

INTERVIEWING STUDENTS AT SCHOOL BY POLICE

Background

Interviews of students at school by police officers or child welfare workers will be permitted in accordance with pertinent legislation.

Procedures

1. It is the responsibility of the principal to safeguard the rights and well-being of every student in the school.
2. Interviews of students by police will be permitted where circumstances make such interviews essential.
3. It is expected that police officers will not request interviews with students at the school if arrangements can be made by them for the interview to take place at an alternate location outside of school hours.
4. A police officer effecting a proper arrest or in possession of a search warrant may enter upon school property and carry out his/her duties pursuant to the warrant.
5. A police officer may enter school property if he/she is in "hot pursuit" of someone who is alleged to have committed a crime and is or may be on school property.
6. A police officer entering school property for any reason shall apprise the principal of the reason for and nature of the visit before contacting any students.
7. If the police officer is in "hot pursuit" of someone, the police officer shall notify the principal at the first opportunity.
8. If condition 4 is not met, interviews with students will only be allowed to take place at the discretion of the principal. In the event that the principal deems the interview necessary, he/she may allow the interview to proceed in accordance with the Youth Criminal Justice Act or the Child Welfare Act.
9. If there is reported or suspected child abuse or neglect, please refer to Administrative Procedure 330 *Child Protection* and Administrative Procedure 330 Appendix *Procedures and Guidelines for Reporting Cases of a Child in Need of Protection*.
10. Prior to an interview with a child, the principal shall attempt to contact the child's parents to inform them that an interview is to take place.
11. An interview shall not be permitted without the consent of the parent except as noted below or in the case of 4 or 5 above.

An exception to notifying the parent arises when an “interview” or apprehension takes place where the student is allegedly a victim of abuse or neglect by a parent. In such cases the interview will be allowed and the principal shall not advise the parents. If a student is apprehended without the knowledge of the parent, and the parent inquires about the student’s whereabouts, the principal may provide the name and telephone number of the child welfare worker or police officer. The principal is advised to refer to *Administrative Procedure 330 Child Protection* and *Administrative Procedure 330 Appendix Procedures and Guidelines for Reporting Cases of a Child in Need of Protection* if there is suspected/reported child abuse or neglect.

12. If the parent agrees that an interview may take place, the principal or his/her designate shall take the student to the office.
13. If the interview is to proceed under the Child Welfare Act, the child welfare worker shall determine who shall be present for the interview (there is no right for school personnel to be present during such an interview).

If the interview is to proceed under the auspices of the Youth Criminal Justice Act, the student is entitled to have an adult present during the interview by police. The right belongs to the student who determines and selects the adult to be present, and who, in fact, may wish to waive the right to have an adult present.

14. The principal shall keep a written log of all interviews of students by police officers and child welfare workers that take place at school.

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

Updated: September 30, 2011
June 1, 2012