

MEDICINE HAT SCHOOL DISTRICT NO. 76

ADMINISTRATIVE PROCEDURES

TITLE: Student Interviews by Police and Child Protection Services	POLICY REFERENCE: 667 Student Interviews by Police and Child Protection Services
PROCEDURE CODE: 667 P 001	EXHIBITS:

PROCEDURES

Only police officers, Caseworkers or Investigators with Southern Alberta Child and Family Services or the parent/guardian of the student shall be permitted to interview a student on school premises.

In circumstances where the Principal or designate initiates an investigation delaying an interview might place a member of the community at risk; these interviews may be conducted away from school. If any other person asserts a legal right to interview students on school premises guidance shall be sought from the central office designate.

1. Interview of students in schools by police officers

- a) When contacted by police to arrange an interview with a minor student on school premises, the principal or designate should first ascertain and record the officer's identity, position and the legal authority under which he or she is acting.
- b) The principal or designate should immediately take steps to notify the parent/guardian and to arrange for their attendance. Police should be advised that the parents are being contacted. All contact attempts should be documented.
- c) Whether or not the student is under investigation, police authorities have indicated that the police officer will advise the student that:
 - i) The student is under no obligation to give a statement.
 - ii) Any statement given by a student may be used in proceedings against them.
 - iii) The student has the right to consult with legal counsel, and a parent, or in the absence of a parent, then an adult relative; or in the absence of a parent and adult relative, any appropriate adult (over 18 years of age) of their choice ("Trusted Adult").

If a parent/guardian is not present to attend the interview with police and the student is under investigation, then the Principal or designate should request to be present while the above warning is provided to the student.

- d) If the student being interviewed by police is under 12 years of age or may have diminished capacity, then the following protocols apply:
 - i) A parent/guardian should ordinarily be present during the interview.

- ii) If no parent/guardian or other Trusted Adult selected by the student is available to attend, police authorities may request that the Principal or designate attend interviews with students under 12 years of age. Joint protocols developed between police and educational authorities have established that the Principal or designate will attend all such interviews. The Principal should seek advice from the central office designate if there are exceptional or extenuating circumstances suggesting that this may not be appropriate.
 - iii) If no such request is extended by the attending officer, then the Principal or designate should request to attend.
 - iv) It is generally not appropriate for the Principal or designate to attend such interviews as the representative or advocate for the student, but the Principal or designate can provide emotional support and should voice objections if there are concerns about the student's safety or wellbeing and contact the central office designate for support if necessary.
 - v) The Principal or designate may need to consider requesting that the interview not take place on school premises where: (A) no parent/guardian or Trusted Adult is available to attend the interview and the student is or may be under investigation; or (B) the attending officer intends to proceed with any interview without the parent/guardian or any other adult present, including the Principal or designate.
- e) If the police request an interview with a student who is 12 years of age or older, then the following protocols apply:
 - i) Police have indicated that the student will be provided an opportunity by the police to have legal counsel or a parent/guardian or Trusted Adult present in the interview with police.
 - ii) The Principal should make every effort to ensure that the parent/guardian has been notified before any interview proceeds, and should advise the police of their attempts to contact parents.
 - iii) If a parent/guardian, Trusted Adult or legal counsel is not available, then the Principal or a member of staff may, if the student requests or agrees, attend as a support person to the student.
 - iv) A staff member who attends as a support person should confirm that they are not attending as the representative or advocate for the student. However, the Principal or designate may provide emotional support to the student and should voice objections if there are concerns about the student's safety or wellbeing and contact central office designate for support if necessary.
 - v) If the student chooses to attend the interview without counsel or a parent/guardian or Trusted Adult present, then the Principal or designate should request to attend as a silent observer if he or she believes it is in the best interest of the student. If the student refuses, then the Principal or other staff member should not attend.

- vi) It is not recommended that the Principal or any member of staff attend an interview with police as the student's support person if the student is or may be under investigation by police.
- vii) If a student is or may be under investigation by police, and there is parent/guardian, legal counsel or Trusted Adult to act as support person, then the Principal or designate should make a determination as to whether the interview should proceed or whether the Principal should request that the interview be conducted outside of the school setting.
- f) In any case where the police are investigating an incident for which the student may also be subject to school discipline, any staff member who attends the police interview should not be the same person who will be investigating and imposing discipline on behalf of the school.
- g) If a police officer indicates that he/she intends to apprehend or remove a student from the school, the following protocols apply:
 - i) the Principal or designate should verify and record the police officer's identity and the legal authority under which he or she is acting;
 - ii) the parent/guardian should be notified at the earliest possible time;
 - iii) police authorities have indicated that they will assume responsibility to communicate with the parent/guardian in all such cases, but the principal or designate should confirm that this has occurred;
 - iv) if there is any doubt as to whether the parents/guardians have been notified, then the principal or his/her designate should notify the parents independently and advise the attending police officer of their intention to do so.

2. Interviews by a South Region Child and Family Services, Human Services, Caseworker:

- a) Child and Family Services caseworkers (each a "Caseworker") exercise powers under the *Child, Youth and Family Enhancement Act* and may also be empowered by court order to apprehend a child or conduct other interventions for the protection of a child.
- b) If it is necessary for a caseworker to attend at a school to contact or interview a student, it is generally expected that caseworkers will contact the school in advance to arrange for the interview. However, staff should be aware that this may not be possible in every case.
- c) When contacted by caseworkers to arrange an interview, the principal or his/her designate should ascertain and record the identity and position of the caseworker and the legal authority under which they are acting.
- d) Clarification from the caseworker should be sought as to the urgency or need of the matter and, if it is not urgent or a need is not shown, then arrangements should be made to conduct the interview outside of school premises.

- e) If the caseworker provides information to indicate that the matter is urgent and that there needs to have the interview take place during school hours on school premises, the principal or designate should arrange for the attendance of the student.
- f) In the ordinary course parents/guardians should be contacted prior to the interview taking place. However, in cases of suspected parental child abuse, the best interests of the child must be paramount. Accordingly, the principal or designate should consult with the caseworker as to whether it is in the best interests of the child to contact the parents/guardians and if not, no contact shall be made.
- g) The principal or designate should communicate with the caseworker about notification to the parents, and if there is disagreement about the process to be followed, the principal or designate should contact a central office designate for guidance.
- h) The principal or designate should also consult with the caseworker as to whether it is desirable and in the best interests of the child to have school personnel present for the interview. The child's wishes should also be taken into account. If a child wishes to have a parent or staff member present during the interview, then school personnel should (in consultation with the caseworker) comply by attending or arranging for a parent to attend.
- i) A written record shall be kept indicating the identity of the Child & Family Services caseworker, date and the reason the interview occurred.

**Approved:
May 17, 2005**

**Revised:
December 17, 2013
December 16, 2014
December 15, 2015**

REFERENCES

A Guide to Effective Collaboration Between School Administrators and Police Working in Alberta's Schools - Alberta Education
Responding to Child Abuse: A Handbook – Government of Alberta – Oct. 2005
Youth Criminal Justice Act