

SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL EFFECTS, AND STUDENT DRIVEN VEHICLES

Each school shall, on a regular basis remind students and parents of the Division’s ability to undertake a search of students’ lockers, desks or other student storage area, personal effects, electronic devices, and student driven vehicles. Such communications shall be taken as notice of the school’s right to undertake such a search when based on reasonable suspicion that a school or division regulation, rule or discipline has been breached or a violation of a law has occurred and that the search will reveal evidence of the breach or violation.

Whenever possible, students should be given the opportunity to provide consent for any search under consideration and to be present or to make voluntary disclosure of the suspected property. However, the danger presented by the property being sought, the student’s age and record of conduct, and the urgency of making the search without delay are circumstances bearing on the justification of requesting such consent.

Whenever a School Administrator or designate decides to search a locker or desk of a student, the personal effects of a student, or a student driven vehicle, the School Administrator or designate must have reasonable suspicion that:

- a student is in violation of the law or a school or Division rule, or
- poses a threat to the proper order and discipline, health or safety of the school, and
- that evidence of such a violation will be found in the location or on the person of the student searched.

Lockers and Desks

Student lockers and desks are the property of the Division. School administrators have the authority to inspect lockers and desks wherever they have reasonable suspicion to believe a school or division regulation, rule or discipline has been breached or a violation of the law has occurred and the search will reveal evidence of that breach or violation. Random searches should only be undertaken following receipt of advice from legal counsel. The primary purpose for locker inspection shall be the protection of health, safety, and the general welfare of students, staff, or school property. When reasonably possible the student will be informed and present when a locker or desk search is conducted. If it was not

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possible for the student to be present, the student shall be informed as soon as practicable of any item(s) removed from the locker or desk.

The inspection of a locker(s) and desk(s) shall be conducted by two (2) adults, at least one of whom must be a School Administrator or designate. Should an inspection result in the discovery of any materials which are inappropriate, the School Administrator or designate has the authority to remove the material(s) or seal the locker or desk for the purpose of seeking the solicitor's advice or contacting the Winnipeg Police Service.

Student's Personal Effects

School Administrators or designates also have the authority to search the student's personal effects (personal effects may include but are not limited to: purse, wallet, back pack, book bag, outer clothing, electronic devices) whenever they have reasonable suspicion that a student has breached a regulation, rule or discipline of the school or division, or violated the law and that a search will reveal evidence of such a breach or violation. Staff will not directly search the student(s) but will require them to empty the contents of pockets, and/or personal effects. Under no circumstances will a staff member conduct a body search, but, if there is reason to believe a police search is required students may be detained by the School Administrator or designate under close supervision,

If a student refuses a search of personal effects, the School Administrator or designate will advise the student and the student's parents/guardians that the Winnipeg Police Service will be contacted.

Student Driven Vehicles

Vehicles brought by students and parked on school property are subject to inspection by school authorities at any time a school authority has reasonable suspicion that a student has breached a regulation, rule or discipline of the school or division, or violated the law and that a search will reveal evidence of such a breach or violation. Refusal by a student, parent/guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the vehicle shall be cause for termination without further hearing of the privilege of bringing the vehicle on to school premises, and may result in a report of the refusal to the Winnipeg Police Service.

Routine patrolling of student parking lots and inspection of the outside of student automobiles is permitted at all times.

Responding to the Results of a Search

Following any search or seizure, the School Administrator or designate will determine whether or not the results warrant the involvement of Winnipeg Police Services. Illegal or contraband materials found or seized shall be turned over to the authorities for final disposition.

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Discipline arising out of the results of a search or seizure will be assigned in accordance with the Division's Standard of Behaviour by the School Administrator or designate.

Police Involvement in Searches

School authorities will cooperate with police:

- (a) when they present the School Administrator or designate with a properly executed search warrant;
- (b) as part of a search following an arrest;
- (c) as part of a search for weapons only following a detention based on reasonable suspicion that the student has engaged in criminal conduct for which the police are investigating; or
- (d) if exigent (urgent, pressing) circumstances exist such as where there is a risk of physical harm to individuals.

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