

Police explain state law allows for drug searches in all public schools

The Board of Education and the Village of Antioch are still butting heads regarding the issue of running a drug dog through the school.

According to Investigator Goar of the Lindenhurst Police Department, "Search and seizure laws apply to everyone, everywhere. It doesn't matter where you are, or who you are... no one is exempt from the laws." Confirmed by two other Police Officers of that department that deal with the issue of search and seizure every day, Officer George Valach and Officer Jason Fisher, the law specifically states, and very clearly that schools are special circumstances.

They have their own section of the law books: Laws on education. However, these just allow a little more flexibility in the ability to search.

The law states "Police dogs may be used to conduct searches of public places on school grounds, including school parking lots. Whether or not additional cause or a warrant may be necessary before a more intrusive search is conducted after a police dog alerts is a matter which depends on the facts surrounding the particular search." (105

ILCS 5/10-22.6(e)) Although Hockney said that the school operates under a 'much lower standard'. "The school requires reasonable suspicion... The school doesn't need probable cause."

Goar indicated that the law clearly states that schools, and law enforcement officers don't need probable cause. The law mandates that the search of school property, including lockers, "may be searched randomly and without meeting any cause standard." (105 ILCS 5/10-22.6 (e)) According to Hockney, the school is protecting the students Fourth Amendments rights.

"What the village has asked us to do is unconstitutional," stated Hockney.

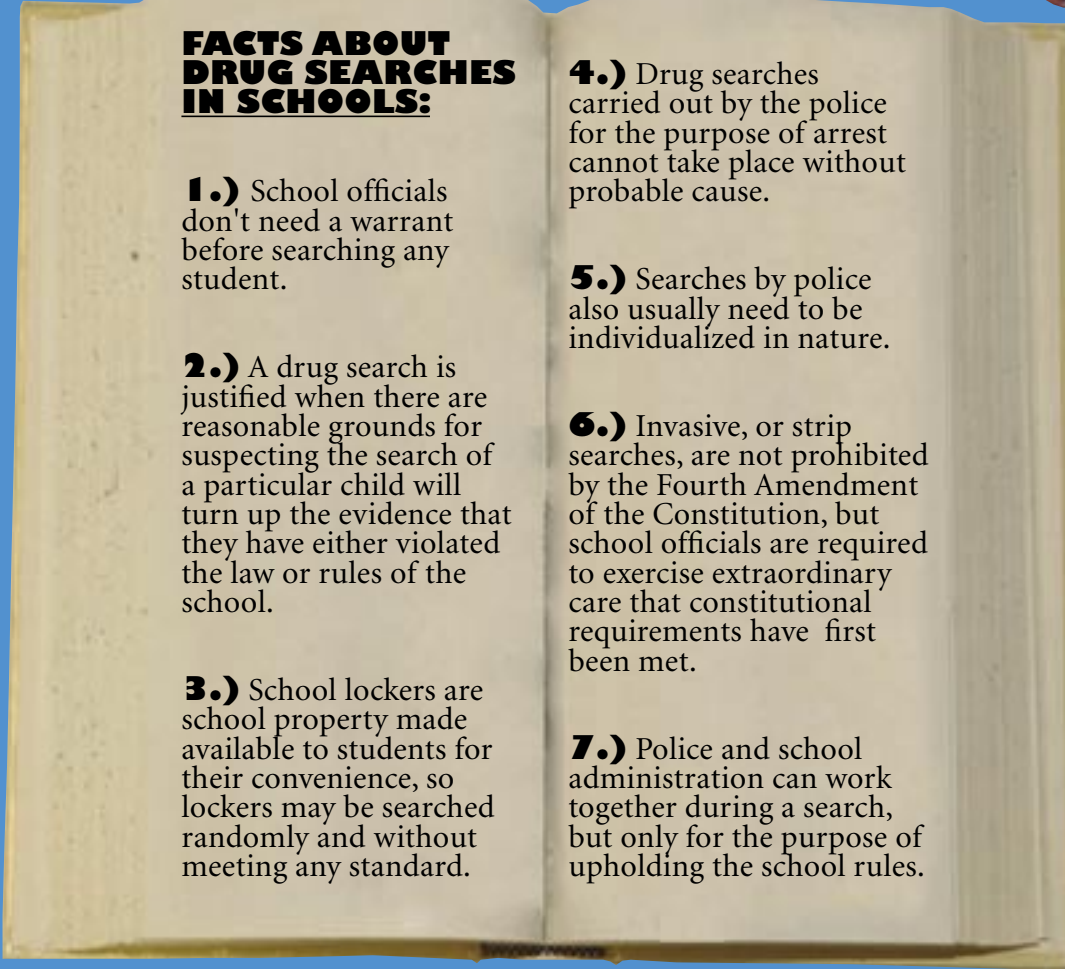
According to Goar, "All laws, unless other wise specified, are written for everyone; there are no exceptions to laws." He continued to discuss the specification of the laws for educational buildings as well as district property. "In a school environment, the only reasonable expectation to privacy are purses,

and possibly backpacks... There is nothing that binds a student to a locker—it is district property. Nothing prevents the school from going in there, and the school issued lock is to keep kids from stealing from other kids," said Valach.

He discussed the aspects of a locked area, and he introduced the fact that the school goes in the student's lockers to get books when the student needs them.

According to Valach, Goar, and Fisher, the random searches would promote students to keep the illegal substances out of their possessions. All in agreement, it would not totally resolve the problem, however it would certainly hinder it. "The schools have two choices now. They can not allow the searches, then as these situations get worse because the school has no idea what is going on within the students, it will get to the point where there will be no option. Something must be done. Or, the school can practice the law and allow the searches to help discourage illegal behavior among the students," stated Valach. He continued to discuss the importance of knowing where the drugs are being exchanged. If they are caught in the schools, then that can rule out an outside environment and help the police determine the source of the problem and help stop it before it gets distributed to the masses.

The main reason that stands for the school board not to allow Antioch Police Department, as well as the Village of Antioch to perform the searches: Invasion of privacy. "Clearly it is stated in the law that there is no invasion for several reasons. It is district property, school policy as well as the law all states over and over again that it is perfectly legal."



FACTS ABOUT DRUG SEARCHES IN SCHOOLS:

1.) School officials don't need a warrant before searching any student.

2.) A drug search is justified when there are reasonable grounds for suspecting the search of a particular child will turn up the evidence that they have either violated the law or rules of the school.

3.) School lockers are school property made available to students for their convenience, so lockers may be searched randomly and without meeting any standard.

4.) Drug searches carried out by the police for the purpose of arrest cannot take place without probable cause.

5.) Searches by police also usually need to be individualized in nature.

6.) Invasive, or strip searches, are not prohibited by the Fourth Amendment of the Constitution, but school officials are required to exercise extraordinary care that constitutional requirements have first been met.

7.) Police and school administration can work together during a search, but only for the purpose of upholding the school rules.

The issue of having drug searches at ACHS has been one of the most controversial topics of debate in town in recent years. Who do you side with?

Antioch Board of Education denies police-led search

The Board of Education has its mind made up. While recent uproar in the area surrounding Antioch Community High School has painted the board's reputation black, the board is firm in their decision to deny a police-led search of the high school in order to cleanse the school of drug activity.

The idea of random drug searches was first introduced on Oct. 28 as the Mayor and Board of Trustees of the Village of Antioch passed a unanimous Resolution urging the school board to assist the Antioch Police Department in leading a trained drug dog around the high school.

ACHS District 117 Superintendent Dennis Hockney, Ed. D. was made aware of the Village's Resolution when he received phone calls from the local press. "They wanted me to comment on the situation, but I had no idea," said Hockney. "I called the Village Administrator, Mike Haley, to find out what was going on." The Board had been contacted prior to the Village's Resolution regarding a possible search, but the Board had requested further information on the procedure that was never provided. Illinois State Law mandates that the search of school property, including lockers, "may be searched randomly and without meeting any cause standard." (105 ILCS 5/10-22.6 (e))

Though the Board of Education is in disagreement with the Village of Antioch, Hockney admitted that the search of lockers is permissible: "The Board's policy allows for it." Students are also made aware on page 48

in the student handbook.

The school also operates under a "much lower standard" of cause, according to Hockney. "The school requires reasonable suspicion," said Hockney. "The school doesn't need probable cause." The administration has been keeping track of drug activity with scientific surveys conducted every four years. The American Drug and Alcohol Survey, created by the Rocky Mountain Behavior Sciences Institute, has shown improved results from the first survey given during the 1997-98 school to the second in 2001-02.

Hockney had this to comment regarding whether or not there was reasonable suspicion for a drug search at this time: "It would depend on the number of cases in the dean's office, whether it was unusually flooded." Although the Board has declined all attempts by the Village of Antioch to augment the drug search policy, they are not dismissing the idea of a search as a whole.

The Board made public their intentions for a search at the Dec. 12 board meeting. The Board plans to enact a search led by school officials, with offenders punished by "normal school punishments, such as suspension and expulsion," Hockney said. "A lawful search will be made, possibly with the help of either county or state police." According to Hockney, the school is protecting the students Fourth Amendment rights. "What the village has asked us to do is unconstitutional," said Hockney. Hockney continued on to say that the school may search and take regular school behav-



District 117 Superintendent, Dr. Dennis Hockney



Investigator Ralph Goar of the Lindenhurst Police Department



ioral actions against offenders, but they may not allow police in with the intent of arrest and prosecution.

If students are found to have criminal behavior, the police can be informed. "We have the Reciprocal Reporting Agreement; if we have a student who commits a criminal act, that information will be turned over to the police," said Hockney. The Antioch Police Department declined to comment on the situation, but members of the Lindenhurst Police Department gave their outside opinion. "It should be

up to the school if they want to search, yes," said Investigator Ralph Goar. Goar is in favor of random searches.

Legal concerns also exist in the violation of student's privacy. "There's exigent circumstances that may be a concern for the school, although there is reason to search the school without warrant," said Goar. Hockney admitted that the school may have legal concerns should a police-led search be carried out. "We would be subject to a challenge if we were involved in an unlawful search," said Hockney.

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