

Administrative Procedures Manual	Administrative Procedure 352
	Interrogations and Searches
	APPROVED: September 2013
Page 1 of 3	AMENDED/REVIEWED: September 2019
LEGAL REFERENCE:	Section 11, 31, 32, 33, 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

From time to time it will be necessary for the Principal or a member of the school staff to question a student regarding a breach of the school rules or an incident that occurred within the school. Under specific circumstances a search of student lockers may be required. Additionally, members of outside agencies, such as police officers, Children's Services workers, may wish to interview a student at school during the school day.

School staff members are expected to cooperate with the police or other appropriate civilian authorities in the execution of their duties. However, staff members also have a responsibility to function in the place of the parent during school hours.

Procedures

1. The Division strongly encourages investigating officers and officials to conduct their investigation of students away from the school, unless they deem such interviews essential to proper investigation.
2. Interviews and searches will be conducted in a manner that ensures student individual rights are protected.
3. Legal guardians of the student, law enforcement officers, and under some circumstances, Children's Services authorities may interview students at school.
4. Interview by Law Enforcement Officers
 - 4.1 Refer to [Administrative Procedure 353 – Cooperation with RCMP](#) for specific procedures regarding investigation of students, taking students into custody and disturbances of the school environment.
 - 4.2 The responsibility for notifying parents about an investigation rests with the law enforcement officer. The Principal is to clarify with the law enforcement officer that the parents will be informed about the investigation if it involves students under eighteen (18) years of age and when contact with the parents will be made.
 - 4.3 The Principal is encouraged to express the Division's position to law enforcement officers.
 - 4.4 Any unusual circumstances must be reported immediately to the Superintendent or designate.

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5. Interview by Children's Services Workers

- 5.1 When Children's 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.
- 5.2 If the matter is urgent and there is a need to conduct the interview during school hours, the Principal or designate shall advise the official of the location of the student and escort the official to that location.
- 5.3 Interviews are to be permitted on school premises in cases of suspected child abuse or neglect when the investigation involves suspected physical/sexual abuse.
- 5.4 The Principal, following consultation with the student and the Children's 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.
- 5.5 Children's Services authorities have the power to apprehend a child where there is sufficient evidence to suggest the child is in need of protection.
- 5.6 Children's Services are not authorized to take a child from the school unless they have apprehended them or the child is under wardship.
- 5.7 The responsibility for notifying parents about an investigation rests with the Children's Services worker. The Principal is to clarify with the worker that the parents will be informed about the investigation if it involves students under eighteen (18) years of age and when contact with the parents will be made.

6. Searches

- 6.1 Student property may be subject to unannounced searches from time to time.
- 6.2 Students and their parents shall be informed at the beginning of each school year or semester, regarding any procedures in effect, and that student property is subject to periodic searches of a general administrative nature for contraband and rule violations.
- 6.3 School officials shall attempt at all times to protect the student's right to privacy.
- 6.4 Lockers have been placed in schools for the protection, convenience, and use of students but remain the property of the Division. They and their contents are subject to inspection by the Principal or designates at any time.

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- 6.5 The grounds for conducting a search shall be recorded in writing by the Principal and kept on file.
- 6.6 Reasonable grounds usually involve the student's possession of contraband in the past or eyewitness accounts of possession of contraband.
- 6.7 The student shall be present during the search.
- 6.8 In addition to the searcher, at least one (1) other adult witness shall be present when the search takes place.
- 6.9 If the proposed search revolves around a suspicion of criminal activity, the police shall be informed, and the police shall conduct the search.