

INTERROGATIONS AND SEARCHES

The Board of Education has responsibility for the control and management of students during the school day and during approved extracurricular activities. It is also the responsibility of the Board to maintain a safe school environment free of drugs, weapons, and other dangerous or illegal items. At the same time, the Board recognizes that the privacy of students may not be violated by unreasonable search and seizure and directs that no student or his/her belongings and/or locker be searched unless it is in accordance with this policy.

Searches of School Property Assigned to a Student

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official.

The lockers supplied by the Board and used by the pupils are the property of the Toronto Board of Education. Therefore, the lockers and the contents of all lockers are subject to random search at any time without regard to whether there is a reasonable suspicion that any locker or its contents contains evidence of a violation of a criminal statute or a school rule.

No personal lock may be used if the school issues locks or a built-in lock is provided, unless approved by the principal or his/her designee. If a personal lock is used, the student is required to provide the combination and/or key to the building principal or his/her designee.

The Board directs that the following notice be posted in a conspicuous place in each school building that has lockers:

“The lockers supplied in this school and used by the pupils are the property of the Board of Education. Therefore, the pupil lockers are subject to a random search at any time without regard to whether there is a reasonable suspicion that any locker or its contents contains evidence of a violation of a criminal statute or a school rule.”

Notwithstanding any other provisions of this policy, the principal of any school or his/her designee may search at any time the locker of any pupil and the contents of any locker of any pupil in the school if the principal reasonably believes that the locker or its contents contains evidence of a violation of a criminal statute or school rule, or if an emergency situation exists or appears to exist that immediately threatens the health or safety of any person, or threatens to damage or destroy any property under the control of the Board and if a search of lockers and the contents of the lockers is reasonably necessary to avert that threat or apparent threat.

Searches of a Student's Person or Personal Property by School Personnel

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles of a student, with or without the student's consent, whenever they have reasonable grounds to suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the nature of the alleged infraction, the objective of the search, and the age and sex of the student. Except in extreme circumstances, an intrusive search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender in the presence of another staff member of the same gender.

A request for the search of a student or a student's possessions will be directed to the building principal or designee. Whenever practical, a search will be conducted by the principal or designee in the presence of the student and a staff member. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

The principal or designee shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. A written copy shall immediately be forwarded to the Superintendent. The building principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

Searches of Student Property by Police

A law enforcement agency is generally required to produce a warrant prior to conducting any search of the person or property of a student kept on school premises. However, when the police have probable cause to believe that a student is in possession of unlawful or dangerous items, a search may be conducted without a previously issued warrant.

Use of Canines for Detection of Evidence of Violation of Laws or School District Rules

Since random searches have a positive impact on reducing drugs, weapons, and other criminal activity in the schools, it is the policy of the Board to permit building principals to search any locker and its contents as the administrator believes necessary by the use of properly trained canines to detect evidence of the violation of laws or school district rules. Canine detection must be conducted in collaboration with law enforcement authorities, and the canines may be used to sniff lockers, automobiles, other places on school district premises, and students themselves for the presence of such evidence, according to the guidelines set forth below.

Lockers, Automobiles, and other Places

Properly trained canines may be used at any time to sniff lockers, automobiles, and other places on school district premises for evidence of the violation of laws or school district rules. If a

canine indicates the presence of evidence of the violation of laws or school district rules in a locker, automobile, or other place on school district premises, that locker, automobile, or other place, as well as its contents, may be searched for such evidence.

Students

If there is a reasonable basis for suspecting that a particular student has committed, or is committing, a violation of a law or school district rule, a properly trained canine may be used to detect evidence of that violation by sniffing that student. If a canine indicates the presence of evidence of the violation of laws or school district rules on the student's person, the student may be searched for evidence of the suspected violation. Any such search must be reasonably related to the objectives of the search and must not be excessively intrusive in light of the age and sex of the student, as well as the nature of the suspected violation.

The foregoing policy shall be included in the student handbook that is given to each student and posted in every building.

Interrogations by Law Enforcement Agencies

The schools have legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to try to protect each student under its control, therefore:

- A. The questioning of students by law enforcement agencies is limited to situations where parental consent has been obtained or the school official has made an independent determination that reasonable grounds exist for conducting an interrogation during school hours.
- B. When it is necessary for the law enforcement agency to make a school contact with a student, the school authorities will bring the student to a private room and the contact will be made out of the sight of others as much as possible. It shall be the responsibility of the law enforcement officer questioning the student to determine whether the student is in police custody, which would require the student to be advised of his/her *Miranda* rights.
- C. The school principal must be notified before a student may be questioned in school or taken from a classroom.
- D. If possible, a parent or legal guardian of the student to be interviewed should be notified by the law enforcement agency before the student is questioned so that the parents may be present if they so desire.
- E. If a parent request, or parental contact has not been made, a school official will request to be present when an interrogation takes place within the school.

- F. When the law enforcement agency feels it is necessary to remove a child from school, parental consent should first be obtained or a warrant, court order, or other legal document should be produced, which would give them authority to remove the child without parental consent. If the circumstances make it impossible to make this notification to the parents, the principal or his/her designee should do so.

- G. The Police Department should always be notified by the school principal whenever a student is involved in any type of criminal activity. When the principal learns of this involvement, he should notify the juvenile officer or detective bureau of the Police Department. The school should not attempt to handle matters which are properly in the realm of the Police Department.