



## POLICY STATEMENT 335

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SUBJECT: INTERVIEW BY LAW ENFORCEMENT

AUTHORITY: EFFECTIVE: Nov. 12, 1998

RESPONSIBILITY: Principal or designate REVISED: September 1, 2004  
November 29, 2013

REFERENCE: Youth Criminal Justice Act, 2003, PAGE: 1 of 2  
Criminal Code of Canada, 2001  
Canada Charter of Rights Freedom  
Section 8, 10 (B), Policy 311:  
Computer and Network Access,  
Policy 335: Theft and Vandalism

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### Statement:

The Superintendency recognizes that the direct responsibility for the protection of the legal rights of students rests with the parent(s) or guardian(s). To ensure that these rights are not violated, the Superintendency approves the following guidelines to be used when interviews of students are requested by law enforcement agencies.

335.1 The direct responsibility for the protection of the legal rights of students rests with the parent(s) or guardian(s). To ensure that these rights are not violated, the Superintendency approves the following guidelines to be used when interviews of students are requested by law enforcement agencies.

335.2 Law enforcement agencies may only interview a student at the school under the following exceptional circumstances:

- a) If the family of the student is under investigation for conduct towards the student. In this case:
  - i. The Principal or designate shall be present during the interview.
  - ii. The interview shall be conducted in a private location in the school.
  - iii. Prior to the interview, the Principal or designate shall inform the student that participation is voluntary.
  - iv. The Principal shall ensure that all aspects of the interview are considered confidential by all school personnel.

- b) If there are extenuating circumstances which make it inappropriate or unfeasible to hold the interview outside of the school (ie: criminal conduct by the student while at school, cases where the student is a material witness or a victim of a crime on school property). In these cases:
- i. The Principal shall make every effort to notify the parents/guardians of the student to be interviewed.
  - ii. If efforts to reach the parent(s)/guardian(s) are unsuccessful, the Principal or designate shall be present during the interview. The Principal shall inform the student that they are present to observe the interview process and not to represent the legal interests of the student.
  - iii. Prior to the interview the Principal or designate shall inform the student that participation is voluntary and that they need not say anything until they have consulted with a lawyer or their parent/guardian.
  - iv. The interview shall be conducted in a private location in the school.
  - v. The Principal shall ensure that all aspects of the interview are considered confidential by all school personnel.

335.3 Law enforcement agents may not remove a student from school for questioning unless they arrest the student. Students age 16 or older may voluntarily agree to accompany a police officer off school property for questioning.