

SCHOOL SEARCHES

Background

The Board believes that schools should establish working relationships with law enforcement agencies, cooperating with the police in executing their duties in the public interest, while considering the rights and interests of individual pupils. The Principal has responsibility for the school and is obliged to provide at least minimal assistance to police officers conducting an investigation or arresting a pupil.

Procedures

1 Interview and Interrogation

- 1.1 Principals and teachers are to cooperate with the police when police officers find it necessary to interrogate students. All parties are to govern themselves in accordance with *the Youth Criminal Justice Act, 2002*.
- 1.2 All requests by police for interviews or interrogation with students are to be directed to the principal.
- 1.3 Except by specific request to the contrary by police, the principal is to notify, if necessary, the parent or guardian in advance of the interview or interrogation.
- 1.4 The principal is to arrange for any interviews or interrogation to be held in private. The principal or designate may be present for the interview if the student requests.
- 1.5 If the police request to take a student from the school, the principal is to suggest that the officer contact the parent or guardian using the principal's telephone to inform them of the intended police action.
- 1.6 However, the police will act as their duty directs. This may require the arrest and removal of the student from the school without giving prior notice to parents or guardians.
- 1.7 In either event, the principal is to advise the parents or guardians of the police action as soon as is possible.

2 Search

- 2.1 Principals and teachers are authorized to search school property in order to maintain order, safety, or discipline.
- 2.2 Each school is to develop procedures with respect to regular inspection by teachers of desks, lockers, and other school property used for storage of student materials. These procedures must be communicated to the students upon registration.

- 2.3 If the principal or teacher ascertains that there are reasonable grounds for belief that a criminal offense is being, or has been committed, that a search of the student or property will provide evidence in these matters, or will lead to the conclusion that the commission of a criminal offense has or is about to occur, a search can proceed subject to the following:
- 2.3.1 The search should proceed immediately if there is reason to believe that the safety of any student is in question.
 - 2.3.2 If the safety of any student is not in question:
 - Attempts should be made to have the student concerned present and consent to the search.
 - Where the student is not present, or does not consent to the search or the school officials do not wish to undertake the search under their own authority, school officials are to contact the police and the search proceed under the direction of the police.
 - At least one witness is to be present when a search takes place.
 - The police must conduct all intrusive searches.
- 2.4 Any search on school premises initiated by the police is to be:
- 2.4.1 Authorized by warrant or,
 - 2.4.2 In relation to drugs or weapons or,
 - 2.4.3 Coincident with the appearance of the police for the purpose of arresting a student or,
 - 2.4.4 In relation to a school initiated search that results in a request for police assistance.
- 2.5 The principal or designate is to accompany the police in any search unless advised by the police to the contrary.

3 Arrest of Pupils

- 3.1 Police can arrest a student, if they have the appropriate authority to do so such as a warrant or legislative provision on which they can rely.
- 3.2 Before a student is removed from school, the Principal or designate shall request that the police officer attempt to communicate with the parent(s) or guardian(s) and inform them of the intended course of action. If parents or guardians are not available, the police will act as their duty directs. If the police officer is unable to contact the parent(s) or guardian(s) with respect to the apprehension or removal of a student from school, the Principal or designate shall request that the police officer notify the student's parent(s)/guardian(s) as soon as reasonably possible. In any event, the Principal or designate shall make every reasonable effort to notify the student's parent(s) or guardian(s) of the student's removal from school
- 4 The Principal or designate shall inform the Director of Education or designate before any and all actions are taken by a member of a law enforcement agency.

Reference: Sections 85, 87,175 Education Act
The School Division Administration Regulations 45, 49
Child and Family Services Act
Youth Criminal Justice Act

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