

OFFICE OF SCHOOL SAFETY

SUBJECT: SEARCH AND SEIZURE

I. POLICY

- A. Board of Education Policy 817 defines the purpose, authority, delegation of responsibility, and procedures regarding the use of scanning equipment to detect weapons in the School District. The policy of the School District is to use magnetometers or scanning devices for comprehensive searches in accordance with Board of Education Policy 805 in high schools, or random entry searches of students and visitors, to schools, school buses, or school programs where circumstances in a community, or information received by the school, raises a heightened likelihood of weapons possession and/or violence in a school or between segments of the student population.
- B. The Fourth Amendment of the United States Constitution prohibits **unreasonable** searches and seizures. Any search or seizure should be justified at its inception and of reasonable scope.
- C. While students attending Philadelphia Public Schools are protected by the Fourth Amendment and the Fourteenth Amendment, both federal and state courts recognize a school's unique interest in maintaining a safe, undisrupted learning environment. Courts weigh the school's interest in protecting the safety and education of their students when determining whether acts are reasonable under the Fourth and Fourteenth Amendments.
- D. There are several different types of searches that may arise in the school setting; each type involves different underlying educational and safety needs, privacy concerns, and standards of reasonableness.
 - 1. The intrusiveness, or scope, of any search must be reasonably related to the safety and educational needs of the school, its staff, and students.
 - 2. For instance, the safety concerns in cases involving weapons or drugs are substantially higher than would be the case for missing personal property.

II. Definitions

- A. **Administrative Entry Search:** The process by which students and visitors entering a school, school bus, school program, athletic contest, or activity location are subject to a search of their physical person and all items in their possession by means of metal detectors, X-ray equipment, or by hand, for the purpose of preventing the introduction of weapons, contraband, or illegal items.

- B. **Weapon:** Per Board of Education Policy 218.1, a Weapon is any object, device, or instrument that is designed as a weapon or that is capable of threatening or inflicting serious bodily harm or which may be used to inflict self-injury including, but not limited to: any firearm, shotgun, or rifle, whether loaded or unloaded; any knife, cutting instrument, or cutting tool; any nunchaku; any chemical agents such as pepper spray or mace; stun gun; incendiary device; and any other tool, instrument, or object used or intended to be used to inflict serious bodily injury to another. The term shall also include any simulated, replica, toy, or look-alike weapon.
- C. **School Storage Area:** A school storage area is any area allocated by the school for a student's storage of personal and educational items, including but not limited to lockers and desks.

III. PROCEDURE

A. Individual Searches: Reasonable Suspicion

1. Searches of individual students, or the possessions in their immediate control (e.g. handbags, book bags), shall only be conducted when there is reasonable suspicion that:
 - a. There has been a criminal infraction or the violation of a school policy or rule governing behavior or discipline, and
 - b. The individual who is the subject of the search participated in the infraction or violation, and
 - c. Evidence of the infraction or violation, or proceeds from them, may be in the possession of the student in the location to be searched.
2. Scope of Search
 - a. Except in situations when there is an immediate threat to the health, safety, or welfare of the student or others, the scope of a search should be limited to the least intrusive means available.
 - b. Escalation of the scope or intensity of the search may occur only when warranted by the seriousness of the infraction or violation, and the information supporting the investigation. (See part A Reasonable Suspicion)
 - c. In all high schools and administrative buildings, walk-through metal detectors may be used for individual searches, and X-ray scanners may be used for package, parcel, and other property searches. In the absence of this equipment, or should a search need to be escalated, individuals may be subject to search utilizing a hand-held metal detector or a physical pat-down and package, parcel, and other property may be subject to searches by hand.

- d. Any search procedure which would result in a school employee reaching under a person's clothing to come into contact with the person's bare skin or undergarments or expose a person's bare skin or undergarments in the area above the knees and below the neck is forbidden.
- e. A school employee may, based on the scope of a search, request a person to remove an outer coat, sweater, jacket, shoes, or below the knee socks, or to loosen a belt or sash, provided this request does not result in the exposure of a person's bare skin or undergarments in the areas above the knees and below the neck.
- f. When school authorities have exhausted all reasonable alternatives and still have reason to believe that contraband or proceeds of a crime are in the possession of the person being investigated, the Philadelphia Police Department (PPD) may be called and presented with the facts.
 - 1. School personnel shall then leave the issue of any further investigation of any person to the discretion of the PPD and shall not urge any particular course of conduct by the police.
 - 2. Cooperation by providing at PPD request a private area to conduct any further investigation is authorized, but school personnel shall refrain from any further physical or verbal participation, including coercion of the student to cooperate with the police.
- g. Group or General Searches-The law requires that there be reasonable suspicion as to any person or persons to be searched.
 - 1. Therefore, group or general searches are generally improper, except for administrative/entry searches described in this policy.
 - 2. When school personnel believe that a group search is necessary, the matter should be referred to PPD, or the School District's Office of General Counsel shall be consulted prior to such a search.
 - 3. Section II, which follows, presents the exception for administrative/entry searches.
- h. School storage areas are the property of the School District of Philadelphia. As a condition of providing student lockers storage areas, the School District reserves the right to enter storage areas at all times, without the permission of the student to whom the storage areas are assigned.
 - 1. It is further agreed by students that entry into school storage areas by the School District of Philadelphia is a lawful search, and any items found therein which are unlawful to possess, or which have been used contrary to any school rule or policy, may be confiscated.

2. Before opening the locker for inspection, the principal or other authorized school administrator may designate three persons to be present at the inspection.
 - a. The SP-18 will be used as a written record to ensure it includes the following: date, time, and reason(s) for the inspection, persons present, objects found, and their disposition.
3. Questions and concerns regarding search and seizures are to be referred promptly to the Office of General Counsel. The information presented in this section must be reviewed periodically during the students' advisory periods.

NOTE: APPENDIX A ATTACHED

7-23-04
JUNE 2015
MARCH 2020

**BY ORDER OF THE CHIEF OF SCHOOL SAFETY
OFFICE OF SCHOOL SAFETY**

SUBJECT: ADMINISTRATIVE ENTRY SEARCHES

I. PURPOSE

- A. The purpose of the Administrative Entry Search program is to prevent weapons and illegal contraband from being brought into the schools.
- B. It is designed to support safe schools and good school climate by deterring violence and serious physical injury in schools by inhibiting the access of persons in possession of weapons and/or other contraband into school facilities.

II. PROCEDURE

- A. Any individual who enters a School District of Philadelphia facility or program is subject to an administrative entry search.
- B. It will be the responsibility of every School Safety Officer (SSO) to greet each student/visitor entering our schools with respect and dignity. This is particularly important when students are required to pass through metal detectors and their possessions are X-rayed for prohibited items. Personnel will positively greet each student/visitor and respond to their inquiries. It is recognized in security circles that these initial engagements facilitate a positive interaction but also can assist in identifying potential problems.

Officers being polite and friendly contributes significantly to setting the tone for the day and putting our students at ease while making them feel safe and secure in the school environment.

- C. During the scanning process SSOs will continually advise students (verbally) that the purpose of the scan is to keep them safe and secure. The students will be continually advised of all the prohibited items allowed in schools. These announcements will occur prior to the students entering the search area. Students will be advised to ensure they have checked their bags/purses, etc. prior to entering the search area. The purpose of these announcements is two-fold: to demonstrate that the process is fair and transparent and to allow students to remove any potentially prohibited items from their person and/or items. Locations with amnesty containers will advise students/visitors that anyone possessing an item that is prohibited can place the items in the box with no retribution.
- D. The search procedure may include all individuals entering a school building during the regular school day. The procedure to search will not be used to single out any particular individuals, or any profile for a search.

E. Any person who refuses to cooperate in the scanning process will be referred promptly to the principal or his/her designee for appropriate action.

F. Prior to the initiation of the walk thru metal scanning program all personnel who will be conducting the scans will be trained.

G. **Public Notice:** The following notices shall be posted:

1. Weapons are not permitted in School District of Philadelphia facilities. This prohibition includes individuals with a license to carry a gun (18.Pa.C.S. 912).
2. All persons entering school district facilities may be required to submit to a metal detector scan, and a personal search if necessary, to ensure that weapons are not brought into this building.
3. Bags and parcels also may be searched by means of metal detecting devices, by hand, and/or X-ray Scanning.
4. Refusal to cooperate with the search will result in the denial of entry (for adults) or disciplinary action (for students).

H. Administrative Presence

1. The Office of School Safety recognizes the potential for non-criminal school-level incidents or issues to arise during the scanning process. To minimize disruption or delay of the student admission scanning process, a principal or other authorized school administrator (e.g. Assistant Principal, Dean of Students) is to be present during the student entry scanning procedure for referral of all non-criminal violations related to Code of Student Conduct, school-level infractions, individual school policies/rules, and any follow-up activities, which may be necessary.

I. Scanning Procedures

1. The team will be responsible for setting up the required equipment at the chosen scanning site including:
 - a. Walk-through detectors and X-ray scanners.
 - b. Desks and trays,
 - c. Stanchions and chairs, and
 - d. Public notices.
2. SSOs will be responsible for referring students and contraband to the Philadelphia Police Department (PPD) when necessary.

3. The School District entered into an agreement with the PPD to divert students for specific offenses. The PPD in partnership with the Department of Human Services (DHS) agreed that a first-time offense of a summary and/or misdemeanor “focused act” as defined herein, may not result in an arrest and/or filing delinquency complaint against a student under the following conditions:
 - a. Information provided by the school does not warrant juvenile justice assessment of the student,
 - b. Information provided by DHS does not warrant juvenile assessment of student, and
 - c. The student and student’s family agree to the terms and conditions of the Delinquency Diversion Program set forth by the Department of Human Services.

The District understands and agrees the responsibility of the SSO shall be as follows:

- a. SSO’s will contact PPD, if probable cause is established that a student 12 years of age or older has committed a crime, but the student shall not be arrested. The role of the PPD under these circumstances is to document the incident and confiscate any weapon or contraband. The SSO shall direct the incident, along with the student, to the appropriate Principal for administrative action.
 - b. If probable cause is established that a student 12 years of age or older has committed a possible crime the PPD will be contacted c. Upon arrival of a PPD Officer, the SSO shall consult with the PPD Officer and assist PPD in interviewing the involved parties, and consulting with the student’s teacher, counselor, or advisor to determine whether the student is preliminarily eligible for the Delinquency Diversion Program.
 - c. The responding PPD Officer after consultation with the School Diversion Liaison will make the final determination as to whether a student will be diverted.
4. At school facilities where administrative entry searches are conducted, access to the building may be limited to a single secured entrance. When entering a secured entrance to a school facility:
 - a. Students will be directed to remove all metal object(s) on their person (keys, coins, batteries, electronic devices, gum wrappers, etc.) and place them inside of their school bag.
 - b. Adults/visitors will be asked to remove all metal object(s) from their person and place them in a tray that is provided for their convenience.

- c. All packages and parcels will be viewed by the "airport style" X-ray machine.
- d. Once the package or parcel is placed in the X-ray machine, the owner of the package will proceed through the metal detector.
- e. When a person walks through the metal detector and the alarm sounds, he/she shall be instructed to remove all metal objects from his/her person (belts, chains, cell phone, coins) and shall be instructed to walk through the archway again.
- f. If the alarm does not sound, the articles, which have been removed, will be examined and the individual will then be allowed to pass into the secure area.
- g. Persons should never be allowed to enter the secure area until they can walk through the metal detector without sounding the alarm or until some form of secondary search using a hand-held metal detector can identify the item causing the alarm.

K. Use of Hand-Held Detectors

1. Wand scanning will be conducted by SSO/personnel of the same sex as the individual when possible seeking admission to the building.
2. Efforts shall be made during the scanning process to avoid having the scanning officer or the scanning equipment come into physical contact with the individual being screened.
3. If the hand-held wand activates on a person and the source of the alarm is not apparent (i.e. jewelry, belt etc.), the SSO/personnel conducting the scan will direct the individual to remove any remaining metal object(s) from their person and will conduct a second scan.
4. If the detector activates again, the SSO/personnel, in the presence of an authorized school administrator, will conduct a nonintrusive frisk/search of the individual.
5. Manual searches will be conducted in instances when an individual has activated the hand-held wand. All searches are conducted by SSOs in accordance with this policy.
6. Manual or frisk searches may only be conducted by persons of the same sex as the person to be searched.

7. All persons entering a school building, program, or bus may be searched. However, when logistically necessary (e.g. inclement weather, backlog of persons), the scanning officer may elect not to screen every person.
8. In such cases, the officers will determine the number of persons to be screened using one or both of the following alternatives:
 - a. screens every 2nd, 4th, or 7th, etc. person seeking entry; and/or allow a number of persons to enter without being screened; then resume screening all persons as noted above.
9. In cases where the search is likely to cause significant difficulty for persons with disabilities, including autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability, or traumatic brain injury the scanning officer may elect not to scan those persons.
10. **Under no circumstances may school officials select a particular individual(s) to be searched, unless there is reasonable suspicion to believe that the individual(s) is in possession of a weapon or other contraband.**

L. Refusal to Cooperate

1. The principal will initially discuss with the student the reasons behind the scanning program.
2. If the student still refuses to cooperate, his/her parents are to be contacted to discuss the scanning program.
3. If a parent cannot be reached the emergency contact will be called.
4. Where appropriate, the principal may, with students and/or parents' agreement, substitute the use of a wand for the walk-through scans
5. The parent will be notified that if the student fails to comply he/she will **not** be admitted to school.
6. Students still refusing to cooperate with the scanning procedure or baggage inspection prior to entry into a school building or extracurricular activity will then be denied entry (not suspended) by the principal/designee until such time as they choose to comply.
7. Such students will be marked as an unexcused absence and after ten unexcused absences will be referred to truancy court on an expedited basis.
8. Visitors who refuse to cooperate with an SSO during a search authorized by this policy will be denied entry to the school premises or program.

9. A student or visitor, who declines to be scanned at an extracurricular activity or athletic contest, or an optional program, will be denied entry.
10. A student or visitor, who declines to go through a walkthrough scanner due to pregnancy, will be given the option of being searched by a hand-held scanner or a manual or frisk search by female personnel.
11. When a student or visitor will be patted down in a screened or private location, the presence of at least one additional witness is necessary.

M. Discovery of Contraband

1. When an individual is in possession of a weapon or illegal contraband the School Safety Personnel must notify PPD. PPD will take custody of the contraband.
2. All property removed from an individual, which is not prohibited by District policy or law, must be returned to that individual upon completion of the search.
3. While conducting Administrative Metal/Weapons Scans, if a student is in possession of a cellular phone, or prohibited communication device, and no other offense has been committed (i.e., weapons or drugs) by this student and his/her conduct would, by itself, not constitute an offense, and the student absolutely refuses to relinquish any of the above prohibited devices, physical force will not be used by School Safety Personnel to remove these devices from a student's possession. The offender will be remanded to his/her school's administrator.

N. Sweeps of School Grounds

1. Following termination of a morning search, the SSO will conduct a perimeter sweep of the school grounds for weapons.

NOTE: NOTHING IN THE PROCEDURES SET FORTH ABOVE SHALL LIMIT THE AUTHORITY OF A SCHOOL SAFETY OFFICER TO SEARCH AN INDIVIDUAL WHEN THERE IS A REASONABLE SUSPICION THAT A PARTICULAR INDIVIDUAL IS IN POSSESSION OF A WEAPON OR ANY OTHER CONTRABAND.

7-23-04
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