

NLSchools refers to all public K-12 English schools and school related facilities under the jurisdiction of the Department of Education, Education Operations Branch and all employees working therein, and all employees providing services and supports to such schools, including those who work in the areas of school facilities, student transportation, program implementation, student services, and procurement.

Policy Name

Police Investigations

Policy Statement

The Department of Education welcomes partnerships with law enforcement agencies in the promotion of safe and caring schools, and encourages police visits at school activities and events. In potential criminal matters, the department shall work cooperatively and collaboratively with police agencies while being mindful of its obligation to protect the rights of students under its care.

Background

The Department of Education recognizes the duty and responsibilities of school administrators and teachers to maintain safe, caring and orderly schools. The purpose of this policy is to provide guidance for school administrators with respect to the conduct of potential criminal investigations by police on school property.

Scope

This policy applies to all schools and school-related property and to all students and staff within NLSchools.

Policy Directives

1. The school administrator has the authority to request police assistance in the investigation of an incident on school property.
2. When a police officer accompanies a social worker from Children, Seniors and Social Development (CSSD) to the school, as part of an investigation into a child potentially needing protective intervention, the school administrator and staff shall cooperate with

all aspects of the CSSD investigation.

3. In all other matters, it is generally expected that law enforcement officials conduct investigations and interviews with students off school property and outside of school hours.
4. Notwithstanding Policy Directive 3, it may be deemed necessary and/or prudent to conduct an investigation and interview a student while in attendance at school. Where a student is the subject (i.e. suspect, victim, witness) of a police investigation at school, the school administrator shall ensure that the rights of the student are protected and that every effort is made to ensure confidentiality.

Administrative Procedures

1. Promoting Safe and Caring Schools

- 1.1. All school administrators have a duty and responsibility to promote safe, caring and orderly schools. This includes maintaining discipline and preventing and/or addressing illegal/criminal behaviour on school property and during school events.
- 1.2. The department will work cooperatively and collaboratively with law enforcement officials during an investigation. The provision of basic information such as the student's name and address is permitted, if it is in connection with a police investigation. The provision of documents from a student record will require a subpoena or court order.
- 1.3. In the event of a criminal investigation being conducted by law enforcement officials on school property, school administrators will endeavour to protect the confidentiality of a student in the school setting, who is the subject of an investigation. This could include, for example, determining the most appropriate place in the school for an interview to occur, bearing in mind the best interests of the student.

2. Child, Youth and Family Services Investigations

The Department of Children, Seniors and Social Development (CSSD) has the authority to conduct investigations where the Department has concerns that a child may be in need of protective intervention. As part of such an investigation, a CSSD social worker may visit a school to conduct an interview with a child and may be accompanied by a police officer. School administrators and staff are expected to cooperate fully with such investigations, to arrange interviews as requested, and to refer to the [Youth and Child Protection Services](#) page for further information. Contact with the parent/guardian will be the responsibility of the social worker.

3. Interview of a Student by Police

3.1. In general, law enforcement officials are expected to conduct investigations/interviews of students off school grounds and outside of school hours. However, there are certain situations where it may be deemed necessary and prudent to interview a student in attendance at school. It is appropriate for the police to conduct investigative interviews with students on school property in the following circumstances:

- a) Where the investigation has been initiated through a complaint originating from the school administrator.
- b) The police officer presents a valid warrant for search, seizure and/or arrest.
- c) The school administrator and/or police officer have reason to believe that a criminal offence has been or is being committed.

3.2. Where a student under the age of 18 years is the subject of a criminal investigation (i.e. suspect, witness, victim), and it is determined necessary by the police to conduct an investigation / interview at school, the school administrator must make every reasonable effort to contact the parent(s)/guardian(s) prior to the interview taking place.

- a) Parent(s)/guardian(s) must be asked if they wish to be present for the Interview. In cases where they wish to be present, the school administrator should request of the police that the interview not take place before they arrive.
- b) If the parent(s)/guardian(s) are contacted but are unable or unwilling to be present, a school administrator or designate may, with parental consent, accompany the student during the interview.
- c) If the parent(s)/guardian(s) cannot be reached within a reasonable period of time, a school administrator or designate may accompany the student during the interview, if the student agrees. When the student does not want an adult present, or if the parent(s)/guardian(s) are contacted but refuse to give consent, the school administrator should further consult with the law enforcement officials. If the police do not deem it necessary to conduct the interview at school, the school administrator should request that the interview take place off school grounds/outside of school hours. If the police deem it necessary to conduct the interview at the school, then the school administrator should defer to the police and the matter should be documented by the school administrator.

3.3. Where a student 18 years of age or older is the subject of a criminal investigation, the

school administrator is not required to contact the parent(s)/guardian(s) unless the student consents and the police indicate that contact is permissible.

- 3.4. Should law enforcement officials request to interview a student at school and also request that the school administrator NOT call the parent/guardian (e.g. parent/guardian is also being investigated; advising parent/guardian could jeopardize a criminal investigation), the school administrator should defer to the police and document the direction from police.

4. Police Searches

- 4.1. Students and their lockers, personal property and vehicles may be subject to search by police on school property upon the presentation to school authorities of a proper search warrant. For further detail on student searches by school staff, the school administrator should refer to the Student Search and Seizure Policy.
- 4.2. Police searches should be conducted, where possible, when there is a minimal impact on the general student population.
- 4.3. Random searches without proper search warrants, including random searches by police canine units, are not permitted.
- 4.4. In the event that a police canine unit is deployed at a school in conjunction with a search warrant to search the school, the area in which the dog is present should be restricted and students kept separated from the search area. Only school authorities associated with the search should be in the area when the dog(s) are present.