

357 - INTERROGATION OF STUDENTS

Background

The Division believes that none of its policies or practices should obstruct the police or Children's 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 under the age of 18 years are protected.

Procedures

1. When police or Child Welfare officers find it necessary to visit the school and interview a pupil, they are expected to report to the office of the Principal and make known the purpose of the visit.
2. When a Police officer seeks to interrogate a student under the age of 18 years, during school hours, the Principal shall:
 - 2.1 Attempt to notify the parent or guardian so that they might be present, if they wish;
 - 2.2 Request that any interview be delayed until such time as the parent or guardian is present;
 - 2.3 Attempt to safeguard the rights of the student until the parent or guardian arrives by ensuring no interview takes place;
 - 2.4 Note the date, time and place of any such request.
3. 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:
 - 3.1 Comply with the request to avoid charges of obstruction;
 - 3.2 Inform the student of his/her right to have an adult present as advisor for the interview. The student may waive his/her right to counsel, but must do so in writing.
4. Act in loco parentis by sitting in on the interview if requested to do so by the student.
5. Where Social Workers seek to interview a child:
 - 5.1 The responsibility to notify the parent/guardian is that of the Social Worker, not the school, unless requested to do so by the investigating Social Worker.

- 5.1.1 In the event that, upon inquiry of the Social Worker, it is clear the student to be interviewed may be subject to some criminal investigation, sanction or charge as the perpetrator of an offence, then the school administrator should observe the same procedures set out in Procedure 2 above as would be followed in the case of a police investigation. If the Social Worker does not agree then the school administrator should advise the Social Worker to use his or her power of apprehension and conduct the interview elsewhere and advise the Social Worker that the school will advise of the parent(s) / guardian(s) of the apprehension at the end of the school day in order to allow time for the Social Worker to make such notification, as the Social Worker has the primary obligation to do so.
 - 5.2 It is not appropriate for the Principal or other person to attend an interview, unless requested by the Social Worker.
6. If there are breaches of the procedures set out above, the Principal must report these immediately to the Superintendent.

Reference: Section 60, School Act
Youth Criminal Justice Act