

Administrative Procedures Manual	Administrative Procedure 353
	Cooperation with the RCMP
	APPROVED: September 2013
Page 1 of 4	AMENDED/REVIEWED: September 2019
LEGAL REFERENCE:	Section 11, 52, 53, 197, 222 Education Act Child, Youth and Family Enhancement Act Controlled Drugs and Substances Act Youth Criminal Justice Act Criminal Code (Canada)

Background

A cooperative effort is to be maintained between Division employees and the RCMP. Members of the force may be summoned in order to conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when their presence is necessary to prevent injury to persons or property.

Principals have the responsibility and the authority to determine when the assistance of the RCMP is necessary within their schools. The Division’s administrators shall, at all times, act in a manner which protects and guarantees the rights of students and parents.

Procedures

1. RCMP Investigations Initiated by Principals
 - 1.1 The Principal shall determine when the necessity exists that the RCMP be contacted to conduct an investigation of alleged criminal behaviour which jeopardizes the safety of the school property or which interferes with the operation of the school.
 - 1.2 The Principal may request that the RCMP conduct an investigation and question the students who are potential witnesses of such alleged criminal behaviour during school hours, provided that:
 - 1.2.1 A reasonable attempt is made to contact the student's parents, guardian or representative prior to questioning by the RCMP.
 - 1.2.1.1 A reasonable effort to contact the student's parents would normally include attempts to contact at home, at work, or at places frequented by the parent.
 - 1.2.1.2 Reasonable requests of the parents would include requests to be present or to contact a lawyer, if time and circumstances permit.
 - 1.2.2 Such contacts or attempted contacts with parents, guardians or representatives are to be documented by the administrator involved.
 - 1.2.3 In the absence of a student's parent; however, the RCMP can question a student sixteen (16) years of age or older without witnesses being present by law.
 - 1.3 If the investigation has centred on any particular student suspected of such alleged criminal activity, the procedure for taking the students into custody by the RCMP set

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Page 2 of 4	AMENDED/REVIEWED: September 2019
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forth in section 4 of this Administrative Procedure shall be followed to the extent that they do not interfere with reasonable law enforcement procedures.

2. Investigations Initiated by the RCMP

- 2.1 Although cooperation with the RCMP will be maintained, the Principal would not normally allow the police to initiate and conduct any investigation and questioning on the school premises during school hours pertaining to criminal activities unrelated to the operation of the school.
- 2.2 Only in demonstrated emergency situations, when the police find it absolutely necessary, will they be voluntarily permitted to conduct such an investigation during school hours.
- 2.3 These circumstances are ordinarily to be limited to those in which delay might result in danger to any person, flight from the jurisdiction of a person reasonably suspected of a crime, or destruction of evidence.
- 2.4 In such cases, the officers shall be requested to obtain prior approval of the Principal or designate before beginning such an investigation on school premises.
- 2.5 The Principal or designate shall document the circumstances of such investigations as soon as practicable.

3. Violations of Criminal Law

- 3.1 During an investigation of violation of school rules, it may come to the attention of the Principal that the investigated activity may also be a violation of criminal law. In proceeding with the investigation, the Principal can attempt to ascertain whether there is sufficient justification to believe that a criminal offense was committed that warrants contacting the RCMP.
- 3.2 Violations of some school rules are also violations of criminal law, and the discretionary judgement of the administrator involved is very important. For example, it is not likely that the RCMP would be interested in bringing assault and battery charges against two students involved in a fight; however, sale or possession of drugs would most assuredly be of interest to them.
- 3.3 Where a suspected violation of criminal law has occurred on the school grounds involving the operation of the school, or during a school-sponsored activity, the RCMP may be notified and their presence requested for the questioning of suspected students.

Administrative Procedures Manual	Administrative Procedure 353
	Cooperation with the RCMP
	APPROVED: September 2013
Page 3 of 4	AMENDED/REVIEWED: September 2019
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- 3.3.1 Unless circumstances dictate otherwise, questioning of the student shall not begin or continue until the RCMP arrive.
- 3.3.2 Reasonable attempts shall be made to contact a student's parents, guardian, or representative who unless an emergency exists, shall be given the opportunity to confer with the student and to be present with the student during such questioning.
- 3.3.3 The Principal or designate shall document the contact or attempted contact with the student's parents, guardian or representative.

4. Taking a Student into Custody

- 4.1 Students may not be released to the RCMP voluntarily by school officials unless the student has been placed under arrest or unless the parent, guardian, or representative and the student agree to the release.
- 4.2 The Principal or designate shall make reasonable objections to the police who attempt to remove students from school without placing them under arrest or without the acquiescence of the parent, guardian, or representative and the student.
- 4.3 When students are removed from the school for any reason by the police every reasonable effort will be made to contact the student's parents, guardian, or representative immediately.
 - 4.3.1 Such effort shall be documented.
- 4.4 Whenever a student is removed from the school without an arrest being made, or without acquiescence of the parent, guardian, or representative and the student, the Principal or designate shall immediately contact the head of the local RCMP Detachment and make objection to the removal of the student.
- 4.5 The Superintendent or designate shall be notified immediately of any removal of a student from school by the RCMP under any circumstances.
- 4.6 The Principal shall make reasonable efforts to persuade the RCMP not to make arrests or take students into custody on school premises.
 - 4.6.1 Whenever the need arises to make arrests or take students into custody on school premises, the Principal is to make reasonable efforts to persuade the police to utilize a non-uniformed officer in making the arrest.
- 4.7 Where it is necessary to take a student into custody on school premises, and time permits, the RCMP officer shall be requested to contact the Principal and relate the circumstances necessitating such action.

Administrative Procedures Manual	Administrative Procedure 353
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Page 4 of 4	AMENDED/REVIEWED: September 2019
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- 4.8 When possible, the Principal shall have the student summoned to the Principal's office where the student may be taken into custody.
- 4.9 When an emergency exists, the Principal may summon the police to the school to take a student into custody or perform a citizen's arrest.
 - 4.9.1 If a citizen's arrest is necessary, then the Principal or designate has the same rights as an arresting officer including the use of force, and the right of search.
- 4.10 When a student has been taken into custody or arrested on school premises without prior notification to the Principal, the school staff present shall encourage the RCMP officers to notify the Principal of the circumstances as quickly as possible.
 - 4.10.1 In the event that the officers decline to notify the Principal, the school staff members present shall immediately notify the Principal.

5. Disturbance of School Environment

- 5.1 The RCMP may be requested to assist in controlling disturbances in the school which the Principal or other school administrator has found to be unmanageable by school personnel, and which has the potential of causing harm to students and other persons, or to property.
- 5.2 Such potential of possible harm includes members of the general public who have exhibited undesirable or illegal conduct on school premises or at a school event held on school property and who have been requested to leave by an administrator, but have refused or failed to do so.

6. Coordination of Procedures by Enforcement Officials

- 6.1 Principals shall meet at least annually with the RCMP to discuss the Division's administrative procedures regarding law enforcement contacts with the Division.
- 6.2 The RCMP will be asked to instruct their officers as to the terms of the Division's administrative procedures and school rules.