

## Appendix J

### Search and Seizure

*(Approved by Administrative Cabinet 10/95)*

A 4-H employee or representative may conduct a search and/or seizure of illegal items or those in violation of 4-H policy.

Should a situation arise where search and/or seizure are necessary, an assessment should be made to ascertain the seriousness of the problem. If imminent danger exists to the parties involved, then local law enforcement authorities should be present to conduct the search. However, if the situation does not pose an immediate danger to the parties involved, then a search and/or seizure is permissible if the following procedures are followed.

Any search conducted upon a participant must be based upon “reasonable cause.” The reasonableness of a search is determined through a two part test.

1. The search must be justified at its inception. That is, a search may be conducted by a 4-H employee if there is a “reasonable suspicion” that a search will turn up evidence that the 4-H student has violated, or is violating, the law or 4-H rules. Accordingly, it is critical that 4-H include in its rules the specific types of conduct which are prohibited at 4-H activities.
2. Any search must be reasonably related in scope to the circumstances at hand. This means that search measures adopted must be reasonably related to the objectives of the search, and that the search itself cannot be excessively intrusive in light of the age and sex of the 4-H participant and the nature of the infraction.

#### Procedural guidelines to follow:

1. All searches and/or seizures must be conducted by a minimum of two 4-H employees or 4-H representatives (4-H volunteers acting in the presence of, and at the direction of a 4-H employee. The 4-H participant should be present at the time of the search and/or seizure.
2. 4-H employees or 4-H representatives must follow the adopted 4-H employees or representatives who are the same gender as the 4-H participant.
3. All searches must be documented. Extension personnel should make notes describing the situation, action taken and record names of those involved including witnesses.
4. All searches must be documented. Extension personnel should make notes describing the situation, action taken and record names of those involved including witnesses.
5. Depending upon the circumstances, participants may be required to empty pockets, wallets, purses, duffel bags, suitcases, sleeping bags, remove shoes and loosen clothing.

However, participants should never be strip searched, nor should students be physically touched or handled during the search.

6. 4-H employees or representatives should not search automobiles unless the evidence or item, violating either the law or 4-H policy, is in plain view. If the participant refuses to cooperate in this manner, the participant should be asked to leave the premises or law enforcement officials should be called.
7. If during a search an item is found which is illegal or violates 4-H policy then the item should be confiscated.
8. In general, if the confiscated materials are illegal per se, (e.g. controlled substances – drugs, or illegal weapons/guns) the material should be turned over to the local law enforcement authorities.
9. If the confiscated material is not illegal per se. But nonetheless violates 4-H policy (e.g. alcohol), those substances may be destroyed by the 4-H employees or 4-H representatives.
10. If the confiscated item is something like a knife which is not per se illegal, but could be in violating of 4-H policies and quite dangerous, the employee may hold the item in a secure location until the end of the 4-H activity and then return it to the participant.
11. If the authorities are contacted pre-search, 4-H employees then become agents of the police, and the standard for searches changes from reasonable cause to the higher standard of probable cause. Seek assistance from law enforcement authorities if they are contacted prior to a search.