

Schools must be safe and secure teaching and learning environments that support the intellectual, human, social, and career development of all students. The Board of Trustees directs staff members to take every appropriate and legal measure to ensure the safety and security of the teaching and learning environment, including cooperation with the police when police officers are conducting appropriate investigations within the school setting. The Board of Trustees further directs that the rights of students are to be respected during all instances of cooperation with the police.

The attached regulations provide the guidelines for the police investigation of students on school premises.

In circumstances where the Principal/designate is investigating a school matter where there is a possibility of criminal activity, the Principal should follow the attached guidelines. The Principal shall ensure that any statement received from the student is admissible evidence at any proceeding against the student. The student should be cautioned with respect to giving evidence to his/her own detriment.

On matters not relating to school activities, only the legal guardian of the student or a law enforcement officer shall be permitted to interview a student on school premises. Under some circumstances, as dealt with in *The Child and Family Services Act*, Child and Family Service authorities have the right to interview students in the school.

Responsibilities of staff members and procedures related to investigations by police in schools are outlined in the regulation.

Information: [The Child and Family Services Act](#)  
[The Freedom of Information and Protection of Privacy Act, Section 44 \(1\) \(r\)](#)

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## 1. General Guidelines

- a. Police shall not conduct investigations in school except when it is absolutely necessary for them to do so in the proper discharge of their duties.
- b. On matters not related to school activities, only the parent/legal guardian of the student or a law enforcement officer is permitted to interview a student on school premises. In some circumstances, as covered by *The Child and Family Services Act*, Child and Family Service authorities have the right to interview students in the school.
- c. A police officer may request the home address of a student in order to carry out an investigation outside the school. Where the Principal/designate is satisfied that the police are conducting an investigation for law enforcement purposes or crime prevention, *The Freedom of Information and Protection of Privacy Act (FIPPA)* allows the Principal to provide the address.

## 2. Investigation of Students 12 Years of Age and Over

- a. Division staff shall cooperate with police provided that any person(s) claiming to be a police officer satisfies the school Principal/designate as to his/her identity and the purpose of the visit.
- b. A police officer shall be allowed to interview a student in school or on school premises with the permission of the parent/guardian and school Principal/designate. In the event that the parent/guardian cannot be contacted, it is left to the discretion of the Principal/designate to have a student interviewed and/or removed from the school.
- c. The Principal shall encourage the police to conduct the interview away from the school. In the event this is not possible or practical, the Principal will provide a private location for the interview. In the absence of a parent/guardian, if the student is under eighteen (18) years of age, the Principal will attend the interview, or ensure that another adult chosen by the student is present.
- d. When requesting an interview with a student, the police officer is responsible for informing the student that:
  - The student is under no obligation to give a statement.
  - Any statement given by the student may be used as evidence in proceedings against him/her.

- The student has the right to consult with:
  - Counsel or parents (except for students under the age of 12 who do not have a right to consult with counsel); or,
  - In the absence of a parent, an adult relative; or in the absence of a parents and adult relative, any other appropriate adult (over 18) of his/her choice.
- e. The Principal/designate shall ensure that any statement made by the student is made in the presence of the person consulted in d. above unless the student expressly waives that right in writing.
- f. If the student requests the Principal, another staff member or other adult to be his representative present during the interview, the individual requested to be present should 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 adult to be present, or the interview be delayed until a parent/guardian can be contacted to give permission for the interview to proceed. A student of eighteen years or older may waive this requirement of the Division.
- g. The Principal/designate does not have the automatic right to be present at an interview involving a student 12 years of age and over. The Principal/designate cannot assume or state that he/she is the student's representative/advocate in the interview. Selection of the person/counsel is the student's right.
- h. The Principal/designate can request to be a silent observer of the interview. The police officer would then be responsible for informing the student of the request. If the student does not consent, the Principal/designate may then determine to let the interview proceed without the Principal/designate in attendance, or to request that the interview be removed from the school premises.
- i. In the event that apprehension of a student is necessary, the matter shall be handled with discretion. Any school-related violent incidents shall be responded to in a manner appropriate in the circumstances.
- j. Before the removal of a student from the school, the Principal shall request the police officer to advise the parent or guardian of the action being taken.
- k. The Area Superintendent shall be advised by telephone as soon as possible if a student is removed from the school by the police. The Principal/designate shall provide a written report to the Area Superintendent within twenty-four (24) hours. The Area Superintendent shall inform the Chief Superintendent or designate of the details related to the incident.

**3. Investigation of Students Under 12 Years of Age**

Students under 12 years of age are not subject to charges under the *Youth Criminal Justice Act*. However, should the police need to interview the student at the school, directions to staff are noted below.

- a. In the absence of the parent or some other adult chosen by the student, the Principal/designate must be present during an interview on school premises.
- b. If a student has not been able to contact a parent or legal guardian and the Principal/designate is required to be present during the interview by police, the Principal shall ensure that the student is given the same fundamental rights as those given to students 12 years of age and older, (see 1 above).

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