensure that the scanning is done correctly.
2. The hand-held metal detector will be used in individual searches when a school official has a reasonable suspicion that the student has an illegal or unauthorized metal-containing object or weapon and in accordance with the following procedures:
 - a. Searches which will require the use of a metal detector will be conducted only by the principal or designee. Another school official, which may include a Campus Officer, will be present at the time of the search.
 - b. In all cases involving individual searches with a metal detector, the principal or designee will attempt to contact the parent and document the contact or attempt.
 - c. Prior to conducting the search, the principal or his or her designee will ask the individual to remove any metal objects from his/her person, book bags, purses, or parcels.
 - d. Prior to conducting the search, the individual will be informed that all electronic devices or supplies should be removed in order to prevent damage.
 - e. The search shall be conducted according to the following procedures:
 - (1) Individuals will be requested prior to scanning to place book bags, purses or parcels they are carrying on a table and to remove any metal objects from their pockets and lay those items on a tray.
 - (2) The school official conducting the search with the metal detector will proceed in the following manner:
 - (a) The official shall instruct the individual to remain stationary during the scan.
 - (b) The official shall scan the student without touching his or her body.
 - (c) The official will scan all parcels, purses, or bags.
 - (3) If the metal detector is activated while scanning a bag, purse, or parcel, its owner will be requested to open the bag, purse, or parcel. The school official will then examine the contents for weapons.
 - (4) If the metal detector is activated on a person and the source of the alarm is not apparent (e.g., jewelry or belt buckles), the school official will direct the individual to remove any remaining metal objects from his/her person and will conduct a second scan. If the detector is activated again, the school official will direct a school administrator and the Campus Police Officer, if present, to escort the individual to a separate and private area, such as an office, to conduct a search in accordance with the following procedure:
 - (a) The search must be conducted in the presence and under the supervision of the principal or designee.
 - (b) The search must be conducted by a person of the same sex as the individual being searched.
 - (c) Prior to conducting the search, the principal or designee will once again ask the individual to remove any remaining metal objects from his/her person. If the individual declines to remove the objects, the individual will be searched as follows:

- 1) The search will be conducted only in the area of the body which activated the metal detector.
- 2) The search shall commence with the patting of the individual's external clothing in the vicinity of the pockets, belts, shoulders, or other specific areas, for the limited purpose of discovering items which may have activated the metal detector.
- 3) If the school official conducting the search feels an object which may have activated the metal detecting device, the school official shall ask the individual to remove the object. If the individual declines to remove the object, it may then be removed by the school official or appropriate law enforcement may be called.
 - (d) If the object voluntarily provided by the individual or removed from the individual could have activated the detector, the administrator must cease performing the search.
 - (e) The administrator will then again scan the person and the search will continue only if the metal detector is activated again during the scan of the individual.
- f. All property removed from the student as a result of the above procedure which may be legitimately brought onto school premises will be returned to the student.
- g. Property removed from the student, possession of which is in violation of Cobb County School District Administrative Rules, shall be confiscated and the student shall be disciplined in accordance with the Cobb County Student Code of Conduct.
- h. Students who fail to cooperate with school personnel performing their duties under these guidelines may be subject to discipline for insubordination.
- i. A weapon or any other illegal material that is discovered shall be turned over to the proper authorities for ultimate disposition in accordance with the appropriate District Administrative Rule.

Adopted: 7/22/82

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Reviewed: 8/8/84

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Reclassified an Administrative Rule: 9/1/04

Revised: 2/24/05; 7/27/06; 9/14/11; 10/12/11

Revised and re-coded: 1/7/13 (Previously coded as Administrative Rule JIH and Administrative Rule JIHC)

Legal Reference

O.C.G.A. 16-10-0024	Obstruction of justice
O.C.G.A. 16-07-0021	Criminal trespass
O.C.G.A. 17-04-0020	Arrests - with and without a warrant
O.C.G.A. 17-04-0003	Right of forcible entry into private dwelling pursuant to arrest warrant
O.C.G.A. 19-07-0005	Reporting child abuse
O.C.G.A. 20-02-1185	School safety plans
O.C.G.A. 20-02-0736	Student codes of conduct; distribution
Rule 160-4-8-.04	Child Abuse and Neglect Reporting