

INTERROGATION OF STUDENTS

Background

The Division believes that none of its procedures or practices are to obstruct the police or social services personnel in the performance of their duties. Nevertheless, the Principal is expected to act as a reasonable parent might in such matters, and ensure that the rights of the student are protected.

Procedures

1. Interrogation of students by the police or social services personnel shall not normally be conducted on school premises during school hours.
2. The exception to the above is where a police officer has a warrant or the social services official can indicate the necessity and reasons for immediate action, or where it can be clearly demonstrated to the Principal that such an interview would be in the best interests of the student.
3. When a police officer seeks to interrogate a student during school hours, the Principal shall:
 - 3.1 Notify the parent or guardian so that they might be present if they wish;
 - 3.2 Request that any interview be delayed until such time as the parent or guardian is present;
 - 3.3 Safeguard the rights of the student until the parent or guardian arrives by ensuring no interview takes place.
4. In cases of child abuse or neglect being investigated by social workers, principals are not to contact parents when they are informed that an investigation is taking place, unless specifically asked to do so by the investigating social worker. The responsibility for contact with the parents of the child who is allegedly abused or neglected rests with the investigating social worker.
5. In cases of child abuse or neglect, principals and/or teachers are not to insist on being present when the child is interviewed. This situation is not parallel to that in which police officers interview children in the course of investigating an alleged offense by the child. In that case, the Principal or teacher is acting "in loco parentis" to ensure the protection of the child's rights. A social worker investigating child abuse is carrying out the legislative mandate for the protection of children; this includes the power to apprehend children if necessary.
6. In all other circumstances, where parents or guardians are not available, the Principal may quite properly and legally request that the police or other authority 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:

- 6.1 Comply with the request to avoid charges of obstruction;
 - 6.2 Act in loco parentis, sitting in on the interview to safeguard the student's rights;
 - 6.3 Notify the Division Office immediately;
 - 6.4 Ensure the student is instructed about what is happening, and advise them of the right to remain silent.
7. Where circumstances appear to warrant it, the Superintendent or the Secretary-Treasurer are to seek immediate legal advice from the Division's solicitor.
 8. Where a Principal or designate attends any formal interview or interrogation, detailed notes of what transpires must be kept, including actual conversations if possible.

Adopted/Revised: JUN 2016/NOV 2019

Reference: Section 11, 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)