

DIOCESE OF OWENSBORO SEARCH & SEIZURE POLICY

To safeguard all involved, adults may feel the need to make a physical inspection of a person or his/her possessions. If an adult asks a student/participant to hand over something, that is not considered a search. If an adult asks a student/participant to take something out of his/her pocket, that is not considered a search. One only needs to have another adult acting as an official witness if a student / participant is searched.

Schools shall include this Search and Seizure policy in the Parent-Student Handbook.

Diocesan Search and Seizure Policy states:

1. No search shall be conducted unless there are reasonable grounds to believe the search will reveal evidence of a violation of the Code of Conduct or the law.
2. Two adults must be present for a search. Searches shall only be conducted by those directly responsible for the person's conduct (e.g. Director/Coordinator of Faith Formation, youth minister, teacher/principal, parish chaperone, etc.) along with another adult witness.
3. When a search is conducted, either the conductor of the search or the adult witness must be the same gender as the subject of the search.
4. **Searches:**
 - a. **do not involve touching** of the participant by an adult. Note: no pat-down searches
 - b. **are limited** to a person's outer clothing, pockets, or his/her personal effects (e.g. handbags, backpacks, etc.).
 - c. may include requiring participant to empty pockets or personal items.
 - d. may include requiring participant to pull pants legs up and pull socks down.
5. Only legal authorities (i.e. police) have authorization to conduct pat-down searches.
6. No search shall be conducted in the presence of any other participant (except the parent/guardian of the person being searched, if he/she is in attendance).
7. Legal authorities, if appropriate, and parent/guardian will be notified immediately.
8. Items that may be seized are illegal items (e.g. weapons, drugs, etc.) and any other possessions reasonably determined by authorized personnel to be a safety / security threat.
9. Other items may be seized temporarily if they disrupt or interfere with the individual's or others' participation. Such items will be returned to the participant at the end of the activity. (Examples include cell phones and other electronic equipment, keys, etc.) If cell phones or personal electronic equipment are taken away, they must not be searched except by law enforcement personnel.
10. Those who fail to cooperate with search request shall be subject to other disciplinary action, up to and including dismissal or removal from the premises.

NOTE: School or parish property does not belong to the student / participant. It is recommended that schools and programs include a policy in the parent / student (participant) handbook that states "the school / parish is co-tenant of lockers and desks and reserves the right to search them at any time without notice."