

# FORT LA BOSSE SCHOOL DIVISION

## TITLE - **SEARCHES OF STUDENTS AND THEIR POSSESSIONS\***

POLICY - **JIHE-R\***

Approval Date - 11/02/02

Cross Reference -

Resolution # - 51/02

Implementation - 11/02/02

Legal Reference - P.S.A. Sec. 96 (f)

Last Reviewed - 25/04/12

Controlled Drug and Substances Act S.11.11 (1)(2)(5)(6)(7)

Criminal Code of Canada Section 489.1 and 490

Searches of students and/or their possessions will be conducted only when the school official leading the search believes they have reasonable and probable grounds for their actions. Searches should be conducted with discretion and sensitivity. Other considerations of a search will include the following guidelines:

1. Any search should include the student and at least two staff members, one of whom should be the Principal or designate.
2. In any search at least one of the staff members on the search team should be of the same gender as the student.
3. Students may be requested to empty their pockets or produce items that are believed to be hidden on their person or in their possessions. In situations where a student refuses to comply with this request, the student will be advised that he will be detained and either a parent and/or the RCMP contacted to support the search.
4. A physical search of a student will be permissible only under the most extreme circumstances - when a weapon or other item that places any student or staff member at imminent risk is believed to be present. If such a circumstance is presented, the staff member conducting the search should be of the same gender as the student.
5. When the information received by the Principal or designate indicates a suspicion of criminal activity, the RCMP should be advised and the matter placed under their care and control.
6. In all searches involving the RCMP, the Principal should demand that a properly executed search warrant be produced unless the urgency of the situation calls for immediate action.
7. In cases involving the possible possession of illegal substances banned under the Narcotics Act, the RCMP have broad powers of search and seizure when they have reason to believe that drugs may be found during a search. A warrant may not be required under circumstances giving rise to a "probable cause" search.

8. Any search conducted by school personnel must be conducted either in the school, on school grounds, or, if away from the school, on a school sanctioned trip or activity.
9. If there is cause to search a motor vehicle driven by a student the RCMP should be advised of the situation and the jurisdiction for the search placed under their care and control. Items taken as the result of a search should be reported to the school administration and, if possible, a list provided.
10. The Principal will place any and all items taken as the result of a search in secure storage. The staff member holding the item is responsible for its return, forwarding or disposal. The Principal should retain a signed, witnessed statement of the disposition of all secured items.
11. Illegal substances or dangerous objects found in a search will be turned over to the RCMP. School administrators are expected to exercise some discretion in determining what constitutes a dangerous object. A pocketknife, for example, might be taken and the parent contacted to pick the knife up at the school office.
12. Teachers are required to "...seize or cause to be seized and take possession of any offensive or dangerous weapon that is brought to school by a pupil and hand over any such weapon to the Principal who will notify the parent or guardian warning them that the pupil may be suspended or expelled from school." ( P.S.A. Section 96-f )

