

**Protocol and
Procedure, seizure and
drug testing (including
dangerous weapons)**



Introduction

Search and seizure is based on the principles of confines of an in loco parentis relationship between the educator and the learner.

NB!!!!!!!!!! Random searches and seizures are prohibited

- In accordance with the following acts of general application, the criminal procedure Act 51 of 1977, the drug and drug trafficking Act 140 of 1992 and the firearm control **Act 60** of 2000, a police official may, without a warrant, search any school premises or persons on the school premises if he/she has reasonable suspicion that illegal drugs or a dangerous object may be present on the school premises or person
- In accordance with the South African schools Act 84 of 1996 : regulations for safety measures at public schools, paragraph 4 (3) a police official, or in his absence, the principal or delegate may, without warrant –
 - a. Search any public school premises if he/she has a reasonable suspicion that a dangerous object or illegal drugs may be present on the public school premises in contravention of the regulations.
 - b. Search any person present on the public school premises; and
 - c. Seize any dangerous object or illegal drugs on public school premises or on the person on the premises

General guidelines

1. The principal may authorise the presence on the school premises of dangerous objects, such as scissors, needles, knives, for legitimate educational purposes, and of medicines prescribed by a doctor. However, all these objects must be kept under lock and key.
2. The principal or delegate may at random search a group of learners only after a fair and reasonable suspicion has been established.

The following may be an indication of the presence of illegal drugs and dangerous objects at a school:

- a. Whistle-blowers informing the principal of their presence
- b. Scent of dagga on school premises
- c. Reports from parents
- d. Traces of drugs on the school premises
- e. Threats of the use of dangerous objects against other learners
- f. Injury as a result of the use of such objects
- g. Any other reasonable indication

How is a search conducted?

1. The search must be conducted by the principal or delegate, providing he/she is of the same gender as the learner.
2. The search must be conducted in a private area.
3. The search may NOT be conducted in the presence of other learners
4. The search must be conducted in the presence of an adult witness of the same gender as the learner.

5. The object or drug found on the learner or in his/her property should be photographed whenever it is reasonably practical to do so.
6. The search MAY NOT be extended to a search of any body cavity of the learner and the learner's genitalia may not be touched.

Seizing and disposing of a dangerous object or illegal drug

1. Any dangerous object or illegal drug that has been seized must be clearly and correctly labelled with full particulars, including:
 - The name of the learner in whose possession it was found
 - The time and date of search and seizure
 - The name of the person who searched the learner
 - The name of the witness; and
 - any other details that may be necessary to identify the item and the incident.
2. All details of the seizure must be recorded in the school record book
3. After the dangerous object has been seized, the principal/his/her delegate may hand the object to either the police or the parent
4. If the object is illegal, the principal/his/ her delegate is obliged to hand it to the police.
5. The principal/his/ her delegate must take the object concerned to the nearest police station if the police cannot collect it.
6. The police officer who receives the object must issue a receipt to this effect.

Drug testing at South African schools

Introduction

Section 8A (11) of the South African schools Act, 1996 (Act No 84 of 1996) provides that - the minister must: -

Identify 10 drug testing devices that may be used in South African schools

List of devices to be used for drug testing in South African schools:

1. *Drug detective* - wipe detection system for surfaces
2. *One-step* home cocaine test strip
3. Multi drug test
4. *Quicktox* drug screen dip card test
5. *Monitect* drug screen cassette test
6. *Toxcup* drug screen cup test
7. *Multipanel* drug testing device
8. *Smart check* drug screen test
9. *Drug smart* cup
10. *Avitar oral screen 4* or *Drugometer*

NB!!!!!!! – Please refer to product manufacturer package inserts as each product and test is specific:

Note

- Expiry date
- Description of product

- Which drugs can be tested for
- Procedure for testing

Procedures to be followed for drug testing:

- a. The drug test device must be kept at the school under lock and key.
- b. The testing kit must be opened in the presence of both the learner about to be tested and a witness.
- c. A learner who is about to be tested must first be asked whether he/ she has taken any medication.
- d. The test must be conducted:
 - By a person of the same gender as the learner
 - In the presence of an adult witness of the same gender as the learner; and
 - Out of sight of any other person
- e. The person conducting the test must wear latex gloves
- f. The principal or his/her delegate must, in the presence of both the learner and the witness, read the information contained in the package insert before the test is conducted.
- g. The test must be conducted as prescribed in the package insert.
- h. The package insert of each device indicates how the result of that test is to be interpreted.