

## **504.8 Involvement with Authorized Agencies**

### **1. Interrogations by Police Officers:**

Due to the unique role of School Resource Officers (SROs) in Lethbridge School Division, the principal or designate may allow an SRO access to a student if the officer is acting in a resource officer role, as opposed to conducting an investigation regarding that student.

The principal or designate shall ensure that the following procedures concerning the interrogation of students are observed when an officer is conducting an investigation:

- 1.1. The officer should be questioned as to the urgency of the matter and advised that, if it is not urgent, the officer should attend to the student outside school hours in order to pursue the investigation.
- 1.2. Notwithstanding the above, the principal or designate must allow the officer to proceed under the following circumstances:
  - 1.2.1. If there is a matter of safety;
  - 1.2.2. If the officer possesses a warrant (either for arrest or search);
  - 1.2.3. If the officer is “in fresh pursuit” after the commission of an offence;  
or
  - 1.2.4. When the officer has common law authority incidental to the arrest or procedures. (An example is during a drug arrest.).
- 1.3. Before the officer proceeds to interview the student, the principal or designate shall ensure that:
  - 1.3.1. the officer’s identification is in order;
  - 1.3.2. Form 504.8.1 (Student Interview Request Form) has been completed. This form shall be retained separate from the student’s cumulative file; and
  - 1.3.3. all disclosures of personal information are in accordance with Division Policy 805.6 Access to Information and Policy 609.5 Student Records.
- 1.4. The student has the right to attempt to contact a parent, legal guardian or relative in order to apprise them of the situation and to request that they attend.

- 1.5. Prior to a request for an oral or written statement, the police officer is responsible for informing the student (ages 12 to 18) in clear and age appropriate language that:
  - 1.5.1. the student is under no obligation to give a statement;
  - 1.5.2. any statement given by the student may be used as evidence in proceedings against the student;
  - 1.5.3. the student has a right to consult with counsel or a parent/guardian; or in the absence of a parent/guardian, an adult relative; or in the absence of a parent/guardian and adult relative, another appropriate adult of the student's choice; and
  - 1.5.4. any statement made by the student must be made in the presence of the person consulted with in 1.5.3 unless the student expressly waives the right to consult.
- 1.6. In the case of a child under twelve (12) years of age, in the absence of the parent/guardian, the principal, or designate, **MUST** remain with the student at all times during which the police officer is present. The principal or designate does not have the automatic right to be present at interviews involving students 12 years of age and over. The principal or designate cannot assume or state that he/she is the student's representative/advocate in the interview; selection of person/counsel is the student's right.
- 1.7. The principal or designate may request to be present at the interview of a student 12 years of age and over as a silent observer. The police officer is responsible to inform the student of the request. If the student does not consent, the principal can:
  - 1.7.1. let the interview go ahead without the principal in attendance, if there is a representative or advocate (see section 1.5.3 above) selected by the student who will be present and parental consent has been obtained, or
  - 1.7.2. request that the interview be moved from the school premises.
- 1.8. If the student requests the principal or other staff member to be present during the interview, it is desirable that the individual do so *in loco parentis*; however, there is no legal obligation to comply. The student may select some other adult to be present, in the event that the individual's first choice has declined to assist the student.
- 1.9. If the student requests the attendance of another student at an interview, and that student is under 18 years of age, permission shall be obtained from the parents/guardians before that student is permitted to attend.
- 1.10. If a student is to be arrested by police, the principal or designate will bring the student to an agreed-upon school location unless safety considerations dictate otherwise.

- 1.11. The principal or designate shall ensure that attempts be made to notify a parent/guardian that their child has been arrested. If contact cannot be made, a letter shall be sent immediately confirming the fact that contact was attempted but had not been attained.
- 1.12. Under normal conditions, the student shall be removed from the school upon his/her arrest. However, if the student is to be interviewed at the school, the interview will take place in the presence of the parent/guardian, or if the parent/guardian chooses not to attend, an adult as selected by the student (see sections 1.3 through 1.8 above).
- 1.13. Police officers will do all in their power to comply with the wishes of the principal or designate, where such wishes are not inconsistent with this procedure or regulations of the Police Service.
- 1.14. Any breach of this procedure must be reported immediately to the Superintendent.

## **2. Interviews with Social Workers:**

Interviews of students by social workers on school premises during school hours may be permitted only in those circumstances when the interview cannot be conveniently scheduled at another time and place.

- 2.1. Social workers must report to the principal or designate prior to meeting with any student. Before the social worker proceeds with an interview with the student, the principal or designate shall ensure that:
  - 2.1.1. the social worker's identification is in order;
  - 2.1.2. Form 504.8.1 (Student Interview Request Form) has been completed. This form shall be retained separate from the student's cumulative file; and
  - 2.1.3. all disclosures of personal information are in accordance with Division Policy 805.6 Access to Information and Policy 609.5 Student Records.
- 2.2. A social worker whose identification is in order may:
  - 2.2.1. request to interview any child. Parent/guardian permission to interview the child should be obtained by the social worker prior to the interview taking place. If this consent is obtained by telephone, a member of the school administration should be present as a witness on the telephone extension, with all parties to the conversation clearly stated.
    - 2.2.1.1. Notwithstanding section 2.2.1 above, if a social worker requests an interview with a child in matters relating to suspected parental/guardian child abuse, the request shall be made to the principal or designate in writing (see Form 504.8.1), parental/guardian contact shall

not be required and the interview may take place without any witnesses being present.

- 2.2.2. take the child into custody at the school through apprehension. This act is accomplished when the social worker physically touches the child (generally touches the shoulder) and declares that the child is being taken into custody. When such an act occurs, it is the responsibility of the social worker, not the school, to notify the parent/guardian.
  - 2.2.3. remove a child who is the subject of a guardianship order or custody agreement from the school for any period of time. The only evidence that a school may have that a child is under a guardianship or custody of Child and Family Services is the word of the social worker. In this instance, the principal or designate shall require that the social worker state in writing that the child is a ward, and shall retain a copy of the statement in the student's cumulative file for whatever period of time the principal or designate deems to be advisable.
- 2.3. The social worker has the responsibility to contact the parent/guardian and advise them of the nature of the interview.
  - 2.4. No child, who is not a ward, should be removed from the school for any length of time or for any purpose unless parental/guardian permission (preferably in writing) to do so has been obtained. Parental/guardian permission is not required if the child is under a guardianship or custody of Child and Family Services.

### **3. Child Abuse and/or Neglect:**

- 3.1. Any Division employee who has reason to believe that a student has been the victim of child abuse and/or neglect or there is substantial risk that he or she will be abused or neglected has a legal duty under the Child Welfare Act to promptly report the matter to a Child Welfare worker. If in doubt as to whether to report concerns, consultation is available with the Coordinator of Counselling or the Child Welfare Intake report line at 403-381-5555.
- 3.2. The employee also has the responsibility to inform the principal or designate that a report of suspected child abuse and/or neglect has been made.
- 3.3. If action is required outside of normal business hours, referral can be made through the Child Abuse Hotline at 1-800-387-5437.

#### **4. Interviews by Probation/ Community Corrections:**

- 4.1. A Probation/Community Corrections Officer shall be permitted access to a student without prior approval of the parent/guardian in the following circumstances:
  - 4.1.1. The Probation/Community Corrections Officer is responsible for supervision of the student while he/she is:
    - 4.1.1.1. serving an open or closed custody sentence;
    - 4.1.1.2. under a probation order; or
    - 4.1.1.3. completing an Alternative Measures disposition.
  - 4.1.2. The Probation/Community Corrections Officer is completing a court ordered Pre-disposition Report on the student.
- 4.2. Before the Probation/Community Corrections Officer proceeds with an interview with the student, the principal or designate shall ensure that:
  - 4.2.1. the officer's identification is in order;
  - 4.2.2. Form 504.8.1 (Student Interview Request Form) has been completed. This form shall be retained separate from the student's cumulative file; and
  - 4.2.3. all disclosures of personal information are in accordance with Division Policy 805.6 Access to Information and Policy 609.5 Student Records.

#### **5. Communicable Disease:**

- 5.1. Division employees who have reason to believe that a student is suffering from a communicable disease shall report the case to the principal or designate.
- 5.2. The principal or designate shall immediately inform Alberta Health Services, in accordance with Policy 504.1 Managing Health Issues in Schools.