



## Administrative Procedure 6030

### *Interviewing Students in School*

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**Board Governance Policy Cross Reference:** [1](#), [12](#), [13](#)

**Administrative Procedures Cross Reference:**

**Form Cross Reference:**

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**Legal/Regulatory Reference:**

[Child and Family Services Act](#) Section 19.1

[Youth Criminal Justice Act](#)

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**Date Adopted:** July 2003

**Amended:** December 2017

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The Brandon School Division works collaboratively with its partner agencies to support students. On occasions where interviews by Brandon Police Service or Child and Family Services must occur in the school environment, the rights of the child will be protected.

The police 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 the police, the School Leader 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 police request an interview with a student, the School Leader and/or designate shall make every reasonable attempt to notify parents/guardians.

Although these guidelines have been developed for situations where police officers are involved in interviewing students on school premises, there will be situations where the investigation of a school matter by the School Leader may overlap with some alleged criminal activity. In these situations, it is recommended that the School Leader 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, as dealt with under the *Child and Family Services Act* Section 19.1, Child and Family Services authorities may have the right to interview students in the school.

Police officers, in the course of their duties, may find it necessary to visit a school and interview certain students. In the event that such interviews become necessary to visit a school and interview certain students, the following procedures are to be followed. These guidelines are in compliance with the *Youth Criminal Justice Act* where a young person is suspected of having committed or being involved in a crime that necessitates police investigation.

### **Interview on School Premises of Students 12 Years of Age and Over**

1. When a police officer finds it necessary to interview a student during school hours, the police officer will report to the office of the School Leader or designate and make known the purpose of the visit.
2. The School Leader or designate will bring the student to the office where the interview will take place.
3. The police officer is responsible to inform the student that:
  - a. The student is under no obligation to give a statement;
  - b. Any statement given by them may be used as evidence in proceedings against them
  - c. They have the right to consult with:
    - i. Counsel or parent or
    - ii. In the absence of a parent, an adult relative; or
    - iii. In the absence of a parent and adult relative, any other appropriate adult (over 18) of his/her choice; and
  - d. Any statement made by them must be made in the presence of the person consulted unless they expressly waive the right in writing.
4. If the student requests the School Leader or another staff member to be their adult representative present during the interview, it is desirable that the individual comply with the student's request; however, the staff member is not obligated. If the request is refused, the student may select some other adult to be present
5. The School Leader or designate does not have the automatic right to be present at an interview involving students 12 years or over. The School Leader or designate cannot assume or state that they are the student's representative/advocate in the interview. Selection of person/counsel is the student's right.
6. The School Leader or designate can request to be a silent observer of the interview. The police officer would then be responsible to inform the student of the request. If the student does not consent, the School Leader or designate may then determine:

- a. To let the interview go ahead without the School Leader or designate in attendance; or
  - b. Request that the interview be removed from the school premises.
7. Before removing a student from the school, the police officer should communicate by phone with the parent/guardian and inform them of this course of action.
8. Police officers will cooperate with the wishes of the School Leader or designate where such wishes are not inconsistent with this guideline or regulations of the police department.
9. Any breach of this guideline must be reported immediately to the Superintendent/CEO or designate.

### **Interview on School Premises of Student Under 12 Years of Age**

Students under 12 years of age cannot be charged under the *Youth Criminal Justice Act*.

Where the student is under 12 years of age, in the absence of the parent or some other adult chosen by the student, the School Leader or designate **must be** present during the interview on school premises.

If a student has not been able to contact a parent or guardian and the School Leader or designate **is required** to be present during the interview for a student under the age of 12 when being interviewed by a police officer, it is recommended that the student be given the same fundamental rights as those given to students 12 years of age and over.