SEARCH OF PERSON OR PROPERTY POLICY

**Purpose:** The purpose of this policy is to ensure protection of individual rights against excessive and unreasonable intrusion from happening when a search of person or property is needed in accordance with Utah Administrative Code R277-615 and Utah State Code Section 53A-11-1305 and 53A-1-401(3).

**Policy:** Given the WSU Charter Academy’s responsibility for children and the school’s commitment to preserve a safe environment for all students and staff, WSU Charter Academy officials have the authority to conduct reasonable searches of students and student property. WSU Charter Academy officials engaging in searches of students and property shall abide by the following guidelines:

Students possess the right of privacy of person as well as freedom from unreasonable search and seizure of property. The individual’s right, however, is balanced by the schools' responsibility to protect the health, safety and welfare of its pupils and personnel in accordance with Act 451, Section 380.1306.

**Searches of Personal Belongings:** Personal belongings may be searched by WSU Charter Academy officials whenever WSU Charter Academy officials have reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence. The student may be asked to open personal belongings and to turn over personal property for search by a WSU Charter Academy official. All searches of student property by the WSU Charter Academy officials shall be witnessed by an objective third party (such as another administrator, teacher, or police officer) to observe that the search is not excessively intrusive.

All contraband discovered in a search by the WSU Charter Academy officials shall be immediately confiscated and turned over to law enforcement officers if the WSU Charter Academy officials have reason to believe the contraband is related to the commission of a criminal act.

**Searches of Person:** WSU Charter Academy officials shall make sure the search meets the following guidelines:

- The search shall be conducted in a private area of the school by a WSU Charter Academy official of the same sex as the student being searched.
- The search shall be observed by an objective third party of the same sex as the student being searched (i.e., administrator, teacher, police officer).
- WSU Charter Academy officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband.
- Under no circumstances may WSU Charter Academy officials require students to remove any other items of clothing or touch students in any way during the search.
- If this limited search does not turn up suspected contraband and WSU Charter Academy officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.

Approved – October 1, 2013
**Documentation of Searches:** WSU Charter Academy officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:

- The time, place and date of the search.
- The reasonable suspicion giving rise to the search (what did WSU Charter Academy officials suspect to find during the search).
- The name and title of individuals conducting and observing the search.
- A statement about evidence that was found or not found as a result of the search.
- A statement about who took possession of contraband (i.e., police, school, etc.).
- Information regarding the attempts of WSU Charter Academy officials to notify parents about the search.