POLICY 5145

POLICY QUESTIONING OF STUDENTS IN SCHOOL

Adopted: April 30, 1979

Revised: October 19, 2026

Frequency of Review:

The Board of Education (the "Board") is committed to ensuring the safety and wellbeing of all students. That commitment extends to the Board's responsibility to protect the interests and rights of students in its care in a manner consistent with the law.

The Board believes that school is not a proper place for the police to conduct interviews of students. Therefore, police interviews with students should not be conducted at school except in emergency situations. The Board expects that unless there is an emergency School District staff will advise police to contact the students' parent(s)/guardian(s) by telephone and to make arrangements to interview a student.

The Board recognizes that in an emergency it may be necessary for the police to conduct an interview at school subject to the policies and regulations established by the Board and in accordance with the relevant law. An emergency is a sudden, urgent, and critical situation that poses an immediate threat to life, health, safety, or property, requiring immediate police intervention or enforcement action. In any case, the Board expects that School District staff act in compliance with the law and in accordance with Board policies and regulations to ensure the rights and interests of students are upheld.

The Board considers that it has a responsibility to protect the interests and rights of students in its care in a manner consistent with the law. School District staff should take immediate steps to inform the parent(s)/guardian(s) when a students' rights or interests are a matter of concern.

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The Board expects that the parent(s)/guardian(s) will be contacted by telephone immediately upon the Administrator or their delegate receiving notice of the police request to interview a student. The Administrator or their delegate will inform the police that they should make arrangements to interview the student through that student's parent(s)/guardian(s).

1) In an emergency where the police insist on conducting an interview of a student at school the Administrator or their delegate should take the following actions as appropriate:

   i. Contact by telephone and wait for, in the following order of precedence: (a) the student's parent(s)/guardian(s); (b) another adult relative; or (c) a trusted adult of the student's choosing.

   ii. Contact by telephone and wait for legal counsel for the student in question, including by assisting the student with accessing legal aid. In British Columbia, legal aid is freely available for youth under the age of 18 who face potential criminal sanctions.

   iii. Explain to the student that they are allowed to have both their lawyer and a parent, close relative, or trusted adult present when questioned by the police.

   iv. Ensure the student has been informed of their rights. The student should be informed of their rights immediately, in language appropriate to their level of understanding. These rights include the right to remain silent, the right to counsel, and the right to know why they are being detained. Nothing in this policy or any administrative regulation relieves police of their responsibility to provide any caution, rights information, explanation, or opportunity to consult with counsel or another person required by law.

   v. Ensure that the student is safe from violence, racially derogatory language, or otherwise abusive treatment of the student by the police. This includes, for instance, not requesting, authorizing, participating in, or facilitating unlawful, discriminatory, coercive, degrading, humiliating, abusive, or unnecessarily intrusive treatment of a student.

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vi. Document all police interactions with students, including the reason for the interaction, the individuals involved, and any outcomes.

Administrators or any other school district staff should not present themselves as the student's legal advocate, and should clarify this point to the student prior to the police interview. It is misrepresentation to claim to be a legal representative when you do not have this authority.

2) In rare circumstances, at the request of a student, or their parent(s) / guardian(s), where the student is a victim of an alleged crime the police may be asked to attend the school to conduct an interview. In such a case the Administrator or their delegate will:

   i) Consider whether there is a legal duty to notify the Ministry of Children and Family Development (MCFD), or to make other appropriate notifications such as those related to child protection; and

   ii) Ensure that appropriate supports are provided to the student, such as from a counselor, Youth and Family Counselor (YFC), or social worker.

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