



ENROLMENT FORM: Search and Seizure Policy

1. DEFINITIONS

For the purposes of this policy:

- 1.1 "dangerous object" means:
 - 1.1.1 any explosive material or device;
 - 1.1.2 any firearm or gas weapon;
 - 1.1.3 any article, object or instrument that may be employed to cause bodily harm to a person or damage to property, or to render a person temporarily paralysed or unconscious;
 - 1.1.4 any other object similar in nature to the objects listed above.
- 1.2 "illegal drug" means any unlawful substance that has a psychological or physiological effect; or any substance having such effect that is possessed unlawfully (see Addendum D);
- 1.3 "school activity" includes any educational, cultural, recreational, sporting or social activity of the school within or outside the school premises; and
- 1.4 "illegal activity" means the wilful possession of an illegal drug, dangerous object or stolen item.


2. PROHIBITION

No person may:

- 2.1. allow any dangerous object to be brought onto school premises or to a school activity;
- 2.2. carry any dangerous object in school premises or at premises at which a school activity is carried out;
- 2.3. store any dangerous objects in school premises or premises at which a school activity is carried out;
- 2.4. possess illegal drugs in contravention of the Substance Abuse Policy (Addendum D);
- 2.5. possess any stolen item on school premises or at a school activity.

3. SEARCH AND SEIZURE

- 3.1 The Head or his/her delegate may, at random and without a warrant, search any Pupil or group of Pupils, or the property of a Pupil or group of Pupils, for any dangerous object, stolen item or illegal drug (hereafter, collectively referred to as "prohibited good"), if he or she has a reasonable suspicion that:
 - 3.1.1 a prohibited good may be found on school premises or during a school activity; or
 - 3.1.2 one or more Pupils on school premises or engaged in a school activity are in possession of a prohibited good.
- 3.2 The Head or his/her delegate may without a warrant seize any prohibited good found on school premises or during a school activity, or found on any person who is on school premises or engaged in a school activity.
- 3.3 A search may only be conducted after taking into account all relevant factors, including:
 - 3.3.1 the best interest of the pupils in question or any other pupil in the school;
 - 3.3.2 the safety and health of the pupils in question or of any other pupil at the school;
 - 3.3.3 reasonable evidence of illegal activity; and
 - 3.3.4 all relevant evidence received (which may include rumours, with supporting evidence).

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- 3.4 A Pupil's person and/or personal effects (for example book bag, uniform, sports bag, etc.) may be searched whenever the Head or his or her delegate has a reasonable suspicion to believe that the Pupil is in possession of a prohibited good.
 - 3.5 Pupil lockers are the property of the School and remain at all times under the control of the School. Pupils are, however, expected to assume full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by the Head or his or her delegate for any reason, and at any time, without notice, without Pupil consent, and without a search warrant.
 - 3.6 Pupils are permitted to park on school premises as a matter of privilege, and not of right. The Head or his or her delegate may conduct routine patrols of Pupil parking lots and inspections of the exteriors of Pupil vehicles on school property. The interiors of Pupil vehicles may be inspected whenever the Head or his or her delegate has reasonable suspicion to believe that a prohibited good is contained inside such a vehicle. Such patrols and inspections may be conducted without notice, without Pupil consent, and without a search warrant.

4. THE PROCEDURE FOR CONDUCTING A SEARCH

- 4.1 All searches contemplated in this policy will be conducted in a manner that is reasonable and proportional to the suspected illegal activity.
- 4.2 Where a search entails a body search of a Pupil (see 5.1 below), such search may only be conducted by the Head, if he or she is the same gender as the Pupil, or by the Head's delegate, who must be the same gender as the Pupil. A second staff member of the same gender must be present as witness.
- 4.3 The types of searches that may be conducted by the Head or his or her delegate are set out below.


5. THE PROCEDURE TO BE FOLLOWED IN A BODY SEARCH OF A PUPIL

- 5.1 A body search includes a visual search and a "pat down" body search.
- 5.2 A body search will be conducted in a private area and not in view of another pupil.
- 5.3 The Pupil will be requested to place loose items from pockets and clothing on a table or desk for inspection. To facilitate the pat-down search, the Pupil must remove all articles from his or her pockets and remove any secondary outer clothing (e.g. uniform, sweater, head coverings, etc.) worn over the primary clothing.
- 5.4 The person conducting the search will, wherever possible, wear latex gloves and use an open hand to pat down the primary layer of clothing of the Pupil. Any such search shall be carried out in a manner as is consistent with discovering anything that may have been concealed.

6. THE PROCEDURE TO BE FOLLOWED IN A STRIP SEARCH OF A PUPIL

- 6.1 A strip search involves the removal and search of clothing and a visual examination of the undressed Pupil, to verify if any prohibited good is being concealed.
- 6.2 A strip search may be conducted if there are reasonable grounds for suspecting that the strip search will reveal evidence that the Pupil is concealing a prohibited good that could not be obtained by conducting a body search.
- 6.3 Strip searches will not extend to the removal of the Pupil's underwear, but may extend to the readjustment of the Pupil's underwear, by the Pupil.
- 6.4 In any strip search, the Pupil will not be touched, and the search will not extend to a body cavity of the Pupil.

7. THE PROCEDURE TO BE FOLLOWED IN CONDUCTING A SEARCH OF A MINOR UNDER THE AGE OF 12 YEARS

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- 7.1 Consent will be obtained from the parent or guardian for a body search or a strip search that is required in respect of a minor under the age of 12.
 - 7.2 The parent or the guardian of the Pupil must be present during the search, if practical and if requested by the parent or guardian. If the parent or guardian of a Pupil is present, he or she may conduct the search if he or she wishes.

8. PROCEDURE TO BE FOLLOWED WHEN A PROHIBITED GOOD IS FOUND ON A PUPIL

- 8.1 Any prohibited goods that are seized will be labelled with full particulars, including:
 - 8.1.1 the name of the Pupil in whose possession it was found;
 - 8.1.2 the time and date of the search and seizure;
 - 8.1.3 an incident reference number;
 - 8.1.4 the name of the person who searched the Pupil;
 - 8.1.5 the name of the witness present at the search; and
 - 8.1.6 any other details that may be necessary to identify the item and the incident.
- 8.2 Any seizure of a prohibited good will be recorded on the Pupil's file and the prohibited good may be handed over to the South African Police Service, save that where a stolen item is recovered and no criminal charge against the Pupil in whose possession the stolen good was found is contemplated, the stolen item may be returned to its owner.
- 8.3 A Pupil may be subjected to disciplinary proceedings if a prohibited good is found in his or her possession.