

## **Search And Seizure**

Searches shall be made in the presence of at least one other district employee.

Employees shall not conduct strip searches or body cavity searches. (Education Code 49050)

### Use of Metal Detectors

Upon enrollment and at the beginning of each school year, students and parents/guardians shall receive notice that the district may use random metal detector scans as part of its program to promote safety and deter the presence of weapons. Signs shall be posted at all schools to explain that anyone may be scanned by metal detector for guns, knives or other illegal weapons when on campus or attending athletic or extra-curricular events.

The following procedures shall be followed when making metal detector scans:

1. The school principal will direct when and where scanning procedures will take place. Scanning may occur at district school sites or any other facility used for school activities.
2. The school principal or a certificated designee must be present to observe all scanning of students. Scanning will be done by certificated or classified employees as assigned.
3. A Sworn Peace Officer must be present to observe all random scanning of groups. An officer may be present for specific individual scans.
4. All persons entering the facility may be scanned. The school principal may elect not to scan every person. In such cases, the principal will determine the proportion of persons to be scanned on a random basis. For example: every other person every third person or every fourth person.
5. No particular individual will be selected to be scanned unless there is a reason to believe that the individual is in possession of a weapon.

### Use of Hand Held Detectors

1. Weapon scanning will be conducted by certificated or classified school district staff preferably of the same gender as the individual to be scanned.
2. The staff member will greet the individual, explain the process, ask the individual to remove metal objects from his/her pockets or belongings and lay these items on a tray.
3. Every effort shall be made to avoid physical or equipment contact with the individual being scanned.
4. Persons who refuse to cooperate with the procedures or have special circumstances will be referred to the principal (or designee) for appropriate action.
5. The metal detector operators will proceed in the following manner:

- a. Standing to the left side of the individual, scan from the left chest area and proceed down to the feet.
- b. Move to the rear of the subject and scan the left side from feet to the head.
- c. Scan the back of the subject from the head to the feet.
- d. Scan the right side from the feet to the head.
- e. Scan the subjects from the right chest to the feet.
- f. All parcels or bags will be scanned.

#### Response to Activation

1. If the metal detector activated on a person and the source of the alarm is not apparent (i.e., jewelry), the subject will be directed to remove any remaining metal objects before a second scan.
2. If the detector activates again, the principal/designee shall direct staff to escort the individual to a private area to conduct a search in accordance with policy and procedure described below in Search Methods.
3. If the scanner is activated while scanning a bag or parcel, its owner will be requested to open the bag or parcel. The contents will be examined to determine what activated the device.

#### Search Methods

1. The search must be conducted in the presence of at least two district employees under the direct supervision of the principal or certificated designee. If possible, the person conducting the search will be the same gender as the subject.
2. Prior to a search, the subject will again be asked to remove any remaining metal objects from his/her person. If they decline, they will be searched as follows:
  - a. Only the area of the body which activated the metal detector will be searched.
  - b. Pat the external clothing in the vicinity of pockets, belts, shoulders, and other specific areas for the limited purpose of discovering items that may have activated the metal detector.
  - c. If an object is felt, the subject will be asked to remove the object. If the person refuses to remove the object, the administrator in charge may remove the object.
  - d. If the object removed could have activated the metal detector, the search will discontinue. The subject will be scanned again and the search will continue only if the metal detector is activated again.

#### Discovery of Weapons (or other contraband)

1. When an individual is found to be in possession of contraband, the administrator in charge and the Peace Officer will immediately be called to the scene.
2. If the contraband is not allowed by law the police officer will take custody of the objects and subject.
3. If the contraband is not illegal but is prohibited by the Education Code or Fresno Unified School District Policy, the site administrator will take custody of the objects and take appropriate administrative action with the students.
4. All property removed from an individual which is not prohibited by law or district policy will be returned to the individual upon completion of the search.

#### Post-Scan Sweep

Following all random group scanning operations, district staff may conduct a perimeter sweep of surrounding grounds and area in which weapons may have been hidden.

#### Use of Trained Dogs

1. Dogs shall not be used in rooms occupied by persons except for demonstration purposes, with the handler present. When used for demonstration purposes, the dog may not sniff the person of any individual and shall be well separated from the students.
2. The dog and the official handler will be escorted by a school administrator when conducting classroom inspections.
3. The handler will enter the classroom with the dog and will stand in an area away from the students at all times. The school administrator will announce the inspection and give students instructions for exiting the classroom and leaving their personal effects in the classroom.
4. Students who refuse to leave their personal effects in the classroom would be subject to discipline for defying the valid authority of school officials:
  - a. First offense: Suspension from school for 2-3 days.
  - b. Second offense: Recommendation for expulsion
5. The school administrator will stay with the dog and the handler in the vacated classroom to witness the inspection. No students are permitted to stay in the classroom or watch from a window. If there are any questions or concerns from the students, they will be handled by the school administrator.
6. Only the dog's official handler will determine what constitutes an alert by the dog.
7. The school administrator will secure the item and identify the owner. Under no circumstances will the official canine handler move or carry the alert item.

8. If the dog alerts on a particular item or place, the student having the use of that item or place or responsibility for it shall be called to witness the search. The school administrator will escort the student to a private office where the inspection will take place. The official dog handler will proceed with the inspection of the item. The official dog handler will not assist with individual searches. All searches shall be made in compliance with district policy.

9. In the event the dog alerts on a locked vehicle, the owner or person bringing the vehicle onto district property shall be asked to open the vehicle for inspection to be conducted by the dog handler. Refusal to open the vehicle for inspection may result in referring the matter to law enforcement officials or disciplinary action according to district policies. Discovery of prohibited substance or item may result in referral to law enforcement officials or disciplinary action according to district policies.

10. In the event a lawsuit is initiated alleging the unlawful use of trained canines under this policy, the district shall indemnify and defend the school administrator provided he/she was acting within the course and scope of his/her duties.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Regulation FRESNO UNIFIED SCHOOL DISTRICT

approved: August 26, 1993 Fresno, California

revised: January 30, 1997

revised: June 14, 2000