



POLICY
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JFG
STUDENT SEARCH AND SEIZURE
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1. GENERAL

- 1.1 The Winnipeg School Division supports all staff in the maintenance of law, order, discipline and decorum in its schools and during authorized school functions.
- 1.2 The Winnipeg School Division prohibits the possession, on school property or at authorized school functions, of substances or objects which may threaten good order, discipline, decorum and public safety. Such materials or objects may include, but are not restricted to, alcohol beverages; illicit drugs; stolen property; weapons, either restricted or prohibited by law; any object which may be used as a weapon or that may cause serious injury; hate literature, racist, pornographic or offensive material, or any material inappropriate for a school setting.
- 1.3 Student lockers are the property of The Winnipeg School Division. School administrators have the authority to inspect student lockers wherever circumstances warrant such action.
- 1.4 School administrators also have the authority to search the student's personal effects wherever circumstances warrant such action.
- 1.5 In accordance with Policy JG-Discipline, each school in The Winnipeg School Division No.1 shall incorporate guidelines for the search of students' personal effects and their lockers into the school's existing model for student behaviour management as outlined in Administrative Rule JFG R - Student Search and Seizure.
- 1.6 The student will be informed and present, where reasonably possible in the circumstances when a locker search is conducted. Students will be given the opportunity to provide for such a search or to make voluntary disclosure of the property where reasonably possible.
- 1.7 Under no circumstances will a staff member conduct a body search.
- 1.8 If a student refuses a search of his/her personal effects, the principal will advise the student that the police will be contacted.

2. RESPONSIBILITIES

2.1 Chief Superintendent

The Chief Superintendent, to the extent possible, shall ensure that the primary purpose of the inspections of lockers and/or students' personal effects shall be the protection of the health, safety and general welfare of students, staff or school property. Searches shall also be conducted where there is reasonable suspicion that a student is concealing something which is in violation of the law, school division policy or school rules or when in the case of locker searches the person using the locker is no longer in active attendance at the school.



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2.2 Superintendents of Schools

The Superintendents of Schools shall ensure that each school principal has incorporated search and seizure procedures into each school student behaviour management policy and procedures.

2.3 Principal

- a) The principal shall ensure that the guidelines for search and seizure have been incorporated into the school's student behaviour management policy and procedures.
- b) Students and parent(s)/guardian(s) will be informed annually of the guidelines for the search of lockers, personal effects, and/or students through the use of assemblies, newsletters and/or student handbooks.
- c) The principal shall establish procedures for the recording of search and seizure incidents and advising the parents/guardians of the student involved that such a search has taken place.
- d) The principal shall ensure the development of consequences for inappropriate possession of prohibited substances or objects in school lockers or on school property in accordance with Policy JG-Discipline and Policy JGD-Suspension of Students.

3. **POLICE INVESTIGATIONS**

The police will not conduct investigations in the schools except when it is absolutely necessary for them to do so in the proper discharge of their duty. They may secure the addresses of students in order to carry on investigations outside the school. When students have to be interviewed by the police, the principal of the school shall be present at the interview. The student shall be cautioned with respect to giving evidence to his/her own detriment.

The Division has an understanding with the Winnipeg Police that, whenever possible, a senior officer will obtain the approval of one of the superintendents of the Division before investigating officers proceed to a school to interrogate a student.



**ADMINISTRATIVE RULE/
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Rules and regulations governing the search and seizure of prohibitive materials as determined by the Chief Superintendent.

1. Search and seizure of prohibitive materials

In the development of school policies and procedures, the following guidelines regarding the search and seizure of prohibited objects/materials shall be incorporated:

- b) School lockers remain the property of the school division even when they are used by students. Lockers are subject to an administrative search in the interest of safety, sanitation and discipline.
- c) The possession of substances or objects which may threaten good order, discipline, decorum and public safety is prohibited on school property or at authorized school functions. Such materials or objects may include but are not restricted to, alcohol beverages; illicit drugs; stolen property; weapons, of any sort; any object which may be used as a weapon or that may cause serious injury; hate literature; racist or pornographic material.
- d) A student's locker and/or his/her personal effects may be searched by school or school division officials where there is reasonable cause to believe that the student is concealing evidence of an illegal act, rule violation, or that illegal or prohibitive substances or objects are present.
- e) A search shall not be conducted in an excessively intrusive manner. The student will be informed and present, where reasonably possible in the circumstances when a locker search is conducted. Students will be given the opportunity to provide for such a search or to make voluntary disclosure of the property where reasonably possible in the circumstances.
- f) The search of the student, his/her personal effects and/or locker shall be conducted by a member of the administrative staff in the presence of a second staff member. Sensitivity to gender issues is expected.
- g) In situations involving more than one student, there must be prior consultation with the superintendent before a search is undertaken. At no time should random searches be conducted.
- h) Student lockers and/or personal property on school premises may be subjected to search by police officers upon presentation to school authorities of a proper search warrant.