



INTERVIEW BY LAW ENFORCEMENT

POLICY STATEMENT 335

Category: Educational Programs and Related Services

POLICY STATEMENT

The Superintendent recognizes that the direct responsibility for the protection of the legal rights of students rest with the parent(s) or guardian(s).

PURPOSE

To ensure that these rights are not violated, the Superintendent approves the following guidelines to be used when interviews of students are requested by law enforcement agencies.

APPLICATION

To ensure that these rights are not violated, the Superintendent approves the following guidelines to be used when interviews of students are requested by law enforcement agencies.

PROCEDURES

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) In most circumstances, law enforcement interviews are conducted outside of the school. However, if it is determined that 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), then the interview will be conducted on school property. In these cases:
- c) The Principal shall make every effort to notify the parents/guardians of the
 - i. student to be interviewed.
- d) If efforts to reach the parent(s)/guardian(s) are unsuccessful, the Principal or
 - i. designate shall be present during the interview. The Principal shall inform
 - ii. the student that they are present to observe the interview process and not to

- iii. represent the legal interests of the student.
- e) Prior to the interview the Principal or designate shall inform the student that
 - i. participation is voluntary and that they need not say anything until they have
 - ii. consulted with a lawyer or their parent/guardian.
- f) The interview shall be conducted in a private location in the school.
- g) The Principal shall ensure that all aspects of the interview are considered
 - i. 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 aged 16 or older ***may voluntarily*** agree to accompany a police officer **off school property** for questioning.

RESPONSIBILITY

The direct responsibility for the protection of the legal rights of students rests with the parent(s) or guardian(s).

Additionally, while in the school, the principal, or their designee, is also responsible as noted in the *Education Act* by the following:

28(2) The duties of a principal include: (c) ensuring that reasonable steps are taken to create and maintain a **safe**, positive and effective learning environment.

DEFINITIONS

REFERENCES

Policy 701: Policy for the Protection of Pupils (under Revision)

LEGAL AUTHORITY

Youth Criminal Justice Act, 2003

Criminal Code of Canada, 2001

Canadian Charter of Rights and Freedom, s 8, 10(b)

Education Act, s 28(2) (c)

DATE OF REVISION

AUTHORIZED SIGNATURE