



## AP S8 Search and Seizure

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Legislative References: *Youth Criminal Justice Act* 1 Y-1.5; *Canadian Charter of Rights and Freedoms*, Section 8

Policy Reference: None

Collective Agreement References: 4.10 Healthy and Safe Environments

Date: January 20, 2025

When a school principal has reason to believe the school code of conduct has been or is being violated, and that a search will produce evidence of that violation, the search and possible seizure of that evidence will be conducted according to principles outlined in the *Youth Criminal Justice Act* and established in the administrative practice.

The purpose of this administrative practice is to ensure the safety and well-being of all members of the school community, while respecting the rights of individuals to be secure against unreasonable search. It provides guidelines for searches or inspections of school lockers (including desks, cubbies, etc.) on loan to students and their possessions, and for seizing evidence of their violation of the school code of conduct. Such evidence may include, but is not be limited to, illegal substances and dangerous objects.

### **Processes**

1. Where the principal or designate has reasonable and probable grounds to believe a school rule has been or is being violated by a student, and that a search will produce evidence of that violation and the principal or designate may conduct a search of students and their possessions (including those inside district-owned lockers).
2. Reasonable grounds in this context may include:
  - 2.1. information believed to be credible, received from another member of the school community;
  - 2.2. a staff member's observation
  - 2.3. any combination of information and observation, including that provided by police detection dogs.
3. Where a principal has reasonable grounds to believe that a person on school premises is in possession of a weapon and that a risk of bodily harm exists, they will immediately:
  - 3.1. notify the police (911) and the Superintendent;



- 3.2. make reasonable attempts to minimize risk of injury to any person;
- 3.3. attempt to ensure that the weapon is controlled; and
- 3.4. contact the parents/guardians if the person is a student.
4. Because school lockers are district property, the principal or designate may conduct random locker searches to ensure compliance with Board Policy and District administrative practices.
5. These search guidelines will be followed:
  - 5.1. the reason for conducting the search, and the purpose of it, will be clearly stated;
  - 5.2. the search will be conducted in a private area in a respectful manner which recognizes the right to be treated fairly.
  - 5.3. the use of threats is not permitted;
  - 5.4. searches will be conducted in the presence of a second adult
  - 5.5. where reasonably possible a search will be conducted by a person of the same gender(s)/gender identity as the individual(s) subject to the search;
  - 5.6. school officials should not physically search students. Rather, students should be requested to provide any concealed articles on their person, or in their personal property; and, where students are concerned, a reasonable attempt will be made to contact the parent(s) and/or legal guardian(s) prior to the search.
  - 5.7. illegal substances found during a search must be turned over to the police, and reasonable efforts must be made to notify a parent/guardian.
  - 5.8. generally, dangerous objects seized should be turned over to the police. However, administrators may use discretion when it is clear that an object was not brought to the school for harmful purposes (for example, a pocket knife). In these cases, the item should be confiscated and the parent notified that the object may be picked up from the school.



- 5.9. if no illegal substances are found in the locker, the principal will use his/her judgment to determine if further action is warranted with a student and his/her parents.
- 5.10. principals/vice-principals must exercise due care in interviewing students. It is important to take careful notes of all student interviews, and advisable to have an adult staff member present.
- 6. Police detection dogs:
  - 6.1. may be used to inspect lockers used by students, as part of effort to maintain a secure and orderly school environment.
  - 6.2. may be used to inspect other areas of the school premises, including parking lots and unattended property found on school premises, where there is a reasonable suspicion that illegal substances or dangerous objects are present.
  - 6.3. may not be used on a random basis or in the absence of such reasonable grounds.
- 7. Inspections by drug detection dogs will:
  - 7.1. be conducted by trained personnel and in such a way as to minimize interaction with students;
  - 7.2. be conducted during class times or outside school hours.
    - 7.2.1. The area in which the dog will be present will be blocked off by a staff member, classroom doors will be closed, and only personnel associated with the inspection will be allowed in the area while the dog or dogs are present. Lockers or property indicated by the drug dog will be noted and opened at a later time by the principal or vice-principal.
- 8. Should the Superintendent or Principal feel the need for a school-wide locker searches a general announcement will be made immediately prior to the locker sweep (or 'locker sweeps')
  - 8.1. students will be confined to classrooms for the duration of the locker sweep.
    - 8.1.1. In this situation the use of drug detection dogs in respect to any other areas of school premises or unattended property found on school premises requires a reasonable suspicion that illegal substances or dangerous objects are actually present.



9. To protect student confidentiality, any videotape recordings made of the search and seizure procedure will be stored, viewed, and handled in the same way as video surveillance recordings (as Administrative Practice AP I11 Video Surveillance).
10. Weapons are not permitted on district premises and therefore subject to seizure. Any object that has the potential to cause harm or is used in a manner that could threaten or intimidate others may be considered a weapon. This encompasses not only traditional weapons such as guns and knives but also everyday items that may be repurposed for harmful use.
11. Students shall not use any object in a threatening manner or otherwise use or possess a real, replica or toy weapon, on any school premises or district facilities or at any activity off school premises that is organized or sponsored by a school, except as a prop in a theatrical production.
  - 11.1. If a replica or toy weapon is used in a school theatrical production, it shall be stored appropriately when not required for the production.
12. Any weapons seized will be considered forfeited and may be surrendered to the police.
13. Any resulting disciplinary action taken by the principal or designate will be consistent with the needs and developmental abilities of the student(s) and the severity of the behaviour in question.