



## **STUDENT INTERROGATIONS, SEARCHES AND ARRESTS**

### **A. General:**

These procedural guidelines apply to the interrogation of students on school premises.

Although these guidelines have been developed for situations where police officers are involved in interrogating students on school premises, there will be situations where the investigation of a school matter by the principal may overlap with some alleged criminal activity. In these situations, it is recommended that the school principal follow these guidelines to ensure that any statement received from the student would be admissible evidence at any proceeding against the student.

On matters not relating to school activities, only the legal guardian of the student or a law enforcement officer shall be permitted to interview a student on school premises. Under some circumstances, as dealt with in The Child and Family Services Act, Child and Family Service authorities may have the right to interview students in the school.

Police shall not conduct investigations in the schools except when it is absolutely necessary for them to do so in the proper discharge of their duties. Police may secure addresses of students, in order to carry on investigations outside the school.

When students have to be interviewed by the police at the school, and the parent/guardian is unable to be present, the principal shall attend the interview as an observer.

### **B. Procedure for Police Interrogation of Students 12 years of Age and Older:**

Any person(s) claiming to be a police officer(s) must satisfy the school principal/designate as to his/her identity.

1. Division staff shall cooperate with police.
2. The police officer shall report to the principal and make known the purpose of the visit.
3. A police officer shall be allowed to interview a student in school or on school premises with the permission of the parent(s)/guardian(s) and school principal or designate. In the event that the parent(s)/guardian(s) cannot be contacted, it is left to the discretion of the principal/designate to have a student be interviewed and/or removed from the school.



4. The Principal shall encourage the police to conduct the interview away from the school. In the event this is not possible or practical the principal will provide a private location for the interview, and in the absence of a parent/guardian, if the student is under eighteen (18) years of age, will attend the interview, or ensure that another adult chosen by the student is present. The police officer is responsible to inform the student that:
  - i. The student is under no obligation to give a statement.
  - ii. Any statement given by him/her may be used as evidence in proceedings against him/her.
  - iii. He/she has the right to consult with:
    - a. Counsel or a parents (except for students under the age of 12 who do not have a right to consult with counsel); or,
    - b. In the absence of a parent, an adult relative; or in the absence of a parents and adult relative, any other appropriate adult (over 18) of his/her choice.
  - iv. Any statement made by him/her must be made in the presence of the person consulted unless he/she expressly waives that right in writing.
5. If the student requests the principal, another staff member or other adult to be his representative present during the interview, it is desirable that the individual comply with the student's request. However, the staff member is not obligated, and if the request is refused, the student must select some other adult to be present, or the interview be delayed until a parent/guardian can be contacted to give permission for the interview to proceed. (A student of eighteen years or older may waive this requirement of the division.)
6. The principal or designate does not have the automatic right to be present at the interviews involving students 12 years of age and over. The principal or designate cannot assume or state that he/she is the student's representative/advocate in the interview; selection of person/counsel is the student's right.



7. The principal or designate can request to be a silent observer of the interview. 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 determine
  - a. to let the interview proceed without the principal or designate in attendance, or
  - b. to request that the interview be removed from the school premises.
8. In the event that apprehension of a student is necessary the matter shall be handled with discretion. School-related violent incidents shall be responded to in a manner appropriate under the circumstances.
9. Before the removal of a student from the school, the principal shall request the police officer to advise the parent or guardian of the action being taken.
10. The Superintendent's Department shall be advised by telephone as soon as possible if a student is removed from the school by the police. A written report to the Superintendent shall follow within twenty-four (24) hours.

### **C. Procedure for Police Interrogation of Students under 12 years of Age:**

Students under 12 years of age are not subject to charges under the Youth Criminal Justice Act.

Where the student is under 12 years of age, in the absence of the parent or some other adult chosen by the student, the principal or designate must be present during an interview on school premises.

If a student has not been able to contact a parent or guardian and the principal or designate is required to be present during the interview by police of a student under the age of 12, it is recommended that the student be given the same fundamental rights as those given to students 12 years of age and older.

### **D. Search and Seizure:**

Student lockers are the property of the Swan Valley School Division. School administrators have the authority to inspect student lockers wherever circumstances warrant such action. The division may allow drug sniffer dogs to enter the school and conduct an inspection of the premises, this includes parking lots and vehicles utilizing

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the parking lot. The primary purpose for locker inspection shall be the protection of health, safety, and the general welfare of students, staff, or school property. Searches may also be conducted when school authorities have reasonable suspicion that a student is concealing something, possession of which is in violation of the law or of school rules.

School administrators also have the authority to search the student's personal effects wherever circumstances warrant such action.

Each school shall, on a regular basis remind students of the division's ability to undertake a search of students' personal effects and their lockers, and such communications shall be taken as notice of the school's right to undertake such a search whenever circumstances warrant such action.

The student will be informed and present, where reasonably possible in the circumstances when a locker search is conducted. Students will be given the opportunity to provide for such a search or to make voluntary disclosure of the property where reasonably possible. Notwithstanding the danger presented by the property being sought, the student's age and record of conduct and the urgency of making the search without delay are circumstances bearing on the justification of requesting such consent.

The inspection of a locker(s) shall be conducted by two (2) adults, at least one of whom must be a school administrator or designate. Should an inspection result in the discovery of material(s) which are inappropriate to a school building, the administrator has the authority to remove the material(s) or seal the locker for the purpose of seeking the solicitor's advice.

The student shall be informed as soon as convenient of any item(s) removed from his/her locker.

Under no circumstances will a staff member conduct a body search.

If a student refuses a search of his/her personal effects, the principal will advise the student and the student's parents that the police will be contacted.