

POLICE INVESTIGATIONS AND VIDEO SURVEILLANCE

GOVERNANCE POLICY

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1.0 PRINCIPLES

- 1.1. The South Shore Regional School Board (SSRSB) believes it has a duty to protect the rights of students under its jurisdiction.
 - 1.1.1. Principals and teachers have an obligation to cooperate with law enforcement, while at the same time judiciously protect the rights of students and monitor their welfare and well-being.
- 1.2. The SSRSB expects its professional staff to exercise common sense and professional judgment in actions involving student discipline and potential police involvement, in accordance with the Provincial School Code of Conduct Policy.

2.0 POLICY FRAMEWORK

- 2.1. This policy complies with the Education Act and other related provincial acts and policies.
 - 2.1.1. SSRSB Policy 228: Child Abuse and Neglect
 - 2.1.2. Provincial School Code of Conduct Policy
 - 2.1.3. Freedom of Information and Protection of Privacy Act
 - 2.1.4. Appendix “A” – SSRSB Video Surveillance Guidelines

3.0 AUTHORIZATION

The Superintendent is authorized to issue procedures in support of this policy.

POLICE INVESTIGATIONS AND VIDEO SURVEILLANCE

ADMINISTRATIVE PROCEDURES

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1.0 PROCEDURES

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1.0 PROCEDURES

- 1.1. A school principal may exercise discretion in determining whether to request police assistance to investigate an act committed in the building or on the grounds; however, all serious offences that are criminal code violations must be reported. Acts or events that would be considered serious enough to warrant police intervention would include, but are not necessarily limited to, the following: serious assaults in which a dangerous weapon may be present; possession of knives, firearms, or explosives; narcotic and alcohol offenses; indecent assault; and serious vandalism/malicious mischief to school property.
 - 1.1.1. In cases of alleged child abuse and/or neglect, these procedures shall never be used. In these instances, refer to SSRSB Policy 228: Child Abuse and Neglect.
 - 1.1.2. Every effort will be made to notify the family and give them an opportunity to come to the school, prior to contact with law enforcement.
 - 1.1.3. The principal should be present during any investigation and keep a written record of all persons involved and interviews conducted.
 - 1.1.4. Every effort should be made to ensure confidentiality and the avoidance of unnecessary exposure of the student involved to other students during the investigation process.
- 1.2. Ordinarily, it would not be necessary for the police to interview students at school during school hours for crimes committed outside of school. For acts committed at school, during school hours, only when assistance has been requested by the principal.
 - 1.2.1. If the police deem circumstances warrant an interview at school, the police should, when practical, contact the school regarding the planned visit. The police must inform the principal of the probable cause to investigate and obtain the principal's approval.
 - 1.2.2. The principal will immediately make every effort to contact the family involved and give them the opportunity to come to the school. If the family cannot or will not come, or cannot be contacted, approval to interview the student is to be denied and the student is not to be called from the classroom.
- 1.3. Ordinarily, it should not be necessary for the police to arrest or take custody of a student during school hours for acts committed outside the school, or to take custody of a student for acts committed in school, during school hours, as reported to the police by the principal, unless the officer is in pursuit and/or has cause to arrest and remove the student from the school premises.
 - 1.3.1. In cases where the student is to be taken into custody, the principal must be advised.
 - 1.3.2. The principal is not to interfere if the police are making an arrest.
 - 1.3.3. The principal is to make every effort to immediately inform the student's family of the arrest.

- 1.4. Police officers may not search a school building without warrant or consent.
 - 1.4.1. Upon request to search a school building, the principal shall obtain the reason for the search before giving approval.
 - 1.4.2. A principal cannot consent to a search of a student's book bag, clothing, or automobile unless the police have a warrant. Police do not require consent to search and cannot be prevented if they have a warrant. Police can search a student and their book bag subsequent to an arrest. Police require a warrant to search a vehicle unless there is reason to believe evidence will be lost before a warrant can be obtained.
 - 1.4.3. Lockers can be searched without notification to students or family if deemed necessary by a school principal, if, at the time of assigning lockers, students and parents were notified, in writing, by the school that lockers are considered school property and, therefore, subject to search by Board employees. Police cannot search a locker without a warrant.
- 1.5. Police officers may not have access to recorded information related to an investigation, such as may be obtained from video surveillance systems, without warrant or notification from principals. (Refer to Video Guidelines in Appendix "A".)
 - 1.5.1. Upon request for access to such recorded information, the principal shall obtain the reason for the request before sharing the information with police.
 - 1.5.2. Information may be shared without a warrant if the investigation undertaken is likely to lead to or result in law enforcement proceedings.
 - 1.5.3. Before sharing information, principals must ensure that student privacy is protected and should consult with the FOIPOP Administrator of the Board if there is concern that third party privacy may be breached.
 - 1.5.4. Other than Board officials, information must not be released to anyone other than the police without a warrant or subpoena.
- 1.6. All instances involving the use or intervention of the police are to be reported to the Superintendent of Schools.

2.0 RESPONSIBILITIES

It shall be the responsibility of the Superintendent to ensure these administrative procedures are followed.

Appendix “A”

SSRSB Video Surveillance Guidelines

1. Introduction

Video Surveillance (VS) refers to the monitoring and/or recording of people and things using a camera. VS can be in the form of analog (videotape) or digital (electronic) format.

VS cannot ensure personal safety or protection of property and the primary purposes are deterrence, information gathering, and evidentiary. Deterrence is of little effect if clear notification of the VS is not provided. Admissibility and weight for evidentiary purposes is determined by judge or jury under very strict criteria, including how the VS was obtained and handled. VS involves collecting personal information without the consent of individuals, and the privacy rights of individuals must be balanced with the safety and deterrence efforts. There are strict conformity considerations that need to be made under the Freedom of Information and Protection of Privacy Act (FOIPOP).

These guidelines are to assist SSRSB staff with these considerations.

2. Uses

Educational environments provide an elevated level of security for student and staff safety that includes an acceptable behavior, in accordance with the Provincial School Code of Conduct. Below is a summary of some acceptable and unacceptable examples of uses for VS in education:

Acceptable Uses (examples):

- law enforcement (prosecution) and in compliance with FOIPOP
- enhance school safety and deter unlawful behavior (violence, threat, or vandalism)

Unacceptable Uses (examples):

- an alternative to staff supervision of students
- replacement of other crime prevention activities
- monitoring general student conduct (attendance, punctuality, non-violent/non-destructive behavior)
- replacement of regular investigations of student conduct (may augment)
- staff supervision or appraisals

The school principal, or in rare cases, the Facility Manager, is responsible for appropriate use.

3. VS Needs Assessment

VS impacts individuals' expectation of privacy and there should only be consideration for VS installation if there is a real, pressing, and substantial problem. Evidence must exist of risks and dangers that need to be addressed (e.g.: specific and verifiable reports of incidents of crime, safety concerns, or other compelling circumstances), and not consist of unreliable or speculative information.

4. Planning Phase

Considerations for VS installation should involve the School Advisory Committee for feedback.

VS Systems: A thorough assessment should be made to ensure that the scale of the VS system will effectively meet the required usage.

Locations: Cameras should be installed in public locations of the unlawful act or safety issues – this may include building entrances and exits. Cameras should never be installed in areas where individuals have a higher expectation of privacy (washrooms, change rooms, etc). Cameras should not be positioned to monitor

Appendix “A”

adjacent properties not owned by SSRSB, or through windows or doors of adjacent non-SSRSB buildings. Monitors should be located to prevent viewing by undesignated individuals and the public.

Notification: Signage must be posted indicating that surveillance cameras are in use throughout the facility and who to contact with questions. Parents and students should receive regular notification (annually at beginning of school year) that VS is used to monitor specific areas. It is important to outline the purpose, the plan to balance privacy rights with security and safety concerns, and who they may contact with any questions.

5. Operation

There should be a clearly written document that designates who can access recorded information and under what circumstances. This should also acknowledge that VS records personal information and under FOIPOP, the records must be treated with the highest degree of confidentiality. Any real-time viewing must be designated to a limited number of staff. Other real-time viewing access granted to external agencies shall only be provided as necessary, and with written terms of usage that outlines the circumstances for access.

Proper maintenance of systems is the responsibility of the Facility Manager or School Principal. The installer or manufacturer’s equipment manuals will outline requirements for maintenance such as image refocusing, lens cleaning, upgrades, regular servicing, repairs, etc. Failure to properly upkeep recording equipment may dismiss any records in legal proceedings.

6. Usage of VS Records

VS use should be limited to purposes that enhance school safety – deterrence, information gathering, and evidentiary purposes. Disclosure of personal information to others needs to consider that:

- viewing of VS records should be treated with the highest level of confidentiality and limited to situations where a reported or observed incident may lead to an internal or external investigation.
- individuals that have been recorded by VS have a general right to access their own personal information under FOIPOP. In most cases, VS records contain images of other individuals, and it may be impossible to sever this information. Therefore, requests for access should be denied on the basis that it would constitute an unreasonable invasion of other’s privacy.
- if an individual does not accept denial to their request to access VS records, they should be referred to SSRSB’s Superintendent’s office.
- police representatives may be shown video record to help with an investigation undertaken with the view to a law-enforcement proceeding, or from which a law-enforcement proceeding is likely to result. All subpoena, warrants or summons for VS records must be complied with.
- any access or usage of VS records should be recorded including the date, time, name of individual who accessed the record, and the reason.

7. Retention and Destruction of Records

Any digital VS records will be retained on a secure SSRSB server. In any case where VS records were used to make a decision that directly affects an individual(s) record should be retained for one (1) year to allow reasonable opportunity to access the information under FOIPOP. If the VS record is used as evidence, the record should be kept until law enforcement requests it. In all other cases, VS records should be destroyed within 30 days of being recorded.

8. Covert VS

Covert VS involves the creation of records without notification to individuals. This situation has the potential of creating privacy issues and should only be used in specific short-term situations where all other attempts have been made to resolve a serious, recurring problem of safety or law-breaking. Covert surveillance may not proceed without the notification and involvement of the Superintendent.