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## PROCEDURE PR.534.SCO

**TITLE: SEARCH AND SEIZURE (STUDENTS)**

**Date Authorized: 23 April 1998**

**Last Revised: 25 June 2024**

**Last Reviewed: 25 June 2024**

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### **COMMITMENT TO INDIGENOUS RIGHTS, HUMAN RIGHTS, AND EQUITY**

The District recognizes its responsibility to ensure that this procedure and the associated work promotes and protects Indigenous and human rights, and equity. The District will strive to address and eliminate discrimination and structural and systemic barriers for students, staff, and community.

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#### **1.0 RATIONALE**

This procedure is developed in accordance with the obligations of the *Charter of Rights and Freedoms*, the *Criminal Code*, and Board policies and procedures in order to maintain a safe learning and working environment for all students and staff by way of search for and seizure of a prohibited item.

#### **2.0 DEFINITIONS**

For a full list of terms used in this procedure, please refer to Appendix A.

#### **3.0 RESPONSIBILITY**

- 3.1 The school principal is responsible for the administration of this procedure.
- 3.2 Students are responsible for cooperating with the searches conducted by their school in accordance with the parameters stipulated herein.
- 3.3 School staff are responsible for ensuring their involvement in school searches are done in accordance with this procedure.

#### **4.0 PROCEDURES**

##### Awareness

- 4.1 At the beginning of each school year, the principal will notify the school community of:
  - a) the school's right to conduct a search; and

- b) the protocol of a search.

#### Preemptive Searches

- 4.2 A principal or designate may require a search as a condition for admitting secondary students to events outside school hours, such as school dances, in accordance with OCDSB Procedure [PR.707.SCO Secondary School-Sanctioned Events Outside Instructional Hours](#).
- 4.3 Preemptive searches will only include visually inspecting bags and/or coats by an Event Supervisor to preserve staff, student, and guest safety.

#### Searches in Response to a Probable Breach of a Policy/Procedure

- 4.4 A principal or designate may conduct a search when:
  - a) there are Reasonable Grounds to believe that there has been a breach of an OCDSB policy and/or procedure that may significantly impact the safety and well-being of students and staff; and
  - b) the search is believed to reveal evidence of the breach.
- 4.5 The permissible extent of the search will vary with the gravity of the infraction that is suspected. Searches include the following, which are listed in order of least to most intrusive:
  - a) a search of District property (e.g. a locker, desk, or District-issued accounts, devices, and content therein);
  - b) a search of student belongings not on their person, such as school bags, coats, etc. so long as the student is present for the search;
  - c) asking a student to show content in their personally-owned technology devices;
  - d) asking a student to show possessions on their person; and/or
  - e) asking a student to empty their pockets, remove their belt, turn down their socks, roll up their sleeves, or remove their coats, hats, shoes, etc.
- 4.6 At no time will a staff member search a student's person.
- 4.7 Search and seizure may be warranted whether the breach occurred:
  - a) on Board property;
  - b) on school buses;
  - c) during field trips;
  - d) at school-related events; or
  - e) as a result of an activity which has occurred off school property, where the principal believes that the activity significantly impacts the safety and well-being of students and staff.

- 4.8 The school principal does not need a warrant or a court order in order to conduct a search based on Reasonable Grounds, whether it is a search of a student's person, property, or District property.
- 4.9 Searches will be conducted in a private manner, with sensitivity, and shall be minimally intrusive.
- 4.10 Prior to conducting a search,
  - a) students will be offered to contact their parents/guardians or a lawyer if requested; however, based on reasonable grounds, the search will still proceed if the parents/guardian or lawyer is not in agreement; and
  - b) students will be asked to voluntarily display the possession that constitutes evidence of the breach unless unsafe to do so. This includes asking students to show content on their Personal Mobile Devices.
- 4.11 In the event that a search is suspected to reveal firearms, staff will call the Ottawa Police Service (OPS) prior to conducting the search. If a search unexpectedly reveals a firearm, staff are to ensure immediate safety, halt the search, and contact OPS.
- 4.12 Searches of District property, including Information Technology, lockers, and desks, do not require prior notice or the presence of the student.
- 4.13 A search of the student must not include physical contact.
- 4.14 In cases where a principal or a designate conducts a search:
  - a) wherever possible, at least one other adult must be present;
  - b) they will wear gloves; and
  - c) where potential hazards are not seen, they will not reach into bags, desks, etc.
- 4.15 Schools will not conduct a search at the request of OPS. However, OPS may conduct a search independent from the principal, only upon the production of the appropriate search warrant or a production order. In such cases, it is the responsibility of the police to inform the parents/guardians of the search.
- 4.16 Upon request and the production of a warrant or production order, the principal or designate may secure a location for search by OPS.
- 4.17 Under some Exigent Circumstances, OPS may execute a search without a warrant and without notice to the principal.
- 4.18 In order to ensure the safety of students, when a student returns from an exclusion, suspension, or expulsion related to a critical incident, such as possessing a weapon, for a limited period of time they may be subject to a search.

### Search of Personal Mobile Devices

- 4.19 Where the use of a Personal Mobile Device is in breach with the provisions in P.125.SCO School District Code of Conduct, the student will be asked to surrender the device to the educator or principal.
- 4.20 When a search of a Personal Mobile Device is suspected to reveal non-consensual sharing of intimate images of a minor student, staff will not ask students to show such images and will directly call OPS.
- 4.21 If a student refuses to show content on their Personal Mobile Device, which constitutes evidence of the breach:
- a) parent/guardian or OPS will be contacted, as appropriate; and
  - b) staff will not search the content on the device.

### Search of Student OCDSB Accounts

- 4.22 Accessing Student Accounts without authorization, for the purpose of investigation is strictly prohibited.
- 4.23 When a search of a student's OCDSB account is suspected of revealing the non-consensual sharing of intimate images of a minor student, staff will not ask students to show such images but will contact Business and Learning Technologies to lock the account, and directly call OPS.
- 4.24 When both the principal and Superintendent have Reasonable Grounds to believe that a student account may contain information that is pertinent to an OCDSB investigation, Business and Learning Technologies may facilitate or undertake a search of a student's OCDSB accounts, network security, or significant risks to students safety. Authorization for this search may be granted by the Executive Officer responsible for Business and Learning Technologies or the Privacy Officer.

### Protocol for Seizure of Items

- 4.25 Principals and/or designates are required to report to OPS if the seized item constitutes the evidence of any of the following incidents:
- a) possession of a weapon including, but not limited to, firearms;
  - b) use of a weapon to cause bodily harm or to threaten serious harm;
  - c) physical assault causing bodily harm requiring treatment by a medical practitioner;
  - d) sexual assault;
  - e) possession of drugs, when considered a criminal offense;
  - f) trafficking in weapons or drugs where applicable;
  - g) robbery;
  - h) extortion;

- i) hate and/or bias-motivated incidents;
  - j) gang-related incidents;
  - k) relationship-based violence;
  - l) criminal harassment;
  - m) possession of an explosive substance;
  - n) bomb threats or school shooting threats;
  - o) all deaths directly impacting the school community;
  - p) abduction; or
  - q) non-consensual sharing of intimate images.
- 4.26 Following reporting to OPS, the principal or designate will:
- a) secure the substance/object in a safe location;
  - b) minimize handling of the substance/object;
  - c) inform the parent/guardian;
  - d) proceed with appropriate disciplinary action; and
  - e) consult with the Principal of Safe and Caring Schools regarding the follow-up with the appropriate local law enforcement and the disposal of the seized items.
- 4.27 After consultation with the Superintendent of Instruction and careful consideration of possible mitigating factors, the principal may contact OPS if the seized item constitutes an evidence of the following incidents:
- a) giving alcohol or cannabis to a minor;
  - b) being under the influence of alcohol, cannabis, or illegal drugs;
  - c) incidents of vandalism/mischief;
  - d) trespassing incidents; and/or
  - e) threats of serious physical injury, including threats made on social networking sites or through instant messaging, text messaging, e-mail, etc.

Documentation

- 4.28 Following every search, staff will complete [OCDSB 995: Record of a Search](#) with access being provided to the principal, the Superintendent of Instruction, and the Principal of Safe and Caring Schools.

4.29 The Principal of Safe and Caring Schools will prepare an annual report on the collected data for the review of the senior team.

## **5.0 APPENDICES**

Appendix A: Procedure Definitions

Appendix B: [OCDSB 995: Record of a Search](#)

## **6.0 REFERENCE DOCUMENTS**

[\*Canadian Charter of Rights and Freedoms\*](#)

[\*Criminal Code of Canada\*](#)

[\*Municipal Freedom of Information and Protection of Privacy Act\*](#)

[Supreme Court of Canada Judgement around search and seizure in schools](#)

[Provincial Model for a Local Police/School Board Protocol, MOET, 2015](#)

[Protocol to Accompany Safe Schools Policies in the City of Ottawa, 2020](#)

OCDSB [Policy P.026.SCO: Student Suspension and Expulsion](#)

OCDSB [Policy P.032.SCO: Safe Schools \(Managing Student Behaviour\)](#)

OCDSB [Policy P.125.SCO: School District Code of Conduct](#)

OCDSB [Procedure PR.521.SCO: Safe Schools](#)

OCDSB [Procedure PR.533.SCO: Police Involvement in Schools](#)

OCDSB Procedure [Procedure PR 707 SCO - Secondary School-Sanctioned Events Outside Instructional Hours](#)

## APPENDIX A: PROCEDURE DEFINITIONS

In this procedure,

**District** means the Ottawa-Carleton District School Board (OCDSB).

**Board** means the Board of Trustees.

**Event Supervisor(s)** means District employees or volunteers who may be assigned responsibilities as defined by the Lead Event Supervisor in the organizing or execution of an Event.

**Exigent Circumstances** means urgent, pressing, and/or emergency circumstances that require immediate action for the safety of students, staff, and visitors.

**Personal Mobile Device** means any personal electronic device that can be used to communicate or to access the Internet, such as a cellphone, tablet, laptop, or smartwatch.

**Reasonable Grounds** means the following factors combined with the nature of the information and the circumstances at the school that inform the principal's decision to undertake a search:

- a) information received from one student considered to be credible;
- b) information received from more than one student;
- c) a staff member's or principal's own observation; and/or
- d) information received from other individuals or organizations (e.g. parents, police, etc.,) which the school administration considers to be credible.

**Student Accounts** includes emails, network drives, and applications licensed by the District.