

**ACCESS TO STUDENTS
POLICE OFFICERS - OUTSIDE AGENCIES
STATEMENTS AND SEARCHES**

Background

From time to time it will be necessary for the Principal or a member of the School staff to question a student regarding a breach of the School rules or an incident that occurred within the School. Under specific circumstances a search of student lockers may be required. Additionally, members of outside agencies, such as Police Officers, Child and Family Service Workers, may wish to interview a student at School during the School day.

School officials are expected to cooperate with the Police or other appropriate civilian authorities in the execution of their duties. However, school officials also have a responsibility to function in the place of the parent during School hours.

Procedures

1. The Division strongly encourages investigating officers and officials to conduct their investigation of students away from the School, unless they deem such interviews essential to proper investigation, or unless the interview is part of a Violence Risk Threat Assessment (see Elk Island VTRA Protocol).
2. Interviews and searches will be conducted in a manner that ensures student individual rights are protected.
3. No person except the parent or legal guardian of the student, law enforcement officers or child welfare workers shall be permitted to interview a student on school premises.
4. Interviews of Students by Law Enforcement Officers in Schools
 - 4.1. When law enforcement authorities find it necessary to visit a School to interview a student, they shall report to the Principal, provide appropriate identification of themselves and make known the purpose of their visit.
 - 4.2. Prior to the interview taking place, attempts are to be made to contact the parents or guardians, except in cases where the investigation has to do with alleged child abuse/neglect by the parent. If possible, parents are to be present at the interview.
 - 4.3. If the parent is present, there is no need for the Principal or any other personnel to be present. The child or the parent may request the Principal to remain, but the Principal has no obligation to do so once a parent/guardian is present. Once a parent does arrive the Principal may ask that the interview be conducted off of

School premises. (Procedure 4.7.2)

4.4. If the parent cannot be present:

4.4.1. The Principal or designate may sit in on the interview at the request of the youth.

4.4.2. The Principal or designate does not automatically have the right to be present at interviews.

4.4.3. Students have the right to select their own advocate and may waive the right to have an adult present.

4.5. The principal or designate will bring the student to a private office where the interview will take place in the presence of the Principal or designate (students under twelve years of age) or in the presence of counsel as selected by the students (students twelve to seventeen years of age). Every attempt is to be made to minimize distractions for the child and disruptions to normal School operations.

4.6. If the student requests the Principal or other staff member to be present during the interview, it is desirable that the individual comply "in loco parentis". However, the staff member is not obligated. Therefore, if the request is refused, the student may select another adult to be present.

4.7. The Principal or designate can request to "sit in" on the interview, as a silent observer. The law enforcement officer is then responsible to inform the student of the request. If the student does not consent, the Principal or designate may then determine:

4.7.1. To let the interview go ahead without the Principal or designate in attendance; or

4.7.2. Request that the interview be removed from the School premises.

4.8. If the law enforcement officer removes a student the Principal shall notify the Office of the Superintendent immediately.

4.9. In the event of arrest/apprehension, the law enforcement officer and the student shall leave the School immediately.

4.10. The responsibility for notifying parents about an investigation rests with the law enforcement officer.

4.11. Any unusual circumstances must be reported immediately to the Superintendent.

5. Disclosure of Information to a Police Officer

5.1. The School may disclose personal information to a police officer to assist with an investigation that could lead to a penalty or sanction being imposed or prevented.

5.2. Principals are to document all specifics related to such information requests and disclosures.

6. Exceptions

6.1. Notwithstanding the above, the Principal must allow a police officer to proceed under the following circumstances:

6.1.1. If she/he has grounds for arrest.

6.1.2. If she/he possesses a warrant (either for arrest or search);

6.1.3. If she/he is “in hot pursuit” after the commission of an offense; and

6.1.4. If she/he possesses specific blanket powers of search etc., as defined by legislation (an example is drug offenses).

7. Arrest

7.1. If a student is to be arrested by police whether under warrant or otherwise, the Principal or designate is to advise the police of the location of the student, and escort the police/welfare worker to the location for the purpose of arrest or apprehension of the student.

7.2. In the event of arrest/apprehension, the student and police are to leave School premises immediately upon the carrying out of the arrest or apprehension.

7.3. Where a student is to be arrested pursuant to the Youth Criminal Justice Act, the Principal or designate is to advise the police that parents will be informed of the arrest and given the name of the police officer and a number where the police officer can be contacted.

8. Interview by Child and Family Services Workers

8.1. When Child and Family Services workers find it necessary to visit a School to interview a student, they shall report to the Principal, provide appropriate identification, make known the nature of the investigation and indicate why the interview must be conducted.

8.2. If the matter is urgent and there is a need to conduct the interview during School hours, the Principal or designate shall advise the official of the location of the student and escort the official to that location.

8.3. Interviews are to be permitted on School premises in cases of suspected child abuse or neglect when the investigation involves suspected physical/sexual abuse.

8.4. The Principal, following consultation with the student and the Child and Family Services worker will determine whether or not it is in the best interest of the child to have a staff member sit in on the interview.

8.5. Child and Family Services authorities have the power to apprehend a child where there is sufficient evidence to suggest the child is in need of protection.

- 8.6. Child and Family Services are not authorized to take a child from the School unless they have apprehended them or the child is under wardship.
- 8.7. The responsibility for notifying parents about an investigation rests with the Child and Family Services worker. The Principal is to clarify with the worker that the parents will be informed about the investigation if it involves students under eighteen (18) years of age and when contact with the parents will be made.

9. Searches

- 9.1. Student property may be subject to unannounced searches from time to time.
- 9.2. Students and their parents shall be informed at the beginning of each School year or semester, regarding any procedures in effect, and that student property is subject to periodic searches of a general administrative nature for contraband and rule violations.
- 9.3. School officials shall attempt at all times to protect the student's right to privacy.
- 9.4. Searches may be conducted if the Principal has reasonable information that the locker contains contraband or rule violations.
 - 9.4.1. The grounds for conducting a search shall be recorded in writing by the Principal and kept on file.
 - 9.4.2. Reasonable grounds usually involve the student's possession of contraband in the past or eyewitness accounts of possession of contraband.
- 9.5. The student shall be present during the search.
- 9.6. In addition to the searcher, at least one (1) other adult witness shall be present when the search takes place.
- 9.7. If the proposed search revolves around a suspicion of criminal activity, the police shall be informed, and the police shall conduct the search.
- 9.8. Whenever possible, the parents of the student shall be informed of the search and the reasons for it, prior to it being undertaken.

Reference: *Education Act*, SA 2012, c E-0.3, ss. 31, 32, 33, 53, 196, 197, 222
Youth Justice Act, RSA 2000, c Y-1
Elk Island VTRA Protocol
[Guide to information sharing under the Children First Act](#)
Youth Criminal Justice Act, S.C.2002, c. 7. s 125
Child, Youth and Family Enhancement Act, RSA 2000, c C-12
Controlled Drugs and Substances Act, S.C.1996, c.19
Criminal Code (Canada), RSC, 1985, c C-46
Police Act, RSA 200, c P-17
Child Welfare Act
Freedom of Information & Protection of Privacy Act, RSA 2000, c F-25