

Arresting of Students

What if I get arrested during the school day?

- If you're arrested during school hours and you're under 18, a school official or a law enforcement officer must tell your parents as soon as possible.
- Never fight or resist arrest, even if you're scared or angry.
- Always ask for a lawyer before speaking to the police. If you're free to leave, you can go. If not, you have a right to speak with a lawyer before saying anything.



Bottom Line: Never talk to the police about something you could get in trouble for without your parent or guardian and a lawyer there with you!

This guide provides information about your rights, but it is not meant to give legal advice.

If your rights have been violated, contact an attorney or the American Civil Liberties Union of New Jersey.

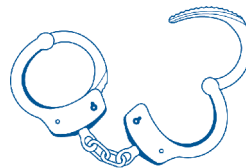
Reach the ACLU-NJ at www.aclu-nj.org or 973-642-2084.

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Questioning of Students

If a school official or police officer asks me about criminal activity, do I have to answer?

- No. You have a right to remain silent, even at school.
- Be polite, even if you say you're choosing not to speak.
- The police can't punish you for not answering questions — BUT school officials CAN discipline you for not answering questions about school rules.
- If you think something you say could suggest you're involved in criminal activity, don't answer any questions. Instead, say you want to talk to your parent, guardian, or another trusted adult about speaking to a lawyer.



Do the police need to tell me anything before they question me?

- Yes. If you're in police custody, police must read you your rights. You have the right to remain silent and the right to talk to a lawyer. The police also have to help you understand these rights.
- If the police are questioning you, it usually means you're in custody, whether at school or a police station.

Can the police question me without a parent or guardian present?

- No, unless it is an emergency. Otherwise, if the police are questioning you in custody, you have a right to have your parent or your guardian there with you. The police also have to try to find them.
- If your parents aren't available or you don't want to tell police how to reach your guardian, police can still question you. You don't have to answer, though.

Do teachers and administrators have to read me my rights or make sure my parents or guardians are there?

- No. School officials talking to you without an officer there don't have to follow the same rules as police when questioning you.
- BUT, if a police officer or school resource officer is in the room when a school employee is questioning you, they must read you your rights and look for your parents, even if the officer isn't asking any questions.



Important to remember: you can always refuse to answer questions if you're worried that something you say might make officials think you're involved in criminal activity.

NEW JERSEY STUDENTS

Know Your Rights with Police





Important to remember: when it comes to your rights, you should think of a school resource officer as being the same as a police officer.

Searches of Students

When is a police officer or school resource officer allowed to search me?

- A police officer needs to suspect that you're armed to conduct a pat-down search of you.
- A police officer needs a warrant to conduct a full-blown search of you, unless it is an emergency.



Are there any other limits on how the school or police can search me?

- Yes. A search can't invade your privacy any more than it has to. What's allowed also depends on your age, gender, and the rules the school thinks you've broken.
- It's against the law for a school employee to strip-search a student. Period.

Can my school randomly drug test me?

- Schools can drug test you when they have a good reason to suspect you've used drugs.

- If the school doesn't suspect you're using drugs, they can only do drug tests for sports, extracurricular activities, or to have a school parking pass. Schools cannot drug test you as a normal part of going to school.

Searches of Students' Property

Do I have to walk through a metal detector if school staff tells me to?

Yes. If all students have to go through a metal detector, you have to. If you set off the metal detector, school staff can search you, for example by patting down your clothes.

Can school officials or police search all of my things if they suspect I'm breaking a school rule or law?

No. A search has to be related to the rule the school thinks you might have broken. For example, if you're sent to the principal's office for yelling at a teacher, the school can't search your car in response, because your car probably has nothing to do with the yelling.

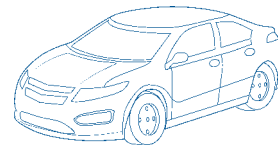


When can school officials search my pockets or backpack?

- For school officials to search just your bag or the bags of a few specific students, they have to have a reason to think those specific students have broken a law or the school rules.
- If school officials want to search your bags even if they don't think you've done anything wrong, they can only do it if they search all students' bags or search a large number of randomly chosen bags.

Can my car be searched?

- Yes, the school can search your car if you're parked on school property and the staff thinks something in the car shows you've broken the law or school rules.
- Police officers can only search your car if they have a good reason to think there's evidence of illegal activity inside and they can show a need to act quickly, or if they have a warrant.



When can a school official search my desk or locker?

- Almost always. Your locker and desk might feel like yours, but they belong to the school. School officials can search school property at any time, as long as the school's given you a written policy saying so.

Searches of Phones

Can my phone be searched?

- The police can only search your phone if they have a warrant, or if there is an emergency.
- The law is unclear about whether school officials can make you unlock your phone if it has a password or whether school officials can search your phone if they suspect you have broken a school rule.



Can I really get in trouble for sexting?

Yes. Teenagers can get in serious legal trouble for sexting suggestive pictures or video, even when it's of themselves. Don't keep any on your phone or computer. You don't want to risk criminal charges.



To be safe: Don't bring anything to school that you wouldn't want the police or your principal seeing.