

Administrative Procedure 352 - Interactions with Students by Protection Services

Background

Interviews of students at school by police officers or Alberta Children's Services representatives (both referred to as "protection services") will be permitted in accordance with pertinent legislation, with the rights of the child being protected.

Protection services shall not conduct investigations in the schools except when it is absolutely necessary for them to do so in the proper discharge of their duties. They may secure the addresses of students in order to carry on investigations outside the school. When students have to be interviewed by protection services, the School Principal shall be present at the interview in the absence of the parent.

Prior to making statements, the student shall be cautioned with respect to giving evidence which may be used to his own detriment.

Whenever the protection services request an interview with a student, the School Principal and/or designate shall make every reasonable attempt to notify parents/guardians.

Although these guidelines have been developed for situations where protection services are involved in interviewing students on school premises, there will be situations where the investigation of a school matter by the School Principal may overlap with some alleged criminal activity. In these situations, it is recommended that the School Principal follow these guidelines to ensure that any statement received from the student would be admissible evidence at any proceeding against the student.

On matters not relating to school activities, only the legal guardian of the student or a law enforcement officer shall be permitted to interview a student on school premises. Under some circumstances, Child and Family Services authorities may have the right to interview students in the school.

Procedures

1. It is the responsibility of the Principal to safeguard the rights and well-being of every student in the school.
2. The Principal shall ask for and where possible makes copies of protection services identification prior to any cooperation.
3. It is expected that protection services will not request interviews with students at the school if arrangements can be made by them for the interview to take place at an alternate location outside of school hours.
4. A protection services entering school premises for any reason shall apprise the Principal of the reason for and nature of the visit before contacting any students.

5. Prior to any interview with a child by protective services (except under *Article 6* or *Article 15* below), the Principal shall attempt to contact the child's parent(s) to inform them that an interview is to take place; where the parent(s) agree that an interview may take place, the Principal shall take the student to the office.
 - 5.1. If the interview is to proceed under the *Child, Youth and Family Enhancement Act*, the Alberta Children's Services representatives shall determine who shall be present for the interview. There is no right for school personnel to be present during such an interview.
 - 5.2. If the interview is to proceed under the auspices of the *Youth Criminal Justice Act*, the student is entitled to have an adult present during the interview by police. Where the child is 16 years or older, the student may determine and select the adult to be present, and who, in fact, may wish to waive the right to have an adult present.
 - 5.3. Generally, the school principal would represent the child's parent where an interview is to take place and an adult is permitted to be present.
 - 5.3.1. Where the adult is a Clearview employee, the adult shall make notes of the interview if needed for further proceedings;
 - 5.3.2. The Clearview employee is to ensure the records are secured under the *Protection of Privacy Act*.
6. The child's parents(s) are not notified for an interview by protection services when an interview or apprehension takes place where the student is allegedly a victim of abuse by a parent.
 - 6.1. Cooperate fully, answering all questions protection services personnel may have to the best of your ability and allowing them to speak with anyone employed by the school to further their investigation.
 - 6.2. Not contact the parents. This is the role of protection services personnel. The Principal is to clarify with the representatives when contact with the parents will be made, particularly when an investigation commences near the end of a school day and the child's return home may be delayed because an investigation is still incomplete.
 - 6.3. Not discuss the matter with the parents. Instead, if asked by the parent(s) refer them to the representatives that conducted the investigation.
 - 6.4. Not disclose whether or not the original referral was made by the Principal or a school employee.
 - 6.5. Notify the Superintendent in a reasonable timeframe.
7. The Principal shall keep a written log of all interviews of students by police officers and Alberta Children's Services representatives that take place at school,

Interactions specific to RCMP

8. Where the school has access to the services of a school resource officer (SRO), this position should be considered to be the same as a RCMP officer in the context of interviews and interactions of school students under this administrative procedure, including where the SRO is conducting their actions as an agent of the RCMP that could lead to any criminal charges.
9. Interviews of school students by protection services will be permitted where circumstances make such interviews essential, and specifically where the RCMP officer has an arrest warrant, a search warrant, or a court order that provides access to a child. The police officer is responsible to inform the student that:
 - 9.1. The student is under no obligation to give a statement;
 - 9.2. Any statement given by them may be used as evidence in proceedings against them;
 - 9.3. The student has the right to consult with:
 - 9.3.1. Counsel or parent or
 - 9.3.2. In the absence of a parent, an adult relative; or
 - 9.3.3. In the absence of a parent and adult relative, any other appropriate adult (over 18) of their choice; and
 - 9.4. Any statement made by them must be made in the presence of the person consulted unless they expressly waive the right in writing.
10. After the above conditions are considered and do not apply (specifically, *Article 6* and *Article 9*), interviews with students by the RCMP will only be allowed to take place at the discretion of the Principal. In the event that the Principal deems the interview necessary, they may allow the interview to proceed.
 - 10.1. Examples that a Principal may consider to allow an interview includes:
 - 10.1.1. a student being investigated for engaging in fight with another student at the school;
 - 10.1.2. a student is being interviewed as an alleged victim of sexual assault;
 - 10.1.3. a group of students are being interviewed as alleged shoplifters at a local store during lunch time on a school day;
 - 10.2. Examples that a Principal may consider to not allow an interview includes:
 - 10.2.1. a student being investigated for a public complaint about dangerous driving on the weekend;
 - 10.2.2. a student being investigated for a vandalism incident occurring on municipal property in the evening;

- 10.2.3. a student being questioned as a witness to a crime in the community.
- 11. A police officer effecting a proper arrest or in possession of a search warrant may enter upon school premises and carry out their duties pursuant to the warrant.
 - 11.1. In such circumstances, the school principal shall ensure that it is done in the most discreet manner possible, such as calling the student to the office; unless there is a compelling safety reason, school principals should consider personally retrieving the student rather than being arrested in front of a class or other students.
 - 11.2. Before removing a student from the school, the police officer must where possible communicate by phone with the parent and inform them of this course of action.
- 12. A police officer may enter school premises if they are in “active pursuit” of someone who is alleged to have committed a crime and is or may be on school premises.
 - 12.1. If the police officer is in “active pursuit” of someone, the police officer shall notify the Principal at the first opportunity.
- 13. Where the RCMP have interacted with a student under this administrative procedure, the school principal is to notify the Superintendent in a reasonable timeframe.

Interactions specific to Alberta Children’s Services

- 14. A children services worker investigating a complaint of neglect or abuse of a child may enter upon school premises and carry out their duties pursuant to the investigation.
- 15. When Alberta Children’s Services come to the school and makes a request to apprehend a student in the course of an investigation, the Principal is to:
 - 15.1. If requested, allow Alberta Children’s Services personnel to apprehend the student while maximizing privacy.
 - 15.2. Cooperate fully, answering all questions Alberta Children’s Services personnel may have to the best of your ability and allowing them to speak with anyone employed by the school to further their investigation.
 - 15.3. Not contact the parents. This is the role of Alberta Children’s Services personnel. The Principal is to clarify with the case worker when contact with the parents will be made, particularly when an investigation commences near the end of a school day and the child’s return home may be delayed because an investigation is still incomplete.
 - 15.4. Not discuss the matter with the parents. Instead, refer them to the Alberta Children’s Services agents that conducted the investigation.
 - 15.5. Not disclose whether or not the original referral was made by the Principal or a school employee.

15.6. Notify the Superintendent in a reasonable timeframe.

Reference: Section 11, 32, 33, 52, 53, 197, 222 Education Act
Child, Youth and Family Enhancement Act
Controlled Drugs and Substances Act
Youth Criminal Justice Act
Criminal Code (Canada)

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