

349 INTERROGATIONS AND SEARCHES

Background

The Division recognizes the need to maintain good working relations with community agencies and also to protect the rights of children.

The Division reserves the right to search all school facilities including lockers and desks assigned to students for their own use, in harmony with any legal requirement. In addition, personal items such as backpacks, purses, coats, etc. may also be searched.

Procedures

1. General
 - a. Persons other than school personnel, the legal guardian of the student, law enforcement officers, and in some circumstances child welfare authorities may not interview a student on school premises.
 - b. Whenever possible, arrangements are to be made to have all interviews or searches by external personnel conducted outside of school hours and off school premises.
 - c. Any breach of this policy must be immediately reported to the Superintendent.
2. Police Investigations
 - a. When a police officer finds it necessary to interview a student during school hours, the officer will report to the Principal and make known the purpose of the visit.
 - b. After the police officer has made known the purpose of the visit, the Principal will contact the parents to advise them of the presence of the officer, and the request of the officer to interview the student. The Principal will then tell the officer whether the parent will permit an interview with the child.
 - c. For students under twelve years of age, once parental consent has been obtained, the Principal will bring the student to the office. The interview will take place in the presence of the Principal, and of the parent, if the parent chooses to attend.
 - d. For students twelve years of age or older:
 - i. Once parental consent has been obtained, the Principal will bring the student to the office. The interview will take place in the presence of the

parent, or if the parent chooses not to attend, an adult as selected by the student (see Section 5(c) below). The Principal does not automatically have the right to be present.

- ii. If the student requests that the Principal or another staff member be present during the interview, it is desirable that the individual comply. However, the staff member is not obligated to accept. If the request is refused, the student may select another adult to be present.
 - iii. The Principal may request to be present as a silent observer. If the Principal makes such a request, the police officer is responsible for informing the student of the request. If the student does not consent, the Principal may
 - let the interview go ahead in the Principal's absence.
 - request that the interview be moved from the school premises.
 - iv. Before removing a student from the school, the police officer should communicate by telephone with the parents and inform them of the course of action taken.
- e. The police officer is responsible to state that
- i. The student is under no obligation to give a statement.
 - ii. Any statement given by a student may be used as evidence in proceedings against the student (if the student is twelve years of age or older).
 - iii. The student has the right to consult with
 - counsel or a parent; or in the absence of a parent,
 - an adult relative; or in the absence of a parent and adult relative,
 - another appropriate adult of the student's choice.
 - iv. Any statement made by the student must be made in the presence of the person identified in 2(e)(iii).

3. Child Welfare Investigations

- a. When child welfare workers or police officers wish to visit a school for the purpose of investigating alleged child abuse or neglect, they shall report to the office of the Principal, provide adequate identification of themselves, and make known the

purpose of their visit. In all cases of child sexual abuse, or physical abuse causing bodily harm, child welfare workers are required to notify the police, who will investigate to determine whether charges should be laid. Joint interviews involving both child welfare workers and police officers may occur during an investigation.

- b. To enable the student to speak freely and openly to the investigators, it is usually appropriate for the student and the investigators to be alone. Occasionally a student may request or require the reassuring but non-participating presence of a familiar staff member; therefore, there may be instances when the Principal and the investigators agree that a school representative should be present during the interview.
- c. The Principal shall not notify the parents about an investigation. The responsibility for notifying parents about an investigation is that of the investigators. While it is important for parents to learn promptly that an investigation is underway, a greater concern is that the student be protected from possible abuse. Thus, in cases where intra-familial abuse may be suspected, parent notification by the investigators normally follows an initial contact with the student.
- d. The Principal should clarify with the investigators when contact with the parents will be made, particularly when an investigation begins near the end of a school day, as the student's return home may be delayed. If the investigators have not yet contacted the parents and the parents call the Principal indicating that the student has not yet returned home, the Principal will provide the investigators names and telephone numbers.
- e. The Principal shall keep a written record including the identity of the investigators and their reasons for being at the school. The record shall be kept in a secure place, other than the student's file, until such time as it is deemed appropriate to destroy the information.
- f. Investigators may wish to interview school personnel having regular contact with the student or having other specific information pertinent to the investigation. The Principal will assist by identifying and facilitating these contacts.
- g. Since the individuals identified in f, above, may be required to give evidence under oath in any court proceedings which may eventually occur, it is recommended they summarize, in writing, the information provided to the investigators and retain it for future reference.
- h. In the interests of the student and in recognition of the family's right to privacy, schools shall maintain confidentiality in matters involving investigations into alleged child abuse or neglect.

4. Student searches

- a. School lockers will be rented or available on the condition that the school reserves the right to search and repossess the locker at any time without notice. The school

will publish its locker procedures, including the provision that lockers are subject to searches without notice under the direction of the Principal.

- b. If suspected of wrongdoing, a student may be directed to empty pockets, knapsack, purse, etc.; however, physical searches of students are not to be undertaken by school personnel. If, in the opinion of the Principal, a physical search should be conducted, the police shall be contacted.

- c. In schools which provide lockers, or other secured storage, for the use of students or others, the right to search the locker or to deny further use of the locker or storage device is retained at all times by the school district and may be exercised without prior notice.

The following procedures shall apply:

- i. Only the Principal or their delegate may authorize the search of any student locker.

- ii. The student may be informed of the search at the discretion of the Principal.

- iii. An adult witness must accompany the person conducting the search.

- iv. Students should be advised that secured lockers may be searched at the discretion of the Principal.

References

Section 11,32,33,52,53,197,222 Education Act
Child, Youth and Family Enhancement Act
Controlled Drugs and Substances Act
Youth Criminal Justice Act
Criminal Code (Canada)

History

Developed: August 2003
Amended: February 2020