



INTERVIEWS, SEARCHES AND ARRESTS OF STUDENTS

Sunrise School Division has a responsibility to ensure that each student enrolled in a school within its jurisdiction is provided with a safe and caring school environment that fosters and maintains respectful and responsible behaviours. To support this expectation these procedural guidelines apply to the interviews, searches and arrests of students while on school premises or while participating in school-related activities off division property.

1. Interviews of Students by Child and Family Services Representatives

The division recognizes that under some circumstances, as dealt with in *The Child and Family Services Act*, Child and Family Service authorities may have the right to interview students in the school. Any apprehension of a student on school property or in attendance at a school-related function will be handled with discretion. Any person claiming to be a Child and Family Services representative must satisfy the principal as to his/her identity.

2. Interviews and Investigations by Police at Schools

When cooperating with a police officer, a school administrator or designate is encouraged to express verbally any concerns, however, any overt interference with a police officer in the legal execution of his/her duties may constitute a criminal offence. A police officer is responsible to justify any actions taken. Police will not conduct investigations in the schools except when it is absolutely necessary for them to do so in the proper discharge of their duties.

A. Interview by Police on School Premises of Students 12 Years of Age and Over:

These guidelines are in compliance with the *Youth Justice Act* where a young person is suspected of having committed or being involved in a crime that necessitates police investigation. Any person(s) claiming to be a police officer(s) must satisfy the school administrator or designate as to his/her identity.

- Division staff will cooperate with police.
- The police officer will report to the school administrator or designate and make known the purpose of the visit.



INTERVIEWS, SEARCHES AND ARRESTS OF STUDENTS

-
- A police officer will be allowed to interview a student in school or on school premises with the permission of the parent(s)/legal guardian(s) and the school administrator or designate. In the event that the parent(s)/legal guardian(s) cannot be contacted, it is left to the discretion of the school administrator or designate to have a student be interviewed and/or removed from the school.
 - The school administrator or designate will encourage the police to conduct the interview away from the school. In the event this is not possible or practical, the school administrator or designate will provide a private location for the interview, and in the absence of a parent/legal guardian, if the student is less than 18 years of age, will attend the interview, or ensure that another appropriate adult chosen by the student is present.
 - The police officer is responsible to inform the student in a language appropriate to the student's age and understanding:
 1. The reason for any detention or arrest;
 2. The student is under no obligation to give a statement or say anything;
 3. Anything the student says or any statement given by him/her may be used as evidence in proceedings against him/her; and
 4. He/she has a reasonable opportunity to consult with:
 - a) Counsel free of charge and a parent/legal guardian or adult relative in private (except for students under the age of 12 who do not have a right to consult with counsel except with parental approval), and that while trying to contact counsel the police cannot take a statement from him/her or have the student participate in a process that might provide evidence. An example would be a test of bodily substances; or,
 - b) In the absence of a parent/legal guardian or adult relative, any other appropriate adult 'over 18' of the student's choice, as long as that person is not under investigation in respect to the same offence.
 - Any statement made by him/her must be made in the presence of the person consulted.
 - Any waiver of these rights must be recorded on video or audiotape or be in writing

**INTERVIEWS, SEARCHES AND ARRESTS OF STUDENTS**

and contain a statement that the student has been informed of the right being waived.

- If the student requests the school administrator or designate, another staff member or other appropriate adult to be an observer during the interview, it is desirable that the individual comply with the student's request. However, the staff member is not obligated and if the request is refused, the student must select some other appropriate adult to be present or the interview be delayed until a parent/legal guardian can be contacted to give permission for the interview to proceed. (A student of eighteen years or older may waive this requirement.)
- The school administrator or designate does not have the automatic right to be present at interviews involving students 12 years of age and over. The school administrator or designate cannot state or assume the position of the student's representative/advocate in the interview. Selection of person/counsel is the student's right.
- When a student selects a person other than the school administrator or designate, the school administrator or designate can request to be a silent observer of the interview. The police officer would then be responsible to inform the student of the request. If the student does not consent, the school administrator or designate may then determine:
 - a) To let the interview proceed without the school administrator or designate in attendance, or
 - b) To request that the interview be removed from the school premises.
- In the event that apprehension of a student is necessary, the matter will be handled with discretion. Before the removal of a student from the school, the school administrator or designate will contact the parent/legal guardian and request the police officer to advise the parent/legal guardian of the action being taken.
- The superintendent's department will be advised by telephone as soon as possible if a student is removed from the school by the police or there is a breach of these guidelines. A written report to the superintendent will follow within 24

**INTERVIEWS, SEARCHES AND ARRESTS OF STUDENTS**

hours.

B. Interview by Police on School Premises of Students under 12 years of Age

- Students under 12 years of age are not subject to charges under the *Youth Criminal Justice Act*.
- Where the student is under 12 years of age, in the absence of the parent/legal guardian or some other appropriate adult chosen by the student, the school administrator or designate must be present during an interview on school premises.
- If a student has not been able to contact a parent/legal guardian and the school administrator or designate is required to be present during the interview by police of a student under the age of 12, it is recommended that the student be given the same fundamental rights as those given to students 12 years of age and older.

3. Searches and Seizures

Police officers require a search warrant before they are entitled to search school premises, a student's locker or other property, except in an investigation of an alleged offence under *the Narcotics Control Act*.

School administrators have the authority to inspect lockers, desks and storage areas whenever they have reasonable grounds to believe a school or division policy, procedure or guideline has been breached or a violation of the law has occurred and the search will reveal evidence of that breach or violation. Searches and seizures will be conducted in accordance with procedure JIH Search and guidelines JIHB-R Process for Searches.

4. Waiver Pursuant to the Youth Justice Act

The waiver form (exhibit JIH-E) pursuant to the *Youth Justice Act* is a document generally used by the police department when interviewing young people.

Given that statements taken by school authorities may be held in the same light as statements taken by the police, the principal may wish to use the content of that document, if not the form, where the principal or some other school authority is interviewing a youth for the



JIH-R

INTERVIEWS, SEARCHES AND ARRESTS OF STUDENTS

purposes of taking a statement pertaining to a criminal or a quasi-criminal matter. In these circumstances the form should be explained to the student by the principal to ensure their understanding.

Cross Reference:		
Date Adopted: August 1, 2017	Date Amended:	Board Motion(s):
Procedure: JIH	Guidelines:	Exhibit: JIH-E