

MINISTRY OF EDUCATION

SECURITY & SAFETY POLICY GUIDELINES



PROMOTING A CULTURE OF SECURITY & SAFETY IN SCHOOLS

FIRST EDITION

Ministry of Education
2 National Heroes Circle
Kingston

Manual for Promoting a Culture of Security & Safety in Schools
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Foreword



In October 2007, I established a Special Committee on Security and Safety in Schools to co-ordinate the extensive work being done in various departments of the Ministry of Education (MoE) in this area. The Committee consulted widely with stakeholders and interest groups outside of the MoE. The standards and guidelines set out herein represent areas in which there are substantial agreements for immediate implementation. The Committee's work is ongoing and additional standards and guidelines will be issued as they are developed. We encourage your input in the sharing of successful practices. The work of the Committee on Security and Safety in Schools will eventually inform a comprehensive policy that will lead ultimately to legislation defining the school as a safe and secure zone.

The MoE wishes to develop and engender a culture of security and safety in the leadership and general population of all schools. By issuing minimum standards and guidelines for security and safety matters, we hope to stimulate a culture in schools where it has not yet emerged and give direction and support to schools where it already exists. It is imperative that school leaders understand security and safety in the sense of a management function, in much the same way as schools treat the accounting function, or the administrative function. Security and safety must become a way of thinking in schools. A greater sense of this can be achieved when stakeholders make it a priority item on their development agenda.

Presently, various measures are being applied to address common security and safety challenges in schools. Among these are the presence of drugs and weapons, bullying, gang culture and the inappropriate use of information and communication technologies. We do not intend to remove the discretion and creativity of school leadership in solving local problems. However, the MoE believes there are certain measures and practices, that, when applied locally by all its agents, will yield a system-wide improvement in security and safety.

In developing these security and safety standards, the MoE considered the existing capacity of schools and the resources of the MoE. At a minimum, these standards represent the level even the most challenged school should meet, and the MoE would be able to support. They are designed for implementation in secondary schools where security and safety concerns are greatest. However, primary schools may find some standards and guidelines useful and should use them where necessary.

The MoE expects all secondary schools to assess their current operations against the standards and guidelines set out herein. Where current operations fall below the set minimum standards, the school should work towards compliance in the shortest possible time. The MoE regards the degree of compliance as a key indicator of how well or how poorly a school manages security and safety. The MoE, therefore, intends to be vigilant and proactive in encouraging schools to comply with the standards, including offering its support where needed. Some schools will exceed the set standards when assessed, nevertheless, we encourage them to remain vigilant and protective of the high standards they have already attained. ***Complacency is the enemy of sustained success.***

A handwritten signature in black ink, which appears to read "Andrew Holness". The signature is fluid and cursive.

Andrew Holness,
Minister of Education

Part 1: Preliminary Concepts

Standards

What Are Standards?

In a general sense, the concept of a standard refers to a widely agreed, accepted, and sometimes mandatory level of quality or attainment. In order to “operationalise” the concept of a standard, it is useful to consider the following dimensions:

A Standard is a Measure

- A basis for comparison; a reference point against which other things can be evaluated
- A criterion for evaluating performance and results

A Standard is a Norm

- A widely held and accepted belief or view of a process, ethic, moral, behaviour, quantity or quality¹
- A principle commonly agreed on by experts in evaluation, or a measure of a value or quality
- Established, well-known or widely recognised model of authority or excellence

A Standard is Aspirational

- The ideal by which something can be judged
- Guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context
- Best practices

A Standard is Directional

- Performance specifications that, if attained, will lead to the highest possible quality in the system
- A set of criteria or instructions in the form of expectation, guidance, specification, rule, regulation, law, or ethic
- An explicit statement of expected quality

A Standard is Consistent

- Established set of criteria that provides for common and repeated use² when faced with the same challenge, condition or situation
- Accepted practice, benchmark, or yardstick that is permanent or long standing, against which other value or quality can be determined

¹ campuspol.chance.berkeley.edu/GlossaryofTerms.doc.

² www.bsi-global.com/en/Standards-and-Publications/About-standards/Glossary.

- Requirements employed to prescribe a disciplined and uniformed approach to solving common and routine problems or determining values

A Standard Requires Compliance

- Established by authority, custom, or general consensus as a model or example
- A widely used procedure, unit of value, or criterion
- By definition, for a unit of value, procedure, guidance, regulation or criterion to be considered a standard, it must be widely used and have general compliance either voluntarily or enforced

Defining Minimum Standards

Minimum standards refer to the level of performance or quality to which all agents in a given system must comply. The minimum standard is mandatory and supported by policy direction, regulations and legislation. The minimum standard therefore, emphasizes enforcement and direction.

Aspirational standards set the ideal or optimum, and encapsulate the target to which all agents, including the most challenged, should aspire. The aspirational dimension does not require enforcement. Instead, agents are challenged to improve their level of performance and quality through the processes of goal setting, incentives, guidance, participation and consensus, which ultimately lead to voluntary compliance. The standards for improving quality are presented in three segments:

1. Aspiration

In this context an aspiration is a statement of the ideal or expected state of quality, or performance.

2. Guidance

The MoE considers guidance to be a set of enlightening explanations of the desired operations of the system, designed to give a deeper understanding of this system and the role and desired actions of all agents. It also seeks to give general direction to agents, and may suggest possible options or pathways to achieve the desired state. Importantly, guidance seeks to develop compliance without enforcement by providing incentives and challenges. It recognises that where there is a shared vision of the ideal, agents of their own volition want to achieve the ideal state. Guidance allows agents to use their initiative and creativity within the general bounds and direction given from the central plan towards achieving the ideal state. In this way, agents develop and own new ideas, diversity and competition are maintained, and enforcement resources can be focused on weak areas or reluctant agents.

3. Directives

The MoE's interpretation of directives is a set of specific instructions that all agents are required to implement, which should lead to a uniformed, consistent, and universal quality of operation. Directives are aligned with achieving the Minimum Standard. Oftentimes a directive will prescribe 'zero tolerance' for certain behaviours or infractions. In this dimension of the standard the agents' actions are governed by rules and discretion is limited. Nevertheless, agents are expected to use reason and good judgment in all cases.

Summary

This model of setting and delivering standards allows agents to exercise autonomy and discretion in areas where they have exceeded the minimum requirement. At the same time, they will still be focusing their effort in uniformed and directed ways in areas where they are below the minimum requirement. It seeks to ensure that all agents attain a minimum level of quality in an even and focused manner. The model also reduces problem solving effort and increases the overall efficiency of the system by converting best and appropriate practices into routine and standardised applications.

Zero Tolerance

What is Zero Tolerance?

Zero tolerance refers to mandatory sanctions for an infraction of a specific nature, regardless of extenuating circumstances such as, mistakes or ignorance. The concept is born out of the North American law enforcement experience. Its wide-scale application to education started when the Federal government of the United States of America passed the Gun-Free Schools Act of 1994³. The application of zero tolerance policies in education has since spread to other jurisdictions and applied to a variety of infractions, such as alcohol and the use of drugs.

Zero Tolerance in the Jamaican Education System

To operationalise the concept of zero tolerance it is useful to consider some of its dimensions:

1. Sanctions are Mandatory with Limited Discretion

The enforcement agent is mandated to report the offence and apply sanctions to the offender. The enforcement agent may be allowed very limited discretion in the type and severity of the sanction. However, where discretion is allowed, there is usually a minimum sanction that must be applied. The reporting requirement is usually absolute. Warnings are not part of a zero-tolerance system. The principle is that offences must be reported and punished on each occurrence.

2. Sanctions are Predetermined and Consistent

The exact punishment or penalty is decided before the offence is committed. Sanctions are applied to all offences, each time they occur, regardless of the seriousness or innocuousness of the offence. Predetermined sanctions do not consider the circumstances in which the offence occurred. Sanctions are applied by offence and not according to circumstance. It does not matter how or why the rule was broken, the fact that the rule was broken is the basis for the imposition of the penalty.

3. Sanctions are Significant and Inflexible

Penalties for infractions are considerably greater than the infraction contemplated. The inflexible application of a considerable predetermined penalty adds greater imbalance in the penalty/offence equation. Offenders with mitigating circumstance or involuntary commission, face the same penalty as offenders with premeditation and malice. Under a zero tolerance framework relatively minor offences are prosecuted with more severe penalties. The assumption is that the deterrent effect is greater if the penalty exceeds the offence and the penalty is inflexible.

Understanding the MoE's Zero-Tolerance Strategy

The MoE does not sanction the wholesale adoption by Jamaican schools of zero tolerance as practised in the United States of America. Such an approach does not provide school administrators with

³ That law mandated a one year expulsion of students for possession of a firearm and referral of the offender to the criminal justice system.

sufficient discretion to take all the circumstances of each individual case into consideration and is therefore manifestly unfair to the student. The MoE is desirous however of fostering a Zero Tolerance Approach customised for the Jamaican school system as explained below.

It must be clearly understood that the school is not a place for breaking the law. Whatever is illegal in the society is illegal in the school, and the school as the chief socialisation agent of the State has a duty to ensure that the law is observed in its domain. In particular, the school leadership has a duty to report infractions of the law to the relevant authorities, in addition to applying sanctions and such measures as are necessary to assist and support the student in modifying behaviour.

As necessary, the MoE will declare certain infractions to be treated in a zero tolerance framework. These infractions will usually be those prescribed in law and are prevalent and dangerous occurrences. Zero tolerance in this sense will mean that:

- The principal must report the offence to the relevant authority. There is no discretion to ignore or 'cover up' the offence designated as zero tolerated.
- The principal and where appropriate, the Board must apply sanctions to the offence, and the sanction must be appropriate to the offence. The MoE wishes to avoid unfair punishment and therefore encourages principals and Boards to match penalty with offence, in addition to rehabilitative interventions where necessary.

Recording and Reporting Requirements

Understanding the Recording and Reporting Requirements of The MoE

The main source of law governing the public education system in Jamaica is the Education Act, 1965, and the regulations made thereunder.

Key reporting and recording requirements prescribed by The Education Regulations, 1980, include:

1. Regulation 17 (1) (p) and 17 (2): every public educational institution is required to keep such records as the Ministry may direct and to allow these records to be made available for inspection at all reasonable times by Board members, supervisory staff of the MoE and such persons as may be authorized by the Minister.
2. Regulation 17 (1) (n): every public educational institution is required to keep a cumulative record of every student of that institution.
3. Regulation 20(1)(f) and 20(2), (5) and (6): a principal (or his designate) is required to make entries in the school's log book of any serious breach of discipline or neglect of duty on the part of any student. A student and his parent/guardian must be made immediately aware of any entry made in the log book concerning any serious breach of discipline or neglect of duty on the part of that student. The parent/guardian is also entitled to a copy of the entry upon request. Entries in the log book are of an official nature and should not be communicated to any unauthorised person. The log book should be carefully preserved as a permanent record of the institution.
4. Regulation 28 (2) to (4): upon the transfer of a student from one public educational institution to another, the principal of the institution that the student last attended shall provide to the principal of the receiving school a transfer record of the student, inclusive of details of standards achieved and general remarks on work and conduct. Alternatively, a cumulative school record may be provided.
5. Regulation 30 (5): a student who has been permanently excluded for disciplinary reasons from a public educational institution may be admitted to another such institution if a confidential report of the circumstances surrounding his exclusion is given to the principal of the receiving school.

Inappropriate and disruptive behavior of students in school affects the security and safety of the institution. Where such behavior is observed or brought to the attention of the principal or teacher, it must be recorded to the account of the students involved. Students must be guided to the understanding that their permanent record ensures that their present behavior has consequences now and in the future. Students will soon realize that behavior which threatens the security and safety of the school environment will have a negative impact on their future prospects.

The MoE wishes to create as a tool of behavior management a permanent record for every student in the education system. The permanent record will be a detailed account of the academic performance as well as the conduct of the student in school. In the first instance, the record should move with the student through the secondary education system and should be used to inform teachers in developing appropriate teaching and behavior management strategies. The Ministry is currently exploring the grounds on which information pertaining to a student's conduct in school which forms part of that student's permanent record could be shared with third parties, such as tertiary or higher education institutions, prospective employers and the police, without the consent of the student/parent involved.

In the interim, pursuant to Regulation 17(1) (p), principals are directed to keep a cumulative record for each student that shall include entries relating to the student's academic performance, any commendations the student has received, his involvement in extra curricular activities as well as any disciplinary infractions. Any entry relating to a serious breach of discipline or neglect of duty by a student should be brought to the attention of that student and his parent at the time of recording and a copy of the entry provided if requested.

Additionally, pursuant to Regulation 17 (1), the MoE requires principals and teachers in all public educational institutions to record and track behavior of students in their charge and report to the MoE in the prescribed format and frequency. This is dealt with further in this Manual at paragraph 1.2.3. Where a student's behavior amounts to a criminal offence, in particular, the possession of weapons and/or drugs, this must be reported to the police.

The Education Act and Regulations are not the only statutory instruments affecting school administrators. The Child Care and Protection Act, 2004 (CCPA), and the Access to Information Act, 2002 (ATIA), are also relevant to the reporting and recording requirements of the school.

Under section 6 of the CCPA, principals, teachers and other teaching personnel are required to make a report to the Children's Registry in the prescribed form where, in the discharge of their duties, they acquire information that ought reasonably to cause them to suspect that a child has been, is being, or is likely to be abandoned, neglected or physically or sexually ill-treated or is otherwise in need of care and protection. Section 6 also places a duty on all adults to make a report where they have information which causes them to suspect that a child has been, is being or is likely to be similarly mistreated.

Under the ATIA:

1. A person has a right to obtain access to an official document other than an exempt document⁴. An 'official document' means a document held by a public authority in connection with its functions (i.e. in its possession, custody or control)⁵. A Board of Management of a public educational institution, which derives its existence from statute⁶, arguably falls within the definition of a 'public authority'⁷.
2. A public authority is precluded from granting access to an official document if it would involve unreasonable disclosure of information relating to the personal affairs of any person unless the application is made by the person whose affairs the document relates (e.g. a past student, or parent of a student under the age of 18)⁸.
3. Where a person claims that an official document contains personal information about the person that is:
 - is incomplete, incorrect, out of date or misleading; and
 - has been used, is being used or is available for use by a public authority for administrative purposes

⁴Section 6 of the Access to Information Act, 2002.

⁵Section 3(1), *ibid*.

⁶Section 9 of the Education Act, 1965.

⁷Section 3(1) of the Access to Information Act, 2002

⁸Section 22, *ibid*.

⁹Section 24, *ibid*.

that person has a right to apply to the public authority for an amendment or annotation of the document⁹.

4. There is a right of an appeal/ review against a decision denying an application for access, or an application for amendment/annotation, respectively¹⁰.

Searches

What is a Search?^{10a}

The following are examples of searches.

- Examining private items or places that are not in the open and exposed to public view
- Physically examining or patting down a student's body or clothing, including the student's pockets
- Opening and inspecting personal possessions such as purses, backpacks, bags, books, notes, calendars, appointment books and closed containers
- Handling or feeling any closed, opaque item to determine its contents when they cannot be inferred by the item's shape or other publicly exposed physical properties

What is Not a Search?^{10b}

The following are not searches:

- Observing an object in plain view where it is exposed to the public
- Examining an object after a student denies ownership of the object
- Examining an object abandoned by a student
- Detecting anything openly exposed to the senses of sight, smell or hearing, as long as school officials are located in a place where they have a right to be (e.g. a male teacher seeing and smelling marijuana smoke in the boys' restroom)
- Using extraordinary means to enhance sensory perceptions in open areas (e.g. using flashlights, binoculars etc, are not searches)

General Rules For Student Searches by School Officials on School Property

Legal Justification:

- The fundamental human right to protection against unlawful searches and seizures is a part of English Common Law. From the Common Law, this right has passed into the Fourth Amendment to the Constitution of the United States of America and into the constitutions of countries throughout the world. In Jamaica, it appears in Section 19(1) of the Constitution:

19. (1) Except with his own consent, no person shall be subject to the search of his person or his property or the entry by others on his premises.

^{10a} Adapted from Florida School Search Manual, prepared by the Office of the Attorney General of Florida and accessed at <http://myfloridalegal.com>.

^{10b} Ibid.

- But the right is not absolute. A search can be done but it must be justified by law. There are cases in which the power to conduct a search without the consent of the person being searched is necessary for the proper functioning of a democratic society¹¹. In Jamaica, Section 19 of the Constitution restricts the power of the legislature to create new powers of search. They must come within one of categories listed in Section 19(2) of the Constitution, that is, reasonably required: *in the interests of public safety, public order, public morality; or for the purpose of preventing or detecting crime; or for the purpose of protecting the rights or freedoms of other persons.*
- There is currently no legislation that specifically deals with the search of students by school officials. The MoE intends to amend the Education Act to make provision for this and other measures aimed at ensuring safer schools.
- At Common Law, however, a principal or teacher may be justified in committing a trespass against a student where the action in question is reasonably necessary for the maintenance of discipline or for preserving that student's welfare. The authority of the schoolmaster is, while it exists, the same as that of the parent. A parent when he places his child with a schoolmaster delegates to him all his own authority so far as it is necessary for the welfare of the child¹².
- In an English case, it was recognised that a school official could remove a book from a student's pocket without his consent and retain the book and student's papers where he had reasonable grounds to believe the book and papers contained evidence of misbehaviour¹³.
- In a Canadian case, involving the right to privacy protected under the Canadian Charter of Rights¹⁴, it was stated: *"Teachers and Principals are placed in a position of trust that carries the onerous responsibilities of teaching and caring for the children's safety and well being. In order to teach, school officials must provide an atmosphere that encourages learning. The possession of illicit drugs and dangerous weapons at school challenges the ability of school officials to fulfil their responsibility. Current conditions require that teachers and school administrators be provided with the flexibility needed to deal with discipline problems in schools and to be able to act quickly and effectively. One of the ways in which school authorities may be required to react reasonably is by conducting searches of students and seizing prohibited items...a search may be undertaken if there are reasonable grounds to believe that a school rule has been or is being violated and that evidence of the violation will be found in the location or on the person of the student searched. Searches undertaken in situations where the health and safety of students is involved may well require different considerations. All the circumstances surrounding a search must be taken into account in determining if the search is reasonable."*

¹¹ Per Lord Hoffmann in *The Attorney General v. Danhai Williams and Danwills Construction Ltd. (P.C.)* (1997) 34 J.L.R. 229 at 230.

¹² *Ryan v. Fildes and Others* [1938] 3KBD; *Fitzgerald v. Northcote and Anor* (1865) 4F & F 656; Halsbury's Laws of England 4th Ed. Reissue Volume 15(1) para 414, n. 2 (mostly on authority to administer reasonable corporal punishment); Education Law, K.P. Poole, (London, Sweet & Maxwell, 1988), 299 to 302. The disciplinary authority exercised by school officials may either be said to be delegated from the parent or arise as an incident of the unique relationship between school officials and the students who are entrusted to their care and tutelage.

¹³ *Ryan v. Fildes and Others* (1938) 3KBD.

¹⁴ *R. v. M.R.M.*, [1998] 3 SCR 393. Section 8 of the Charter reads: "Everyone has the right to be secure against unreasonable search or seizure" See also the United States Supreme Court decision in *New Jersey v. T.L.O.*, 469 U.S. 325 applying the Fourth Amendment of the US Constitution to searches by public school officials. In both cases, the searches were held to be lawful.

- In concluding, the common law authority bestowed on school officials to search students where they have reasonable grounds to suspect that a crime or (reasonable) school rule has been or is likely to be violated is entirely consistent with the protection of privacy enshrined in the Jamaican Constitution.

Defining Reasonable Suspicion^{14a}

“Reasonable suspicion” means that the person initiating the search has a well-founded belief, based on objective facts that can be articulated, of either criminal activity or a violation of school rules. “Reasonable Suspicion” encompasses more than a mere hunch or supposition¹⁵.

Authority To Initiate A Student Search: Reasonable Suspicion^{14b}

To initiate a lawful search, a public school official must have reasonable grounds to suspect that all of the following exist:

1. A crime or (reasonable) school rule violation has been or is being committed;
2. A particular student has committed a crime or school-rule violation;
3. Physical evidence of the suspected crime or school-rule violation is likely to exist;
4. Physical evidence would likely be found in a particular place associated with the student suspected of committing the crime or school rule violation.

Factors Justifying A Search^{14c}

The following are examples of relevant factors in determining whether reasonable suspicion exists to initiate a student search. Sometimes, one factor by itself is sufficient to create a reasonable suspicion (e.g. a teacher glimpses a weapon in a backpack); other times, multiple factors must be present (e.g. a school official approaches an area where students frequently smoke cigarettes and a student appears nervous, discards an object and attempts to flee).

Factors Generally Sufficient By Themselves

- A crime or school rule violation is observed in progress
- A weapon or portion of a weapon is observed on a student
- A student has told others that he or she has a weapon on campus
- A student has been seen in possession of illegal items
- A student has been seen in possession of stolen items
- A student is found with incriminating items

^{14a} Adapted from Florida School Search Manual, prepared by the Office of the Attorney General of Florida and accessed at <http://myfloridalegal.com>.

^{14b} Ibid.

^{14c} Ibid.

¹⁵ Although referring to statutory authority for search: R Stone, Entry, Search and Seizure, (London, Sweet & Maxwell, 1985), p.61; Blackstone's Criminal Practice, 1992, para. D1.2; Attorney General v. Danhai Williams and Danwillis Construction Ltd. (P.C.) (1997)³⁴ JLR 229. US Supreme Court adopted a similar standard of reasonable suspicion in New Jersey v. T.L.O. Supra.

- The smell of burning tobacco or marijuana is detected
- A student appears to be under the influence of alcohol or drugs
- A student admits to committing a crime or school rule violation

Factors Generally Not Sufficient by Themselves¹⁶

- A student flees from the vicinity of recent crime or school rule violation
- A student flees upon the approach of a school official
- Imprecise information about a crime or school rule violation has been provided to school officials
- A student threatens others with words or behaviour without an indication that the student possesses a weapon (a reasonable indication that student possesses a weapon always provides reasonable suspicion justifying a search)
- A student has a history of previous similar criminal or school rule violations
- A report has been made of a stolen item, including a description and value of the item and place from which it was stolen
- A student was seen leaving an area where crimes or school rule violations are often committed
- A student became unduly nervous or excited when approached by a school official
- A student made a suspicious movement. (Note: To provide the basis for a search, a witness must be able to describe the exact conduct and why it was suspicious)

Documentation

Documenting a Student's Consent to Search

A student may consent to a search. Schools should take care to document consent where given.

Student Search Report Form

Schools should develop a standard form covering, for example, the grounds for reasonable suspicion.

Procedure for Searching Students^{16a}

Once reasonable suspicion justifying a search has been established, the following general guidelines should be followed. (For ease of reading, the student will be referred to in the masculine gender; however these procedures apply equally to female and male students).

¹⁶ These examples are obtained from American case law, however some are consistent with examples cited in Stone and Blackstone, Supra. In *Smith v. Commissioner of Police and Another* (1984) 50 WIR, 1, the Supreme Court of Bahamas expressed the view that turning onto a side road to avoid a road block did not amount to reasonable grounds justifying a search as there were legitimate reasons for a motorist to avoid a roadblock, such as seeking to avoid delays.

^{16a} Adapted from Florida School Search Manual, prepared by the Office of the Attorney General of Florida and accessed at <http://myfloridalegal.com>.

1. **Remove Student to a Private Area.** Personally escort the student to be searched directly to the office or other private location. Maintain contact with the student from the time he is retrieved from the classroom, or other school area, to the time he reaches the search location to ensure he does not abandon contraband or evidence.
2. **Always watch Student's Hands.** If a student is suspected of having a weapon or drugs, the student may try to discard it if the opportunity arises. This can occur from the time the student is told to accompany a school official to the office up to and including the time when the student is actually in the office and being searched. Never allow a student to follow behind a staff member where the student cannot be observed.
3. **Searches are to be conducted by Authorised Personnel.** Only the principal or persons authorised by the principal should carry out searches.
4. **Always have a Witness.** From the inception of the search until the evidence is properly secured, have another school official present as a witness. This strengthens the case against the student and protects the searcher from charges of improper conduct.
5. **Have Searcher and Witness of Same Gender as Student.** Student searches should be conducted and witnessed by school officials of the same gender as the student. This will protect the student's rights and guard the searcher against charges of improper conduct.
6. **Keep Searches Discreet.** Searches should be conducted discreetly and with an eye toward causing the least amount of embarrassment to the student as possible. Only the searcher, witnesses and student should be present. A student should never be searched in front of another student. Student searches should be conducted in a private area where there will be no interruptions.
7. **Give students a chance to Surrender Item Sought.** Tell the student what you are looking for and give him a chance to surrender the item. Before beginning the search, ask the student if he has anything in his possession that is illegal or violates school rules. If the student hesitates, tactfully advise him that you have reasonable grounds to suspect that he in fact possesses such an item. Further, explain that you plan to conduct a search, and that it would save everyone time and unnecessary embarrassment if he co-operates.
8. **Direct Student to remove Outer Clothes and Empty Pockets.** The student should first remove any outer clothing such as a sweater and shoes. The student's uniform should not be removed (unless a blazer). The student should remove all objects from his pockets. These items should be laid aside until the student search is completed. Conduct the search on the side of the student's body working from top to bottom on each side. Do not stop if contraband is found. Continue until all places have been searched. Next, turn attention to items that have been set aside. Items that could conceal relevant contraband or evidence should be searched. Remember: The scope of the search must be reasonably related to the circumstances that justified the search and the items sought. (For example, a search of backpack for a stolen pair of shoes generally would not justify opening and examining the contents of a small coin purse in the backpack; however, a search for suspected marijuana should generally include a probe of the coin purse.)

9. **Seize Illegal Items or Evidence.** Seize any item that is illegal or is evidence of a crime or school rule violation. Each seized item should be placed inside a separate sealed envelope. The envelope should be marked with inventory information, including a description of the item seized, the date and time of the seizure, source of the item, the name of the person who seized the item and the name of the person(s) who witnessed the search. Seized evidence should be secured in a locked storage area with restricted access. Illegal items and evidence of crimes should be handed over to the police in a timely manner.
10. **Special Considerations for Weapons.** Every school should have in place a plan for dealing with students who possess weapons on school property, in school buses and at school events. Every school administrator, teacher and staffer should be familiar with the plan. Every incident involving a weapon, or even an allegation that a student has a weapon, should be handled by the police. If a School Resource Officer is available, that officer should be the first person contacted when a student or other person on school property is reported to have a weapon. Otherwise, the police station – as designated in the school plan for dealing with weapons incidents – should be contacted immediately. The police are specially trained to search and disarm persons bearing weapons at minimal risk to themselves and others.

Use of Metal Detectors^{16b}

Where circumstances exist that give school officials reasonable grounds to believe that the health and safety of students or staff at a school may be endangered by the threat of drugs and/or weapons on the school campus, then the MoE endorses the use of metal detectors at fixed locations, such as school entryways, or at randomly selected locations around the school, for the purpose of conducting indiscriminate screening of students. The purpose of this exercise is to ensure as far as possible a safe and weapons-free environment conducive to teaching and learning. A metal detector is minimally intrusive and indiscriminate screening bears little or no stigma. As such, the Ministry regards the screening of students using metal detectors as a reasonable measure in response to a credible threat to school safety. The school official is not required in such a case to have a reasonable suspicion that a particular student has committed or is likely to commit a violation.

However, school officials should not use screening with metal detectors to target particular individuals or groups unless they have reasonable grounds to suspect that the targeted individual or each member of the targeted group has committed or is likely to commit a crime or school rule violation.

The following procedures are recommended whenever metal detectors are used for indiscriminate screening:

1. Request all students to empty their pockets and belongings of all metal objects before the search.
2. If a large walk-through metal detector is activated indicating the possible presence of metal, request that the student pass through the metal detector a second time.
3. Use hand-held metal detector, or magnetometer, if available, to focus on and discover the precise location of the metal source.

4. Expand the search only if the activation is not eliminated or explained. If no less-restrictive alternatives remain available, a limited pat-down search for a weapon might then be necessary.
5. Before extending the search beyond a pat-down, take the student to a private area.
6. Any expanded search, such as a frisk or a request to open purses or book bags, should be conducted in keeping with the guidelines for searches set out above.

Strip Searches Of Students

Strip searches are highly intrusive law enforcement procedures that are not appropriate for school officials to perform.

1.0 Creating A Security And Safety Network

Aspiration #1: *The school has an established and robust management structure and security and safety network, comprised of school and community stakeholders, to support security and safety objectives and activities*

Guidance:

1.1 The Role of School Leadership

Security and safety is a management function of the leadership of the school. The principal is the chief security and safety officer of the school. He/she is responsible for planning and administering the day-to-day security and safety arrangements at the school within the policy framework that is laid down by the Board¹⁷.

The Board is in turn responsible to the Minister for ensuring that effective policies, programmes and measures are developed and successfully implemented for the safety of students, staff and school property¹⁸. At common law, the Board also has a duty of care for the safety of students entrusted in the care of the school¹⁹.

Directives:

1.2 Establishing the Security and Safety Network

The principal is directed to establish a Security and Safety Committee from among his/her staff and the School Resource Officer (SRO) to assist in developing, implementing, monitoring, and evaluating the security and safety operations of the school. The Committee must be the hub for activities of the School Security and Safety Network, forging

links with the relevant community stakeholders as demonstrated in the Figure on page 17.

Decisions of the committee with policy or budgetary implications should be submitted as soon as possible to the Board for approval. Security and safety must be an agenda item at all management meetings. The School Security and Safety Network will require the input of all stakeholders.

1.2.1 Parents and Guardians

Security and safety of the school environment begins at home. Parents are critical stakeholders in achieving a secure and safe school environment. Principals are directed to engage parents in reinforcing the security and safety standards, rules and guidelines of the school. Parents must be involved in developing the security and safety procedures and they must be constantly informed and updated as security and safety procedures evolve. Security and safety must be an agenda item for all Parent Teacher Association meetings.

1.2.2 Students

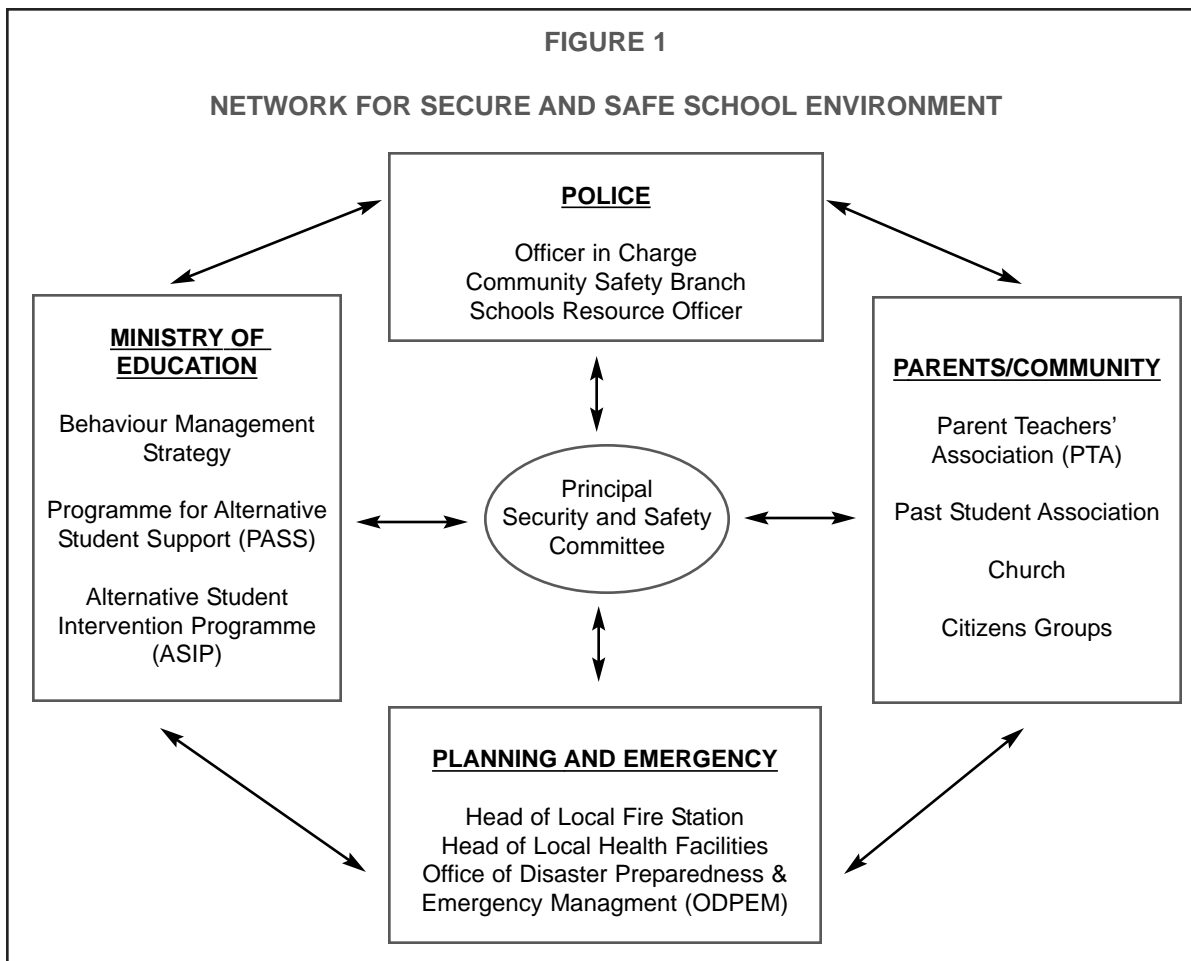
The principal is directed to engage students in a security and safety campaign²⁰ in schools. The campaign should encourage students to be

¹⁷ Education Regulations, 1980, Reg. 44(1) and Schedule D, paragraph 4(1) (b) and (k).

¹⁸ The Education Act, 1965, Section 9; and see Education Regulations, 1980, Regs. 89(1) (a), (f), (g), (h), 89(4) & 13(1) for examples of the powers and duties of the Board.

¹⁹ Under the Occupiers Liability Act, 1969, the Board owes a statutory duty to staff, students and visitors to take such care as in all the circumstances of the case is reasonable to see that these persons will be reasonably safe for the purpose for which they are permitted to be there. The Board may be vicariously liable for the negligence of their employees. The Board also has a duty of care towards its employees to provide a safe place of work.

²⁰ Principals should use their own initiative to develop appropriate security and safety awareness programmes and campaigns in their schools.



proactive about their own security and safety, to be alert and observant and to relay information about security and safety risks to school personnel. Students must be informed of the security and safety rules, guidelines and procedures, and the risks and penalties associated with breaches²¹. They should be consulted on policies concerning their rights and responsibilities and where appropriate, their views should be accommodated²². Such consultation provides an excellent opportunity for students to learn how to behave as law-abiding and responsible citizens in a democratic society. Security and safety should be integrated into the

curriculum and teaching strategies of the school²³.

1.2.3 School Staff

The principal is directed to develop a system of detecting and recording disruptive activities in the school. Teachers are required to record and report observed disruptive behaviour in keeping with the procedure laid down in the Education Regulations, 1980, and as directed from time to time by the MoE. The MoE has developed a Daily Behavior Record Sheet which will assist teachers and principals in capturing data and analysing potential trends in anti-social and disruptive

²¹ The Board is responsible for approving school rules: See Reg. 89(1)(h) of the Education Regulations, 1980.

²² Ibid. This could be achieved through the student council. In addition, the students' representative on the Board could be invited to make representations on the matter.

²³ The school is expected to use its initiative and creativity in infusing security and safety into the curriculum. The MoE will give suggestions, however we believe it is important to develop best practices in this area.

behaviour²⁴. The entire staff of the school must be sensitised and alerted to the signs of anti-social behaviour and develop a culture of recording and reporting such behaviour.

1.2.4 The Police and Fire Services

Principals are directed to make contact with the officer-in-charge of the local police station and the nearest fire station and establish a protocol for co-operation.

Principals are also directed to make contact with the Community Safety Branch of their respective police zones to conduct a Crime Prevention Survey on the school and its facilities at reasonable intervals or as needed. In particular, principals should engage the police in a concerted and proactive effort to tackle the problem of gangs, possession of weapons, extortion, drug use, violence, and petty offences in schools.

The MoE strongly recommends that principals organise regular educational programmes in collaboration with the police, where the police and other relevant support agencies are invited to conduct informative and motivational discussion sessions with students. Principals should also seek the co-operation of the police in implementing the schools' search programme.

1.2.5 Other Government Agencies

The principal is directed to establish and maintain a good working relationship and collaborate with all national and local government agencies that can assist the school with security and safety issues. Principals are specifically directed to engage the local fire service, the Office of Disaster Preparedness and Emergency Management (ODPEM), and the Public Health Department in developing safety plans for their schools²⁵.

The MoE has developed a Critical Incident Management Manual that gives clear and detailed guidelines on safety issues and procedures. Relevant government agencies must be utilised and consulted in developing evacuation plans, disaster preparedness plans, and accident and emergency plans, to ensure that national standards in these areas are met²⁶.

1.3 Emergency Drills and Preparation Plans

Principals are directed to plan and execute at least three emergency drills for the school year, covering fire, earthquake, and school invasion. As far as possible the fire services and the local police should be invited to assist in the drill.

²⁴ Reg. 17(1)(i) and(p), Reg. 20(1) (f) of the Education Regulations, 1980. See "Understanding The Recording And Reporting Requirements of the MoE" at pages 7 to 8 of this Manual.

²⁵ Principals have a duty to ensure that safety equipment is regularly inspected and safety drills conducted: See Reg. 13(2) of the Education Regulations, 1980. The Board of Management has a duty to ensure that safety and protective equipment is provided to students and staff involved in practical activities, and that proper safety precautions are also adopted: See Reg. 13(1) of the Education Regulations, 1980. A similar duty of care exists at Common Law.

²⁶ Contact may be made with the Occupational Health and Safety Department, in the Ministry of Labour and Social Security for assistance, or visit the Department's website at <http://www.mlss.gov.jm/eoshd/home.php>.

²⁷ The MoE has developed a proforma Hurricane and Disaster Recovery Plan for all schools. Principals may seek guidance from the ODEPM where necessary.



Principals are directed to have a Hurricane Preparedness and Recovery Plan²⁷. While the greater part of the hurricane season falls within the summer, the ending of the school year in June and the beginning of the school year in September can be affected. Additionally, schools that are owned by the Government form part of the national emergency response as shelters, storage and logistics centres and command and control headquarters.

The school must determine beforehand the areas it needs to stay intact to facilitate speedy re-opening. Depending on the need and the magnitude of disaster, specific areas not critical to re-opening should be made available to the relief exercise in the first instance.

Principals are directed to make contact with the administrator in charge of the nearest public health facility in order to develop a working relationship and establish a protocol for cooperation on health and safety education and service provision in emergency situations.



2.0 Controlling Access To School Campus

Aspiration #2: *The principal has effective control over the physical domain of the school.*

Guidance:

2.1 Domain Control

The school is an institution in its own right and space. Its boundaries should be clearly defined and protected. The boundary of the school is as much defined by the rules governing conduct and behaviour as the structures around the physical domain. Schools are ‘nurseries of society’ and as such they must offer a protected and controlled environment for students.

To reinforce the aspiration of effective control, the MoE is challenging all schools to have a secure boundary fence. Where no fence exists or the fencing is inadequate, the school administration should develop plans and initiatives to have secure fencing erected. The MoE will provide support to schools in this endeavour. In the overall development plan of the school, fencing must now be considered a priority and school leaders are encouraged to independently mobilise resources to meet this critical standard in the shortest possible time.

Directives

2.2 Establish, Maintain and Control Entry and Exit Points

The principal is directed to establish entry and exit points and clearly define them with appropriate signage. Entry and exit points should be operated in keeping with the school’s Access Policy. The principal should make arrangements for all established entry and exit points in use to be physically monitored. Where entry and exit points are not intended for use they must be closed and secured. It is the prerogative of the school, if it wishes, to use electronic methods such as, surveillance

cameras, remote gates or turnstiles, to enhance physical monitoring.

2.3 Develop, Implement and Monitor the School Access Policy

The principal is directed to develop and implement policies and procedures governing access to the school campus and the operations of entry and exit points, subject to the approval of the Board. These policies must be made known to the public through appropriate signage and should be communicated in writing to staff, students and parents. At minimum, the access policy and procedures should address the school operating times (see 2.4 below), identification, parking, prohibited items, dress code, acceptable behaviour, vending, visitors’ access (see 2.6 below) and search.

2.4 School Access Policy - Operating Times

The Principal is directed to establish the operating times for access to the school, subject to the approval of the Board³⁰. At minimum, provision should be made for the following operating periods, as demonstrated in Figure 2 on page 22.

- ***The Opening Time.*** This is the time that the school is open to students and marks the start of the school day.
- ***The General Entry Period.*** The nature of school traffic dictates that there will be a peak flow at the beginning and ending of the school day. During this period the principal

³⁰ For definitions of school day and teaching hours, see Reg. 9 of the Education Regulations, 1980. For provisions on the use of school premises during and after school hours, see Regs. 15 and 16.

FIGURE 2
SUGGESTED OPERATING TIMES

CAMPUS CLOSED TO STUDENTS	12 - 1	OPENING TIME ↓
	1 - 2	
	2 - 3	
	3 - 4	
	4 - 5	
GENERAL ENTRY/EXIT	5 - 6	CO-CURRICULA ACTIVITIES
	6 - 7	
GATE CLOSED/ CONTROLLED ENTRY AND EXIT	7 - 8	GENERAL TEACHING/ CLASS PERIOD AND SCHEDULED BREAKS
	8 - 9	
	9 - 10	
	10 - 11	
	11 - 12	
	12 - 1	
GENERAL ENTRY/EXIT	1 - 2	CO-CURRICULA ACTIVITIES
	2 - 3	
GATE CLOSED/ EXIT FREELY	3 - 4	CO-CURRICULA ACTIVITIES
	4 - 5	
LOCKING UP PROCEDURES	5 - 6	↑ CLOSING TIME
	6 - 7	
CAMPUS CLOSED TO STUDENTS	7 - 8	
	8 - 9	
	9 - 10	
	10 - 11	
	11 - 12	

may arrange the monitoring of entry and exit in such a way as to preserve security and safety while facilitating the peak flows of pedestrian or vehicular traffic at the start of the school day.

- ***The General Teaching/Class Period and Scheduled Breaks.*** During this period, the school gate must be closed and entry and exit closely monitored.
- ***The General Exit Period.*** During this period, the Principal may arrange the monitoring of entry and exit in such a way as to preserve security and safety while facilitating the peak flows of

pedestrian or vehicular traffic at the end of the school day.

- ***Co-curricula Periods.*** These are the periods of time outside of the General Teaching/Class Period but bound by the opening and closing time of the school.

2.5 School Access Policy - Students

2.5.1 Students should not access the school campus before the Opening Time or after the Closing Time except with the prior written permission of the principal subject to such conditions as he/she may deem appropriate, for example, as it relates to the supervision of such student.

2.5.2 Students arriving outside of the General Entry Period are considered late. The late student must be granted access to the school. However, we expect the school to apply appropriate sanctions and institute a log of late attendance.

2.5.3 A student in school should not exit the school campus between Opening Time and the end of the General Teaching/Class Period, without written authorisation from the principal or other designated personnel.

2.5.4 Students placed on suspension may not enter the school campus without the direct authorisation of the principal or designated personnel, for the period of suspension.

2.5.5 Students, who are not under specific orders from teachers or the principal³¹, may freely exit the school

³¹ Principals and teachers in exercise of their authority to administer reasonable punishment for breach of a reasonable school rule may detain a student after school. However, if the bounds of reasonableness are overstepped, the detention amounts to false imprisonment: See Education Law, K.P. Poole, (London, Sweet & Maxwell, 1988), para 7-44; and see *Fitzgerald v. Northcote* (1865) 4 F. & F. 656. Compare with *Hunter v. Johnson* (1884) 13 Q.B.D. 225. No time limit is suggested, however, case law on 'reasonable' corporate punishment may be used as a guide, i.e. relevant factors that determine whether punishment is 'reasonable' include the age and physical condition of the child and the method and motive for carrying out the punishment. Additionally, practical considerations must be borne in mind, such as the safety of the child going home at a late hour, or unaccompanied, his access to public or other modes of transportation and the convenience of the parents. As such, parents/guardians should receive prior notification of detention so that suitable arrangements may be made for the child.

campus at any time after the General Teaching/Class Period.

2.6 School Access Policy - Visitors

2.6.1 Gaining Access

Persons seeking access to the school who are not members of the Board of Management, employees nor students are considered visitors for the purposes herein. The principal or his designate has the final authority in granting visitors access to school except for agents of the State in the course of their duties. This authority is subject to any directives from the Board, for example, as it relates to the press. The access policy at minimum should require visitors to give particulars about themselves and their intended visit and should also stipulate the conditions of entry. For example, visitors should give their name, state the general purpose of their visit, and the name of the person they intend to visit. If the visitor seeking access is in a vehicle, then the particulars of the vehicle and the driver must be noted. Personnel monitoring the gate must enter all information received from visitors into a visitor's log³².

2.6.2 Movement

At minimum, procedures governing the movement of visitors should require all visitors to report to the administrative offices of the school from where they will be further assisted. Visitors should not be

permitted to move about the school campus without the expressed permission of the principal or designated staff. Where necessary, visitors should be accompanied by a member of staff. If the nature of the visit requires the visitor to move about the campus for an extended period, he/she should be required to wear a badge clearly identifying him or her as a 'Visitor'.

2.6.3 Access And Movement Of Press Personnel

Where the visitor is a member of the press, the principal or his designate should be notified directly and approval given, on such conditions as the principal deems appropriate, before entry is granted. Press personnel should be directed to the principal's office for further assistance. Press personnel should not be permitted to move about, record footage, or conduct interviews without the express permission of the principal or designated staff. If the nature of the visit requires the press personnel to move about the campus, they should be accompanied by a member of staff and required to wear a badge clearly identifying them as 'Press'.

2.7 School Security Personnel

All security personnel (School Resource Officers, security guards, and watchmen) should be trained and certified in established security procedures for operating in schools. The roles, relationships and jurisdiction for each category of security personnel should be clearly defined.

3.0 Controlling Possession Of Weapons And Other Contraband in Schools

Aspiration #3: The principal has effective control over the items students take to school.

Guidance:

3.1 Creating a School Environment Free of Weapons and Contraband

The MoE is taking a zero tolerance approach to the possession of weapons and other contraband in schools. Principals have a duty to ensure that the laws of the society are observed and enforced in the institutions they lead. As a general principle, and restated here for emphasis; *whatever is illegal in the society is illegal in the school and must be treated accordingly.*

The law provides that a person under the age of 12 cannot be held criminally responsible for an illegal activity³³. However, such a person may be subject to various orders aimed at intervention under the Child Care and Protection Act, hence the age of the child should not prohibit reporting incidents of concern to the police and the Children's Registry. Where breaches of the law occur in the school, the school leadership has a duty to report the matter to the police or other relevant agencies. The MoE encourages principals to utilise the resources of the police in controlling weapons and contraband.

The school is a special place in society, and must apply a higher standard than the rest of the society with respect to weapons and contraband. Outside of illegal weapons and contraband, there are some unregulated items that may negatively affect the school. Principals are advised to be vigilant and proactive in detecting trends from incidents involving such items and regulating them where necessary.

The possession of weapons and contraband must be treated seriously. The general objective is to create a school environment in which it is known by all stakeholders that weapons and contraband are strictly prohibited and breaches will attract serious sanctions. School leaders must strive to make the school domain a weapon and contraband free zone.

Directives

3.2 Setting Rules and Sanctions

The principal is directed to set clear rules and sanctions governing the items which are prohibited from the campus, subject to approval by the Board. These rules and sanctions must be communicated in writing to all parents, teachers and students.

3.3 Contraband - Definition

For the purposes herein, all items prohibited by the school rules are known as contraband. The following categories of items should be listed as contraband: weapons, drugs, alcohol, tobacco products, smoking paraphernalia and obscene publications in whatever form.

3.4 Contraband - Weapons

Under the Offensive Weapons (Prohibition) Act, 2001, an offensive weapon is defined as³⁴:

- (a) any article made or adapted for use for causing injury to the person or which is intended by the person having such article with him to cause such injury;

³³ Section 63 of the Child Care and Protection Act, 2004.

³⁴ Section 2(1) of the Offensive Weapons (Prohibition) Act 2001.

- (b) any dagger³⁵; or
- (c) any swordstick, ballistic knife, butterfly knife, flick knife, knuckleduster, knuckle knife³⁶ or any knife commonly known as a switchblade, ratchet-knife or Rambo knife, or such other knife as may be prescribed by the responsible Minister.

The Act prohibits a person from knowingly having with him in any public place an offensive weapon as described in paragraphs (a) and (b) above, without lawful authority or reasonable excuse³⁷. The Act further prohibits a person from knowingly having with him in any public place an offensive weapon falling within paragraph (c)³⁸ above. A “public place” is defined by the Act as including school premises³⁹. An offensive weapon does not include mace or pepper spray that a person may have with him for personal protection⁴⁰.

3.5 Contraband - Alcohol, Tobacco and Dangerous Drugs

The Dangerous Drugs Act, 1948, prohibits the cultivation, gathering, production, storage, transport, dealing and possession of ganja by any person⁴¹. The Act makes provision for the control of cocaine, heroine, morphine etc. and makes it an offence for persons to manufacture, sell, distribute, transport or be in possession of these controlled drugs, without a licence or in contravention of such licence.

Under the Child Care and Protection Act, 2004, it is an offence to sell intoxicating liquor, tobacco and related products to a minor. It is also an offence to give alcohol to a child except upon the order of a duly qualified medical practitioner for the purpose of treating sickness or other urgent case⁴².

The MoE is declaring schools absolute non-smoking zones for all persons within the domain of the school, including principals and teachers. Principals are directed to inform parents, teachers, and students, and vendors of this policy and set clear rules and sanctions for breaches, subject to the approval of the Board.

Principals are directed to strictly prohibit the sale of tobacco, smoking paraphernalia and alcohol related items on the school compound. Where the principal has knowledge that the prohibited items are being sold to students, on or off the school compound, this should be reported to the police so that violators may be prosecuted to the full extent of the law⁴³.

3.6 Contraband - Obscene Publications

Under the Obscene Publications (Suppression of) Act, 1927, any person who, for purposes or by way of a trade, or for distribution or for public exhibition makes or produces or has in his possession an obscene publication (including pictures, cinematograph film, photographs, printed matters) shall be guilty of an offence. It is also an offence under the Act for a person to carry or take part in a business concerned with the said obscene matters⁴⁴. The Common Law test of whether a matter is obscene is whether it has the tendency to

³⁵ Section 2 (1) of the Offensive Weapons (Prohibition) Act, 2001.

³⁶ Ibid.

³⁷ I.e. possession for the purposes of a lawful sport, trade, business or occupation – Section 3(1) and (4), *ibid*.

³⁸ Section 3(2), *ibid*.

³⁹ Section 2(1), *ibid*.

⁴⁰ Section 2(2) *ibid*.

⁴¹ Part III of the Dangerous Drugs Act, 1948.

⁴² Section 40 and 9(4) of the Child Care and Protection Act, 2004.

⁴³ Under the Spirit Licensing Act, 1928, only holders of a spirits license may sell intoxicating liquor. See also Section 40 and 9(4) of the Child Care and Protection Act, it is an offence to sell intoxicating liquor, tobacco and related products to a minor. It is also an offence to give alcohol to a child unless under medical supervision – section 9(4) of the Child Care And Protection Act, 2004.

⁴⁴ Section 2 of the Obscene Publications (Suppression of) Act, 1927.

deprave and corrupt those whose minds are open to such immoral influences.

Principals should set clear rules and sanctions, subject to the approval of the Board, for the possession, sale, traffic, distribution, circulation, publication or broadcasting of inappropriate content in electronic or physical form in the domain of the school. Where the breach involves an adult conveying the content to minors, or seems to suggest trafficking, or an attempt at moral endangerment and perversion, then the principal must report the matter to the police along with evidence of the inappropriate content.

In addition, where the principal or teacher comes into possession or is aware of the existence of inappropriate content involving a child, they should report the matter to the Children's Registry in accordance with their statutory duty under the Child Care and Protection Act, 2004.

3.7 Zero Tolerance Approach to the Possession of Contraband

The MoE is taking a zero tolerance approach to the possession of items or substances in schools which contravene the laws of Jamaica. This approach is explained at pages 5 - 6 of this manual under the heading "Zero Tolerance in the Jamaican Education System".

The principal and Board are directed to take a zero tolerance approach to the possession of weapons, drugs and controlled substances by students⁴⁵. At minimum, instances of possession of these items must be reported to the police and the parent notified. The principal is directed to inform all parents in writing of the school's zero tolerance stance on weapons and contraband possession and

encourage them to pay closer attention to the activities of their children.

3.8 School Searches

The MoE endorses the power of the principal and by extension teachers, to search students where this action is reasonably necessary for the prevention or detection of a crime, the maintenance of discipline or for preserving the welfare of students.

Students have a constitutionally protected right to privacy. However, the right is not absolute and is subject to important qualifications. In the circumstances, the MoE strongly recommends that every school develops a search and seizure policy in keeping with the guidance provided in Part 1 of this manual. Such a policy should address the circumstances under which the school will adopt a search programme, the measures to be implemented under the programme and the respective roles of school officials and the police.

Principals are expected to arrange for searches of the school compound and property for drugs and weapons as part of the general duty of principals to inspect the school compound⁴⁶. Arrangements can be made with the police for the use of "sniffer dogs" for this purpose.

3.9 Appropriate Use of Information and Communication Technology (ICT)

The principal is directed to set clear rules and sanctions, subject to the approval of the Board, for all users of school-owned ICT including computers, digital imaging, recording devices and school Internet service. The ICT regulations should apply to students, teachers

⁴⁵ Reg. 30(7) of the Education Regulations, 1980 provides that except in special cases, a student shall only be suspended or excluded from a public educational institution after other efforts have been made to effect an improvement in the conduct of the student. It is arguable that the possession of weapons falls within the exception provided i.e. 'special cases'. When determining what disciplinary measures should be instituted against a student under Regulation 30, however, the School Board should be mindful to exercise its discretion on a case-by-case basis having regard to all the surrounding circumstances (including any mitigating circumstances) and in accordance with the procedures set down in Regulation 30 in addition to the principles of Natural Justice.

⁴⁶ Education Regulations, 1980, Reg. 44(1) and Schedule D, paragraph 4(3).

and all staff members. The ICT regulations should also take into account the provisions of the Copyright Act, guidance on which can be obtained from the MOE's website. Where possible, the principal should ensure that the necessary filters and restrictions are in place on all school computers.

3.10 Inappropriate Use of Cellular Phones

The policy of the MoE is that, cellular phones are not permitted to be used during the General Teaching/Class Period and any other times designated by the principal during school hours. The MoE is aware that some schools have more restrictive policies that totally ban the use of cell phones on the school compound and we endorse these initiatives where reasonably necessary to maintain discipline. Where a student is observed using a cell phone in contravention of the school rules, the MoE supports confiscation following an appropriate warning.

Where a cellular phone has been confiscated, the mandatory period of confiscation should

not exceed 100 days, whichever is shorter. Cellular phones should only be released to the parent or guardian. The principal is directed to establish a system of logging confiscated cellular phones and taking reasonable measures for their safe custody.

3.11 Inappropriate Use of Electronic Devices

These devices include cameras, MP3 players and Game-Boys®. Similar procedures as applied to cell phones should be followed for all unauthorised electronic devices.

Apart from cellular phones, the use of electronic devices are more prevalent in the school environment. Principals are directed to set clear rules and guidelines for those electronic devices that are allowed in the school. For items prohibited, similar procedures as outlined in Section 3.9 on pages 26 - 27 should be applied.

4.0 Controlling Gangs, Associations, and Anti-Social Cliques in Schools

Aspiration #4: The principal has effective control over formal and informal groupings developed by students in schools.

Guidance:

4.1 Creating a School Environment Free of Gangs and Anti-Social Cliques

The school is not a place where students can associate and behave as they choose. The principal has the authority to arrange and control the associations of students, for the maintenance of discipline and creating an atmosphere conducive to learning. This authority ranges from separating students in a classroom to having the timetable arranged so that certain groups of students do not interact.

Gangs and cliques have always been a part of school life. It is natural that close circles of friendship will develop, oftentimes revolving around a leader. This is an important part of social bonding and the growth experience necessary to complete the learning process. The MoE is gravely concerned however, that such circles of friendship are evolving into anti-social constructs, which reinforce and promote violence and delinquency and oftentimes cripples the learning process.

Principals are encouraged to pay close attention to the development of associations and groupings in their school and to intervene at the first sign that these associations and groupings are becoming anti-social. The MoE is taking a zero tolerance stance on anti-social gangs and cliques in schools.

Directives:

4.2 Approving Formal Associations

All groups, clubs, programmes, competitions and associations operating within the school's domain, that are not part of the regular curriculum, must have the approval of the principal, said approval not to be unreasonably withheld. The principal is directed to set a formal process for recognizing service clubs, uniformed groups, competitions, and special associations within the school. An appeal may be made to the Board in respect of an adverse decision of the principal.

Student Councils are established in their own right and are not subject to the approval of the principal. Under the Education Regulations, 1980, every public educational institution shall have a Student Council consisting of elected student representatives. Students at the secondary level are entitled among other things to hold regular meetings with due regard for the smooth functioning of the institution⁴⁷.

4.3 Defining Gangs and Cliques

For the purpose of these guidelines, all groups, associations, or cliques that, in the judgment of the school leadership, appear to use or promote anti-social, violent, disruptive, or delinquent behaviour are classified as gangs. Further, any grouping of students that seeks to identify themselves by a name, dress, emblem, tattoo or

⁴⁷ Reg. 32 of Education Regulations 1980.

particular behaviour, and in so doing violates the rules of the school or threatens the general discipline and order of the school, is also considered to be a gang. The principal is directed to use the above definition in identifying anti-social gangs and cliques.

4.4 Anti-Social Gangs and Cliques Prohibited from Schools

The principal is directed to set clear rules and sanctions, subject to the approval of the Board, specifically prohibiting the formation of and membership in gangs and anti-social cliques within the school.

4.5 Duty to Record and Report Gang Activities

Teachers are encouraged to observe and be alert to the signs of gang operations, such as graffiti, particular styles of dress and grooming, regular gatherings of students, and unusual patterns of behaviour. Teachers have a duty to record and report on the behaviour of students in their charge. Where the principal or teacher has information that the gang is involved in criminal or dangerous behaviour, then the police or relevant agencies should be notified.

4.6 Proactive Approach and Early Intervention

Principals are encouraged to adopt proactive strategies in preventing the establishment of gangs and cliques. Gangs often grow out of a need for inclusion, identity and recognition. Where no formal structures exist to satisfy these needs, anti-social gangs and cliques will develop. Principals are directed to develop a broad range of programmes, competitions, clubs and teams to cater to diverse sets of talents and special interests in the student population. Very often, students whose skills and talents fall outside conventional co-curricular activities are excluded, their talents go unrecognised and they never really identify with the spirit of success which builds confidence and self-esteem.

Gangs and cliques are easily broken in the

formative stage before they take root and a gang culture develops. Principals are expected to act without delay upon suspicion of the existence of a gang. Early intervention has a greater chance of being successful. The intervention must involve the parents, and where necessary, counselling from the police, particularly if the gang displays violent behaviour.

Where it is felt that the gang is potentially disruptive or a gang culture is developing, principals are directed to develop a programme of intervention that specifically targets the leaders of the gangs and those members deemed at-risk. The leadership quality is to be encouraged and nurtured in students. Where leadership is misdirected or deviant, it must be harnessed, counselled in the right direction, and challenged to constantly do better.

The intervention for gang leaders must be designed to control their 'free time'. Principals are directed to develop within the school a programme of special duties, tasks and responsibilities that will fully utilise the students 'free time' during and after school. This is not punishment, rather a way of meaningfully channelling skills of the students. Therefore, an appropriate system of reward and recognition for achievement of the set task must also be developed.

4.7 School Gangs with Links to Community Gangs

Where the principal has information that the school gang is associated with a community gang, this must be shared discreetly with the police. The student leaders of the gang must be automatically placed on a watch list and reported to police for close monitoring and supervision.

4.8 Gangs that Threaten the Operations of the School

Where the effect of the gang is crippling to the teaching and learning environment, or where the gang poses a clear and present danger to the security and safety of the school population, the principal should report this to the Board

and to the MoE for special measures to be effected in support of the school.

4.9 Acts of Violence Committed by Gangs

Acts of violence or delinquency committed in concert by a group of students must be treated more seriously than individual acts within a zero tolerance approach to gang and anti-social clique activity. Where a gang or association or clique has committed a group act involving,

- violence which amounts to an assault against a person(s) with or without a weapon
- vandalism against property;
- the transportation or sale of illegal substances or other contraband
- the moral endangerment of other students; or

- any activity prohibited by the laws of Jamaica

the principal is directed to report those members identified as being involved in the offence to the police, along with any evidence of the offence.

4.10 Students in Public Places

Students in uniform, outside of school, and in public places, are considered representatives of the school. The school has a right to protect its name, image and reputation. Principals are directed to set clear rules and sanctions regarding the behaviour and associations of students in uniform, outside of school, and in public places. Credible reports of gang and anti-social behaviour in public places by students must be treated as if they occurred within the school⁴⁸.

⁴⁸ R v. Newport (Salop) Justices and others, ex. parte Wright [1929] 2 K.B. 416.

5.0 Controlling Movement And Gathering In The School Domain

Aspiration #5: The principal has effective control over the movement and gathering of students in the school.

Guidance:

5.1 Understanding Boundaries

The school is not a place where students can move and gather as they choose. The principal has the authority to control the movement and gathering of students. During General Teaching/Class Period, the principal must exercise strict control over the movements and gathering of students. The school must provide the students with the experiences to develop a sense of boundary, respect for personal space, the etiquette of manoeuvring public space and proper group behaviour while in public space.

Directives

5.2 Rules for Movement and Gathering

The principal is directed to set clear rules and sanctions governing the movements and gatherings of students within the school, subject to the approval of the Board.

5.3 Off-limit Areas

Students must have limits on the areas they can freely access within the school. The principal is directed to set areas that are off-limits to students. Such areas must be clearly marked as 'off-limits' or 'restricted' areas. Generally, areas designated for staff, maintenance and storage areas, remote or unsupervised areas of the campus, should be designated off-limits or restricted.

Students must have limits on the areas in which they can gather freely. The principal is directed to set clear rules and sanctions regarding where, when, and how students gather, subject to the approval of the Board.

The principal is encouraged to establish quiet zones, no loitering zones, no assembly zones, no running/playing zones, no sitting zones, or any other limit on gathering that is deemed necessary. Where restrictions on gatherings are established, the zones must be clearly marked.

5.4 Navigating Public Space

Students must be required to develop and follow basic etiquette in navigating public space. The principal is directed to set clear rules and sanctions, subject to the approval of the Board, regarding how students access facilities within the school and how they behave in gatherings. At minimum, students should be required to:

- form a line if they gather to access a service or a facility
- keep entry, exits, doorways, corridors and walkways clear
- walk in single file on walkways and corridors
- give due consideration and deference to senior persons and persons less physically able than themselves
- give due consideration to others in the school space in terms of the level of noise and physical activity the gathering and movement generates
- pay the appropriate courtesies to officials at formal gatherings and standing at attention for the National Anthem.

5.5 Movement and Gathering During Class Time

All students must be in class during class time under the supervision of a teacher or assigned personnel, therefore, teacher absenteeism must be kept to a minimum. The principal is directed that all timetabled classes must be manned by teachers. All movement and gathering of students during class time must be authorized by teachers⁴⁹.

A student wishing to leave the school compound during General Teaching/Class Period must have the written permission of the Principal or designated personnel.

5.6 Electronic Surveillance of Movement and Gathering

The MoE endorses the use of surveillance cameras to monitor movements and gathering of students. The MoE believes that where appropriately installed, surveillance cameras can be an effective tool in controlling how students behave when they move or gather. However, the MoE is unable to offer financial support at this time to schools that would want to install surveillance equipment. Schools wishing to contract service providers should establish clear policies and procedures governing among other issues:

- School ownership of all rights to recorded material
- Safe storage and disposal of recorded material
- Protection of student privacy in sensitive areas such as changing rooms and bathrooms. Such areas should be monitored by same-gender staff rather than electronic surveillance. Additionally, the school and/or the service provider may owe a duty of confidence to a student where sensitive material is recorded involving that student such as a sexual

assault and other abuse, or an incident involving self-injury and drug use).

- Restricted access to recorded material to designated school staff or security personnel
- Reporting of conduct tending to show that a child is being abused or otherwise in need of care and protection, to the relevant authorities.

5.7 Supervision of Movement and Gathering

The MoE considers a school to be in session from the Opening Time, through the duration of General Teaching/Class Period, in addition to any period designated by the principal as Co-curricula Period to the Closing Time. The principal is required to provide security and supervision for the campus and all persons therein while the school is in session, subject to the resources allocated by the Board for this purpose⁵⁰. There must be at least one teacher on duty during co-curricula time. At the end of a school session there should be no student or student related activity on the school campus without the written permission of the principal or designated personnel. Principals are advised to ensure that all students are off the compound at Closing Time.

5.8 Shutdown Procedures

The principal is directed to establish shutdown procedures, such as checking and locking all enclosed areas of the campus. Where students are discovered on campus during shutdown procedures, they must be asked to leave and where they are unable to do so, the teacher on duty or principal must be notified of their presence. If the teacher on duty or principal has reasonable grounds to believe that the student's safety may be compromised if the student is asked to leave the school compound, arrangements should be made for the student to be accompanied to a police station and contact made with the the parent or guardian for a

⁴⁹ (Principals) Reg. 44(1) and Schedule D, paragraph 4(1)(b)and(h) of the Education Regulations 1980; (Teachers) Reg. 44(2).

⁵⁰ Pursuant to Regulation 44(1) and Schedule D, paragraph 4(1)(b) of the Education Regulations 1980.

responsible adult to meet the child there. Where there are repeated incidents of this nature concerning the same student, consideration should be given to reporting the matter to the Children's Registry for investigation.

5.9 Co-curricula Activities After School

The principal is directed to set clear rules and sanctions, subject to approval by the Board, regarding the movement, gathering, and activities of students during co-curricula period where students are involved in recognised, supervised and structured engagements. At minimum, the principal should require written parental consent from all students participating in recognised co-curricula activities.

5.10 Students on Campus After School

Students remaining on the school campus after General Teaching/Class Period and are not involved in recognised co-curricula activities, must also be monitored and supervised. Principals are advised to ensure that these students leave the school compound as they remain the responsibility of the school until closing time.

5.11 Sport and Entertainment Events

The principal is directed to set clear rules and sanctions, subject to approval by the Board, regarding the movement and gathering of students for sporting and entertainment events during school hours within the campus. All sporting and entertainment events must have the approval of the principal. At minimum, all

sporting or entertainment events should be supervised by a teacher or assigned staff.

The principal is directed to set appropriate standards and guidelines for the content and staging of entertainment events within school hours. The principal must be satisfied that the content of entertainment events is appropriate for the school setting, including the music, themes and expressions.

5.12 Protests

The MoE is taking a zero tolerance approach to protest actions on the school campus or in the vicinity of the school, involving any teacher or student related to the school, that amount to a breach of the peace, obstruction of a public road, or trespass to school property. The principal is directed to set clear rules and sanctions, subject to the approval of the Board, regarding students involved in unlawful protests while in the uniform of the school, whether inside or outside the school compound. In keeping with the provisions of the Education Regulations, 1980, regarding disciplinary action against teachers, the Board should review all cases of protests involving teachers and act accordingly if the teachers' behaviour in the course of a protest action,

- morally or physically endangered children
- brought the school into disrepute
- was unbecoming of the teacher and brought the teaching profession into disrepute, or
- threatened the safety, security, discipline and good order of the school.

6.0 Controlling The Physical Environment To Enhance Security And Safety

Aspiration #6: The principal maintains the school infrastructure in a manner so as to enhance security and safety

Guidance:

6.1 Maintenance of Infrastructure for Security and Safety

It is a well studied phenomenon that poorly maintained facilities attract disorder. Order is as much about appearance and perception as it is about the enforcement of rules. If a school is perceived as run-down and unmaintained (that is, it appears that no authority prevails on a campus or care for the state of the infrastructure), then students and staff will begin to act in a delinquent way and the school will actually become unsafe and insecure. ***This is the essence of the ‘Broken Window Theory’: one broken window left unrepaired will encourage additional windows to be broken.*** Seemingly small incidents or issues such as uncontrolled littering on a school campus can provide the groundwork for larger more insidious problems. Issues of vandalism and theft can be almost as harmful to a school as actual violence because they can create a fertile environment for loss of control and community confidence. Principals are encouraged to create an environment of order, cleanliness and uniformity in their school.

The principal is accountable to the Board for the security and safety of school infrastructure⁵¹. The Board is in turn accountable to the Minister and also has an independent duty under common law to students and staff for their safety, as well as under certain statutory provisions, such as the Occupiers

Liability Act. As the chief executive officer of the Board⁵², the principal must ensure that school infrastructure is safe and secure for students and staff wherever they may move about or gather.

Directives

6.2 Natural Surveillance

Natural surveillance is an important tool in using the physical environment to enhance security and safety. Natural surveillance refers to the ease of observing movement and gathering without need for electronic aides. Principals are expected to design and maintain their physical environment to improve natural surveillance⁵³. Natural surveillance can be improved by:

- ensuring clear lines of sight by removing unnecessary obstacles, and trimming vegetation,
- limiting hiding places by improving lighting, limiting shadows in secluded areas, and ensuring off-limit areas are locked,
- ensuring general access areas are open and free of obstacles.

6.3 Ownership of Space

Ownership of Space is an important tool in using the physical environment to enhance security and safety. Ownership of Space refers

⁵¹ For the principal's duty to inspect and report the need for repairs see Education Regulations 1980 Schedule D paragraph 4(3). For the principal's duty to ensure safety equipment and drills see Reg. 13(2).

⁵² Reg. 44(1) and Schedule D, paragraph 4(1) of the Education Regulation 1980.

⁵³ For the duty of public schools to comply with the requirement that school premises be maintained in a condition which the Minister considers satisfactory for the conduct of an educational institution, See Section 17(1)(a) of the Education Act 1965.

to the jurisdictional and protective behaviour displayed by occupants of a space when they are given responsibility and authority over the space. Principals should develop a programme of ownership of space which should include the entire school population. Space ownership can be achieved by:

- individualising areas of the school by name, colour code, special signage, mural or relief
- ensuring that where possible the 'individualizing' is done by the student in conjunction with an assigned teacher
- charging students, in particular those displaying leadership qualities, and assigning teachers with the task of protecting, caring and maintaining their space
- charging all students with the duty of identifying and reporting unauthorised persons or anti-social behaviour with in the space they own

Where possible, the task of space ownership must be generally rewarded and reinforced through competition.

6.4 Securing the School Premises

Target hardening⁵⁴ is another important concept in using infrastructure to enhance security and safety. Target hardening refers to measures that reduce the opportunistic motive for crimes against people and property by manifestly protecting and defending the physical structure. By making the physical security of a site stronger, the perceived risk to the perpetrator is increased. It is vitally important that the measures not only strengthen the actual physical security of the

site but also send a clear signal that it is a well-defended site. Principals are expected to implement, where possible, target hardening measures recommended in the Crime Prevention Survey prepared by the Community Safety Branch for the school.

6.5 Maintenance of School Premises

Orderly maintenance of facilities is often undervalued and overlooked as a security and safety enhancement strategy. This refers to a routine programme of keeping the physical environment clean, orderly and hygienic. Unkempt, disorderly, and run down facilities send a signal of lack of control and no defence of standards. Rule breakers find such an atmosphere welcoming. Principals are expected to develop a programme of routine maintenance of the school premises, paying particular attention to littering and garbage disposal, defacing and graffiti, immediate replacement and restoration of doors, locks, windows, grills and furniture.

Principals are further directed to set clear rules and sanctions, subject to the approval of the Board, governing littering and unhygienic waste disposal, vandalism of school property, theft of school property, graffiti, etchings and other forms of defacing school walls and infrastructure.

6.6 Designation of Emergency Points and Procedures

The principal is expected to designate and clearly mark appropriate assembly points on the campus to be used in emergencies. The principal is advised to utilise the services of the Jamaica Fire Brigade in establishing emergency assembly points and emergency exit routes and procedures. The benefit of emergency plans are only realised when they are put into practice through regular drills, so

⁵⁴ The basis of target hardening is to strengthen the defences of a site to deter the attack and/or delay the success of an attack. The longer an offender is required to remain on a site in order to complete the act the greater the chances of apprehension. By making the physical security of a site stronger, the perceived risk to an offender is increased. Within schools the majority of criminal acts are performed by juveniles opportunists. By ensuring that visibly security measures are installed and weak areas of infrastructure are secured, both professional and opportunistic offenders will be less likely to see the school as a vulnerable and derelict potential victim. Opportunists do not come equipped with the 'tools of the trade' nor do they carefully plan their acts. It is therefore sensible practice to limit their perception of schools as an easy target through effective use of target hardening measures.

that the school population can become familiar with the plans.

6.7 Pedestrian Safety

The principal is expected to make the necessary arrangements with the National Works Agency or local Parish Council, for pedestrian crossings and signage in the

vicinity of the school as part of the schools' safety zone and in keeping with the Road Safety Act. The principal should also make appropriate arrangements for traffic safety within the school compound.

Disclaimer

This Manual, so far as it relates to legal matters, is published for the general information of School Boards, Principals and Teachers. Matters are dealt with only in a summary form and it is not intended that readers will act on the information without further consulting an independent legal advisor. The Ministry of Education makes no expressed or implied warranty regarding any information of a legal character contained in this manual.



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Notes



Part 2: Schools Security and Safety Standards and Guidelines

