



INVESTIGATIONS AND SEARCHES

Background

School authorities have a responsibility to cooperate with the police and other civilian authorities. They also have a responsibility to students to function "in loco parentis" (in the place of parents) during school hours. Occasionally circumstances may develop where school officials are asked by certain authorities for permission to interview a student or search their locker, personal property or person.

School officials are expected to cooperate with police and other appropriate civilian authorities in the execution of their duties.

Procedures

1. The Division strongly encourages investigating officers and officials to conduct their investigation without recourse to interviews with students in school, unless they deem such interviews essential to proper investigation.
2. Interviews and searches will be conducted in a manner that ensures students' rights are protected.
3. No person except the legal guardian of the student or law enforcement officers shall be permitted to interview a student on school premises. Under some circumstances Child and Family Services authorities may interview students in school.
4. Interrogations by Law Enforcement Officers
 - 4.1 When authorized persons find it necessary to visit a school to interview a student, they shall report to the office of the Principal, provide appropriate identification of themselves and make known the purpose of their visit.
 - 4.2 When law enforcement authorities in the course of their duties find it necessary to interview a student on the school premises, the following will occur:
 - 4.2.1 Prior to the interview taking place, attempts are to be made to contact the parents, or guardians, except in cases where the investigation allegedly has to do with child abuse by the parent or guardian. If possible, parents or guardians are to be present at the interview.
 - 4.2.2 If the parent cannot be present, the Principal or designate must be present at the interview where a child is under twelve (12) years of age.



- 4.2.2.1 The Principal or designate does not automatically have the right to be present at interviews, (i.e. they cannot assume or state that they are to be the student's representative or advocate).
 - 4.2.2.2 The student has the right to select their own advocate.
- 4.3 The Principal or designate will bring the student to the office where the interview will take place.
- 4.4 The interview will be conducted in the presence of the Principal or designate when the student is under twelve (12) years of age; or in the presence of counsel as selected by the student when the student is aged twelve to seventeen (12 to 17).
- 4.5 The law enforcement officer is responsible for informing students aged twelve to seventeen (12 to 17) that:
 - 4.5.1 The student is under no obligation to give a statement;
 - 4.5.2 Any statement given may be used as evidence in proceedings against them.
 - 4.5.3 They have the right to consult with: counsel or a parent/guardian; or, in the absence of a parent or adult relative, any other appropriate adult (individual over eighteen (18) years of age) of their choice;
 - 4.5.4 Any statement must be made in the presence of the person consulted unless they expressly waive that right in writing.
- 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. If the request is refused, the student may select another adult to be present.
- 4.7 The Principal or designate can request to be present for the interview, as a silent observer. The police officer would then be responsible to inform the student of the request. If the student does not consent, the Principal or designate may then decide to:
 - 4.7.1 Allow the interview to 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 Before removing a student from the school, the police officer is to communicate by phone with the parent/guardian and inform them of the course of action taken.
- 4.9 Police officers will do all in their power to comply with the wishes of the Principal or designate, where such wishes are not inconsistent with this procedure or regulations of the Police Department.



4.10 Any breach of this procedure must be reported immediately to the Superintendent.

5. Interview by Child and Family Services Workers

5.1 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.

5.2 If the matter is urgent and there is a need to conduct the interview during school hours, the Principal or designate shall facilitate access to the child.

5.3 Interviews are to be permitted on school premises in cases of suspected child abuse or neglect.

5.4 The Principal is to receive assurance from the Child and Family Services worker that the parents or legal guardian will be informed about the investigation if it involves students younger than eighteen (18) years of age.

5.5 The responsibility for notifying parents/guardians about an investigation rests with the Child and Family Services worker or police.

5.6 The Principal is to clarify with the Child Welfare and Family Services or the police as to when contact with the parents/guardians will be made.

5.7 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.

5.8 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.

5.9 Child and Family Services workers are not authorized to take a child from the school unless they have apprehended them or unless the child is under wardship.

6. Searches

6.1 Student property may be subject to unannounced searches from time to time as may be considered appropriate.

6.2 School officials shall attempt at all times to protect the student's right to privacy.

6.3 Students and their parents/guardians shall be informed at the beginning of each school year or semester, regarding any school procedures in effect, that student property is subject to periodic searches of a general administrative nature for contraband and rule violations.



- 6.4 The student shall be present during the search whenever possible. School officials may request that a student(s) empty his/her backpack or pocket(s) or open and go through items in a location designated for a students' belongings (lockers, purses, automobiles parked on school grounds, computers, other Internet-enabled devices including cell phones).
- 6.5 If a student(s) refuses to cooperate, the school principal or designate is to inform the student that his/her parents/legal guardians and/or the police will be called and the student could potentially face disciplinary measures associated with contributing to the risk of harm.
- 6.6 In addition to the searcher, at least one (1) other adult witness shall be present when the search takes place.
- 6.7 If the proposed search revolves around a suspicion of criminal activity, the Principal shall request the police to be present while the search is conducted.
- 6.8 Parents or guardians of the student shall be informed following the search.

Reference: Section 11, 32, 33, 52, 53, 197, 222 Education Act
Child, Youth and Family Enhancement Act
Controlled Drugs and Substances Act
Youth Criminal Justice Act
Criminal Code (Canada)