



EASTERN SHORES

SCHOOL BOARD

Administrative Policy

ES-172

POLICE INTERVENTION AT SCHOOL

1 General Objective of the Policy

To give school administrative personnel adequate information to allow them to react appropriately to all types of intervention by police in the school.

2 Specific Objectives of the Policy

- To respect students' rights.
- To respect the rights of the parental authority.
- To respect the law.
- To maintain good relations with police.
- To assure that the parental authority is notified in every circumstance involving police intervention where it is legally permissible.
- To allow police representatives to accomplish their work in as discrete a manner as possible as it applies to students.
- To assist school administration in using police intervention at a school when necessary.
- To promote in-school educational programs, focusing on prevention, and conducted by police representatives.
- To help the school community (students, parents, teachers, school and school board administrators and commissioners) see police intervention as a contribution to youth's education on rights and responsibilities.

3 Police Intervention

Police forces, in the execution of their mandate, can become involved with schools for many different reasons:

3.1 Investigation

The police may come to the school to obtain from the administration, personnel or students information necessary in an investigation.

3.2 Pursuit

Police may arrive at the school in search of someone or with a warrant to obtain specific information, interrogate or arrest an individual.

3.3 Community Relations

More and more police are recognizing that they have a responsibility regarding education. Within their general mandate to maintain the peace and protect citizens, police-teachers are participating with educators in common projects aimed at developing in youth a better understanding of their rights and obligations with respect to laws governing them.

4 Underlying Principles Governing Police Actions

The following principles govern all actions of the police and school personnel during police interventions as described in this document:

- The student is recognized as having intrinsic rights.
- The parent is recognized as having intrinsic rights.
- The school is an educational environment whose instructional climate must be preserved at all times.
- Police investigations take place at the school only as a last resort, other locations being favored whenever possible.
- Investigations are to be carried out discreetly, so as not to disturb the normal functioning of the school.
- The school administration constitutes school authority and should be the police's first contact.
- The school administration, when acting as a parental substitute, assumes responsibility, by delegation, for students.

The civil code states that the school administration can, in fact, act as a representative for parental authority. The school administration must contact the parental authority of students under 14 to obtain those mandates specific to parents.

Students, 14 years and over, have the legal right to not have their parents informed and the right to consult a lawyer of his/her choosing (through legal aid if necessary). The student must give permission, preferable written or in front of witnesses, for the school administrator to contact his/her parents. However, school authorities should strongly encourage the student to contact his/her parents.

5 Justification for an Intervention: Circumstances and Procedures in Case of an Investigation or Pursuit.

5.1 Interrogation of students who are witnesses to criminal acts or suspected of having information. (Search for a declaration that may lead to an arrest.)

Context:

During an investigation, no one is obliged to answer police questions. The authority to force someone to talk is a court privilege.

If a person is under 14 years of age, or is 14 or over and has authorized his parents to intercede on his behalf, the parents maintain their authority and responsibility in situations where the child's autonomy and liberty could be compromised.

Procedure to be followed:

- a) The police identify themselves to the school administration and outline the basis of their investigation.
- b) If the child is under 14 years old the school administration ensures that the parents or guardians have been informed of the request of the police to meet with their child, and that permission has been granted. If necessary, the school administrator may act as a representative of parental authority, but the questioning of the student should not normally be permitted without the presence of parents. The police may have to obtain written permission from the parental authority to question the student.
- c) If the child is 14 years old and over the school administration ensures that the student is informed of his/her rights to have the parental authority answer on his/her behalf. If the student does choose to answer on his/her own behalf, then the school administration ensures that the student is informed of his/her rights to:
 - Choose whether or not to be questioned;
 - Meet the police alone or in the company of an adult of his/her choosing (e.g. school administrator, a person representing the administration, parent or lawyer);
 - Meet at the student's home instead of the school.

For a statement to be valid the following conditions are required (Extract from the Young Offenders Act):

- The statement is voluntary.
 - The person taking the statement, prior to taking it, explains clearly to the adolescent in terms suitable to his/her age and comprehension, the following:
 - That he/she is not obligated to make a statement;
 - That any statement can and may be used in a court of law;
 - That he/she is allowed to consult another person;
 - That any statement should be made in the presence of this person, unless he/she decides otherwise.
 - The adolescent has been allowed, prior to making the statement, the opportunity to consult a lawyer and his/her mother or father, or guardian, or in their absence, another suitable adult of his/her choice.
 - The adolescent has been given the opportunity to make his/her statement in the presence of the person he/she has consulted.
 - The adolescent may renounce the right to consult. In this case, the renunciation must be in the form of a signed statement and attesting that he/she has been informed of the right being renounced.
- d) The administration must ensure that the student has time to fulfil the right to consultation before allowing the police access. If the student renounces the right to consultation, immediate access to the student would then be possible. The administration determines the place of the meeting, preferably in the school's administrative offices.

5.2 Arrest With a Warrant

Context:

Warrants are necessary to authorize police to arrest a student, except in situations such as those described in 5.3

Procedures to be followed:

- a) Police identify themselves to the school administration and outline the basis of their investigation.
- b) The school administration is advised of the arrest warrant.
- c) The school administration gives the police access to the student, in a discreet and safe manner, preferably in the school's administrative offices.

- d) The school administrator should advise the parental authority that the student is no longer under school surveillance. This should be done before the student leaves the school.
- e) The police must advise the student's parental authority that their child is under arrest.

5.3 Arrest Without a Warrant

Context:

Police can arrest without a warrant:

- A person who has committed a criminal act or whom the police are justified in believing has committed or is on the point of committing a crime;
- A person about whom the police are reasonably certain an outstanding warrant exists and who is within the territorial jurisdiction of the arresting officer.

It should be noted that any citizen might also arrest without a warrant an individual committing a crime.

Procedure to be followed:

- a) Police identify themselves to the school administration and outline the basis of their investigation.
- b) The school administrator cannot question the validity of a police intervention. A competent tribunal will judge the validity of the arrest. Nevertheless, it is preferable that the administration knows the reasons justifying the arrest.
- c) The school administration gives police access to the student as discreetly as possible, preferably in the school's administrative offices.
- d) The school administrator should advise the parental authority that the student is no longer under school surveillance. This should be done before the student leaves the school.
- e) In the event of an arrest, either the police or the school administrator must advise the parental authority.

6 Frisking, Search, Seizure

6.1 General Rules

In general, frisking, search and seizure can only be done by the police if they have first obtained prior authorization or a warrant from court authorities.

Police arriving at a school to frisk, search or seize must always identify themselves to the school administrator and give a reason for their investigation. There should

be a credible adult witness to the frisking and/or search and seizure, preferably a school administrator.

Frisking, searching and seizure without a warrant are only permitted:

- If a student is 14 years old and over and distinctly consents or if the parental authority over a child under 14 years old distinctly consents;
- If frisking, search and seizure are necessary for an arrest because of the urgency of the situation and the necessity for the police to protect themselves or preserve evidence.

6.2 Locker Property

At the beginning of each school year, students should be informed in an explicit fashion, that lockers are lent to them by the school board and could be opened at any time by the school administration.

6.3 Search

Consent:

The police may search a student's locker with the explicit consent of the student, or the parental authority if the student is under 14 years old, and in his/her presence and that of the principal.

The school principal may also search a student's locker, if the student, or the parental authority if the student is under 14 years old, has given permission and is present and accompanied by an adult witness.

Without Warrant or Consent:

The police or school administrator may search a student's locker without his/her consent if they have sound reason to believe that the student has committed a crime. If this search is done by the school administrator, it must be done in the presence of an adult witness.

With a Warrant:

The school administration must allow the police to proceed and help them if necessary. The search is then the complete responsibility of the police.

6.4 Frisking

Consent:

The police or school administrator may, with the student's permission, frisk the student or demand that the student hand over what is being searched. Recourse to a person of the same sex is mandatory when a female is frisked. The presence of an adult witness is required if the school administrator is frisking a student.

Without a Warrant or Consent:

Police may frisk a student who is under arrest without his/her consent, in the presence of the school administrator, in an urgent situation and where there is a need to preserve evidence. Recourse to a person of the same sex is mandatory when a female is frisked.

With a Warrant:

The school administration must allow the police to proceed and collaborate with them if necessary. The frisking is then the complete responsibility of the police.

7 Requests for Information

All requests for information about a student or a member of the school staff must be referred to the person responsible or his delegate for the application of the ``Law on Freedom to Information of Public Organizations and the Protection of Personal Information``. The responsibility for the application of Bill 65 at the Board Office had been delegated to the Director General.