

SEARCH, SEIZURE AND CONFISCATION POLICY

NAG 5

UNDERLYING PRINCIPLES:

1. The Board of Trustees regards students as full participants in society, with human rights entitlements that are common to all people as well as special rights and responsibilities attendant upon their status as children and young people and the special vulnerability which accompanies that status.
2. The Board of Trustees will ensure that the school's policies and practices promote the well-being, human dignity and rights of students in accordance with the provisions of the 1990 New Zealand Bill of Rights Act and the Articles of the 1989 United Nations Convention on the Rights of the Child.
3. Any search and/or seizure and/or confiscation must be able to be justified as reasonable in the circumstances. The following will be taken into account in determining whether the search and/or seizure is reasonable or not.
 - Consideration of the grounds for commencement of the search and/or seizure and/or confiscation.
 - The extent of the interference with or invasion of privacy.

PURPOSE:

The purpose of such actions will be for the recovery of stolen property, for the detection of illegal weapons or substances, or for any matter reasonably believed to be a threat to the maintenance of an orderly educational environment.

POLICY:

1. a All strip searches will be considered unreasonable. However, there is less expectation of privacy in relation to coats, jackets, bags, jerseys, shoes, socks and clothing not being worn.
- b Lockers may be searched if students and parents/caregivers have given written permission to do so as part of their conditions of holding a locker or if there are serious concerns about possible harmful contents.
- c Generally, individualised suspicion on reasonable grounds of a particular student is necessary before a search takes place. Blanket searches of whole classes are generally unreasonable because a search should be conducted only where there is reasonable belief that the search will turn up evidence.
- d Searches of bags or lockers cannot be arbitrary. Reasonable grounds for suspicion are required.
- e Students are to be told what is being looked for and why there are reasonable grounds for suspecting them.
- f Wherever possible, there should be an independent witness, preferably a staff member to any search and/or seizure.

- g Students are to be asked to consent to a search. If such consent is not given, the search cannot proceed by school personnel. If suspicions are serious the Police and/or parents/caregivers may be asked to assist. All reasonable efforts will be taken to inform parents in advance of Police action.
 - h The use of force is unacceptable except in extreme circumstances involving threat of imminent self harm or harm to others. The amount of such force (if used) shall be the minimum necessary to either protect or defend the person or persons concerned.
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- a Non-regulation clothing and/or jewellery may be confiscated and handed in to the Student Centre. These items may be collected by the student(s) upon completion of a Respectful Reflection Sheet during a lunchtime detention. This detention will be set for the first available lunchtime after the confiscation occurs.
 - b The same procedure applies to student property which is banned at school or which is being used in a way that compromises an orderly educational environment.
 - c All reasonable care will be taken to ensure the safe-keeping of confiscated items while in the possession of the school. However, such items are brought at the owner's risk and the school cannot accept liability for loss or damage.
 - d Special procedures apply to the use of electronic devices - see Student Personal Electronic Devices Policy.

This policy should be read in conjunction with the Long Bay College Policies on Cybersafety, Images, A Respectful School, Student Personal Electronic Devices and is consistent with the requirement of the Privacy Act, 1993.

New/Reviewed	Tabled	Adopted	Signed
First Draft 12/10/00 Second Draft 31/1/01 Third Draft 16/2/01 Fourth Draft	16/3/01	3/4/01	By John Brockliss, Board Chairperson
7/05	1/8/05	6/9/05	By Andrew Stewart, Board Chairperson
24/8/07	5/10/07	6/11/07	By Richard Griffin, Board Chairperson
20/10/09, amendments to Sub Committee 16/3/10		6/4/10	By Richard Griffin, Board Chairperson
15/5/12 to Sub Committee	5/6/12	7/8/12	By Rob Gosling, Board Chairperson
October 2014	4/11/14	2/12/14	By Robyn van der Sande, Board Chairperson