

INTERROGATIONS AND SEARCHES

Background:

The Principal or a member of the school staff may question a student regarding a breach of the school rules. If the Principal has reasonable grounds to believe a search of the student, or a student's purse, backpack, locker, automobile (parked on school grounds), computer, iPad (or similar device) or cellphone will reveal a breach of school rules, the search may be undertaken in accordance with these procedures.

Members of outside agencies, such as police officers or Child and Family Services workers, may wish to interview a student at school during the school day. School staff can allow such persons to interview students in the school, in accordance with these procedures.

Procedures:

1. Interviews and searches by school staff shall be conducted in a manner that ensures students' individual rights are protected.
2. Parents/guardians of the student, police officers and, under some circumstances, Child and Family Services authorities, may interview students at school.
3. Interviews by Police
 - 3.1. When Police Attend the School Uninvited
 - 3.1.1. The Principal shall strongly encourage police officers to conduct their investigation of students away from the school, unless there are important reasons it should be done at the school.
 - 3.1.2. The Principal shall require police to produce identification prior to any interview.
 - 3.1.3. Although the responsibility for notifying parents about an investigation rests with law enforcement, the Principal shall attempt to notify parents unless the investigation has to do with alleged abuse or neglect of the student by the parent/guardian or someone else at the student's home. The Principal is to clarify with the law enforcement officer that parents must be informed about the investigation if it involves students under 18 years of age.
 - 3.1.4. If the Principal agrees it is necessary for the police to interview a student at school, the Principal shall ask to be present in the interview if the student agrees. If the police refuse, the Principal shall allow the interview to take place, and shall note the request was made.
 - 3.1.5. The interview shall take place in the office or other appropriate area.
 - 3.1.6. Before removing a student from the school, the police shall be asked to communicate by phone or in person with the parent/guardian, informing them of the course of action taken.

- 3.1.7. In the event of arrest or apprehension, the police and the student shall leave the school immediately.
- 3.2. When Police Attend the School by Invite
 - 3.2.1. If an emergency, the Principal shall allow the police to undertake whatever measures deemed necessary to deal with the situation, and the Principal will direct staff and students to comply with requests and directives of the police.
 - 3.2.2. If not an emergency, the Principal shall ask the police to render assistance in the manner required by the Principal. If the police will not comply, the Principal will advise the police their assistance is not needed and ask them to leave the school. If the police agree to comply, the Principal will accept their assistance.
 - 3.2.3. If the Principal wishes the police to interview one or more students and the police agree to do so, the Principal shall notify parents/guardians unless the investigation has to do with alleged abuse or neglect of the student by the parent/guardian or someone else at the student's home. The Principal is to clarify with the law enforcement officer that parents/guardians must be informed about the investigation if it involves students under 18 years of age.
 - 3.2.4. The Principal shall be present in any interview of a student. The Principal shall take notes of the interview for the purpose of school intervention or sanction.
 - 3.2.5. The interview shall take place in the office or other appropriate area.
 - 3.2.6. In the event of arrest or apprehension, the police and the student shall leave the school immediately.
- 3.3. School Resource Officers (SROs)
 - 3.3.1. SROs are not employees of the Division, and are at all times police officers. They do not at any time take direction from the Principal, and the Principal does not take direction from them unless the situation is an emergency.
 - 3.3.2. As non-employees of the Division, SROs have no right to access personal information about students, although the Principal may choose to give such information under the *FOIP Act* if the SRO is engaged in an active police investigation.
 - 3.3.3. Notwithstanding section 3.3.2, an SRO can be given access to personal information about students under the *Children First Act* if the Principal deems the giving of such information is in the best interests of the student involved.
 - 3.3.4. In all other respects, SROs shall be dealt with in accordance with sections 3.1 or 3.2, as the situation warrants.
4. Interviews by Child and Family Services Workers
 - 4.1. 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.

- 4.2. If the matter is urgent and there is a need to conduct the interview during school hours, the Principal or designate shall make interview arrangements for the student and Child and Family Services workers.
- 4.3. Interviews are permitted on school premises in cases of suspected child abuse or neglect when the investigation involves suspected physical or sexual abuse.
- 4.4. The Principal, following consultation with the student and the Child and Family Services worker, shall determine whether or not it is in the best interest of the child to have a staff member present during the interview.
- 4.5. 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.
- 4.6. During an investigation, Child and Family Services authorities may deem it necessary to convey a child to another place in order to complete the investigation.
- 4.7. The responsibility for notifying parents/guardians about an investigation rests with the Child and Family Services worker. The Principal shall clarify with the worker the parents/guardians shall be informed about the investigation if it involves students under 18 years of age and when contact with the parents/guardians will be made.

5. Searches

- 5.1. Students or their property—such as a student’s purse, backpack, locker, automobile (parked on school grounds), computer, iPad (or similar device) or cellphone—may be searched, but only if the Principal has reasonable grounds to believe the search will reveal evidence of a breach of school rules. Random searches are not permissible.
 - 5.1.1. The grounds for conducting a search shall be recorded in writing by the Principal and kept on file.
 - 5.1.2. Reasonable grounds include credible information from other students or staff.
- 5.2. The student and at least one other adult shall be present during the search. Sensitivity to gender and age issues shall be maintained.
- 5.3. The permissible extensiveness of the search shall depend upon the seriousness of what the Principal believes the student is in possession. For example, if the suspicion is there is a weapon, an extensive and even forceful search may be warranted. Searches for lesser items do not warrant the use of force or extensive searches.
- 5.4. If the student refuses to be searched or assist in the search, the Principal shall advise the student that parents/guardians and the police may be called, and the student shall be punished for the refusal to co-operate as if the search had revealed a breach of school rules.
- 5.5. Students and their parents/guardians shall be informed at the beginning of each school year or semester regarding procedures in effect. School officials shall always attempt to protect the student’s right to privacy. If the proposed search

revolves around a suspicion of criminal activity, the police may be informed, but the school personnel shall conduct the search.

6. Searches Involving Drug Detection Dogs and Their Handlers

6.1. This may be done only with the permission of the Superintendent.

Reference:

Section 11, 52, 53, 197, 222 *Education Act*

Child, Youth and Family Enhancement Act

Children First Act

Controlled Drugs and Substances Act (Canada)

Youth Criminal Justice Act (Canada)

Criminal Code (Canada)