POLICY:	SEARCH AND SEIZURE			**#**	713
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APPROVAL/REVISION DATE:	December 18, 2023	**EFFECTIVE DATE:**	December 20, 2023	**REVIEW DATE:**	December 18, 2028
CROSS REFERENCE:	Cannabis Control Act, 2017 Policy 703: School Code of Conduct Policy 710: Student Relations and Discipline Policy 714: Access to Schools for Investigative Purposes Policy 1007: Student Drug Education PPM 128 - Provincial Code of Conduct				

1. POLICY

1.1 The Thunder Bay Catholic District School Board supports its Principals and Administrators in the maintenance of law, order, discipline and decorum on the premises of the schools and during authorized school functions which may occur off school property.

1.2 On occasion, students may be suspected of having materials such as drugs, weapons, explosives or stolen property in their possession, or items that are in violation of the rules of the school.

1.3 The Board therefore authorizes principals to conduct legal search and seizures in accordance with the guidelines of this policy, and with due regard for the rules of evidence and respect for the rights and dignity of the individual.

2. GUIDELINES

General

2.1 This policy refers to the search and seizure of materials. Situations that involve only the seizure of materials, or items that are in violation of the rules of the school, are governed by Policy 703: *School Code of Conduct* and Policy 1007: *Student Drug Education*.

2.2 Only the Principal or designate is authorized to institute searches of persons and/or property unless there is an immediate threat to the safety or security of a person, the school building or property.

2.3 Upon becoming aware of a situation that may require a search, the Principal must investigate in a preliminary manner in order to determine the appropriate course of action.

2.4 Where it becomes evident that the situation under investigation will result in significant legal consequences for the individual affected, the Principal will refer the matter to the police for investigation.

2.5 Whenever possible, the parents or guardians shall be notified when the police are involved in the investigation.

2.6 A search will only be conducted when there exists reasonable grounds to suspect that the search will uncover evidence that the student has violated or is violating either the law or the rules of the school.

2.7 The Principal must exercise reason and judgment in determining the scope of any search, keeping in mind such factors as the age and sex of the student being searched, the nature of the suspected infraction, the intrusiveness of the search, and the rights of the individual.

2.8 All searches shall be conducted in the presence of an adult witness. Further, all searches of the person shall be conducted in the privacy of the Principal's office or another room designated by the Principal.

2.9 A search of the person by force is to be undertaken only where it is apparent that delay will result in the risk of serious injury and/or damage to persons or facilities, or destruction of evidence necessary to sustain laying a criminal charge. Ordinarily, where the need for a search of the person by force is indicated, the police will be called.

2.10 When a search is conducted, a record of all pertinent information, including action taken, discussions held, and the date, time and place of the investigation, will be documented as soon as possible. The Principal shall retain one copy of this documentation on file and shall forward a second copy to the appropriate Supervisory Officer. Retention and access to this information will be in accordance with Freedom of Information legislation.

2.11 Items that may, in the opinion of the Principal, interfere with the maintenance of law, order, or decorum, shall be confiscated and dealt with in accordance with Policy 1007: *Student Drug Education and PPM 128: Provincial Code of Conduct*. A record shall be kept of all seized substances or objects. If the possibility exists that seized substances or objects may be required as evidence in a criminal action, they shall be retained in a secure location until they can be handed over to the police.

3. SEARCH OF A PERSON

3.1 When a Principal deems that a search of a person is necessary:

a) In the absence of exigent circumstances (such as possible loss of evidence; impending harm or damage), the search shall be conducted in the Principal's office or another location designated by the Principal.

b) An adult witness shall always be present when a personal search is conducted. At no time will a mixed gender personal search be conducted.

c) Upon advising the respective person of the suspicion, the Principal shall request compliance in producing the suspected item. The Principal shall provide the person with the opportunity to comply.

d) Propriety and modesty in the conduct of the search shall be respected in accordance with Sections 2.5 and 2.6.

e) If the result of the search is such that the matter is referred to the police, the parents/guardians of the student will, if possible, be notified. In all other cases, the parents/guardians of the students may be notified as deemed appropriate by the Principal.

f) Should a very intrusive search be required, the Principal shall contact the police for advice and assistance. In such cases, the parent/guardian shall, if possible, be notified.

4. SEARCH OF PROPERTY

4.1 Property belonging to the school and the Thunder Bay Catholic District School Board, including lockers and student desks, is subject to inspection by the Principal in the normal course of the school's operation. However, where there are reasonable grounds to believe that prohibited substances or objects may be concealed in a desk or locker, the Principal shall, so far as possible, request the student's compliance in producing the suspected substances or objects. In the event that compliance is not forthcoming, the Principal may undertake a search of the desk or locker.

4.2 Property belonging to students or visitors, such as book bags, knapsacks, lunchboxes, bicycles, motorcycles and automobiles shall be subject to search according to Section 2: General Guidelines. Should a search be likely to result in damage to a student's or visitor's property (e.g., where the individual refuses to comply with a request or cannot be located), the police shall be called for assistance and advice.

4.3 The Principal will comply with the police when a search warrant is provided in accordance with Policy 714: *Access to Schools for Investigative Purposes*.

5. STATEMENTS

5.1 A Principal may, subject to the requirements of the *Charter of Rights and Freedoms* and the *Youth Criminal Justice Act*, question a student or visitor in furtherance of an investigation conducted for the purposes of maintaining order and discipline within the school or at an authorized off-property school function.

5.2 When it is evident that a situation under investigation may result in the laying of criminal charges against a person, the Principal shall refer the matter to the police and shall refrain from any further action or discussion of the situation until the police arrive.

5.3 If a statement has been made to a Principal, and the police subsequently become involved, the Principal shall advise the police and parents/guardians of the statement made.

6. CANADIAN CHARTER OF RIGHTS AND FREEDOMS - SECTION 10(B)

6.1 Section 10(b) The following excerpt is from the Charter: *"Everyone has the right on arrest or detention to retain and instruct counsel without delay and to be informed of that right"*