

409: Gang Prevention, Search and Seizure

1. Purpose:

To promote a safe and orderly environment for all students and employees. Criminal acts or disruptive behavior of any kind will not be tolerated and any individual who engages in such activity will be subject to St George Academy disciplinary action, prosecution, or both.

2. Policy:

2.1. Gang Activity: A "Gang" as defined in this policy means any organization, association, or group of three or more which have a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

2.1.1. Gang activity prohibited: For the purposes of this policy, prohibited "gang activities" include, but are not limited to any of the following:

- (a) committing any act or omission or using any speech, communication in any method, either verbal or non-verbal, electronic means (flashing signs, gestures, handshakes, texting, etc.) that demonstrates membership in or affiliation with a gang.
- (b) soliciting others for membership in a gang.
- (c) requesting any person to pay for "protection," claiming "turf," or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person.
- (d) possessing a weapon, controlled substances, drug paraphernalia, or other contraband.
- (e) committing any illegal act.
- (f) encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.
- (g) marking SGA property, books, or work with gang names, slogans, or signs.
- (h) gang related graffiti or damage to SGA property shall result in parent or guardian notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for damage.

2.1.2 Because of identification and association with gangs, the following will not be permitted on school campuses or at school activities: bandannas or any article of clothing bearing gang symbols, names, initials, insignia, or anything else that signals gang affiliation.

2.1.3. Students are prohibited from engaging in any form of gang activity on or about school property or at any school activity, including the wearing, possessing, using, distributing, displaying, or selling of any gang attire, symbols, signs or other things which are evidence of membership in, or affiliation with recruitment, or desire to be affiliated with, any gang.

3. Searches of person or property:

Given St George Academy's custodial and tutelary responsibility for students, SGA administration has the authority to conduct reasonable searches of students and student property. To protect individual rights and guard against excessive intrusion, SGA officials engaging in searches of students and property shall abide by the guidelines below.

3.1. General Guidelines for Searches of Person or Property

3.1.1. SGA Administration shall attempt to obtain the consent of the student to conduct the inspection: however, provided there is reasonable suspicion, SGA Administration may conduct the search without such consent.

3.1.2. Searches of a student's person or personal property may be conducted whenever SGA Administration has reasonable suspicion to believe a student is concealing evidence of a policy violation, illegal or prohibited substances, including electronic cigarettes, weapons or criminal activity and the student's property being searched is capable of concealing such evidence.

3.1.3. The search must be reasonably related to the suspicion and not excessively intrusive in light of the student's age, history and SGA record and the nature of the infraction. Circumstances warranting a search include those in which St. George Academy officials has reasonable suspicion that the student or student property is concealing weapons, drugs, alcohol, tobacco, unsafe contraband or lost/stolen or misplaced items.

3.1.4. The scope of any search should be limited by the reasonable suspicion that motivated the search. If an item is found that leads to reasonable suspicion that additional, related items may also exist, the search may be extended. If the initial search produces no evidence of contraband, there should be no extension of the search.

3.1.5. Administration may at any time, request assistance of the appropriate law enforcement agency having jurisdiction over the facilities of the school.

3.1.6. Administration shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or objects taken from a student. Anything found in the course of a search which is evidence of a student violation of school rules shall be tagged for identification at the time it is seized and kept in a secure place by Administration.

3.1.7. All contraband discovered in a search by St. George Academy officials shall be immediately confiscated and turned over to law enforcement authorities if SGA officials have reason to believe the contraband is related to the commission of a criminal act.

3.2. St George Academy Property: Lockers, Desks, Other Storage Areas Provided for Student Use

Students have no right or expectation of privacy in school lockers, desks, or other storage areas. While lockers, desks, and other storage areas are under the joint control of students and the school they are solely school property and may be searched at any time by school officials with or without cause. Once a locker, desk or other storage area is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings in Section 3.1 of this policy.

3.3. Searches of Student Property

The student may be asked to open personal belongings and to turn over personal property for search by Administration. Searches of student property by Administration shall be witnessed by another staff member to observe that the search is not excessively intrusive.

3.4. Searches of Person

Administration shall make sure the search meets the following guidelines:

3.4.1. The search shall be conducted in a private area of the school by member of the Administration.

3.4.2. Administration may ask the student to remove hats, coats, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband.

3.4.3. Under no circumstances may SGA employees require students to remove any other items of clothing or touch students in any way during the search.

3.4.5. If this limited search does not turn up suspected contraband and SGA Administration have reasonable suspicion that the student is concealing contraband in their inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement authorities may be contacted.

3.4.6. A parent or guardian will be informed immediately after the search by a member of the Administration that their student was searched, why the student was searched, and given follow up information.

3.5. Canine Searches

The Executive Director, in conjunction with local law enforcement officials, may determine when a specially trained detection canine shall be used in the school to search for drugs, weapons, or other contraband.

3.5.1. Students will not be subject to direct canine searches.

3.5.2. The canine search of school lockers or personal items (backpacks, gym bags, book bags, etc.) on school property by detection canines of lockers is permitted. A positive alert by a detection canine is considered reasonable grounds for Administration to conduct a search of the locker or personal items as outlined in this policy.

3.6. Searching Students and Possessions While at SGA-sponsored Activities

The authorization to search shall also apply to all situations in which the student is under the jurisdiction of St. George Academy, including all students participating in extracurricular activities.