

Administrative Procedure 353

ACCESS TO STUDENTS – POLICE OFFICERS

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 interrogate a student or search a locker, personal property or person.

School officials are expected to cooperate with police officers 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 to be essential to proper investigation.
2. 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.
3. 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 and make known the purpose of their visit.
4. Interviewing of Students by Police Officers in Schools
 - 4.1 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:
 - 4.1.1 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.

- 4.1.2 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 4.1.7.2)
- 4.1.3 The principal or designate will bring the student to the 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).
- 4.1.4 The principal or designate will bring the student to a private office where the interview will take place. Every attempt is to be made to minimize distractions for the child and disruptions to normal school operations.
- 4.1.5 The law enforcement officer is responsible for informing the student (ages twelve to seventeen) that:
 - 4.1.5.1 The student is under no obligation to give a statement;
 - 4.1.5.2 Any statement given by him/her may be used as evidence in proceedings against him/her;
 - 4.1.5.3 She/he has the right to consult with: counsel or a parent; or in the absence of a parent or adult relative, any other appropriate adult (over eighteen) of his/her choice;
 - 4.1.5.4 Any statement made by him/her must be made in the presence of the person consulted unless she/he expressly waives that right in writing.
- 4.1.6 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 some other adult to be present.
- 4.1.7 The Principal or designate can request to "sit in" on 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 determine:
 - 4.1.7.1 To let the interview go ahead without the Principal or designate in attendance, or;

- 4.1.7.2 Request that the interview be removed from the school premises.
- 4.2 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. If the police officer has been unable to communicate with the parent before removing the student, the Principal shall notify the Office of the Superintendent immediately.
- 4.3 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.
- 4.4 Any breach of this procedure must be reported to the Office of the Superintendent immediately.
- 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 possesses a warrant (either for arrest or search);
 - 6.1.2 If she/he is “in hot pursuit” after the commission of an offense; and
 - 6.1.3 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 not to voluntarily deliver the student but 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.
- 7.4 Where a student is to be arrested the student has the right to attempt to contact a parent, legal guardian or relative in order to apprise them of the situation and to request that they attend.

Reference: Education Act 11, 197, 222 Child, Youth and Family Enhancement Act Youth Criminal Justice Act Freedom of Information and Protection of Privacy Act	
	Date Approved: April 1, 2021
	Reviewed or Revised: Executive: April, 2021

References shall be updated as required and do not require additional approval.