

# KNOW YOUR RIGHTS ABOUT...

## SEARCHES

School officials should be able to describe their common sense need to do a search. Searches cannot be based off of a hunch, baseless rumor, or curiosity. Security guards are considered the same as school officials and only need reasonable suspicion to search; police are still bound by legal requirements of police officers.

The search's purpose and boundaries should be made clear at the beginning of the search; no one should be looking under your skirt for a cell phone, or in your wallet for a gun.

Metal detectors are considered to be "minor intrusions" and thus can be justified without reasonable suspicion or consent. There should be written procedures concerning the search of backpacks upon entry of school, libraries, or media labs. A notice should be provided prior to the school year.

Frisks, Wands and Pat Downs are more intrusive types of searches and should be limited to occasions where school officials have an "articulable suspicion", meaning they can describe the reason for their suspicion clearly and precisely.

### What about cell phones, Facebook, and other social media?

Schools should have a written cell phone policy that explains usage and penalties, like confiscation.

**Do not** post or communicate anything electronically that you do not want shared with the world. If a school official has a reasonable suspicion that there is illegal material on a cell phone, they can search it or solicit police to assist.

You do not have to give consent to the search. School officials may not send/post from your phone or account. School officials or law enforcement may need a signed warrant to search your computer or smart phone.

Schools **MAY** utilize video surveillance in any place where staff or students lack a reasonable expectation of privacy.

More resources: [www.aclu-wi.org/resources](http://www.aclu-wi.org/resources)  
Wisconsin DPI: [http://ssp.w.dpi.wi.gov/ssp\\_w\\_safeschool](http://ssp.w.dpi.wi.gov/ssp_w_safeschool)  
Join us: [www.facebook.com/groups/ACLUUSA](https://www.facebook.com/groups/ACLUUSA)

## PHONES & FACEBOOK

## FRISKS & PAT DOWNS

**We all have the right not to consent to any search** of our bodies and belongings. **Do not** physically resist, but **do** let them know that you do not consent to searches by saying, "**I do not consent to searches**" in a clear, calm voice.

Anything that comes up in a search can be used against you in both school disciplinary proceedings and a criminal court (especially if police officers are present). School officials can use your previous behavior as a part of reasonable grounds for a search. School officials can never strip search a student - it is against state law, anyone doing a search that involves contact with your body should be of your same sex if at all possible.

School officials can only use physical force on a student if absolutely necessary to stop a disturbance, prevent injury, protect property, or remove a disruptive student. Hitting or shoving a student out of frustration is illegal.

Police must be invited into schools to assist school officials in a search or questioning. They are there to uphold the law, not to enforce school policies. You do not have to consent to talk to them or consent to a search.

School **may not** monitor telephone conversations of students or staff without consent of a participant in the conversation.

## YOUTH@ACLU-WI.ORG

### What if school officials or police didn't follow the law or policies?

Take written notes with date, time, name, and all that transpired. You have the right to bring a grievance or concern to your school administration, Parent Teacher Association (PTA), School Board, or to the Department of Public Instruction (DPI).

You may be entitled to a DPI-appointed advocate. You may also wish to file a citizen complaint if school officials or law enforcement violated your rights.

You always have the right to remain silent. You always have the right not to consent to a search, although you may have to comply. You always have the right to demand an advocate (parent, guardian, lawyer) if you're accused of a crime.

**This information is noSt intended as legal advice - laws can change.**

## LOCKERS, CARS, BAGS

You do have an expectation of privacy over your personal belongings, but the reasonable suspicion rule still applies. Your bag can be searched, but the school official needs to have a good reason.

Student lockers, desks, and other storage areas in the school are considered school property and can be searched without the consent of the student or even suspicion by the school official. If your car is parked on school property it may also be searched.

Illegal, unauthorized, or inappropriate items may be confiscated. If the school has a rule that says something isn't allowed, they can keep it when they search you. Know the school policy about whether or not you can retrieve your belongings at the end of the school day before you bring cell phones or other electronic devices to school.

Illegal items like drugs or weapons will not be returned.

**\*School and police officials have no obligation to contact parents before questioning you. You have the responsibility to ask for your parent or attorney before you say or sign anything.\***



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