



AP 3 -14 Interviews & Searches & Child and Youth Services Investigations

Related Policies:	Initial Approval:
Related Procedures:	Last Amended: 2020 December 18
Exhibits:	Last Reviewed: 2020 December 18

PURPOSE

The Division recognizes the need and the value of cooperation with the law enforcement and other civilian authorities.

The Division supports the view that the school stands in loco parentis and possesses, in matters relating to the school, a parent’s right to permit or conduct the interview and search of a students locker, personal property or person. School officials are expected to cooperate with police and other appropriate civilian authorities in the execution of their duties.

The Division expects school employees to:

1. Promote cooperation between the school system and law enforcement.
2. work with law enforcement in resolving problems that may arise from time to time with a student or students;
3. Protect the privacy of the student; and
4. Keep parents fully informed of their child’s or children’s involvement with law enforcement except in instances of suspected parental child abuse.
5. No person except the legal guardian of the student, or law enforcement officers shall be permitted to interview a student on school premises. Under some circumstances, child and youth services authorities may interview students in school.

SCOPE

This procedure applies to all staff.

PROCEDURES

Interviews

1. All visits or inquiries to a school by law enforcement will be made through the office of the Principal.
2. Principals shall encourage the use of law enforcement members as resource personnel in classrooms for the purpose of building greater understanding and rapport between students and the law enforcement.
3. Law enforcement interviews with students should take place on school property only as a last resort.
4. When authorized persons find it necessary to interview a student on the school premises, the following will occur:
Prior to the interview, attempts should be made to contact parents or guardians, except where the investigation allegedly has to do with child abuse by the parent or guardian. If possible, parents or guardians should be present at the interview.
If the parent cannot be present, the Principal or designate shall sit in on the interview where a child is under the age of 12. The student has the right to select their own advocate.
5. The law enforcement officers are responsible for informing the student ages twelve to seventeen that:
 - 5.1. The student is under no obligation to give a statement.

- 5.2. Any statement given by the student may be used as evidence against the student.
 - 5.3. The Student has the right to consult with counsel or a parent, relative, or any appropriate adult over 18 of his/her choice.
 - 5.4. Any statement made by the student must be made in the presence of the person consulted unless the student expressly waives that right in writing.
6. 6.1. If a student is to be arrested by law enforcement whether under warrant or otherwise, the Principal should not voluntarily deliver the student, but should advise the law enforcement of the location of the student, and escort the law enforcement to the location for the purpose of arrest/apprehension of the student.
 - 6.2. In the event of arrest/apprehension, the student and law enforcement should leave school premises immediately upon the carrying out of the arrest or apprehension.
7. The Principal or Vice Principal shall advise parents or guardians that a student is being interviewed by law enforcement and give the name and phone number of the law enforcement officer.
 8. The Principal or Vice Principal shall immediately notify a parent by telephone that the child has been arrested. Where contact cannot be made by telephone, a letter shall be sent immediately confirming the fact that a telephone call had been made but that contact had not been attained.
 9. Teachers may seize student property when:
 - 9.1. That property may be admissible as evidence in subsequent criminal proceedings and is immediately given to the police; or
 - 9.2. That property is prohibited by school rules. Such property shall be retained in a secure manner and returned to the student in accordance with school rules.

Searches

1. Where no external agencies are involved, the interrogation and/or search of students or their lockers should be conducted by the school Principal or designate, and then only in the presence of another teacher. Searches of student lockers should only be conducted in the presence of the student. Searches of students and/or their lockers shall only be conducted when there is reasonable suspicion that they possess contraband or stolen goods. Reasonable suspicion will be determined based on:
 - 1.1. An actual eyewitness account by another student or teacher of the possession of the goods; or
 - 1.2. Historical practice of the student with respect to such possession and previous infractions of the rules.

Interview by Child and Youth Services Workers

1. When Child and Youth Services 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.
2. If the matter is urgent and there is a need to conduct the interview in school hours, the Principal or designate shall facilitate access to the child.
3. Interviews are to be permitted on school premises in cases of suspected child abuse or neglect when the investigation involves suspected physical/sexual abuse.
4. The Principal is to receive assurance from the Child and Youth Services Worker that the parents or legal guardians will be informed about the investigation if it involves pupils under the age of 18.
5. The responsibility of notifying parents or guardians rests with the Child and Youth Services Worker or police.

6. Clarification of when contact will be made with the parents should be attained by the Principal.
7. The Principal, following consultation with the pupil and the Child and Youth Services Worker, will determine whether or not it is in the best interest of the child to have a staff member sit in on the interview.
8. Child and Youth Services Workers authorities have the power to apprehend a child where there is sufficient evidence to suggest the child's need of protection.

Breaches to these procedures should be reported immediately to the Superintendent.

REFERENCE AND LINKS

Education Act

Child, Youth and Family Enhancement Act

History

2017 Sept 25	Reviewed
2019 Nov 26	Reviewed
2020 Dec 18	Amended