

356 - INSPECTIONS AND SEARCHES OF PERSONS OR PROPERTY

Background

The Division requires that searching of individuals or inspections/searches of their personal property follow due process by school officials, whether they are acting on their own, or in concert with other authorities.

As inspections of school property may be necessary from time to time, guidelines and procedures shall be followed. The school may work with other agencies to ensure student safety and may cooperate with other agencies with respect to search of school property. School lockers as part of school property are subject to search.

Guidelines

1. There is no general right to search the person or private property of a student. However, the Supreme Court of Canada has stated that students in the school environment must operate under a “diminished expectation of privacy”. Within that framework school officials should make reasonable attempts to protect the student’s privacy and refrain from searches unless they have a reasonable and informed basis for doing so.
2. School lockers are provided for student use but are not to be considered the student’s private property. They remain the property of the Division, and should school officials deem it necessary, the locker can be searched at any time, without prior notice to student or parent. The locker agreement between the school and the student should include a lock provided by the school and the combination or duplicate key kept in the school’s possession and must notify the student that if a non-school lock is to be used by the student then the combination must be given to the school administration and if a non-school lock can only be removed by cutting it off because the combination is not given or the lock is not functional then the school will not pay for the replacement of the lock.
3. Parents and students should be made aware of the provision for locker searches in all reasonable manners of communication. This could include, but is not limited to the following: locker agreements, school agenda handbooks, newsletters, and first assemblies of the school year or school council meetings.
4. Unannounced co-operative patrols of the school may be conducted by the RCMP personnel who may be assisted by trained canine member(s) of the force.
 - 4.1 An appropriate school based individual, generally the school administrator, will accompany RCMP personnel and the canine member(s) in any patrol of the school.

Personal Searches

1. Searches of students should only be conducted on the basis of reasonable and probable grounds existing for the search. Mere suspicion is not sufficient reason of itself.
2. A search may be undertaken where school personnel believe that the safety and security of students and/or staff may be compromised if an immediate search is not conducted.
3. Whenever it is deemed appropriate by those conducting a personal search:
 - 3.1 The parents/guardians of the student shall be informed of the search and the reasons for it prior to it being undertaken.
 - 3.2 A third party must be present in all personal searches.
 - 3.3 Full details of the search shall be recorded in writing and signed by the searcher and witness.
 - 3.4 Under no circumstances shall "strip searches" be conducted by school personnel.

Inspections or Searches of Property

1. Where school personnel believe they have reasonable information to justify searching a locker or desk, they are authorized to do so. The reasons for conducting the search shall be recorded in writing by the Principal, and kept on file.
2. Whenever practicable, at least one witness shall be present when the search takes place, in addition to the school administrator(s).
3. Subject to Procedures 1 and 2, if the proposed search revolves around a suspicion of criminal activity, the police shall be informed, and a proper search warrant obtained prior to the search.
4. The administration must decide prior to the search if any evidence or contraband material found during the search is to be dealt with as a school matter or by way of criminal prosecution. If the matter is to be dealt with as a criminal matter, guideline 5 below will apply. If the matter is to be dealt with as a discipline matter, all policies and statutes regarding student conduct shall apply.
5. When the search of a locker reveals evidence of suspected criminal activity, the Principal or designate shall make the decision as to contacting the R.C.M.P., parents or guardians, and the securing of the locker with a different lock, the combination of which or key to which is solely in possession of school personnel.
6. If it is deemed appropriate by those conducting the search, the student, parents and/or guardians of the student shall be informed of the search, and the reasons for it, prior to it being undertaken.

Reference: Section 20, 60, School Act

Principles for Principals: Legal Guidelines for School Administrators (ASBA 1992)

Cross Reference: Protocol Respecting Drug Free Schools (WRSD and RCMP)

Revised 12 November 2007

***PROTOCOL RESPECTING DRUG & ALCOHOL
FREE SCHOOLS IN
WILD ROSE SCHOOL DIVISION #66***

PROTOCOL RESPECTING DRUG FREE SCHOOLS

BETWEEN:

**THE BOARD OF TRUSTEES OF
WILD ROSE SCHOOL DIVISION No. 66**

(hereinafter referred to as “the Board”)

-and-

**HER MAJESTY IN RIGHT OF CANADA
AND RIGHT OF THE PROVINCE OF ALBERTA
As represented by HER MAJESTY’S
ROYAL CANADIAN MOUNTED POLICE**

(hereinafter referred to as “the RCMP”)

WHEREAS the Board has agreed that the elimination of the possession of, and trafficking of illegal substances in schools operated by it is a desirable objective;

AND WHEREAS the Board believes that the elimination of possession of, and trafficking in illegal substances in schools operated by them is consonant with the concept of safe and caring schools which is a philosophy of which the Board and Alberta Learning are proponents;

AND WHEREAS the Board believes that the successful completion of the aforesaid mission can be best obtained by co-operation with the larger communities served by the Board;

AND WHEREAS the Board believes that the successful attainment of the mission aforesaid requires the co-operative intervention of policing authorities within the Communities being the RCMP;

AND WHEREAS the Board and the RCMP have agreed upon an operating Protocol by which the mission of elimination of possession of, and trafficking in illegal substances, including alcohol, within schools operated by the Board will be achieved as follows:

1. The undersigned parties subscribe to the operating Protocol set out herein in the context of the concepts espoused in the clauses of the preamble to this operating Protocol.
2. To the extent possible, it is desirable that possession of or trafficking in illegal substances, including alcohol, in the school environment be dealt with in a non-criminal fashion.
3. In order to deter students, who the signatories to this Protocol recognize will always be a minority of the entire student body, from possessing or trafficking in illegal substances, including alcohol in the school environment, unannounced co-operative patrols of the school will be conducted by RCMP personnel assisted by a trained canine member(s) of the force.
4. An appropriate school based individual, generally the school administrator, will accompany RCMP personnel and the canine member(s) in any patrol of the school.
5. In the event that the presence of any illegal substances, including alcohol, is detected within school property as a result of a patrol of the school, the appropriate student will be dealt with by school administration rather than, and instead of, the student being dealt with in a criminal context by the RCMP.

6. The RCMP will not undertake any criminal investigation unless in the opinion of the RCMP the circumstances are extraordinary in relation to the discovery at the school of an amount of the illegal substance associated with the offence of trafficking when such facts come to light as a result of a patrol of the school as hereinbefore referred to.
7. While the Board recognizes that implementation of a standard inflexible policy of punishment may be inappropriate, it is committed to dealing with possession of, or trafficking of illegal substances, including alcohol, in the school environment in a vigorous way.
8. As a general principle, subject to the ability of any affected student to demonstrate why the general principle should not be applied to him or her, possession of, or trafficking in any illegal substance will be considered to be an activity utterly incompatible with the statutory requirement that a student comply with the rules of the school, respect the rights of others and account to his or her teachers for his or her conduct.
9. In the absence of an affected student being able to provide compelling reason why the general principle should not apply to that student, a recommendation for expulsion will be the norm.
10. In all cases, the parents or legal guardians of an affected student will be notified of salient facts that have come to light as a result of any contravention of the Protocol.
11. Any signatory wishing to withdraw from this Protocol may do so by advising the other signatories, in writing, upon receipt of those other signatories of the notice of withdrawal from that point the withdrawing signatory shall be considered exempt from and no longer bound by the terms of the Protocol except as to any information of facts that have become known to it as a result of activities occurring during the time when that withdrawing party was a signatory to and bound by the Protocol.

IN WITNESS WHEREOF the undersigned commit themselves to the foregoing articles in the context of the philosophy set out in the preambles in this Protocol.

DATED at *Drayton Valley* in the Province of Alberta this 17th day of *February, 2000*.

**ROYAL CANADIAN MOUNTED POLICE
DRATON VALLEY, BRETON, ROCKY MOUNTAIN HOUSE, SUNDRE
DETACHMENTS**

Per *(signed)* D. Bangle - S/SGT D.V. Det.

Per *(signed)* T. Witzke Cpl Breton Det.

Per *(signed)* L. Russell, Sgt Rocky Mtn Hse Det.

Per *(signed)* W. P. McGhie, Sgt Sundre Det.

THE BOARD OF TRUSTEES OF WILD ROSE SCHOOL DIVISION #66

Per *(signed)* Lance Houle

Per *(signed)* Gerald Kujala

Revised 12 November 2007