



**Drugs and Schools**

**Dogs and the Police**

**A Guide for Young People**

### About this leaflet:

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Thanks to:

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Leonard Jason-Lloyd.

This leaflet is for guidance only. If you have trouble with drugs, the police or school policy, you should always seek professional legal advice. Remember, that the use of controlled drugs outside of medical settings is illegal and could have a negative impact on you legally, socially, financially or on your health.

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## Drugs and Schools Dogs and the Police

More and more schools are trying to clamp down on drugs and drug use in schools. Some schools are developing sensible policies that balance the safety of children against their rights. It is important that all schools do this and the Government will be giving schools advice soon to help them do this. But sometimes it is hard for young people to find out what their rights are when it comes to drugs, the police and schools.

This leaflet is about your rights. It is not a leaflet about how to use drugs. It is not saying that whether drug use is good or bad. It is simply saying that what schools do about drugs should be lawful, and respect your rights. It also looks at what the law says about your rights when dealing with the Police.

### **IMPORTANT**

This leaflet is for children and young people over the age of ten and under the age of eighteen. It looks at complicated legal information, but has been written to make this information as simple as possible. This means that it is not a STRICT or COMPREHENSIVE legal document and is for YOUR GUIDANCE only. You should ALWAYS seek legal advice if you find yourself in any sort of legal problems with drugs. The information does NOT apply in Scotland or Northern Ireland.

### **Before we start:**

This leaflet is about CONTROLLED DRUGS that are ILLEGALLY HELD. This means that they are drugs covered by the Misuse of Drugs Act. Some of these are medicines, and it would be legal to have them if they were prescribed to you as medicines. Others are not used as medicines and so it will never normally be legal for you to possess them.

The main drugs that we are talking about are: cannabis, ecstasy, heroin, cocaine, methadone, and amphetamines. But there are lots of other controlled drugs.

### **Isn't cannabis legal now?**

No. Cannabis is still illegal and will remain illegal to possess and supply, even if the punishments for having it change.

### **What about other drugs?**

There are lots of other drugs that are not covered by the Misuse of Drugs Act. Some of these are legal to possess. However, many schools drug policies will have rules about other drugs and you could still get in to trouble or excluded for bringing these drugs in to school.

### **What is a "schools drug policy?"**

All schools should have a drugs policy. This is a set of rules, which say what the school will do about drugs education, and how they will respond to drugs incidents. You and your parents or carers can ask to see the drugs policy.

### **My school has brought in the police with sniffer dogs as part of drugs education: is this a usual part of drugs education?**

All schools have to provide drugs education as part of the national curriculum. Usually this is provided by teachers who should have had some training in drugs awareness.

There is a role for the police to provide some drugs input, but bringing in sniffer dogs is not really part of drugs education. Some schools and the police have been saying that it is to educate pupils about how sniffer dogs work, but this isn't really a big part of drugs education.

Some schools are taking this approach so that they can show that they have a "zero tolerance" approach to drugs, and that drugs use amongst pupils won't be tolerated.

The sad thing about this approach is that when pupils hear that there's going to be a drugs education session, they might think that this means that sniffer dogs are coming back in to school. People who have had contact with drugs might not come in. So pupils who could most benefit from drugs education sessions could end up missing them.

Before schools start bringing in Sniffer Dogs, it is important to make sure that proper drugs education is taking place. Dogs are no substitute.

**Draft guidance from the Government says that if schools want to bring in sniffer dogs they should have a clear policy in place and seek consent from parents or carers or older pupils.**

### **The school has brought sniffer dogs in. Do I have to stay in the school?**

The school should have asked you or your parents/guardians for your consent before bringing sniffer dogs on site. But even if they haven't, it is better NOT to leave the school grounds, as this could be considered truancy.

If you are unhappy with dogs being around you, you could:

- Ask to leave the class
- Go to the library, or the school nurse or a common room
- Explain to your teacher that you are unhappy that dogs have been brought in to the school without warning and your consent or your parent or guardian's consent.

The school should be aware that some people should not have dogs brought up to them for religious or cultural reasons. They should also be aware that many people are nervous around dogs.

**Asking to be excused from a session where sniffer dogs are present is not, in itself, grounds to search you for drugs.**

### **Bringing drugs in to school:**

It is a really stupid idea to bring drugs in to school. If they are found on you, it's likely that you will be excluded or even prosecuted.

If you feel the need to use drugs while you are at school, is it because there are problems at school that you are not coping with? If it's a way of avoiding stress or

pressure it's probably not the best way of doing it. It would be better to talk to a school counsellor, a teacher or your parents or guardians rather than using drugs to cope.

If you've brought drugs in with you to show to other people or for a dare, then you really need to ask yourself if that is something worth getting in to trouble over.

### **Can teachers search my desk/locker for drugs? Do I have to give my consent?**

School desks and lockers are school property and so they can be searched with or without your permission.

Some schools will have a policy that says that wherever possible, you should be present before your desk or locker is searched. This is good practice and only fair.

You need to use common sense - if you bring controlled drugs in to school and keep them in your locker then you run the risk that they will be found and action will be taken.

### **Can teachers search my pockets or my bags?**

No, teachers do not have the authority to search your bags or pockets. They can ask for permission to search your bags and pockets; you can say "yes," if you want to or you can say "no."

If you agree to be searched, it should be done as follows:

- It should be done somewhere where you have privacy - away from other pupils;
- It should be done by a teacher of the same sex as you, and there should be a witness present: another teacher, a school nurse or a parent or carer. This is for your safety and to protect teachers.

If the school wants to have you searched, and you refuse to give your consent, the school can bring the police in to carry out the search - see below for details.

### **If teachers find drugs on me do they have to tell the police?**

No they don't. Lots of schools will call the police in when there is a drugs incident. But schools can, if they want to, confiscate and destroy drugs themselves. This will depend on what the School Drug Policy says.

### **When can the Police search me?**

(This section applies both in school and away from school).

Police can search you in many situations. If the police want to search you, it is better to be polite at all times. It is better to be polite. You need to try and do a balancing act between **your rights** and cooperating with the police.

There is a difference between times when the police may ask to search you **voluntarily** and times when they have the **authority** to search you.

A **voluntary** search would be when the police asked to search your pockets and bags **WITH YOUR CONSENT**. This happens a lot. In the rules that the police have on searching, it says that the Police should not try to search you, even if you volunteer to be searched, unless they have the **POWER** to do so.

The only time the police should be asking to search you is when they have proper grounds to do so.

The Police have the POWER to search you if they have **reasonable grounds** to suspect that you have stolen or prohibited articles, such as offensive weapons, blades or sharp objects. The police also have the POWER to search you if they think you are in possession of CONTROLLED DRUGS.

Reasonable grounds to search you could include the place where you were seen, the way that you were behaving, a description of you that the police have or that you have something with you that arouses suspicion.

The Police do NOT have reasonable grounds to search you just because you are a young person, the colour of your skin, your haircut or your clothing. But the police could say that the gang that you hang with is reasonable grounds to search you if this gang often carries drugs or weapons.

There are some extra complicated rules about when the police can stop and search you, even if they don't have reasonable grounds to search you. These are usually where the police are worried about serious violence or terrorism.

The most important of these is a SECTION 60 order. These are put in force for short periods of time when the Police are expecting lots of trouble locally. If a Section 60 order is in force, the Police have the power to search anyone in the area for weapons or dangerous implements.

### **If a sniffer dog reacts to me, is that grounds for the Police to search me?**

Yes, a reaction from a sniffer dog gives the police reasonable grounds to search you.

**If you have had contact with drugs outside of school time, you need to remember that the smell of the drugs can be on your clothes or your body for a long time.**

**If you wear the same clothes later, or don't wash yourself properly, the smell will stay on you.**

### **How should the search be carried out?**

There are a lot of rules that tell the Police how they should search you. These rules are compulsory for the Police.

- 1) the Police will need to show you that they are really who they say they are. If they are not in uniform, they should show you evidence like a WARRANT CARD to show you that they are really Police Officers.

**NEVER GO AWAY WITH ANYONE OR GET IN A CAR WITH SOMEONE WHO CLAIMS TO BE A POLICE OFFICER BUT CANNOT SHOW YOU A WARRANT CARD.**

2) A police officer in uniform must tell you

- a) their name and which station they are based at;
- b) why they want to search you
- c) what reasons they have for searching you
- d) that you can ask for a record of the search for up to 12 months.

**IN PUBLIC** you must not be required to remove any clothing in public other than an outer coat, jacket or gloves.

The police should:

- Do everything that they reasonably can to reduce your embarrassment. In a school this would mean that you should NOT be searched in front of other pupils.
- Try to get you to agree to being searched. But if you don't agree the police can use "reasonable force" to search you.
- Not detain you any longer than it takes to search you.

In public, the search should only be of your outer clothing. The police could ask if you are prepared to remove your outer clothes, in public and it is your choice if you do so.

If the police want to do a more detailed search - like asking you to take off a T-Shirt this needs to be done out of public view. This could be done in a Police Van, Police Station or in a part of the school away from other pupils.

**You should not be made to remove outer clothing except in the presence of an officer of the same sex, unless you have asked for someone of the opposite sex to be present. There should not be anyone else of the opposite sex unless you have said that you want them to be there. This includes teachers.**

### **Strip Searches and Appropriate Adults**

If the police think that you have something on you which is hidden and could be found by a strip search, the Police can undertake a strip search. Rules for strip searches are very strict, especially where young people are involved.

- a) it needs to be done by an officer of the same sex, and
- b) take place in private where no one else can see except an Appropriate Adult (see below) that you have asked for.
- c) You should not be made to stand around with no clothes on and you should not have any intimate parts of your body touched.

In some situations, the Police can Strip Search you. Almost always, you have the **RIGHT** to have an **APPROPRIATE ADULT** present.

An **APPROPRIATE ADULT** is an adult who is not working with or for the police who can help to ensure that you are treated fairly. This could be your parent or your

guardian, or, if you are looked after by a Local Authority, someone from the Local Authority or voluntary organization responsible.

You do NOT have to have an appropriate adult present if YOU do not want one. But an appropriate adult would have to be there to witness you saying that you do not want an appropriate adult present.

If the school has called in the Police, then a teacher should not be the APPROPRIATE ADULT as they are no longer neutral.

**You always have the right to have a solicitor at a police station. This is a free service, which you will need to ask for. The solicitor cannot be your appropriate adult at the same time.**

### **The Police haven't found anything after the search - what happens now?**

Hopefully nothing. The dog may have reacted because you have had past contact with drugs or because it made a mistake. You have not found to be in possession of drugs and so the Police would probably not be able to take any further action.

### **Can the school still punish me?**

Schools can decide to take action with less proof than the police. According to the Government's rules for schools on exclusion, if there is enough evidence to say it is *likely* that you have broken the rules, they can take action even if they cannot *prove* beyond reasonable doubt that you have done something wrong.

### **The Police have searched me and found some drugs; should I say that they belong to someone else?**

It's risky to say this because then the police could charge you for **INTENT TO SUPPLY A CONTROLLED DRUG** which is a much more serious offence than possession.

Also, many schools will exclude pupils for SUPPLY of drugs on school grounds.

Before saying that you were looking after drugs for someone else, then you should ALWAYS seek legal advice first. However tempting it might seem to just get it over with, it could make things worse.

### **The school have said that I was supplying drugs: I was only passing a spliff to my mate in the playground!**

Passing and sharing drugs counts as SUPPLY in the eyes of the law. Even if no money changes hands, this still counts as supplying drugs.

If this takes place on or near the school it is very likely that you will be temporarily or permanently excluded and it is very likely that the police will be involved.

### **I've been searched and the police have found some drugs on me. What will happen next?**

This will partly depend on the police and depend on the school policy. It may also depend on whether or not you have been in trouble with the police before.

Sometimes the police might choose to take no further criminal action. You might be encouraged to speak to a drugs worker, and be given advice and information about drugs and drug use.

This would partly depend on the drug involved, the amount, and other factors. There is no guarantee that this is going to happen and it is going to be totally at the discretion of the Police.

You might get a REPRIMAND from the Police. This is a way of giving you another chance without giving you a criminal record. It is more likely if this is a very minor offence. You can only get one reprimand.

If you have already had a reprimand, or the offence is more serious you might get a **FINAL WARNING**. You can only get one final warning in two years. If you get given a FINAL WARNING, you will also be referred to a YOUTH OFFENDING TEAM. These teams will work with you and decide if you need to take part in a programme of activities to stop you offending again.

If you do offend again in the next two years, you will not get another reprimand or warning. You will have to go to court. The court will be told about reprimands and warnings that you have had before.

#### **Will my parents or guardians be involved?**

Yes. In nearly all situations your parents or guardians will be involved. They will probably be called in to school or into the police station and would usually be present if you are given a Reprimand or anything else.

#### **Will I be excluded from School?**

This will depend on the school's drug policy. Some schools will temporarily or permanently exclude pupils found in possession of drugs.

Other schools might have a policy where you are allowed to stay at school but may be told to attend counselling or drugs advice sessions.

If you are found with Class A drugs, have a lot of drugs on you, are supplying drugs or have been in trouble with drugs before, then you are more likely to be excluded.

If you have got in to trouble with drugs in school and are facing exclusion it is essential that you get good legal advice. You, and your parents or guardians should do the following:

- speak to the Children's Legal Centre to get accurate advice about your rights and how to appeal;
- Make sure that you and your parents and carers keep a written record of what you have said and what the school has said;
- Make sure that you have read and understood the school drugs policy.

### **Where can I get more help?**

You can contact the following services for help:

#### **The National Drugs Helpline**

**Telephone:** 0800 77 66 00 (24 hour)

**Website:** [www.ndh.org.uk](http://www.ndh.org.uk)

24 hour helpline offering information about drugs

#### **Childline**

**Website:** [www.childline.org.uk](http://www.childline.org.uk)

Telephone: 0800 11 11

Advice service for children seeking help

#### **Children's Legal Centre**

**Website:** <http://www2.essex.ac.uk/clc/>

**Telephone:** 01206 873820

(Opening Times: Monday to Friday 10:00-12:30 and 14:00-16:30)

Service offering legal help and advice to young people, their parents and carers.

#### **The Site:**

**Website:** [www.thesite.org.uk](http://www.thesite.org.uk)

Website offering range of information on issues concerning young people including drugs.