BALTIMORE CITY PUBLIC SCHOOL SYSTEM

SCHOOL POLICE FORCE

Protocol for Student Searches

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Protocol for Student Searches

I. INTRODUCTION

The Baltimore City Public School System (BCPSS) recognizes that the educational environment of the schools is an important factor in every student's ability to learn. We are committed to providing an environment where teaching takes place every day in safe and orderly schools. Unfortunately, weapons and drugs in the schools, or on school grounds, and in the surrounding neighborhoods are a danger to that environment. Where such incidents occur, the safety of our children, staff and visitors is compromised and the learning process suffers.

It is the hope and desire of the BCPSS to foster a proper educational environment for all students that includes promoting the safety and welfare of students, staff, and visitors alike. To accomplish that end, BCPSS school officials are authorized to conduct searches of students and their personal effects, to conduct metal detector screenings of students, to search and inspect property owned or leased by BCPSS, including but not limited to desks and lockers assigned to students, and to seize any contraband that is revealed through such searches.

The conduct of such searches will be in accordance with the Maryland Annotated Code and will respect the rights and dignity of each child involved.

II. DEFINITIONS

- **School Officials** -- principals, as well as any assistant principal(s) and school security guards, and anyone that is properly designated by a school principal to assist in the search procedures. This term does not include volunteers, and this procedure does not authorize any such volunteer to conduct searches.

- **Contraband** -- weapons, illegal drugs, cell phones, and any other item that students are banned from possessing by any applicable State, local, federal law, City or Baltimore City Board of Commissioner's School Rules or Policies, or an individual school's written rules and policies.

- **Metal detector screening --** the use of metal detectors (walk-through units or hand-held "wand" units) on students entering a school facility or their belongings on a given date.

- **Metal detector activation** -- occurs when a walk-though or hand-held metal detecting device responds, by alarm or other signal, when such devices are set to a determined level.

III. BACKGROUND

The Fourth Amendment of the United States Constitution prohibits unreasonable searches and seizures. While students attending the BCPSS clearly are protected by the Fourth Amendment, (through the Fourteenth Amendment), the school setting has been

recognized as unique and school officials are granted a broader range of powers in maintaining a safe and orderly environment than that which is applicable to society.

The reasonableness of any search depends on the context within which the search takes place and balancing the need for the search against the intrusion that it entails. There are several different types of "searches" that may arise in the school setting, and each type involves different underlying educational and safety needs, privacy concerns, and standards of reasonableness. The intrusiveness of any search must be reasonably related to the scope of search necessitated by these factors. The general types of searches and/or seizures authorized by this policy and the guidelines applicable to each type of search and/or seizure are described below.

IV. INDIVIDUALIZED STUDENT SEARCHES

BCPSS officials are authorized to search individual students and their personal effects (including but not limited to clothing, backpacks, book bags, purses, vehicles parked on property owned or leased by the BCPSS, and similar items), when the school official has a reasonable suspicion that such a search will reveal evidence that the student has contraband in his or her possession. Education Article, Section 7-308 states that (Public Schools Student Search) for the purpose of permitting a principal, assistant principal, or school security guard of a public school to make a reasonable search of a student on the school premises, he/she must have a reasonable belief that the student has certain items in the student's possession. "Reasonable suspicion" may be based on direct observations of the student by school officials (such as seeing a gun shaped bulge in clothing or smelling the aroma of marijuana) or on reliable information provided to them by others (including students and staff) indicating that the student has contraband in his or her possession. However, neither a mere hunch nor generalized suspicion is a sufficient basis for searching a student.

The school official must be able to articulate an objective basis for his or her "reasonable suspicion" before conducting a search of an individual student. In connection with metal detector searches, due to the limitations discussed above, students' personal items or belonging (e.g., outerwear, book bags) may be subjected to physical examination only when the screening process indicates the presence of a metal object therein. After a school official has determined that a student should be searched for contraband based upon reasonable suspicion, the following guidelines apply:

- An individualized search should be no more intrusive than is necessary. If the school official reasonably suspects that a student has a weapon in his or her possession, a simple "pat-down" search should be adequate; if there is a reason to suspect that a student has drugs on his or her person, the search necessitated by such suspicion may require a more thorough pat-down, or the emptying of pockets and the removal of coats, jackets, and/or socks. If the school officials conducting the search determine removal of any other items of clothing is necessary in order to facilitate a more thorough search, the school officials should contact the school police officer or law enforcement. *Under no circumstances are school officials authorized by this procedure to conduct strip searches.*

- Except in extraordinary urgent circumstances, individualized searches may be conducted only by a school official of the same sex as the student being searched. The search must be conducted in the presence of another school official, outside the view of any person not directly involved in the search.

- Whenever possible, the search for a weapon should be conducted by law enforcement at the request of, or in conjunction with school officials. School police officers are trained in proper search techniques, and know how to search for contraband in a manner that minimizes the possibility of injury. A school official should be present during all searches.

- If a student refuses to be searched, the Principal must handle this matter in the presence of a (Baltimore City School Police Officer (BCSPO) and another school administrator (third party). This will ensure that the student's rights are not violated and are witnessed by other BCPSS personnel.

- Under the Maryland Education Article, Section 7-308, the principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on school premises, or on a school-sponsored trip, if the searcher has a reasonable belief that the student has in his/her 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 school board. The search shall be made in the presence of a third party.

- The School Board may authorize a teacher to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in his/her 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 regulation of the Board of School Commissioners. The search shall be made in the presence of a third party. To qualify to conduct this search, the teacher shall be designated in writing by the principal and shall receive training to conduct a search commensurate with the training received by a principal.

V. DESK OR LOCKER SEARCHES

Desks and lockers are NOT the property of the student who is permitted to use them during school hours. Rather, they are the property of the BCPS and remain at all times under the control of the BCPSS. However, students are expected to assume full responsibility for the security of the locker and/or desk assigned to them. "Mass" locker and/or desk searches (any search of multiple lockers or desks not based on individualized suspicion, such as; searching banks of lockers or all the desks in a particular classroom or on a particular floor of a school) and individual locker and/or desk searches may be conducted by school officials at any time for any reason, without notice, without student consent, and without a search warrant. However, the students' personal items within the desk or locker, such as purses, book bags, and jackets, may not be searched without reasonable suspicion that a search of such items will turn up evidence of wrong doing on the part of an individual student.

All principals and/or designees are responsible for the total accountability and responsibility to ensure that all BCPSS protocols and policy are followed properly.

Guidelines for individual or mass locker and desk searches;

- Searches are only conducted by school administrators and those BCPSS employee's who have certified training by the vendor and or BCSP trainers.
- Locker and desk searches are best performed when no student is present.
- Locker and desk searches may include the use of trained dogs.
- Students must be advised through the Student Handbook or by other written materials provided to them that "their" lockers and/or desks are subject to search at any time.
- Locker and desk searches may be conducted by school officials, with or without the assistance of law enforcement personnel. (If school police is involved, warrant or probable cause is required)

VI. METAL DETECTOR SCREENINGS

The Baltimore City School Police Force has hand-held "wand" metal detectors. Also, the School Police Officers (SPO) has access to several portable walk-through units that are available for use in schools on request (subject to certain limitations and restrictions including availability). *The principal must provide clear and concise documentation to explain the reasoning for the requested search and to ensure the students' Fourth Amendment rights. This document shall be readily available for review by BCPSS officials.*

There are three types of metal detectors screenings authorized by this procedure:

- **Random Screenings:** Random metal detector screenings are an effective and necessary means of detecting and deterring the possession of weapons and preventing its consequences, i.e., principally student violence, from occurring on school premises. Random screenings are not conducted on a regularly scheduled basis, and are not necessitated by particularized safety concerns or special events. The Chief Executive Officer (CEO) or his/her designee or school officials may authorize metal detector screenings on randomly selected days during a specified period of the day, using school personnel to operate the metal detectors available to their school (any combination of walk-through units and/or hand-held wands) or using a task force comprised of school personnel and School Police Force personnel.

- **As Needed Screenings:** The Chief Executive Officer, Chief Academic Officer, his/her designee, or the school principal may authorize metal-detector screenings on days chosen to address particular safety concerns (such as recent violence in the neighborhood) and on days on which special events (such as intramural athletic competitions or dignitary's visits) are held, using school personnel (and if available, School Police Force personnel) to operate the metal detectors available to their school (any combination of walk-through units and/or hand-held wand), or using a task force comprised of school personnel (School Police Officers) to operate the school's metal detectors or the hand-held wand. "As Needed"

screenings that use only school personnel and School Police Officers (if available), may be scheduled by the school's principal on days on which special events are scheduled or on days chosen to address a particular safety concern.

Daily Screenings: The CEO or his/her designee may authorize daily metal-detector screenings using school personnel and if available, School Police Officers of School Police assigned to the school.

VII. GENERAL GUIDELINES

The following guidelines apply to all metal-detector screenings unless otherwise noted:

- All schools with permanently installed walk-through metal detectors, whether used randomly or daily, must post a sign outside the entrance to be used for metal-detector screenings stating: *"Any person entering this building may be subject to search."* Schools should also include information about their metal-detector programs in their Student Handbook, if any handbooks are distributed to students at the beginning of the year or term.

- Separate lines should be available for male and female students to be screened either by passing through walk-through units or being scanned with hand-held wands; male school staff should be assigned to monitor the line for male students, and female school staff should be assigned to monitor the line for female students.

- There should be adequate space near metal detectors to maintain order among students waiting to be screened; areas should be arranged in a way that prevents students from bypassing the search procedure.

- All entrances not used for metal-detector screenings should be locked so as to prevent entry from the outside, but remain operable from the inside to comply with Fire Codes. If feasible, school personnel should be posted near locked doors to prevent screened students from assisting others in circumventing the screening process.

- Tables must be placed adjacent to walk-through metal detectors, and shall have ample containers to accommodate the personal metal possessions of students passing through the detector.

- Prior to a student's passage through a walk-through metal detector, he or she shall be instructed to place any metal items in their possession into a container, and to place any other personal items (coats, back-packs, purses, etc.) on the table for scanning with a hand-held wand. The personal items must be subjected to physical examination only when the screening process or other bases for reasonable suspicion indicate the presence of a metal object or contraband therein.

- If the alarm sounds when a student passes through the metal detector or when the wand is passed along the student's body, the student should be retested. If the alarm sounds again, the student should be escorted to a place of privacy where a

more thorough search of his person may be conducted. If questions arise as to the type of search that the school officials should conduct, the school officials must contact the Chief of School Police. *Under no circumstances, may a strip search be conducted.* If a weapon is discovered, School Police and administrators must be notified immediately. The student must be arrested and parents must be notified immediately. All weapons screenings should be conducted by the principal or her/her designee and School Police personnel.

VIII. GUIDELINES FOR SEARCHES OF LESS THE ENTIRE STUDENT BODY

- **Randomizing Process:** In the event that the entire student population will not be subject to metal-detector search, then the principal or his/her designee will select a number. The number will indicate the position in line of the student to be searched (i.e., a number 5 indicates every 5th student should be searched). If the principal (or designee) decides to conduct a search of less then the entire student body, this number is the only number which should be used to determine which students are to be subject to search. Adherence to this pre-determined number is mandatory. This randomizing process may not be used to single out or harass individual students.

- **School Sponsored Events:** The principal or his/her designee will select a number. This number will be used on searches of less then the entire population in attendances at a school sponsored extra-curricular event (i.e., sporting events, dances, etc.).