



# DEPARTMENT OF EDUCATION

www.gdoe.net  
500 Mariner Avenue  
Barrigada, Guam 96913  
Telephone: (671) 300-1547/1536 Fax: (671)472-5001  
Email: jonfernandez@gdoe.net



**JON J.P. FERNANDEZ**  
Superintendent of Education

---

## STANDARD OPERATING PROCEDURES

---

SOP#: 1200-002 (Revised 04.23.15)

**SUBJECT:** Student Searches and Seizures

**INQUIRIES:** Student Support Services

**PURPOSE:** The purpose of this document is to provide uniform and consistent procedures with respect to student searches and seizures. The Department of Education is tasked with the responsibility of providing a safe environment that is conducive to learning. In order to fulfill this responsibility, the Department of Education must protect the health and physical safety of the students in our public schools. Standards have been adopted for the protection of these students which ban certain items from our campuses but these bans are not self-enforcing. The Department of Education believes that in spite of the adoption of these standards, contraband and/or other items that may be used to harm students and/or staff has been and is present in our schools. The Superintendent has a continuing responsibility to develop methods to enforce protocols concerning the presence of weapons, illegal drugs, tobacco, alcohol, and other items declared contraband. This Standard Operating Procedure (SOP) is created with the intent to be respectful of the dignity and privacy of students. Additionally, this SOP seeks to include rules for which employees may conduct searches and where searches are executed.

- I. **REFERENCES:** BP 405: Student Suspension/Expulsion, BP 407: Standard Operating Procedures for Student Searches and Seizures, SOP 1200-010 for Staff Training: Student Search and Seizure, BP 420: Control of Unauthorized Drugs and Alcohol Beverages, BP 425: Dangerous Weapons, BP 430: Smoking and Possession of Tobacco.
- II. **APPLICABILITY:** All schools within the Department of Education.
- III. **PROCEDURES AND RESPONSIBILITIES:**
  - A. Types of Searches: There are three (3) types of searches authorized in the Department of Education. In all cases, a trained administrator has to be present when searches/seizures are conducted.
    1. Searches based on a *reasonable suspicion* that a particular student or group of students is in possession of contraband.

2. **Random** searches are a part of the operational functions of all schools within the Department of Education. School administrators are given the latitude to conduct searches on campus. Random searches are authorized when searching school lockers or areas that are not personal property of a student (e.g., back packs, purses, etc.) and may be conducted according to procedures developed by the Superintendent. Students and parents shall be provided notice of the possibility that searches may be conducted for student safety.

School administrators shall be responsible for the fashion and manner in which searches are conducted. Random searches may be conducted as deemed necessary. The method used shall follow the options listed below:

- a. Odd and even sequence. For example, the last number of a locker number (either odd or even) or may be used to determine whether a locker will be searched on a designated odd or even day; or
  - b. Other random sequences can be: Every 5th locker will be searched.
3. **Blanket** administrative searches that are necessary to ensure the health, safety, and well-being of all the departments' student body. School Administrators will notify the Superintendent of Education when a search of the entire student body is conducted.
    - a. Exception: Due to the unique nature and environment of JP Torres Alternative School, blanket searches may be conducted daily at the discretion of the principal.
  - B. Procedures: At times searches are necessary to ensure the health, safety, and well-being of students within the Department of Education. The following protocols will be followed when conducting searches and seizure:
    1. Always have another person with you when you search a student. The rule of thumb is the person doing the search will be the same gender as the student being searched.
    2. Identify students to be searched. Keep in mind that serious substantive due process issues may arise out of searching the wrong student.
    3. Remove students to a private search area. Personally escort the student to be searched directly to the office or other private location.
    4. Always watch student's hands. Have the student walk in front of you. If a student is suspected of having a weapon or drugs, secure the student's bag as the student may try to discard the item if the opportunity arises.
    5. Keep searches discrete. Searches should be conducted discretely and with the understanding that you protect the self-esteem and integrity of the student.
    6. Give the student a chance to surrender the item sought. Before beginning the search, ask the student if he/she has anything in their possession that is illegal or violates school rules.
    7. Direct the student to remove any excess clothing (jackets, sweaters covering a shirt, etc.) and empty the contents of their pockets by turning them inside out. Remember the reasonableness of the search. If you suspect the student of having a gun there is no need for them to take off their shoes, but if they are suspected of having drugs, it is reasonable to believe that they could hide them in their shoes and socks.
    8. Always tell students what you are going to do and why you are doing it. Talk to the student as you search them, their bags or other possessions. This helps to alleviate any anxiety associated with being searched.

9. Seize any item that: a) is illegal, b) violates school rules, c) is evidence of a crime; or d) is evidence of a school rule violation.
10. Additionally, a school administrator may search a student's cell phone/electronic device if they have reasonable suspicion that the student has violated school rules or Guam law using the guidance below relative to ensuring *the search is justified in its inception* and is *permissible in its scope*:

The U.S. Supreme Court standard for searches of student property, from *New Jersey v. T.L.O.*, which provides that a search of a student should be reasonable, meaning that it is justified at its inception and reasonable in scope. When is that the case?


- **A search is justified in its inception** when there are reasonable grounds for suspecting that the search will lead to evidence that a student has violated or is violating the law or the rules of the school, or is in imminent danger of injury of him- or herself or another person on school premises.
- **A search is permissible in its scope** if the measures used are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

C. Responsibilities

1. School administrators are responsible and shall be held accountable for conducting searches.
2. School administrators are responsible for data and management oversight of search and seizures.

- IV. **INTERNAL CONTROL:** The Deputy Superintendent of Educational Support and Community Learning will monitor compliance with this SOP.
- V. **TRAINING:** Training will be provided by the Safety Administrator as per SOP 1200-010 Staff Training Student Search and Seizure.
- VI. **REPORTS:** School Administrators shall maintain annual records of all searches and seizure conducted on school campus.
- VII. **PENALTY:** Failure to adhere to this SOP may result in disciplinary action in accordance with the Department of Education Personnel Rules & Regulations.
- VIII. **EFFECTIVE DATE:** This SOP is effective upon date of approval and signature.
- IX. **CHANGE(s):** This SOP will be reviewed annually for updates and amendments. Changes to this policy shall be effectuated by the Superintendent of Education. Reference previous SOP 1200-002 (Random Search circa 06/11/2008}

APPROVED BY:

  
\_\_\_\_\_  
JON J.R. FERNANDEZ  
Superintendent of Education

  
\_\_\_\_\_  
Date