



**ST PETER'S  
COLLEGE**

<b>Policy Title</b>	<b>SEARCH AND SEIZURE POLICY</b>
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## 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;
- 1.3. "**College activity**" includes any educational, cultural, recreational, sporting or social activity of the College within or outside the College premises; and
- 1.4. "**Illegal activity**" means the wilful possession of an illegal drug, dangerous object or stolen item.

## 2. PROHIBITION

- 2.1. In terms of section 8A of the South African Schools Act, No 84 of 1994 (**the Schools Act**) no person may:
  - 2.1.1. allow any dangerous object to be brought onto College premises or to a College activity;
  - 2.1.2. carry any dangerous object in College premises or at premises at which a College activity is carried out;
  - 2.1.3. store any dangerous objects in College premises or premises at which a College activity is carried out;
  - 2.1.4. possess illegal drugs in contravention of the Substance Abuse & Prevention Policy;
  - 2.1.5. possess any stolen item on College premises or at a College activity.

## 3. SEARCH AND SEIZURE

- 3.1. The Head or his/her delegate may, in terms of the Schools Act, at random and without a warrant, search any Student or group of Students, or the property of a Student or group of Students, 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 College premises or during a College activity; or
  - 3.1.2. one or more Students on College premises or engaged in a College activity are in possession of a prohibited good.
- 3.2. A search may only be conducted after taking into account all relevant factors, including:
  - 3.2.1. the best interest of the Students in question or any other Student in the College;
  - 3.2.2. the safety and health of the Students in question or of any other Student at the College;
  - 3.2.3. reasonable evidence of illegal activity; and

- 3.2.4. all relevant evidence received (which may include rumours, with supporting evidence).
- 3.3. The Head or his/her delegate may without a warrant seize any prohibited good found on College premises or during a College activity, or found on any person who is on College premises or engaged in a College activity.
- 3.4. A Student's person and/or personal effects (for example book bag, blazer, sports bag etc.) may be searched whenever the Head or his or her delegate has a reasonable suspicion to believe that the Student is in possession of a prohibited good.
- 3.5. Student lockers are the property of the College and remain at all times under the control of the College. Students 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 Student consent, and without a search warrant.
- 3.6. Students are permitted to park vehicles on College premises as a matter of privilege, and not of right. The Head or his or her delegate may conduct routine patrols of student parking lots and inspections of the exteriors of student vehicles on College property. The interiors of student 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 Student 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 as provided for in the Schools Act.
- 4.2. Where a search entails a body search of a Student (see below), such search may only be conducted by the Head, if he or she is the same gender as the Student, or by the Head's delegate, who must be the same gender as the Student. A second staff member of the same gender must be present as an adult witness.
- 4.3. The types of searches that may be conducted by the Head or his or her delegate are set out below.
- 4.4. **Body Search of a Student**
  - 4.4.1. A body search includes a visual search and a "pat down" body search.
  - 4.4.2. Any body search will be conducted in a private area and not in view of another Student.
  - 4.4.3. The Student 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 Student must remove all articles from his or her pockets and remove any secondary outer clothing (e.g. blazer, sweater, head coverings etc) worn over the primary clothing.
  - 4.4.4. 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 Student. Any such search shall be carried out in a manner as is consistent with discovering anything that may have been concealed.
- 4.5. **Strip Search of a Student**

- 4.5.1. A strip search involves the removal and search of clothing and a visual examination of the undressed Student, to verify if any prohibited good is being concealed.
- 4.5.2. A strip search may be conducted if there are reasonable grounds for suspecting that the strip search will reveal evidence that the Student is concealing a prohibited good that could not be obtained by conducting a body search.
- 4.5.3. Strip searches will not extend to the removal of the Student's underwear, but may extend to the readjustment of the Student's underwear, by the Student.
- 4.5.4. In any strip search, the Student will not be touched, and the search will not extend to a body cavity of the Student.
- 4.6. **Search of a Minor under the age of 12 years**
- 4.6.1. Consent will be obtained from the Parent or Legal Guardian for a body search or a strip search that is required in respect of a minor under the age of 12.
- 4.6.2. The Parent or the Legal Guardian of the Student must be present during the search, if practical and if requested by the Parent or Legal Guardian. If the Parent or Legal Guardian of a Student is present, he or she may conduct the search if he or she wishes.

## **5. WHEN A PROHIBITED GOOD IS FOUND ON A STUDENT**

- 5.1. As provided for in the Schools Act, any prohibited goods that are seized will be labelled with full particulars, including:
  - 5.1.1. the name of the Student in whose possession it was found;
  - 5.1.2. the time and date of the search and seizure;
  - 5.1.3. an incident reference number;
  - 5.1.4. the name of the person who searched the Student;
  - 5.1.5. the name of the witness present at the search; and
  - 5.1.6. any other details that may be necessary to identify the item and the incident.
- 5.2. Any seizure of a prohibited good will be recorded in a College record book and the prohibited good will be handed over to the South African Police Service, save that where a stolen item is recovered and no criminal charge against the Student in whose possession the stolen good was found is contemplated, the stolen item may be returned to its owner.
- 5.3. A Student may be subjected to disciplinary proceedings in terms of the College's Disciplinary Procedure Policy if a prohibited good is found in his or her possession.