

## **INTERROGATIONS AND SEARCHES**

### **Background**

The Division recognizes the need and the value of cooperation with the R.C.M.P.

The Superintendent expects staff members to:

1. Promote cooperation between the school system and the R.C.M.P.;
2. Work with the R.C.M.P. in resolving problems that may arise from time to time with a student or students;
3. Protect the privacy of the student; and
4. Keep parents fully informed of their child's or children's involvement with the R.C.M.P. except in instances of suspected parental child abuse.

### **Procedures**

#### **INTERROGATIONS:**

1. All visits or inquiries to a school by the R.C.M.P. shall be made through the office of the Principal or Assistant Principal.
2. Principals shall encourage the use of R.C.M.P. members as resource personnel in classrooms for the purpose of building greater understanding and rapport between students and the R.C.M.P.
3. Except in extenuating circumstances, police interviews with students shall not take place on school property.
  - 3.1 If a student is to be arrested by police whether under warrant or otherwise, the Principal shall not voluntarily deliver the student but shall advise the police of the location of the student, and escort the police to the location for the purpose of arrest/apprehension of the student.
  - 3.2 In the event of arrest/apprehension, the student and police shall leave school premises immediately upon the carrying out of the arrest or apprehension.
4. Except in instances of Child Welfare intervention due to suspected child abuse, the Principal or Assistant Principal shall advise parents or guardians that a student is being interviewed by the R.C.M.P. and give the name and phone number of the police officer.
5. The Principal or Assistant Principal shall, by phone, immediately notify a parent that their child has been arrested. Where contact cannot be made by phone, a letter shall be sent immediately confirming the fact that a phone call had been made but that contact had not been attained.

#### **SEARCHES:**

6. Teachers may seize student property when:
  - 6.1 That property may be admissible as evidence in subsequent criminal proceedings and is immediately given to the police; or
  - 6.2 That property is prohibited by school rules; such property shall be retained in a secure manner and returned to the student in accordance with school rules.

7. School officials shall attempt at all times to protect the student's right to privacy.
8. Given due cause or by reason of suspicion, student property is subject to unannounced searches.
9. If the proposed search revolves around suspicion of criminal activity, the police shall be informed and they shall conduct the search.
10. The grounds for conducting a search shall be recorded in writing by school administration and kept on file.
11. The student's consent to the search shall be sought, whenever possible.
12. The student should be present during the search, whenever possible.
13. In addition to the searcher, at least one other adult witness shall be present when a search takes place.
14. Whenever possible, the parents or guardian of the student should be informed of the search, and the reasons for it, prior to it being undertaken.

### **SEARCHES OF PROPERTY:**

#### 1. Students' Cars

Because students' cars, even while on the school grounds, are NOT school property, educators shall not conduct searches of them. If educators suspect that drugs or alcohol are in a car, they shall notify the RCMP and the RCMP shall decide whether or not they will conduct a search.

#### 2. Students' Lockers

School lockers ARE public property and NOT private property. Therefore, as part of an educator's parens patriae power and their duty to provide a sound educational environment, they may search lockers. Blanket searches of students' lockers will be upheld as necessary to fulfilling the educator's role. It is suggested that notification be included on the forms signed by students during locker assignment time (this issue also surfaces in the event of a bomb threat which would necessitate destruction of student owned locks during a search).

#### 3. Legal Rights of Students When a Search of Property is Done

The Supreme Court of Canada has said that Section 8 of the Charter protects persons, not places, from unreasonable searches. However, this does not mean that students have no rights when their property is searched. American case law indicates that in extreme cases, searches of student lockers may be found to be unreasonable. Balancing educators' authority to search a locker against a student's right to privacy could lead a court to conclude that arbitrary and random spot checks of lockers infringe on student rights.

Reference: Section 45, 60, 61, School Act  
Child Welfare Act  
Youth Criminal Justice Act;