

## Search and Seizure

### Scope

This policy should be read in conjunction with Ministry of Education Guidelines for Registered Schools in New Zealand on the use of Physical Restraints, August 2017.

### Purpose

This policy is to ensure inclusive practices, staff and student wellbeing and the provision of a safe learning environment.

### Surrender and Retention of Property

Surrender and retention applies to items and devices considered likely to endanger safety. Depending on the circumstances, such items and devices could include scissors, spray cans, sharp objects, drugs. Furthermore, ordinary items when used in an aggressive or inappropriate way could also endanger safety. For example, a pencil case swung at another student.

In the case of digital devices, any stored or displayed digital information could endanger student emotional or physical safety. This information could be in the form of emails, texts, social media posts, digital photos uploaded to the internet or music or video clips likely to detrimentally affect the learning environment.

Anything that adversely disrupts the delivery of teaching and learning is within the scope of this policy. It may include relatively common items or devices used in an annoying or attention seeking (therefore disruptive) way. Such items may be brought to school even after students have been told not to bring them to school, eg phones, trading cards, toys or pens that are continually clicked deliberately, or items with disputed ownership.

Any item deemed to pose an immediate threat to a person's physical or emotional safety is harmful. This includes the prohibited items below. This is the only category that may warrant a search.

*At all times, staff members must use their judgement about whether an item or device fits into these categories, considering each set of circumstances.*

### Prohibited Items

- knives and other weapons and weapon replicas
- alcohol, cigarettes, drugs and other substances
- cigarette lighters and matches
- pornographic or offensive material.

Students may be unaware of a problem with the item, or their behaviour and may require an explanation of the problem and possible consequences.

**\*Staff members must use their professional judgement in deciding whether to ask a student to surrender an item, or to invoke the school or class behaviour management plan instead. If a student refuses to surrender an item, the behaviour management plan applies.**

*If a staff member believes or has reasonable grounds to suspect that a student has a harmful item in their possession, the staff member requires the student to surrender or reveal the item. If the student denies possession of the item or refuses to surrender it, there may be grounds for a search of the student's outer clothing and/or school bag, desk, or other property.*

Cell phones will be used as per the school's digital technology and cyber safety policy.

### **Searches**

A search is not mandatory.

A search can only be undertaken for an item considered harmful, thereby posing an immediate threat to the physical or emotional safety of any person.

**\*The Principal should be consulted because the issue might effectively be managed through the behaviour management plan up to, and including, a suspension.**

Any search will be conducted according to the school's search guidelines and by an authorised staff member and only if they have reasonable grounds to suspect a student's possession of a harmful item.

The student must be given the opportunity to surrender or reveal the item before a search is conducted.

If the student denies possession of the item, or refuses to surrender or reveal it, there may be grounds for a search of the student's outer clothing and/or school bag, or other property.

**\*Force is not used except in an emergency situation to defend against immediate harm.**

**\*Parents are contacted if a search takes place.**

If highly dangerous or illegal items are suspected, the Principal or DP should contact the police and keep the student and the belongings in a safe, supervised place until the police arrive.

**\*The Police do not search on the school's behalf. If they have grounds for a search they do it according to Police procedure.**

The content of a student's digital device may not be searched.

The student's rights to privacy must be considered and protected and they have the right to not be subjected to an unreasonable search. A search may involve emptying pockets, removing outer items of clothing, searching bags, desks or lockers, and also searching "correspondence" such as a diary.

Searches are carried out in a fair and safe way, considering the circumstances and the characteristics of the student.

Schools are entitled to search school property at any time and that includes desks, lockers, and receptacles provided to students for storage.

**\*Searches take place in an appropriate location, with appropriate people present.**

Unless impracticable, students are searched by a person of the same gender. Searches relate to the individual student and not everyone in a class. If a group of students is suspected of possessing dangerous items, call the Police for advice.

**\*Written records must be kept of all searches.**

### **Conducting a Search**

1. Where possible, choose a location that protects the student's safety and privacy.
2. Ensure there are two adults present. Consider asking the student's parent or caregiver to attend.
3. Arrange a support person for the student and organise for the student to be searched by an adult of the same gender.
4. Explain what you are looking for and why it is a danger. Explain why you suspect the student of possessing the item.

5. Give the student the opportunity to consider their behaviour and present the item. Ask the student to empty their pockets, remove an item of clothing to be searched, or to open their bag, pencil case, etc, as appropriate. Only outerwear should be removed.
6. If the student refuses to co-operate, the search is abandoned. The school invokes its behaviour management plan and, as appropriate, may contact the parents/caregivers, and/or police. If the item/s is/are found, it/they are seized and dealt with as appropriate.
7. Notify the parents/caregivers of the search, outcome, and consequences for the student.

### **Records of Searches**

A written record must be kept of all searches. Include the date, name of student, name of the authorised person who conducted the search and any other relevant details. Details are also kept of any item/device retained for two or more school nights. The records are kept for a minimum period of seven years.

### **Retention of Property**

In most cases, surrendered items are available for collection at the end of the day. Depending on the item and the circumstances, items may be retained for a period or disposed of.

Any illegal items must be handed to the Principal and the items recorded with the Police. Reasonable care is taken of retained items and details are kept of any item retained for two or more school nights. Details include the date, name of student, name of staff member, and any other relevant details. Depending on the situation, further action may be taken, including behaviour management, counselling, contact with parents, and/or contact with the police.

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Next review: 2025