

SEARCH AND SEIZURE POLICY



ST ANDREW'S COLLEGE

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| Review Cycles | At least every three years – next one 2020 |
| Revision History | September 2017 |
| Policy Applicability | All the boys and the staff of SAC |
| Policy Owner | Deputy Head – Student Affairs |

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1 INTRODUCTION

Parents, teachers and pupils generally agree that the school needs to be a safe place where the pupils can confidently pursue their day-to-day activities. Pupils and parents need to feel secure in the knowledge that the school will take reasonable precautions to protect their children.

2 OBJECTIVES OF THE POLICY

This policy explains what is prohibited at SAC and what procedures may/will be followed by school authorities when reasonable suspicion exists that a pupil has prohibited items in his possession or has used an electronic device to harm others or that such device has information that may contain evidence of serious misconduct.

3 BACKGROUND

This policy will consider five categories:

1. Possession of dangerous objects;
2. Possession of prohibited substances;
3. Possession of items removed without the permission of the owner;
4. The use of electronic devices to transmit material, images or video clips deemed to be offensive or bullying or pornographic;
5. Possession of electronic devices that may contain evidence of serious misconduct.

4 APPLICABILITY

This policy will apply to the pupils of SAC, as defined below.

5 DEFINITIONS

For the purposes of this policy, the following definitions will apply:

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| Alcohol | Any alcoholic beverage |
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| Campus | The whole area that comprises the buildings, gardens and sports facilities of SAC and the campus of the DSG. |
| Dangerous object | <ul style="list-style-type: none"> • Any explosive material or device • Any firearm or gas weapon • Any article or object that may be used to cause bodily harm to a person or damage to property; • Any other object similar to the objects listed above |
| Delegate | Any person that the Head has identified to act in his place with due authority. |
| SAC Handbook | The document that is available to every SAC pupil which gives general information about the school, the school rules and the school policies. The SAC Handbook is available on the school's intranet and on the D6. |
| Electronic Devices | Any device that can be used to distribute images, messages, video clips or on which images, messages and video clips may be accessed. This includes but is not limited to computers, tablets, smart phones and cell phones. |
| Head | The Head of St Andrew's College. |
| Illegal activity | Any activity that contravenes the laws of the country or the school rules as described in the SAC Handbook and the various school policies which are available on the school's website. |
| Illegal substance | <ul style="list-style-type: none"> • Any unlawful substance that has a psychological or physiological effect or any substance having such an effect that is possessed lawfully • Any substance deemed to enhance sporting performance • Any prescription drug used by a person other than for whom it was prescribed or the abuse of such drugs. |
| Mood-altering substance | For the purposes of this policy, mood-altering substances include but are not limited to: <ul style="list-style-type: none"> • Illegal drugs (dagga, ecstasy, cocaine, for example) |

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| | <ul style="list-style-type: none"> • Medicines for which the user does not have a prescription (Ritalin, for example) • Alcohol • Everyday items that can be used inappropriately such as solvents, inhalants or other chemical agents (thinners, for example) • Prohibited performance enhancing drugs, or PEDS as they are sometimes known (such as steroids, for example) • Tobacco |
| Performance Enhancing Drugs | Any substance used to gain an advantage while playing sport without the permission of the Sports Director. |
| Pupil | A boy who is a bona fide pupil at St Andrew's College, Grahamstown. |
| School | St Andrew's College, Somerset Street, Grahamstown. |
| At school | Includes: <ul style="list-style-type: none"> • The campus of SAC; • The campus of the Diocesan School for Girls; • Any place where boys are legitimately required to be as part of a school activity; • Any place where a boy is wearing the SAC uniform or parts of it. |
| Outside school | Situations not mentioned above. A boy who is outside the school but who can be identified as a pupil of the school and/or whose behaviour brings the school into disrepute can be regarded as having been 'at school'. |
| School Activity | Includes any educational, cultural, recreational, sporting or social activity of the school on or outside the school premises. |
| Stolen items | Any possession removed without the permission of the rightful owner. |

6 POLICY

This policy is to be read in conjunction with:

- The Substance Abuse Policy
- The ICT Policy
- The SAC Handbook
- The Code of Conduct
- The Enrolment Contract
- The Discipline Policy

Note should also be taken of the signage at the entrances to the school

6.1 PROHIBITION

6.1.1 DANGEROUS OBJECTS

No boy may:

- Allow any dangerous object to be brought onto the campus or to a school activity;
- Carry any dangerous object on the campus or premises at which a school activity is carried out;
- Store any dangerous object on the campus or premises at which a school activity is carried out.

6.1.2 PROHIBITED SUBSTANCES

No person may:

- a. Possess illegal substances;
- b. Possess any mood-altering substances
- c. Possess any alcohol;
- d. Possess any containers that have held alcohol at any time;
- e. Possess any tobacco products;
- f. Possess any performance enhancing drugs unless condoned by the Director of Sport;
- g. Have in his possession any prescription medication, unless with permission of the San Sister;
- h. Possess any prescription medication prescribed for another person.

6.1.3 ITEMS DEEMED TO HAVE BEEN STOLEN

No person may:

- Possess any stolen item

An item will be deemed to have been stolen if it has been removed from the owner without specific permission from that person. This refers to personal items as well as school property.

6.1.4 DEVICES THAT HAVE BEEN UNLAWFULLY USED

No person may:

- a. Use an electronic device for any form of bullying, as per the Bullying Policy
- b. Use an electronic device to download material deemed to be pornographic or harmful in any way.
- c. Download or use material that is age-restricted, if that pupil is under aged.

7 SEARCH AND SEIZURE

The Head or his delegate in the presence of at least one other member of the SAC staff may at random and without warrant search any pupil or group of pupils (for body searches, see 7.1.3), or search the boy's possessions, or search any area the boy uses to store his possessions for any prohibited items (as described above) if there is **reasonable suspicion** that:

- the boy or group of boys may have such items in his/their possession
- that such items may be found on the campus or at a school activity.

The Head or his delegate in the presence of at least one other member of the SAC staff may without warrant seize any prohibited item found on any boy who is on the campus or engaged in a school activity.

The Head or his delegate in the presence of at least one other member of the SAC staff may without warrant seize any prohibited item found in any area where a boy may store his possessions. This includes but is not limited to school bags, sports bags, lockers, cupboards or suitcases or in an area where items such as sport equipment is stored.

The Head or his delegate in the presence of at least on other member of the SAC staff may at random and without warrant confiscate any device if there is **reasonable suspicion** that the device had been used for transmission of any prohibited material, as specified above.

The Head or his delegate in the presence of at least one other member of the SAC staff and the boy can require access to such devices if there is reasonable suspicion that the device has been used to transmit prohibited material, as specified above. The boy may request that an independent person access the information on the device rather than the Head or his delegate. The boy will be required to give passwords to enable the material on the device to be accessed.

The Head or his delegate in the presence of at least one other member of the SAC staff and the boy can require access to such devices if there is reasonable suspicion that information on the device may aid in the investigation of serious misconduct by the owner of the device or by another boy or by other boys. The boy may request that an independent person access the information on the device rather than the Head or his delegate. The boy will be required to give passwords to enable the material on the device to be accessed.

7.1 THE PROCEDURE FOR CONDUCTING A SEARCH

All searches contemplated in this policy will be conducted in a manner that is reasonable and proportional to the suspected illegal activity. There will always be at least two members of staff present during a search.

7.1.1 SECURITY CAMERAS

SAC reserves the right to install security cameras and to check the video footage thus obtained at any time.

No permanent cameras will be installed whereby a boy's personal privacy may be compromised, such as in dormitories or bathrooms.

The video footage may only be observed by the Head or his delegate with one other member of staff in the first instance. Should disciplinary hearings be instituted as a result of evidence from the video footage (refer 8.1), the footage may be presented in the hearing.

7.1.2 SEARCH OF PERSONAL POSSESSIONS

Periodic inspection of a boy's locker and/or cupboards may be conducted by the Head or his delegate in the presence of at least one other member of staff for any reason, at any time, without notice, without the boy's consent and without a search warrant.

A boy's person and/or personal effects (including but not limited to his book bag, blazer, locker, cupboard, and sports bag) may be searched if the Head or his delegate has reasonable suspicion to believe that the boy is in possession of a prohibited item.

A boy's locker and/or cupboards are the property of the school and at all times remain under the control of the school. Boys are, however, expected to assume full responsibility for the security of their possessions.

7.1.3 BODY SEARCHES

The following type of body search may be conducted:

A visual search and a 'pat down' body search.

- a. This may only be conducted by the Head or the Head's delegate. The search must be conducted by a man.
- b. A second male staff member must be present at all times.
- c. The search will be conducted in a private area away from any other person.
- d. The boy will be requested to place loose items from pockets and clothing on a table for inspection.
- e. The boy will be requested to remove any extra outer clothing such as blazers, jerseys or tracksuits.
- f. The person conducting the search will use an open hand to pat down the primary layer of clothing of the pupil.
- g. Any such search will be carried out in a manner that is consistent with anything that may have been concealed.

7.1.4 ELECTRONIC DEVICES

- a. Any electronic device may be confiscated from a boy if there is reasonable suspicion to believe that the device has been used for activities as described above.

- b. The Head or the Head's delegate may remove the device without warning and for any period of time deemed to be necessary for any investigation.
- c. The boy will be required to co-operate with the Head or the Head's delegate in the investigation by revealing passwords to the device.
- d. The boy may request that an independent person access the information on the device rather than the Head or his delegate.
- e. If deemed to be necessary, experts may be consulted in discovering and identifying the content on the device.

8 PROCEDURES TO BE FOLLOWED IF PROHIBITED ITEMS ARE IDENTIFIED

8.1 SECURITY CAMERAS

If the video footage reveals a boy to be in possession of a prohibited item or in the act of acquiring a prohibited item, a disciplinary hearing will be conducted according to the school's Code of Conduct and Discipline Policy, which may be found on the SAC website.

8.2 SEARCHES

If any prohibited item is found in the boy's possession it will be seized and labelled with full particulars, including:

- a. The name of the pupil in whose possession it was found
- b. The time and date of the search and seizure
- c. An incident reference number
- d. The name of the witness present at the search
- e. Any other details that may be relevant

The disciplinary process will be conducted according to the school's Code of Conduct and Discipline Policy which may be found on the school's website.

8.3 ELECTRONIC DEVICES

If any material identified under 6.1.4 above is discovered on an electronic device, the date and time of the search and seizure will be recorded and a note made of the content of the material.

The disciplinary process will be conducted according to the school's Discipline Policy and Code of Conduct which may be found on the school's website.

9 GOVERNANCE

In the case of disciplinary action arising out of a search and seizure operation, the following action will be taken:

The parent(s) of the boy or his legal guardian will be contacted. They will be told the reasons

for the search and be informed of any item that was seized. They will be informed of any further action that may take place.

Any disciplinary procedure will be recorded and a record placed in the boy's file.

Any electronic device that may have been confiscated will be returned to the boy once the investigation has been completed.

10 REVIEW

This policy will be reviewed at least every three years and more regularly if required.