

FORT LA BOSSE SCHOOL DIVISION

TITLE - **STUDENT INTERROGATIONS, SEARCHES AND ARRESTS**

POLICY - **JIH**

Approval Date - 11/02/02

Cross Reference -

Resolution # - 51/02

Implementation - 11/02/02

Legal Reference - Criminal Code of Canada Section 129

Last Reviewed - 25/04/12

Canadian Charter of Rights and Freedoms (8)

The Board has authorized the following policies and procedures in the interest of protecting the students and staff in our schools. All subsequent policies listed under this code section should be read as emanating from this policy statement and its underlying premise of overall neutrality.

The Board expects its personnel will cooperate with law enforcement agencies and refrain from engaging in any activity or statement that may be interpreted as either interfering with, or obstructing, the legal process. However, and at the same time, the Board anticipates that its employees will retain their focus as the guardians for those students in their care, but without serving either as a legal advocate or providing unsolicited legal advice.

In all cases of interrogations, searches or arrests of students taking place on school property or on school sanctioned trips, the Principal, or the staff member designated to act in the absence of the Principal, should be directly involved. If this is neither possible nor feasible the Principal, or designate, should be notified of the situation as soon as it is reasonably possible.

School personnel will not offer a student any legal advice other than determining that any student being questioned or detained understands his legal rights. If there is reason to believe a student's rights have been violated, the Principal will immediately report the apparent breach of policy or law to the Superintendent.

Parents should be advised of actions taken under these policies that involve their children who are under the age of eighteen. Adult students (those eighteen years of age or older) who choose to have their parents contacted, will provide written consent for such communication.

Whenever Division personnel are involved in or witness any official discourse or interaction between a student and a representative of a law enforcement agency they should compose a time dated statement outlining their perceptions of the event. This item should be completed as soon as is reasonably possible following the event and then placed it in an administrative file that is stored separate and apart from all student documentation.

STAFF KNOWLEDGE OF POLICY

Principals will ensure that all members of their staff are familiar with this policy and the related policies and regulations that follow. The school staff should understand what is expected of them if they observe student activity they believe to be suspicious, when and on what grounds a search may be warranted and how to respond if an interrogation, search or arrest is in progress.

