

POLICE OR SOCIAL SERVICES INTERROGATIONS, SEARCHES AND APPREHENSIONS

Background

The Division recognizes its responsibility to cooperate with outside agencies, showing respect for the law and in contributing to good order in its schools and in the various communities. In addition, the Division recognizes its responsibility for employees to serve as positive role models for youngsters in its schools.

The Division, however, is also aware of its responsibility to respect the rights of all youngsters in its schools, and their parents/guardians.

Procedures

1. When any adult who is not:
 - 1.1 A parent or guardian of the student concerned; or
 - 1.2 A school-based professional or paraprofessional,
requests that he/she be given access to a student, such a request is to be directed to the Principal.
2. When the request cited in 1. above, is made by a police officer wishing to question, search or apprehend a student, the Principal shall:
 - 2.1 Discourage interrogation, searches or apprehension during school hours and on school premises;
 - 2.2 Recommend that parents/guardians be informed and if at all possible, that they be present.

If possible the police officer is to attempt to phone the parents/guardians from the Principal's office, or contact the parents/guardians in person. If it is not possible for the parents/guardians to be present, the Principal shall remain with the student at all times, acting "in loco parentis", while the student is in the presence of a law enforcement officer;
 - 2.3 Disallow, other than in cases where a student has committed a serious criminal offence whereby a law enforcement officer has authority to arrest without a warrant, the taking of a student away from the school premises without parent/guardian consent or legal authorization. If legal authorization (warrant or court order) is presented, it is recommended that a copy be taken;
 - 2.4 Make certain that where a student is being arrested or detained by a law enforcement officer that the student is advised by the law enforcement officer, and failing that, by the Principal, of his/her (student's) rights, such as:
 - 2.4.1 Right to know if he/she is under arrest;

- 2.4.2 Right to be informed promptly of the reasons for the detention or arrest;
 - 2.4.3 Right to remain silent;
 - 2.4.4 Right to request the presence of his/her parent(s) guardian(s) or legal counsel;
- 2.5 Notwithstanding the provisions for interrogations, searches and apprehension of students by law enforcement officers as outlined above, the Division recognizes the authority of law enforcement officers to undertake such courses of action as might be deemed necessary to carry out their responsibilities in maintaining the law. The Division, therefore, recognizes that there might be occasion, (for example: at a time of very serious wrongdoing) when the well-being of other persons might be in immediate jeopardy or when a child is in need of protection due to child abuse or child neglect, that the law enforcement officers would not likely be guided by this procedure as outlined above, but rather by those procedural guidelines as are outlined for them in their various judicial directives.
- 3. In accordance with such provisions as are outlined in various provincial and federal statutes, teachers and principals shall permit social services personnel to investigate a complaint that a child is abused, neglected, exploited or treated in unacceptable ways.
- 4. In accordance with such provisions as are outlined in various provincial and federal statutes, principals shall permit probation officers to deal with students who have been judicially placed in their charge in such a manner as they (the probation officers) deem necessary.
- 5. Principals are to request proof of identity prior to granting permission to question, search or apprehend a student. All identity information is to be verified with proper authorities via telephone.
- 6. Where a student(s) is/are being apprehended, the Principal shall require the apprehending officer to submit to him/her a letter or similar document indicating that he/she is acting in his/her official capacity in apprehending the student(s).
- 7. Principals are to briefly record all proceedings in respect to student investigations by school and out-of-school personnel.
- 8. In all cases of interrogations, searches and/or apprehensions by Division employees or personnel from agencies other than the Division, principals will:
 - 8.1 Inform parents/guardians unless doing so will seriously hamper an investigation; and
 - 8.2 Inform the Superintendent of Education/Director of the situation.

Reference: Sections 85, 87, 108, 109, 175 Education Act
Child and Family Services Act
Youth Criminal Justice Act