



CATHOLIC
education office
HOBART



MEMORANDUM OF UNDERSTANDING

BETWEEN

**TASMANIA POLICE AND
TASMANIAN SCHOOLS AND COLLEGES**

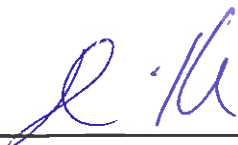
**GUIDELINES FOR MANAGING DRUG-RELATED
INCIDENTS IN TASMANIAN SCHOOLS**

January 2012

ENDORSEMENT:

This Memorandum of Understanding is endorsed on behalf of Tasmania Police, Department of Education, Catholic Education Office and Independent Schools Tasmania.

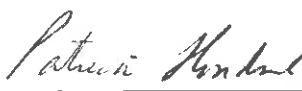
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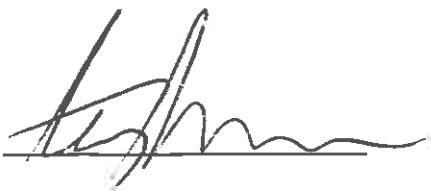
Commissioner of Police



Secretary, Department of Education



Director, Catholic Education Tasmania



Executive Director, Independent Schools Tasmania

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GLOSSARY

Drug

A substance which produces a psychoactive effect. Within the context of the *National Drug Strategic Framework*, the term drug is used generically to include tobacco, alcohol, pharmaceutical drugs and illicit drugs. The *National Drug Strategic Framework* also includes strategies to address the harmful use of other substances, including inhalants (As defined in the *National School Drug Education Strategy 1999*).

Drug-related incident

Any occasion involving alcohol, tobacco and/or other drug use and/or the possession, distribution or supply of a drug or drug-related equipment.

Drug-related issues

A comprehensive term that describes all issues associated with drugs, including those that arise from personal use and use by another person or persons.

Illicit drug

A drug for which the production, sale, possession or use is prohibited. An alternative term is 'illegal drug'.

Inhalants

Substances which are inhaled for their psychoactive effects, including many domestic and commercial products such as glue, aerosol sprays, paints, industrial solvents, thinners, petrol and cleaning fluids.

Pharmaceutical drugs

Drugs available through pharmacies, supermarkets or stores including over-the-counter and prescription medicines.

Prescribed person

Principal, teacher or member of staff of any Government, Catholic, or Independent kindergarten, school, support school or secondary college in Tasmania.

Psychoactive effects

The effects produced by a drug or substance that alter mental processes including mood, cognition, thinking or behaviour.

School

Refers to any Government, Catholic, or Independent kindergarten, school, support school or secondary college in Tasmania.

Unsanctioned drug

A drug that use is restricted by law, school authorities and/or school policies/guidelines. It includes illicit, licit and pharmaceutical drugs, being used illicitly.

INTRODUCTION

This Memorandum of Understanding between Tasmania Police, the Department of Education, Catholic Education and Independent Schools Tasmania, complements preventative school drug education programs, and ensures that where police intervention is requested in relation to drug-related incidents in schools, police and individual school responses are planned, structured and consistent with the National School Drug Education Strategy.

This Memorandum of Understanding is a working agreement that is to be adopted to enable an effective response in addressing drug-related incidents in all schools. This Memorandum of Understanding is designed to provide schools and Tasmania Police with the necessary information to: develop and implement policies in advance of any incident; to identify what police officers, teachers and other school staff need to know about responding to drug-related incidents in schools; and to provide accessible advice for the management of incidents.

All members of the school community are to be treated fairly and equitably during the administration of this Memorandum of Understanding. There is a need to ensure that all members of the school community are understanding of the requirements and actions to be undertaken, under this Memorandum of Understanding, and additional support and assistance should be offered to individuals when necessary.

This Memorandum of Understanding between Tasmania Police, Department of Education, Catholic Education and Independent Schools Tasmania, consolidates previous individual agreements relating to the management of drug-related incidents in schools. Previous instructions are now cancelled and superseded by this document.

This Memorandum of Understanding is due to expire 1 January 2015. A review of this Memorandum of Understanding will be undertaken by the parties involved no later than 1 December 2014.

REPORTING DRUG-RELATED INCIDENTS IN SCHOOLS

Principals, teachers or other members of school staff have a duty of care to advise Tasmania Police of any illegal or criminal activity that has occurred, is occurring or is suspected on school premises.

Information about drug misuse may be offered in confidence but the recipient cannot keep such information to him or herself if he or she is a 'prescribed person', and, in carrying out their official duties or in the course of their work (whether paid or voluntary), comes to believe, or suspect, on reasonable grounds, or knows that a child has been or is being abused, neglected or at risk. Under the *Children, Young Persons and Families Act 1997*, mandatory reporting provisions apply.

THE SEIZURE AND HANDLING OF SUSPECTED ILLICIT DRUGS

If a suspected illicit drug is located on school premises:

- Staff should take temporary possession of the suspected illicit drug before handing it over to the police at the first possible opportunity. Staff should ensure corroboration of any seizure and such seizures are logged and lodged safely until handed over to the police.
- In the interests of safeguarding the health and safety of staff, unknown substances should be handled to a minimum and with extreme care.
- Protective gloves should always be worn when handling suspected illicit drugs or drug paraphernalia.
- **Do not under any circumstances taste or sniff any suspicious substance.**

NEITHER POLICE OFFICERS NOR SCHOOL STAFF ARE AUTHORISED BY THE POISONS ACT 1971, OR THE MISUSE OF DRUGS ACT 2001 TO DESTROY OR DISPOSE OF DRUGS SEIZED. ALL SEIZURES ARE FORFEITED TO THE CROWN. SCHOOL AUTHORITIES SHOULD REPORT ALL ILLICIT DRUG-RELATED INCIDENTS TO TASMANIA POLICE.

SEARCHES FOR ILLICIT DRUGS OR DRUG ITEMS

- Students suspected of being in possession of illicit drugs, a thing used in the administration of a controlled drug or a controlled plant or unsanctioned substances including alcohol, may be requested to hand over the items.
- School employees are advised to never put their hands into a student's pocket or bag. Students should always be asked to empty their own property onto a flat surface, to avoid hidden sharp and dangerous objects.
- It is strongly recommended that in the absence of exceptional circumstances, searches of students and/or their property for illicit drugs or drug items should only be conducted by Tasmania Police.

DRUG DEALING IMMEDIATELY OUTSIDE SCHOOL PREMISES

- Tasmania Police should be informed when school staff suspect illicit drug dealing activity is taking place in the vicinity of the school. This is in the interest of safeguarding the health and safety of young people in the area.

CONTACTING TASMANIA POLICE FOR ASSISTANCE

THE EMERGENCY 000 NUMBER SHOULD ONLY BE USED IN LIFE THREATENING OR TIME CRITICAL EMERGENCY SITUATIONS.

- Tasmania Police Drug Investigation Services are responsible for investigating drug-related incidents in schools. Drug Investigation Services are located in Hobart, Launceston, and Devonport. An officer in each Drug Investigation Services has been appointed as a School Liaison Officer with direct responsibility for liaising and dealing with drug-related issues in schools within their District. The School Liaison Officer will also provide guidance to other police officers attending similar incidents.
- **All schools requiring police advice or assistance in relation to non-urgent drug-related matters are to contact the Officer-in-Charge Drug Investigation Services within the appropriate geographical police district. Note following contact details.** The School Liaison Officer will then be tasked with coordinating police action. If Drug Investigation Services is unavailable, the school should contact the relevant geographical police station.

Contact details

Officer-in-Charge Drug Investigation Services:

Western District

(West and North West Coast)

Devonport Police Station (03) 6421 7552

Northern District

(Northern Tasmania to Campbell Town and the North East)

Launceston Police Headquarters (03) 6336 3868

Southern and Eastern District

(Southern Tasmania, the Midlands and the East Coast south of Bicheno)

Hobart Police Headquarters (03) 6230 2622

Tasmania Police District Headquarters

Northern District (Launceston)	(03) 6336 3701
Southern District (Hobart)	(03) 6230 2111
Eastern District (Bellerive)	(03) 6230 2899
Western District (Burnie)	(03) 6434 5211

TASMANIA POLICE RESPONSE TO DRUG-RELATED INCIDENTS

- All requests for assistance from Tasmania Police will be treated in the strictest of confidence. Initial police response to requests from schools should be appropriate to the circumstances. The use of plain-clothed officers or School Liaison Police Officers is preferred in cases other than emergencies.
- The prime objective of Tasmania Police Drug Investigation Services, in relation to schools, is the identification and apprehension of persons supplying/selling illicit drugs to students attending educational institutions. The prosecution of students in possession of, or using, an illicit drug or prohibited substance is not a primary objective and in most cases they will be dealt with through non-prosecution processes, that maximise their welfare and consider their needs.
- Responsibility for informing parents and guardians of any drug incidents in schools lies with the principal of the school, noting that there is a duty for police to involve parents and/or guardians when interviewing children and young people aged less than eighteen years of age.

Level of response

- Unless the drug-related incident requires immediate or urgent attention, the police response in dealing with the incident will be in accordance with operational priorities. In order to maintain consistency and to provide an effective response to drug-related incidents in all schools, a three-tiered response will be applied. The levels of response are as follows:

Level 1: Where a suspected illicit drug or drug paraphernalia is found on school premises and no-one can be associated with that substance or item.

- The incident must be reported to Tasmania Police in accordance with this Memorandum of Understanding.
- The police response will be to collect the substance or item, identify it and secure it into police custody for later disposal.
- Empty syringes or discarded injecting equipment are not prohibited items and whilst Tasmania Police can be made aware that such devices have been located at a school, disposal should be in accordance with Occupational Health and Safety procedures as determined by each educational sector.
- Schools should record details of any drug incident, and inform Tasmania Police as soon as practicable. Tasmania Police School Liaison Officers can advise principals on an appropriate and consistent method of recording drug incidents.
- Schools will be provided with advice separately on request concerning methods of storing suspected illicit drugs and associated paraphernalia while awaiting the arrival of the police. The security and integrity of any evidence should be paramount.

Level 2: Where a suspected illicit drug or drug paraphernalia is found in a person's possession or in circumstances where an offence or offender(s) are identified by school authorities.

- The incident must be reported to Tasmania Police in accordance with this Memorandum of Understanding.
- The police response will be to investigate the offence after discussing the situation with the principal or senior member of staff.
- Interviews with students who are less than eighteen years of age can be conducted by a police officer only in the presence of a parent, guardian or other responsible adult. A definition of a 'responsible adult' is defined within Section 3 of the *Youth Justice Act 1997*.

Level 3: Where circumstances are identified which indicate the presence or history of more serious, widespread or persistent drug-related offences.

- The incident must be reported to Tasmania Police in accordance with this Memorandum of Understanding.
- The Tasmania Police response will be for the Drug Investigation Services to conduct a formal investigation after consulting and discussing the situation with the principal or senior member of the school.
- Tasmania Police will initiate such an investigation when they discover the problem, and in such situations will liaise with the school principal. In exceptional circumstances, it may be necessary for Tasmania Police to conduct investigations without the prior knowledge of relevant school authorities.
- Interviews with students who are less than eighteen years of age can be conducted by a police officer only in the presence of a parent, guardian or other responsible adult. A definition of a 'responsible adult' is defined within Section 3 of the *Youth Justice Act 1997*.

POLICE ACTION ARISING FROM INVESTIGATIONS

Whilst Tasmania Police retains the right to determine if charges should be laid under the *Poisons Act 1971* and *Misuse of Drugs Act 2001*, the overarching policy outcomes sought are ones that:

- are consistent with the best interests of the student and the school community;
- seek to foster co-operative approaches between Tasmania Police and school principals in determining appropriate action to deal with students involved with illicit drugs; and
- focus law enforcement efforts on apprehending suppliers of illicit drugs to young people.

Legislation and Tasmania Police policy allow officers discretion and flexibility in dealing with drug-related incidents in schools. The *Youth Justice Act 1997* encourages police to consider options other than prosecution wherever possible. This approach provides opportunities for Tasmania Police to divert juvenile minor drug offenders to receive health education and intervention.

Accordingly, incidents will be dealt with by taking all factors into consideration and working in close partnership with schools and parents/guardians. The range of options include:

- **An Informal Caution:** The lawful exercise of discretion by a police officer to caution an offender for unlawful conduct (Section 8, *Youth Justice Act 1997*). The offender is cautioned and no further action is taken in relation to the matter.

- **Formal Caution:** which includes a 'Formal Caution Against Further Offending' (Sections 9 and 10, *Youth Justice Act 1997*). The offender enters an agreement against further offending.
- **A Community Conference:** This process is activated by police or in special cases by Child and Family Health Services (Sections 13-20, *Youth Justice Act 1997*). Instigated for serious offences or cases of recidivist offending.
- **Prosecution:** Charged/summonsed with offence, to appear in court.

CONFIDENTIALITY AND MEDIA MANAGEMENT

- Tasmania Police and school principals must be sensitive of the need to maintain confidentiality.
- Schools will be given advice and action will be taken by Tasmania Police 'in - confidence' to avoid undue publicity, and to maintain a coordinated and consistent partnership approach. Specifically, Tasmania Police will not issue media statements about seizures of drugs at educational establishments without the prior knowledge of school principals. School principals will have the opportunity to review the content of media statements prior to public release.
- It is the responsibility of school principals to inform their Department or governing body of drug-related incidents occurring within schools in accordance with established policies.
- Media management will be undertaken in consultation with the Department of Police and Emergency Management and the Department of Education, Catholic Education and the Principal of the Independent School.

GRIEVANCE AND DISPUTE RESOLUTION

- The parties to this Memorandum of Understanding are committed to resolving grievances and disputes as quickly and efficiently as possible, and in a manner that is consistent with recognised good practice in regards to conflict resolution.
- If there is an issue or a party is unsure regarding any aspect of the Memorandum of Understanding, then they are to seek informal clarification regarding the matter from the parties involved.
- If the situation is unable to be resolved from this initial approach, discussions to resolve the issue should then take place between delegated representatives of the signatories. These representatives shall work together to reach an outcome satisfactory to each party, and which reflects the spirit of this Agreement.
- After discussions, if the issue remains unresolved the matter should be referred to a meeting between those involved and an agreed independent third party for resolution.