

MISCELLANEOUS STUDENT POLICIES – INTERROGATIONS AND SEARCH**POLICY****LEGAL REF: EA 150, 151, 152, 175, 231**

Principals and teachers shall co-operate with police when they find it necessary to interrogate students or search any part of the school property. Principals and teachers may perform a student search and seizure of property that is related to maintaining order, safety and discipline.

BOARD APPROVED: June 28, 1982

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REGULATIONS AND PROCEDURES1. Interrogation

- a) Interrogation of students shall be limited to the police or Social Services personnel only and shall not normally be conducted on school premises.
- b) Officials must present identification to the principal prior to any interrogation.
- c) The exception to the conditions identified in (a) is when a police officer has a warrant or the police officer or Social Services official can indicate the necessity and reasons for immediate action, or where they can clearly demonstrate to the principal that such action would be in the best interest of the student.
- d) In cases of investigation of child abuse or neglect, the responsibility for contact with the parents rests with the investigating social worker or police officer. In other instances when a police officer seeks to interrogate a pupil during school hours, the principal shall:
 - i) attempt to notify the parents or guardians so that they might be present if they wish, and
 - ii) request that any interview be delayed until such time as the parent or guardian is present.
- e) Where parents or guardians are not available, the principal may request that the police or other authorities leave the premises, and that the interview be conducted at another time and/or place. However, if a police officer insists upon proceeding, the principal must:
 - i) Comply with the request to avoid charges of obstruction.

- ii) Act “in loco parentis” so as to safeguard the pupil’s rights by remaining with the student to ensure that the student is instructed about what is happening and advised to his/her rights.
- f) Prior to the interview the principal shall ensure that the student is informed of his/her rights and understands:
 - i) the reason for the investigation and interview;
 - ii) that any statement can be used as evidence against him/her;
 - iii) that he/she need not make a statement and that the prudent course of action is to refrain from making any statement until prior consultation with one’s parents or an adult (i.e. has the right to remain silent);
 - iv) that he/she may consult with a lawyer, parent, or other adult prior to making a statement;
 - v) that he/she may have a parent, lawyer, or other adult of his/her choice present during the interview.
- g) In the event of a principal or staff member attending an interview at the request of the student, the proceedings of the interview shall be documented with particular attention being given to the following:
 - date
 - time
 - names of persons present
 - information provided regarding rights (external interview)
 - summary of conversation
 - time of conclusion
 - disposition – action to be taken
- h) The principal must notify the parents if a student is to be removed from the school premises.
- i) School records relating to a police investigation of an infraction of criminal law are to be kept on file. All records shall be destroyed if the charges are dropped or the student acquitted.
- j) All abuse investigations shall follow procedures according to the protocol “Sexual Abuse of Children”.

2. Search

- a) Principals and/or teachers are authorized to search school property in order to maintain order, safety or discipline.
- b) Each school shall develop procedures and policies with respect to regular inspection by teachers of desks, lockers and other school

property used for storage of student materials. These procedures and policies must be communicated to the students upon registration.

- c) If the principal or teacher ascertains that there are reasonable grounds for belief that a criminal offense is being, or has been committed, that a search of the student or property will provide evidence in these matters, or will lead to the conclusion that the commission of a criminal offense has or is about to occur, a search can proceed subject to the following:
 - i) The search should proceed immediately if there is reason to believe that the safety of the student or other students is in question.
 - ii) If the safety of the student or other students is not in question:
 - Attempts should be made to have the student concerned present and consent to the search.
 - Where the student is not present, or does not consent to the search or the school officials do not wish to undertake the search under their own authority, school officials shall proceed after due process. This requires that the police be contacted and the search proceed under their direction.
 - At least one witness shall be present when a search takes place.
 - All intrusive searches must be conducted by or with the co-operation of the police.
- d) Any search on school premises initiated by the police shall be:
 - duly authorized by a warrant or,
 - in relation to drugs or weapons or,
 - incidental to the appearance of the police to arrest a student or,
 - in relation to a school initiated search that results in a request for police assistance in accordance with Section 2 (c).
- e) The principal shall accompany the police in any search unless he/she is advised by the police to the contrary.
- f) Except for the circumstances enumerated in (d) any other search by the police is to be permitted only where the principal determines that such a search should be conducted to ensure the safety of the student or other students or for the purposes of ensuring the good order and well-being of the students in the school.

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