

INVESTIGATIONS, INTERROGATIONS, AND SEARCHES

Background

To ensure that schools are safe, the school principal or designate has the authority to investigate situations in which they have probable grounds to believe that students or staff are possibly at risk of harm. School authorities also have a responsibility to cooperate with the police and other civilian authorities according to guidelines in this administrative procedure.

Guidelines

1. A school official (principal/designate) who learns of a situation placing one or more students or staff at risk of harm establishes whether the individual has *credible information to establish probable grounds* that student/staff safety is at risk. Therefore, student property may be subject to unannounced searches from time to time as may be considered appropriate.
2. If a school official has established probable grounds to believe that students or staff are possibly at risk of harm, the individual has a positive duty to investigate while protecting students' rights to privacy. Random searches are not permissible. School officials shall attempt at all times to protect students' rights to privacy.
3. Students and their parents shall be informed at the beginning of each school year or semester, regarding any school policy in effect, that student property is subject to periodic searches of a general administrative nature for contraband and rule violations. Such notification is especially important with respect to the use of lockers in schools (See the GSCARD Locker License Form).
4. School officials who engage in investigations adhere to the guidelines in this administrative procedure.

4.1 Interviews

- 4.1.1 The school official must stay focused on whether and how student discipline and safety are threatened.
- 4.1.2 The grounds for conducting a search shall be recorded in writing by the Principal and kept on file. The school principal must follow division procedures outlined on the Dashboard under Risk Threat Assessment and student safety plan that may be in place.

4.1.3 If interviewing is deemed by the school principal to necessarily go beyond behavior that impacts student discipline and safety and involves potentially criminal charges, the school principal is to contact the police and inform the Assistant Superintendent of Learning Services to assist with the police investigation.

4.2 Searches

4.2.1 School officials that have established probable grounds to investigate may conduct searches of student property. In addition to the searcher, at least one other adult witness shall be present when the search takes place. Sensitivity to gender and age must be maintained.

4.2.2 If the proposed search revolves around a suspicion of criminal activity, the police shall be informed, and they shall conduct the search.

4.2.3 If the investigation is about a low-medium risk to student/staff safety, the school official will follow the guidelines in this procedure to exercise due diligence. Due diligence may require the school principal or designate to remove the lock by cutting it.

4.2.4 The student shall be present during the search whenever possible. School officials may request that a student(s) empty his/her backpack or pocket(s) or open and go through items in a location designated for a students' belongings (lockers, purses, automobiles parked on school grounds, computers, other Internet-enabled devices including cell phones).

4.2.5 If a student(s) refuses to cooperate, the school principal or designate is to inform the student that his/her parents/legal guardians and/or the police will be called and the student could potentially face disciplinary measures associated with contributing to the risk of harm.

4.2.6 A school principal or designate may invite police to investigate and inform the Assistant Superintendent of Learning Services. If the school principal or designate wishes to involve a drug-related investigation through the police and potentially drug-detection handlers and dogs, permission must be gained by first calling the Assistant Superintendent of Learning Services.

5 **Outside Officials in Schools:** Police officers, School Resource Officers, and Children and Family Services' officials may interview students according to the following guidelines:

5.1 The Division strongly encourages investigating officers and officials to conduct their investigation without recourse to interviews with students in school unless they deem such interviews essential to proper investigation. Police are required to complete the form Appendix D included [in AP 170 \(FOIP\) GSACRD Law Enforcement Disclosure Form](#) prior to engaging in any investigation at the school.

- 5.2 Interviews will be conducted in a manner that ensures students' rights are protected.
- 5.3 No person except the legal guardian of the student, or law enforcement officers shall be permitted to interview a student on school premises. Under some circumstances, child welfare authorities may interview students in school.
- 5.4 **Police Officers (Invited):** If a school principal **invites** a police officer, including an SRO (School Resource Officer) to support a school investigation, the following guidelines apply:
 - 5.4.1 The school principal supports the police to carry out their emergency protocols, which may involve the school principal directing staff to comply with officers' requests.
 - 5.4.2 The school principal is to direct the nature of how the investigation is to take place. If the police officer refuses to take direction from the school principal, the school principal has the right to request that the police officer leave and not assist.
 - 5.4.3 If the school principal wishes to have the police officer interview one or more students, the school principal is to notify parents or legal guardians unless the interview is to do with neglect or abuse by parents/legal guardians as reported by a parent, legal guardian, or someone in the home.
 - 5.4.4 The interview should take place in the office or area that is designated by the school principal.
 - 5.4.5 If the school principal invites an SRO to assist with a school investigation, in an emergency, the SRO is a police officer and emergency protocols are to be supported by the school principal.
 - 5.4.6 Because SROs are police officers and not employees of the division, they do not have the immediate right to access private information of students unless permitted by the school principal. The school principal may choose to release information to assist with an investigation to ensure safety of students and staff.
 - 5.4.7 Notwithstanding 5.1.3.6, the school principal may release private information according to the *Children's First Act* if the school principal deems that it is in the best interests of the student(s) involved.
- 5.5 **Police Officers (Not Invited):** If a school principal does **not** invite a police officer to investigate a school-related matter, the following guidelines apply:
 - 5.5.1 When authorized persons find it necessary to visit a school to interview a student, they shall report to the office of the Principal, provide appropriate identification of themselves and make known the purpose of their visit.
 - 5.5.2 When law enforcement authorities, in the course of their duties, find it necessary to interview a student on the school premises, the following will occur:

- 5.5.2.1 Prior to the interview taking place, attempts should be made to contact the parents, or guardian, except in cases where the investigation allegedly has to do with child abuse by the parent or guardian. If possible, parents or guardians should be present at the interview.
- 5.5.2.2 If the parent cannot be present, the Principal or designate must sit in on the interview where a child is under twelve years of age. The Principal or designate does not automatically have the right to be present at interviews (i.e., the individual cannot assume or state that the individual is the student's representative or advocate. The student has the right to select his/her own advocate.
- 5.5.2.3 The Principal or designate will bring the student to the office where the interview will take place in the presence of the Principal or designate (students under twelve years of age) or in the presence of counsel as selected by the student (students under eighteen years of age). The law enforcement office is responsible for informing the student (ages twelve to seventeen) that:
 - 5.5.2.4 The student is under no obligation to give a statement.
 - 5.5.2.5 Any statement given by him/her may be used as evidence in proceedings against him/her.
 - 5.5.2.6 The individual has the right to consult with counsel or a parent or, in the absence of a parent or adult relative, any other appropriate adult (over eighteen) of his/her choice.
 - 5.5.2.7 Any statement made by him/her must be made in the presence of the person consulted unless the individual expressly waives that right in writing.
 - 5.5.2.8 If the student requests the Principal or other staff member to be present during the interview, it is desirable that the individual comply in loco parentis (in place of a parent). However, the staff member is not obligated. Therefore, if the request is refused, the student may select some other adult to be present.
 - 5.5.2.9 The Principal or designate can request to sit in on the interview as a silent observer. The police officer would then be responsible to inform the student of the request. If the student does not consent, the Principal or designate may then determine:
 - 5.5.2.9.1 To let the interview go ahead without the Principal

or designate in attendance.

5.5.2.9.2 To request that the interview be removed from the school premises.

5.5.2.9.3 Before removing a student from the school, the police officer should communicate by phone with the parent/guardian and inform him/her of the course of action taken.

5.5.2.9.4 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 procedure or regulations of the police department.

5.5.2.9.5 Any breach of this procedure must be reported immediately to the Superintendent.

5.6 **Child Welfare Workers:** When child welfare workers find it necessary to visit a school to interview a student, they shall report to the Principal, provide appropriate identification, make known the nature of the investigation and indicate why the interview must be conducted.

5.6.1 If the matter is urgent and there is a need to conduct the interview in school hours, the Principal or designate shall facilitate access to the child.

5.6.2 Interviews are to be permitted on school premises in cases of suspected child abuse or neglect when the investigation involves suspected physical/sexual abuse.

5.6.3 The Principal is to receive assurance from the child welfare worker that the parents or legal guardians will be informed about the investigation if it involves pupils under eighteen years of age.

5.6.4 The responsibility for notifying parents about an investigation rests with the child welfare worker or police.

5.6.5 The Principal should clarify with the child welfare worker or the police as to when contact with the parents will be made.

5.6.6 The Principal, following consultation with the pupil and the child welfare worker, will determine whether or not it is in the best interest of the child to have a staff member sit in on the interview.

5.6.7 Child welfare authorities have the power to apprehend a child where there is sufficient evidence to suggest the child is in need of protection.

5.7 Use of Video Surveillance Systems in Investigations:

5.7.1 School principals that have video surveillance systems in their schools must notify parents at the beginning of each school year as to the reasons and uses of such a system. The following rationale is important to share with parents:

Video surveillance systems are used within the division to maintain student and staff safety in or on division sites. Such a system will be used to record and may be used to monitor activity.

Personal information collected by the video surveillance system may be used and/or disclosed in an investigation that could possibly lead to disciplinary (both student and staff), legal, legislative or law enforcement purposes, for enforcement of Division administrative regulations, or for a consistent purpose, or in accordance with a court order.

- 5.7.2 Any request from law enforcement to view or for release of a video surveillance system recording, video recording device or an extracted recording from a Division school or facility must be referred to the principal who must ensure that the [AP 170: FOIP Appendix D Law Enforcement Disclosure Form](#) is completed before the video surveillance system recording, video recording device or the extracted recording is viewed or released.

References:

Sections 45, 60, *Education Act*

Child Welfare Act

Children's First Act

Freedom of Information and Privacy Act (FOIP)

[Student Safety AP 310](#)

[Student Discipline Framework AP 350](#)

[Suspension/Expulsion AP 354](#)

[Use of Alcohol, Cannabis, or Restricted or Illicit Drugs AP 355](#)

[Vandalism by Students AP 357](#)

[Harassment Division Students AP 358](#)

[Safe and Caring Learning Environments AP 359](#)

Form -GSACRD Locker License Form

[AP 170 Appendix D GSACRD Law Request to Access Information \(FOIP Request Form\) Enforcement Disclosure Form](#)