

### INVESTIGATION BY POLICE

These procedural guidelines apply to the interview of students on school premises.

Although these guidelines have been developed for situations where police officers are involved in interviewing students on school premises, there will be situations where the investigation of a school matter by the principal may overlap with some alleged criminal activity. In these situations, it is recommended that the school principal follow these guidelines to ensure that any statement received from the student would be admissible evidence at any proceeding against the student.

On matters not relating to school activities, only the legal guardian of the student or a law enforcement officer shall be permitted to interview a student on school premises. Under some circumstances, as dealt with in the Child and Family Services Act, Child and Family Services authorities may have the right to interview students in the school.

#### Interview on School Premises of Students 12 Years of Age & Over:

1. These guidelines are in compliance with the Youth Criminal Justice Act where a young person is suspected of having committed or being involved in a crime which necessitates police investigation.
2. Normally police officers shall not conduct investigations in schools but in the course of their duties, may find it necessary to visit a school and interview certain students. In the event that such interviews become necessary, the following procedures are to be followed:
  - A. 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.
  - B. The principal or designate will bring the student to the office where the interview will take place.
  - C. The police officer is responsible to inform the student that:
    - i) The student is under no obligation to give a statement.
    - ii) Any statement given by him/her may be used as evidence in proceedings against him/her.
    - iii) He/she has the right to consult with:

- a) Counsel or a parent/legal guardian (except for students under the age of 12 who do not have a right to consult with counsel); or
  - b) In the absence of a parent/legal guardian, an adult relative; or,
  - c) In the absence of a parent/legal guardian and adult relative, any other appropriate adult (over 18) of his/her choice.
  - iv) Any statement made by him/her must be made in the presence of the person consulted unless he/she expressly waives that right in writing.
- D. If the student requests the principal or other staff member to be his adult representative present during the interview, it is desirable that the individual comply with the student's request. However, the staff member is not obligated. If the request is refused, the student may select some other adult to be present.
- E. The principal or designate does not have the automatic right to be present at the interviews involving students 12 years and over. The principal or designate cannot assume or state that he/she is the student's representative/advocate in the interview; selection of person/counsel is the student's right.
- F. The principal or designate can request to be a silent observer of the interview. The police officers would then be responsible to inform the student of the request. If the student does not consent, the principal or designate may then determine:
- a) to let the interview go ahead without the principal or designate in attendance, or
  - b) request that the interview be removed from the school premises.
- G. Before removing a student from the school the police officer should communicate by phone with the parent/legal guardian and inform them of the course of action taken.
- H. Police officers will do all in their power to comply with the wishes of the principal or designate, where such wishes are not inconsistent with this guideline or regulations of the police department.
- I. Any breach of this guideline must be reported immediately to the Superintendent of Schools.

#### Interview on School Premises of Students under 12 Years of Age:

Students under 12 years of age are not subject to charges under the Youth Criminal Justice Act.

Where the student is under 12 years of age, in the absence of the parent/legal guardian or some other adult chosen by the student, the principal or designate must be present during an interview on school premises.

If a student has not been able to contact a parent or legal guardian and the principal or designate is required to be present during the interview for a student under the age of 12 when being interviewed by a police officer, it is recommended that the student be given the same fundamental rights as those given to students 12 years of age and over.