



POLICE ACTION IN SCHOOLS

Background

PROTOCOL STATEMENT RCMP

BETWEEN:

BOARD OF SCHOOL TRUSTEES, SCHOOL DISTRICT NO. 47 (POWELL RIVER)

AND:

**ROYAL CANADIAN MOUNTED POLICE,
POWELL RIVER & TEXADA DETACHMENT**

With the advent of the *Youth Criminal Justice Act*, it is important that District Schools' policies of acting as concerned parents are consistent with the spirit of the *Youth Criminal Justice Act*. Provisions of the *Youth Criminal Justice Act* apply to students between the ages of 12 and 17 years (inclusive). We believe that a Principal will act as a reasonable and careful parent in protecting the rights and interests of a student. It is the intent of this Protocol/Policy Statement to provide guidelines for Administrative Officers acting in these interests. However, should this statement not apply to courses of action insisted upon by a police officer, and if it appears to be an emergency, the Principal will not interfere in any way with the actions of the police.

Procedures

Arrest of Students

A peace officer where necessary may arrest a student and take him from the school if:

- 1.1. The officer is in possession of a warrant for the arrest of a student.

A peace officer may arrest without a warrant where:

- 1.2. A student has committed an indictable offence, or on reasonable and probable grounds the officer believes that the student has committed or is about to commit an indictable offence.
- 1.3. The officer finds a student committing a criminal offence.
- 1.4. The officer has reasonable and probable grounds to believe that a warrant for the arrest of the student is in force within the territorial jurisdiction in which the person is found.

Note: The above paragraphs are for information purposes only and Principals shall not interfere with the arrest of a student by police, whether it is the Principal's opinion that the



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police were acting in excess of their powers of arrest (see Section 118 of the Criminal Code of Canada).

2. Search of School Premises

An officer may conduct a search of school premises if in possession of a search warrant.

2.1. The Principal shall accompany the officer during the search for the purposes of:

- a) assistance in locating lockers or specific areas of the school to be searched.
- b) noting what is being removed from the premises.

3. Interviews with Students

Normally, students are interviewed at school only under exceptional circumstances, but when it is necessary for an officer to interview a student, the Principal has certain responsibilities.

3.1. General or Witness Interviews

- a) The Principal shall attempt to contact the parents to inform them of the police activity involving their child.

3.2. Suspect Interviews

- a) The Principal shall ensure that the student is aware of their right to seek counsel under Section 10 of the Charter of Rights. If that student indicates they wish to seek counsel and/or indicates they wish counsel (or their parents, or an adult) to be present, the Principal will attempt to contact that person to be present. The Principal could be that person chosen by the student to seek counsel and be present for the interview. The Principal and/or teacher standing in loco parentis has a duty to act in a manner of a reasonable and careful parent. In the absence of a student's parents, a Principal or designate shall ensure that the student has been advised that they have no obligation to give a statement to the police. However, the Principal or a teacher shall refrain from providing other advice of a legal nature or from interfering with the conduct of the police investigation.
- b) If the parent or parents have not been present for the interview, the Principal shall still attempt to contact the parents after the interview so that they are aware that the interview has taken place (an exception may be child abuse investigations – see Administrative Procedure 325).

4. Schools Requesting Assistance from a Peace Officer

4.1. When a Principal is unable to maintain order in the school or at a school authorized activity, assistance of the RCMP may be requested to restore order.



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- 4.2. After the situation has been dealt with, and unless there are extenuating circumstances, the Principal will request the peace officer to lay the appropriate charges.



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- 4.3. The Board has committed to ensure that, by resolution each year, designated persons by name are authorized to act. This list of authorized names shall then be submitted by the Superintendent to the local detachment of the RCMP.

Reference: Sections 6, 7, 20, 22, 26, 65, 85 *School Act*
Youth Justice Act
Canadian Bill of Rights
Charter of Rights and Freedoms
Youth Criminal Justice Act (Canada)
Section 10, *Charter of Rights and Freedoms*
Section 118, *Criminal Code of Canada*

Adopted: January 9, 1990
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