

INTERVIEWS AND SEARCHES

Background

The Division expects that all personnel will cooperate with external law enforcement agencies or other qualified government officials in carrying out their duties as they relate to students in the schools.

The Division strongly encourages investigating officers and officials to conduct their investigation of students away from the school, unless they deem such interviews essential to proper investigation.

Interviews and searches will be conducted in a manner that is in accordance with Board and school policies and administrative procedures.

Legal guardians of the student, law enforcement officers, and, child welfare authorities may interview students at school.

Procedures

Interviews: Law Enforcement Officers

1. When authorized persons find it necessary to visit a school to interview a student, they shall report to the Principal, provide adequate identification of themselves, and make known the purpose of their visit.
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:
 - a. Prior to the interview taking place, attempts will be made to contact the parent/guardian, except in cases where the investigation allegedly has to do with child abuse by the parent or guardian. If possible, parents/guardians should be present at the interview.
 - b. If the parent cannot be present, the Principal or designate may sit in on the interview at the request of the youth. The Principal or designate does not automatically have the right to be present at interviews. Students have the right to select their own advocate. Students classified as an "Independent Student" may waive the right to have an adult present, provided that the right is waived in writing.
 - c. The Principal will bring the student to the office where the interview will take place in the presence of an adult, except where the right to have an adult present is waived.
 - d. The law enforcement officer is responsible for informing 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 counsel or a parent, or in the absence of a parent or 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 as per regulation 2(b).
- e. If the student requests the Principal or other staff member 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.
 - f. 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:
 - g. to let the interview go ahead without the Principal or designate in attendance, or
 - h. request that the interview be removed from the school premises.
 - i. Before removing a student from the school, the police officer should communicate by phone with the parent/guardian and inform them of the course of action taken.
 - j. In the event of an arrest, the police officer and the student shall leave the school immediately.
 - k. The Principal is encouraged to express the Division's position to the police officers.
 - l. Any unusual circumstances must be reported immediately to the Superintendent.

Interviews by Child Welfare Workers

1. When child welfare 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.
3. The child welfare worker has the authority to determine whether or not it is in the best interests of the child to have a staff member or other adult sitting in on the interview.
4. Child welfare authorities have the power to apprehend a child with or without a court order, where there is sufficient evidence to suggest the child is in need of protection.
5. Child welfare workers are not authorized to take a child from the school unless they have apprehended them or unless the child is in the custody or under the guardianship of the province.

6. If the matter is urgent and there is a need to conduct the interview during school hours, the Principal or designate shall advise the official of the location of the student and escort the official to that location.

Searches

1. Students and their parents shall be informed at the beginning of each school year or semester about any school policy regarding searches that are in effect. The student and parent/guardian will complete a locker agreement at the start of each school year or semester.
2. Student property and school property, including school lockers, may be subject to unannounced searches from time to time, as determined by school or Division policy and procedures.
3. Searches may be conducted if the Principal has reasonable grounds to believe that the locker or student property contains contraband or there are rule violations in respect of materials within or on the locker. The grounds for conducting such a search shall be recorded in writing by the Principal and kept on file.
4. The student shall be present during the search when possible or practical.
5. In addition to the searcher, at least one other adult witness shall be present when the search takes place.
6. If the proposed search revolves around a suspicion of criminal activity, the police shall be informed. If there is a safety concern, the police shall conduct the search.
7. Wherever possible, or practical, the parents/guardians of the student shall be informed of the search and the reasons for it, prior to it being undertaken. If prior notification is not possible, the parents/guardians shall be notified as soon as possible after the search is undertaken.

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References

Section 11, 32, 33, 52, 53, 197, 222 Education Act