

Administrative Procedure 353

INTERVIEWING STUDENTS BY POLICE AND SOCIAL SERVICES

Background

All school staff including school custodians, support staff and volunteers, as well as administrators and consultants will be familiar with, and guided by the material which follows.

The Principal will conduct an annual review of this administrative regulation so that all school staff is knowledgeable about Division procedures. Student Learning Services staff is available to assist with the review.

Any person, who has reasonable and probable grounds to believe a child is in need of intervention, is legally required to report the matter to Child and Youth Services. The *Child, Youth and Family Enhancement Act* RSA (2000) prescribes penalties for those who fail to report such situations, and provides protection from legal action against a person making a report unless the reporting "is done maliciously or without reasonable and probable grounds for the belief".

Similarly, the Alberta Teachers' Association Professional Code of Conduct does not prevent members from reporting unprofessional conduct against another member. Members have no liability for wrongful complaints unless "malicious" intent is involved

Procedures

- 1 The Division strongly encourages investigating officers and officials to conduct their investigation of students away from the school, unless they deem such interviews essential to proper investigation.
- 2 Interviews will be conducted in a manner that ensures student individual rights are protected.
- 3 Legal guardians of the student, law enforcement officers, and under some circumstances, Child and Family Services authorities may interview students at school.
- 4 Interviews by Law Enforcement Officers
 - 4.1 When law enforcement authorities find it necessary to visit a school to interview a student, they will report to the Principal, provide appropriate identification of themselves and make known the purpose of their visit.
 - 4.2 Prior to the interview taking place, attempts are to be made to contact the parents, except in cases where the investigation has to do with alleged child abuse/neglect by the parent. If possible, parents are to be present at the interview.
 - 4.3 If the parent cannot be present

- 4.4 The Principal or another staff member may sit in on the interview at the request of the youth. It is desirable that the individual comply "in loco parentis". However, the staff member is not obligated. Therefore, if the request is refused, the student may select another adult to be present.
 - 4.5 The Principal or designate does not automatically have the right to be present at interviews. However, they can request to "sit in" on the interview, as a silent observer. The law enforcement officer is then responsible to inform the student of the request. If the student does not consent, the Principal or designate may then:
 - 4.6 Allow the interview proceed without the Principal or designate in attendance; or
 - 4.7 Request that the interview be removed from the school premises.
 - 4.8 At the request of the youth, another staff member may sit in on the interview and act 'in loco parentis'. However, that staff member is not obligated to sit in.
 - 4.9 It is important to note that any person present in the interview may be subpoenaed to appear in court.
 - 4.10 The Principal will bring the student to the office where the interview will take place in the presence of an adult.
 - 4.11 The law enforcement officer is responsible for informing a student twelve to seventeen (12 to 17) of age of their civil rights
 - 4.12 Before removing a student from the school, the law enforcement officer is to communicate by phone with the parent and inform them of the course of action taken.
 - 4.13 In the event of arrest or apprehension, the law enforcement officer and the student will leave the school immediately.
 - 4.14 The responsibility for notifying parents about an investigation rests with the law enforcement officer. The Principal is to clarify with the law enforcement officer that the parents will be informed about the investigation if it involves students under eighteen (18) years of age and when contact with the parents will be made.
 - 4.15 The Principal is encouraged to express the Division's position to law enforcement officers.
 - 4.16 Any unusual circumstances must be reported immediately to the Superintendent or designate.
- 5 Interview by Child and Family Services Workers
- 5.1 When Child and Family Services workers find it necessary to visit a school to interview a student, they will report to the Principal, provide appropriate identification, make known the nature of the investigation and indicate why the interview must be conducted.
 - 5.2 If the matter is urgent and there is a need to conduct the interview during school hours, the Principal or designate will advise the official of the location of the student and escort the official to that location.
 - 5.3 Interviews are to be permitted on school premises in cases of suspected child abuse or neglect when the investigation involves suspected physical/sexual abuse.

- 5.4 The Principal, following consultation with the student and the Child and Family Services 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.
- 5.5 Child and Family Services authorities have the power to apprehend a child where there is sufficient evidence to suggest the child is in need of protection.
- 5.6 Child and Family Services are not authorized to take a child from the school unless they have apprehended them or the child is under ward ship.
- 5.7 The responsibility for notifying parents about an investigation rests with the Child and Family Services worker. The Principal is to clarify with the worker that the parents will be informed about the investigation if it involves students less than eighteen (18) years of age and when contact with the parents will be made.

Reference: Section 20, 45, 60, 61, 113 School Act
Child, Youth and Family Enhancement Act
Controlled Drugs and Substances Act
Youth Criminal Justice Act
Criminal Code (Canada)