



**Interrogation and Searches of Students**

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**Background**

It is recognized that from time to time it will be necessary for the principal or a member of the school staff to question a student regarding a breach of the school rules or an incident that occurred within the school environment. It is also recognized that members of outside agencies, such as police officers or social workers, may wish to interview a student, or students, at school during school hours.

School officials are expected to cooperate with the police or other appropriate civilian authorities in the execution of their duties. Staff members also have a responsibility to function in the place of the parent during the school day.

**Procedures**

1. The principal is responsible for protecting the individual rights of the student, which includes informing the student of the right to have parents and/or counsel present during questioning.
2. Interviews and searches will be conducted in a manner that ensures that the rights and privacy of the student are protected.
3. No person except the custodial parent, law enforcement agencies, or Child Welfare Workers may interview students in school.

Interviews By Law Enforcement Officers

4. In the case of law enforcement officers wishing to interview a student at school the following shall apply:
  - 4.1 The principal shall require the police officers to report to the office of the principal, to provide appropriate identification and to make known the purpose of the interview.
  - 4.2 The principal shall question the police officer(s) as to the urgency of the matter and if not deemed urgent, or an emergency, they should be advised that they are to deal with the matter at the student's residence in the presence of the parents, or in another location not associated with the school, and outside of school hours.



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- 4.3 Should the principal deem the matter to be urgent or an emergency, and agree to permit the interview to proceed, the parents of the student must be immediately contacted, except in cases where the investigation has to do with child abuse by the parent, and asked to come to the school and be present for the interview. Should the parent be able to come to the school, the investigating officer(s) shall be required to wait until the parent arrives.
- 4.4 If the interview is to proceed, the principal shall bring the student to a private location where the interview may be held. If the parent cannot attend and the student is under the age of twelve, the principal or another staff member must sit in on the interview. The exception being child protection cases.
- 4.5 The police officer(s) shall be required to advise a student that is between the ages of 12 and 17 inclusive that:
  - 4.5.1 The student is under no obligation to give a statement.
  - 4.5.2 Any statement that may be given may be used as evidence in any legal proceeding.
  - 4.5.3 The student has a right to consult with counsel or a parent, or in the absence of the parent, an adult relative, or any appropriate adult that may be chosen; and
  - 4.5.4 Any statement made by the student must be made in the presence of the person consulted unless the student waives the right in writing.
- 4.6 A student over the age of 12 may request that the principal or another staff member be present during the interview. That staff member should comply with the request unless there is some reason not to do so in which case the student may select another adult.
- 4.7 The principal may request permission to observe the interview and the police officer shall advise the student of the request. Should the student not consent, then the principal shall not attend the interview.



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- 4.8 If a police officer wishes to remove a student from school, then the principal shall require that the police officer contact the student's parents and advise them of the action being taken. If the parents cannot be contacted, then the principal shall immediately notify the divisional office. A letter shall be sent to the parents advising that a phone call had been made, the time of the call, and that no contact had been made.
- 4.9 If a student is to be arrested under a warrant, the principal shall advise the officer(s) of the location of the student, and escort the officer(s) to the location for the purpose of arresting the student.

#### Interviews By Child Welfare Workers

5. In the case of a requested interview by child welfare workers, the following shall apply:
  - 5.1 If a child welfare worker comes to the school to interview a student, the principal shall require the worker to provide appropriate identification, advise as to the nature of the interview, and if not deemed urgent, the worker should be advised that the matter should be dealt with at the student's residence and outside of school hours.
  - 5.2 The principal shall facilitate access to the student if the matter is urgent and there is a need to conduct the interview in school during school hours. The principal shall confirm that parental permission has been obtained from the parent by the child welfare worker prior to the interview taking place.
  - 5.3 Notwithstanding 5.1 and 5.2 above, the principal shall permit interviews in the school in cases of suspected child abuse, or neglect, or investigations involving suspected physical or sexual abuse. The principal shall obtain a written statement from the child welfare worker that this is the case. Parental contact shall not be required prior to the interview and no witness need be present.



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- 5.4 The principal shall ensure that a written record of the identity of the child welfare worker, the date and time of the interview and the name of the student being interviewed is taken and maintained on file at the school.
- 5.5 Child welfare workers are not authorized to take a student from the school unless they are being apprehended or unless the student is under wardship.

#### Searches Of Student Property

6. In the case of searches of student property by school staff the following shall apply:
  - 6.1 Students and their parents shall be informed at the beginning of each school year, or semester, that student property is subject to periodic searches of a general administrative nature for contraband and rule violations.
  - 6.2 School officials shall attempt at all times to protect the student's right to privacy.
  - 6.3 The student's consent to the search of property shall be sought, whenever possible.
  - 6.4 The student shall be present during the search, whenever possible.
  - 6.5 The grounds for conducting a search shall be recorded in writing by the principal and kept on file.
  - 6.6 In addition to the individual conducting the search, at least one other adult witness shall be present when the search takes place.
  - 6.7 Wherever possible, the parents of the student, or the student if over the age of 16, shall be informed of the search, and the reasons for it, prior to it being undertaken.
  - 6.8 If the proposed search revolves around the suspicion of criminal activity, the police shall be informed, and be requested to obtain the necessary authorization and conduct the search.