



## Administrative Procedure 6045

# Searches, Inspections, Screening and Seizure

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**Board Governance Policy Cross Reference:** [1](#), [12](#), [13](#)

**Administrative Procedures Cross Reference:**

[Code of Conduct](#)

[Student Lockers](#)

**Form Cross Reference:**

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**Legal/Regulatory Reference:**

[The Education Administration Miscellaneous Provisions Regulations](#) 468/88Rxx. 28(1) and (2), 32 and 33(1); 468/88R s. 39(c)

[The Public Schools Act](#) s.96(c) , 96(f)

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**Date Adopted:** July 2005

**Amended:** December 2017

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The Brandon School Division has a responsibility to maintain order and discipline in schools (*The Public Schools Act* s. 96(c)) , to protect students and staff from harm by illegal substances and to seize dangerous objects (*The Public Schools Act* s. 96(f)).

This administrative procedure provides for the search of students and searching, inspecting and screening property, and seizing illegal substances or dangerous objects.

### Duties of School Leaders and Teachers

Every School Leader is in charge of the school in matters respecting discipline, has disciplinary authority over the conduct of students and is responsible for the supervision of staff, students and buildings and grounds during the school's hours (*The Education Administration Miscellaneous Provisions Regulations* 468/88Rxx. 28(1) and (2), 32 and 33(1); 468/88R s. 39(c)).

Every teacher shall maintain order and discipline in the school and at school activities whether inside or outside the school (*The Public Schools Act* s.96(c) , *The Education Administration Miscellaneous Provisions Regulations* 468/88Rxx. 28(1) and (2), 32 and 33(1); 468/88R s. 39(c)).

## **Searches – General**

The right of School Leaders and teachers to conduct searches of students and their property are as a consequence of the statutory obligation of school leaders and teachers to maintain order, discipline and student safety.

## **Communication of Procedures**

In order to proactively reduce the incidence of breaches of discipline and to lower the subjective expectation of privacy of students; parents, students, Division employees and the public shall be informed that public school campuses are Division property under the control of School Leaders and teachers and that students and their property, while at school or while traveling to and from school or while participating in school activities, are subject to searches, without warrant, by school leaders and teachers in the performance of their duties.

## **Conditions for Search**

In order for there to be a valid search of a student or the student's belongings, there must be reasonable grounds to believe:

- that there has been a breach of school regulations or discipline; and
- that a search of a student or the student's belongings would reveal evidence of that breach.

A breach of school regulations or discipline will arise from any breach of a provision of this Administrative Procedure, *Student Lockers* and/or *Code of Conduct*, or any other law, regulation or administrative procedure.

## **Search of a Student**

Where the Conditions for Search exist, a School Leader or a teacher may conduct a search, without warrant, of a student.

Unless circumstances dictate that it takes place immediately, a personal search shall be conducted in a private location designated by the School Leader.

An adult witness shall always be present when a personal search is conducted.

No cross gender searches will be conducted.

As a guiding principle, personal searches should be conducted without touching the person. Under no circumstances should the student be touched without the consent of the student.

Where a personal search is conducted, the individual will first be given the opportunity to voluntarily produce the substance or object they are suspected of possessing.

Where the student fails to produce the substance or object, the student shall be asked to remove their jacket, sweaters (where worn as outerwear), shoes and socks, any bag, knapsack, backpack or container in their possession and surrender these articles for search. Pants and shirts (and sweaters where worn as a next to skin item) shall not be removed.

The student shall be asked to remove all objects from their pockets and have them turned out for inspection.

Should a student refuse to comply, the School Leader or designate shall make every attempt to contact the parent/guardian and have the discretion to refer the matter to the police for assistance or advice.

### **Search of Property Except Motor Vehicles**

Where the Conditions for Search exist, an administrative staff member accompanied by another adult may search, without warrant, the personal property of the student or their locker, desk or other storage space, including ICT storage space, for the purpose of disclosing the presence of suspected stolen or illegal property or materials.

Should such a search be likely to result in damage to a student's property (e.g. where an individual refuses to comply with the request or cannot be located) the police shall be called in for assistance or advice.

### **Inspections of Property**

In addition to and distinct from searches for evidence of a breach of discipline, property belonging to the school and the Division, including lockers, is subject to administrative inspection by the School Leader or designate, at any time, in the normal course of the school's operations (see Administrative Procedure *Student Lockers*). Such inspections are for general compliance with good order, maintenance and hygiene of school property.

Property belonging to students, such as book bags, knapsacks, back packs, lunch boxes or other containers stored on school property is subject to inspection by the School Leader or designate in the normal course of the school's operation.

Where evidence of a breach of discipline is found during an administrative inspection, disciplinary action may be taken.

### **Searches of Motor Vehicles**

While motor vehicles parked on school/Division property, including motorcycles and automobiles, are subject to searches by school authorities, all school authorities shall refer such searches to law enforcement authorities.

Where Conditions for Search exist with respect to a motor vehicle, and a School Leader is of the opinion that a search ought to be conducted, the School Leader shall contact law enforcement authorities and provide them with full particulars of the Condition of Search including the description of the subject motor vehicle, the license plate number, the name of the owner or operator of the motor vehicle, if known, the nature of the evidence expected to be found there and the source of information they have which leads them to reasonably believe that evidence is to be found there.

### **Screening by Trained Dogs**

The Division will periodically employ the use of trained dogs for screening for illegal substances in schools and on school grounds, including parking facilities.

Where a screening by a trained dog is desired, a School Leader shall request such screening from administration which shall retain a private contractor to conduct the screening. Once a screening has been authorized:

- the School Leader or designate will determine what times and in what specific areas the trained dog shall be utilized;
- the trained dog shall be controlled and directed at all times by qualified handlers from the private contractor; and
- at all times that the trained dog and its handler are in the school or on school grounds they shall be accompanied by school administrative personnel.

Where the trained dog gives a signal of the presence of an illegal substance it shall constitute a Condition for Search and the school administrator accompanying the trained dog shall determine:

- whether the evidence is likely to be evidence relating to a breach of discipline, in which case he/she may carry on with a search, without warrant, of the targeted area; or
- whether the evidence is likely to be evidence of a criminal activity, in which case he/she shall cause the area to be sealed off and kept under watch and shall contact law enforcement agencies to conduct a search, with warrant.

### **Failure by Student to Cooperate during Search or Inspection**

Failure by a student to cooperate in a search or to comply with the requests of the School Leader or designate during any search or inspection procedure will result in immediate disciplinary action.

### **Actions After Seizure**

Where property is seized during a search of a student or of the personal property of the student or his/her locker or another storage area, the School Leader, or designate, shall:

- where warranted, initiate the appropriate disciplinary actions to be taken in the circumstances including determining whether the matter should be referred to law enforcement agencies;
- notify the parent or guardian of the student under the age of 18 and provide them with particulars of the property seized and the disciplinary actions (if any) being taken;
- where the seized property constitutes illegal or dangerous property such as drugs or a weapon, give it to law enforcement authorities and determine whether law enforcement authorities will be laying charges; or
- where the seized property does not constitute illegal or dangerous property, give it to the parent or guardian of the child or otherwise dispose of it as is appropriate in the circumstances. In the case of a student over the age of 18, property can be returned to the student.