

INTERVIEWS/APPREHENSION OF STUDENTS BY POLICE OR SOCIAL WORKERS

Background

The Division recognizes the importance of cooperating with other agencies who have responsibilities which relate to students. These responsibilities may require agencies such as the police, public health or social service agencies to interview students in schools.

Police officers, social workers and public health nurses in the course of their duties, may find it necessary to visit a school and interview certain students. While cooperation with other agency personnel in such interview requests is expected, schools have an obligation to ensure that both students' and parents' rights are respected.

Principals are responsible to the Superintendent or designate for the administration of this administrative procedure.

Procedures

1. Police Officers

Police may interview students prior to parents or caregivers being notified if the student has been involved in a Violent Threat Risk Assessment (VTRA) or Comprehensive School Threat Assessment Guidelines Process (CSTAG). Parent(s) or caregiver(s) should be notified at the "earliest opportunity" after the VTRA/CSTAG team has collected enough initial data to determine the current level or risk. Principals should make all parents and students aware of the VTRA/CSTAG protocol and procedures early in the school year.

- 1.1 When a police officer finds it necessary to interview a student during school hours, the police officer will report to the office of the Principal or designate and make known the purpose of the visit.
- 1.2 When local law enforcement come to the school and make a request to interview a student in the course of an investigation, school administration should:
 - 1.2.1 understand that, as a matter of law, in non-exigent circumstances (urgent/emergency situations, for example a bomb threat or person with a weapon), local law authorities do not have a right to conduct their investigations on school property during school hours.
 - 1.2.2 understand that there are circumstances where permitting interviews is in the best interests of the Division and its students, and other circumstances where this assistance could be problematic and may need to be denied.
 - 1.2.3 ask the law enforcement officer to explain, in general terms, how this matter is connected to the school, and use their judgment and the following guidelines to make a decision about whether to assist with the investigation.

- 1.3 If the matter is somehow connected to the school, or if holding the interview on school premises during school time would serve the best interests of the school or the safety/well-being of the student in question, the principal should consider permitting the interview. Examples of such circumstance(s) would include:
- a student being investigated for engaging in fight with another student at the school;
 - a student is being interviewed as an alleged victim of sexual assault;
 - a group of students are being interviewed as alleged shoplifters at a local store during school hours on a school day.
- 1.4 If the matter is not connected to the school, or the safety/well- being of the student in question or other students at the school, or if the interview would needlessly disrupt the educational environment, the administrator should consider declining the interview. In this case, you may ask law enforcement to conduct their business after school hours and off of school grounds. Examples of such include things such as:
- a student being investigated for a public complaint about dangerous driving on the weekend;
 - a student being investigated for a vandalism incident occurring on town property in the outside of school hours;
 - a student being questioned as a witness to a crime in the community which occurred outside of school hours and is not related to the school.
- 1.5 If an administrator chooses to allow such an investigation, they should tell law enforcement that they plan to contact parents/legal guardians immediately, and shall promptly contact the child's parents/legal guardians to advise them of the request for an interview of the child and invite them to be present, in person or by speaker phone. The administrator should also advise local law enforcement that they will ask them to respond to any questions the parents may have. The exception to this is when police may interview students prior to parents or caregivers being notified if the student has been involved in a Violent Threat Risk Assessment (VTRA) or Comprehensive School Threat Assessment Guidelines Process (CSTAG). Parent(s) or caregiver(s) should be notified at the “earliest opportunity” after the VTRA/CSTAG team have collected enough initial data to determine the current level or risk.
- 1.6 If an administrator chooses to allow such an investigation, they should tell law enforcement that they plan to contact parents/legal guardians immediately, and shall promptly contact the child's parents/legal guardians to advise them of the request for an interview of the child and invite them to be present, in person or by speaker phone. The administrator should also advise local law enforcement that they will ask them to respond to any questions the parents may have. The exception to this is when police may interview students prior to parents or caregivers being notified if the student has been involved in a Violent Threat Risk Assessment (VTRA) or Comprehensive School Threat Assessment Guidelines Process (CSTAG). Parent(s) or caregiver(s) should be notified at the “earliest opportunity” after the VTRA/CSTAG team have collected enough initial data to determine the current level or risk.
- 1.7 If the parents/legal guardians are not available, the administrator may use their

discretion in granting or not granting the interview. The administrator shall take detailed notes of all attempts made to contact the parents/ legal guardians. If the interview proceeds, it is expected that law enforcement ensures students know their rights under the *Youth Criminal Justice Act*.

- 1.8 The administrator has no automatic right to be present for the interview. However, the administrator or designate may request to "sit in" as a silent observer of the interview. If the police or the student do not consent, the administrator may reconsider permitting the interview being done on school premises/ school time.
 - 1.9 Administrators should not agree to act in the place of a parent during the interview or permit another staff member to do so. They should not offer students legal advice or permit another staff member to do so.
 - 1.10 Notify Superintendent or designate.
2. When local law enforcement come to arrest/apprehend a student, school administration should:
 - 2.1 In non-emergency circumstances, discuss with local law enforcement alternatives to arresting the student at school;
 - 2.2 If an arrest is to be made, in the interest of student privacy, discuss with local law enforcement the most discreet/least disruptive procedure for arresting the student;
 - 2.3 Unless there is a compelling safety reason, the Principal or designate shall consider personally retrieving the student, rather than having him or her arrested in front of a class or other students;
 - 2.4 Notify Superintendent or designate.
3. When Child and Family Services come to the school and make a request to interview or apprehend a student in the course of an investigation, school administration shall:
 - 3.1 Ask for identification.
 - 3.2 Allow the Child and Family Services worker to interview the student while maximizing privacy.
 - 3.3 If requested, allow Child and Family Services to apprehend the student while maximizing privacy.
 - 3.4 Cooperate fully, answering all questions Child and Family Services may have to the best of your ability and allowing them to speak with anyone employed by the school to further their investigation.
 - 3.5 Not contact the parents/legal guardians of the student(s). This is the role of Child and Family Services. The administrator should clarify with the case worker when contact

- with the parents/guardians will be made, particularly when an investigation commences near the end of a school day and the child's return home may be delayed because an investigation is still incomplete.
- 3.6 Not discuss the matter with the parents/legal guardians. Instead, refer them to the Child and Family Services agent(s) who conducted the investigation.
 - 3.7 Not disclose whether or not the original referral was made by administration or a school employee.
 - 3.8 The Principal or designate shall keep a written record indicating the identity of the Child and Family Services Worker(s), the reason for the interview, and the essence of the discussions.
 - 3.9 Notify Superintendent or designate.

Reference: Relevant Legislation & Regulations