



AP L5 Student Interviews by Outside Agencies

Legislative References: *School Act* (sections 6,7,20,22,26,65,85); *Youth Justice Act*; *Youth Criminal Justice Act*

Policy Reference:

Collective Agreement References: None

Date: November 15, 2024

Generally, community agencies, including law enforcement, carry out their duties at their own premises. However, in exceptional circumstances, it may be necessary for students to be interviewed by community agencies at school. In such instances, school personnel have the duty to act "in loco parentis" on behalf of the students in their care and an obligation to ensure that students' rights are respected.

Students have the right to

- be made aware of the reason they are being interviewed by a community agency or law enforcement, at school.
- remain silent in the context of a criminal investigation.
- have a parent, relative or other adult of their choice accompany them if detained or arrested (for youth under the age of 18).
- legal representation when being investigated by community agencies or law enforcement.

Processes

1. Interviews of students by police should generally be conducted away from District property and outside of school hours unless an 'on-site' and/or 'during school-hours' interview is deemed to be absolutely necessary by school administration, following consultation with agency personnel.
2. Circumstances where interview procedures may be required to take place at the school include, but are not limited to:
 - 2.1. concern for the student's health, safety, or well-being;
 - 2.2. need to gather information from a student witness; and/or
 - 2.3. need to interview a student who may be a suspect in a criminal investigation. In such cases, the school will strive to maintain respectful and low-profile interactions between students and police/public safety personnel.



3. Requests by police and/or social workers to interview students on school premises are subject to the following:
 - 3.1. Generally, students on school premises or at school-sponsored events are not to be formally interviewed as part of a formal investigation process, except in the following circumstances:
 - 3.1.1. in cases where child abuse is suspected;
 - 3.1.2. in urgent and compelling circumstances affecting anyone's health or safety.
 - 3.2. Parents/Guardians must be informed and will be involved in the interview unless otherwise indicated in this administrative practice (e.g. per mature student's wishes, cases of suspected abuse or neglect).
 - 3.3. The principal or designate will contact the Superintendent or designate to determine whether urgent and compelling circumstances affecting a person's health or safety exist which necessitates a formal investigation by law enforcement or community agencies at school.
 - 3.4. The principal will take steps to ensure the outside agency conducts its interview using trauma-informed practices, especially when interviewing Indigenous students or students of colour, or where the school is aware of a background of adversity or experienced adverse childhood events.
 - 3.5. If a parent/guardian is unable to be present for an interview, the principal or designate shall:
 - 3.5.1. request to delay the interview until such time as the parent/guardian can be present;
 - 3.5.2. if the interview cannot be delayed, ensure that all reasonable efforts are made to contact parents before the interview proceeds;
 - 3.5.3. attend the interview to support the student and ensure that the student is aware of their rights, including the right not to participate or to remain silent; take detailed notes of the interview to be shared as soon as practical with the parent.
 - 3.6. The student being interviewed should:
 - 3.6.1. have age-appropriate input into determining who will be present to provide support during the interview;
 - 3.6.2. if a secondary student of typical maturity, will be offered the opportunity to have their parent involved;



- 3.6.3. be allowed time to consult with whomever they identify as a person to accompany and support during the interview.
- 3.7. In situations where there is suspected child abuse or neglect or suspected spousal abuse, the police may interview students on District property without informing parents or guardians provided the principal or designate is present throughout the interview.
 - 3.7.1. Following the interview and keeping the best interests of the students in mind, the parents or guardians of the students should be informed after the interview is completed, except where a parent or guardian is a suspect.
- 3.8. If the police must arrest a student, it is the expectation of the District that the arrest will be conducted off school property if possible.
- 3.9. If the arrest of a student must take place at school, then:
 - 3.9.1. the District will advise law enforcement that the arrest must be conducted in the least obtrusive manner possible to avoid disruption to the learning environment and to protect the student's privacy;
 - 3.9.2. the principal or vice-principal must immediately inform the student's parent/guardian that an arrest has been made, and provide whatever details can be made available, following discussion with agency personnel.
- 4. When in possession of a search warrant, a police officer may conduct a search of the school and/or its storage areas or devices. The police may not use school administration or this administrative practice in place of a warrant.
- 5. Teachers should not ordinarily take part in such interviews unless specifically requested by the student. A teacher's participation in such interviews is voluntary.