

# Police in Schools

A Pocket Guide to Your Rights



## IMPORTANT NOTICE AND QUALIFICATION

This Pocketbook has been prepared and published for information and educational purposes only. It is not legal advice, and it is not intended to in any way replace legal advice from a qualified lawyer. Individuals with specific legal problems should seek legal advice from a qualified lawyer.

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The BC Civil Liberties Association (BCCLA) is one of the oldest and most active civil liberties groups in Canada. We have published this Pocketbook to empower students who interact with police by providing information about their rights. The BCCLA does not support the presence of police officers in schools. No one should be forced to interact with police outside the law enforcement context, particularly vulnerable young people. The presence of police in schools is by its nature a serious violation of the basic rights of students and educators.

This book is a pocket-sized, expanded version of the Know Your Rights handout on students' rights when interacting with police in schools, which can be accessed through our website. The rights described in this Pocketbook apply to students across Canada, unless otherwise indicated, but some examples or resources are regional to British Columbia. For additional information about your legal rights when interacting with police, a digital version of The Arrest Handbook can be downloaded using the QR code on the back of this Pocketbook.

Thank you to the Canadian Race Relations Foundation for providing financial support for this project.

**[www.bccla.org](http://www.bccla.org)**

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The BC Civil Liberties Association is based on the traditional, unceded, and ancestral territories of the hə́nq̓əmiḥə́m speaking x<sup>w</sup>məθk<sup>w</sup>əy̓əm (Musqueam) people and sə́lilw̓ətaḥ̓ (Tsleil-Waututh) Nation, and the Sk̓w̓x̓w̓ú7mesh sníchim speaking Sk̓w̓x̓w̓ú7mesh Úxwumixw (Squamish Nation). These lands and the languages derived from them were never freely given up for settler occupation. As a predominantly settler organization, we acknowledge our complicity in colonial violence through our continued occupation of these lands. Our work spans the traditional territories of hundreds of diverse Nations. We are grateful for their stewardship, including ongoing resistance to the destruction of these lands. We believe that the realization of human rights and civil liberties can never be achieved until the Indigenous Peoples of these lands can be fully self-determined. In this spirit, we pledge to use our resources to oppose violations of the rights and freedoms of Indigenous people now and in the future.

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## Interactions with the Police

Most of the time, you do not have to talk to the police. The law does not allow for police to randomly stop you and ask you for any personal information, except in specific contexts. Whether you're in the hallway, classroom, or during extra-curricular activities, you have the right not to interact with the police, including school liaison officers.

Police might use friendly conversations to gather evidence from you. Remember that everything you say to the police can be used as evidence against you. You can choose to speak with the police, but you can't be forced to do so. You can say: **"I want to remain silent."**

## Being Detained

The police detain you when they limit your freedom to move around. This could be by physically restricting you, or by making you believe you aren't free to go. If you're not sure whether you are being detained, you can ask the police: **"Am I free to go?"** If the answer is yes, you can leave. If the answer is no, you are being detained.

## Identifying Yourself to Police

You only have to give the police your information when:

1. You're under arrest.
2. You're driving a car. Passengers do not have to give the police their names or addresses.
3. A police officer gives you a ticket, or any document requiring you to go to court.

You have the right to keep everything else private, like your gender identity or immigration status.

## What to say to Police

1. You can always ask: **"Am I free to go?"** If they say Yes, then you can go.
2. If they say No, you can ask: **"Am I under arrest?"** If they say Yes, you can ask: **"Why?"**
3. If you are under arrest, you can say: **"I want to remain silent. I want to speak to a lawyer. I want my parent to be present."** Give your name and address if the police ask.
4. If you are not under arrest, but are told you can't leave, you can ask: **"Why?"** and ask for the police officer's badge number. You can also say: **"I want to speak to a lawyer. I want my parent to be present."**

## Rights Upon Arrest or Detention

1. You have the right to silence, in speaking and writing. Remember, even casual statements can be used against you. Nothing is “off the record.”
2. You have the right to a lawyer. The police must contact a lawyer for you as soon as you ask for one. In BC, Legal Aid is free for people under 18.
3. You have the right to know why you were arrested or detained.
4. You have the right to medical assistance for urgent needs.
5. If a principal, school teacher, or another person is helping the police by questioning you, all the same rights apply.

### **There are additional rights upon arrest or detention for youth under the age of 18, including:**

1. Police must explain the situation to you, in language that you understand.
2. Police must contact your parent as soon as possible. If they cannot reach your parent, they must contact (a) an adult relative, or (b) another adult that you choose, in that order.
3. You have the right to have a lawyer AND parent present during police questioning. If your parent is unavailable, you can ask for (a) an adult relative, or (b) another adult that you choose, in that order.



## Use of Force by the Police

The police are only allowed to use as much force as is necessary to arrest you or ensure a situation is safe. If you feel that the police used more force than needed, tell your lawyer and record your injuries. Doctor's notes and pictures could help support a trial or police complaint.

If you're under arrest, don't physically resist the police. Going limp does not count as resistance, but the police may also react negatively to this.

## Information and Privacy

The police may collect, retain and share information about you with school staff, other police, your parents or guardians, or even record it in law enforcement databases.

Everyone in BC has a right to access their personal information that public bodies like the police and school board have collected. You can make a written request for access to any records about you held by the police department and/or the school board.

## Searches by School Administrators

School administrators, such as principals, vice principals, and teachers, are allowed to conduct some searches to uphold school rules, but only if:

1. They have authority from the school's Code of Conduct and the province's laws (like the *School Act* in BC or the *Education Act* in Ontario).
2. The search is minimally intrusive on your rights, and sensitive about things like your privacy and your gender.
3. The extent of the search should be justified by level of danger caused or the seriousness of the rule that has been broken.
4. The search must be based on evidence that you broke a school rule. They cannot search you randomly, or based on a hunch.



The police cannot use school administrators as their agents, to avoid getting a warrant. The search must have been something that would have happened whether or not police were involved. Tell your lawyer if you think the police used someone as an agent to search you.

Because of these rules around school searches, you may want to leave some of your belongings at home to make sure that they are kept private.

Scan the QR code below or visit [www.bccla.org/edevice](http://www.bccla.org/edevice) to learn more about personal electronic device searches in schools. This animated video was made possible with support from CIRA's Community Investment Program and the Law Foundation of Ontario. The BCCLA is solely responsible for all content.



## When Can Police Search You

You can be searched by the police if:

1. You tell the police it is okay to search you or your belongings, or if you simply obey when asked. The police still need to prove that you had the authority to consent and that your consent was voluntary.
2. The police have a warrant, or special permission under laws like the *Criminal Code*.
3. You have been arrested lawfully. The search is limited to yourself, your nearby belongings, and the area near where you were arrested.
4. The police have reasonable and probable grounds that you have committed an offence, or are about to do so. The police can search only to find weapons or evidence.
5. In some cases, the police have reasonable suspicion that you have committed, or are about to commit, an offence. They can search only to find weapons or evidence.



## Pat-Down Searches

A pat-down search is a type of body search where an officer touches the outside of your clothes to check for weapons or evidence of a crime.

### **When you are detained:**

- Police can only do a pat-down search for the purpose of the officer's safety, not to look for evidence.
- They can't check your pockets unless the pat-down search reveals that you are carrying a weapon.
- Police can check your bags for weapons or evidence of a crime.

### **If you are arrested:**

- Police can only do a pat-down search as part of a search incident to arrest.
- This search is to make sure that you are not carrying weapons or hiding evidence.
- Police can also search your bags, your phone, your camera, and other things nearby.

More information about body searches can be found in *The Arrest Handbook*. Access the Handbook using the QR Code on the back cover of this Pocketbook.

## Phone and Electronics Searches

The police generally have to get a warrant to search your personal electronic devices. If you're arrested, the police can only search your phone if:

1. The arrest is lawful,
2. Police have one of three specific law enforcement reasons to search: to protect the public, to preserve evidence, or to find evidence,
3. The nature and extent of the search matches one of those reasons, and
4. The police take detailed notes about what they searched, and why.

The officer should only be looking at recent emails, texts, and photos, not digging through messages you sent weeks ago.

## New Rules in Development

Some provinces or school districts have introduced cell phone bans in classrooms, and both provincial and federal governments plan to introduce new rules banning people under age 18 from full access to the Internet. This may change how cell phone searches occur for students in the future.

## Filming the Police

You have the right to take photos and videos of the police while they perform their public duties. Keep in mind:

- If police tell you that you are creating a safety issue or getting in the way of their duties, follow their directions on where to stand.
- If police try to take away your phone, tell them: **“I do not consent,”** but don't physically resist, as this could be dangerous or lead to charges.
- Police may take your phone without your consent if they think it may contain evidence of an offence. If you plan to attend a protest or are concerned that the police may take your phone, back up information that you need.
- Yelling or swearing at the police while they arrest someone may have negative outcomes for the person arrested.

You can record badge numbers, names or other identifying information of police who aren't following the law. Note the date, time, location, and a description of the officer(s), to use when filing a police complaint.

## Safety Tips

Police officers may be dressed in plain clothes when they enter schools, particularly officers who are acting as school liaisons. Remember:

- You can ask if someone is a police officer, and ask for their name and badge number.
- You can ask to have a parent, close relative or trusted adult, and/or a lawyer present when speaking to the police.
- If you are under 18, you have the right to have a lawyer and/or parent present when the police question you.
- School liaison officers still carry their guns. Be aware of your personal safety.

Do not physically resist the police if you are arrested or being searched, as this can be dangerous and lead to charges against you.

When possible, have a friend nearby during interactions with police. You may feel safer than if you are dealing with police on your own, and your friend can act as a witness to any negative interactions.



You may feel frustrated, embarrassed, or frightened when confronted by police, especially if you are a member of a visible minority, 2SLGBTQIA+, or struggling with your mental health. Remember that you have legal rights and protections that police and schools are supposed to respect. You can enforce these rights later, when you are in a safe place.

Police are not supposed to act with excessive violence or angry outbursts, particularly toward underage students. However, we have seen police act with unnecessary violence in spite of their duty not to do so. While these safety tips provide some general guidance, you are ultimately the best judge of what to do in the moment to ensure that you are safe.



## Filing a Complaint

You can file a complaint against the RCMP through the Civilian Review and Complaints Commission at: [www.crcc-ccetp.gc.ca/en/make-complaint](http://www.crcc-ccetp.gc.ca/en/make-complaint)

If you were treated in a discriminatory manner by the police or school, you can file a human rights complaint. In BC, you can do so at: [bchumanrights.ca](http://bchumanrights.ca) and the Community Legal Assistance Society (CLAS) provides assistance with filing human rights complaints.

You can speak to a lawyer to learn what other legal options you may have.

### British Columbia Resources

You can file a police complaint against municipal police officers through the Office of the Police Complaint Commission of BC at: [opcc.bc.ca](http://opcc.bc.ca)

If your privacy was violated by the school, you can file a privacy complaint with the BC Office of the Privacy Commissioner at: [www.oipc.bc.ca](http://www.oipc.bc.ca)

If you were seriously harmed by the police, or if you have seen the police seriously harm someone else, you can make a complaint to the Independent Investigations Office of BC at: [iiobc.ca](http://iiobc.ca)

## Important Phone Numbers

**Access Pro Bono Summary Advice Program** 1-877-762-6664

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**Access Pro Bono Lawyer Referral Service** 604-687-3221

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**Bella Coola Legal Advocacy Program** 250-982-2110

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**Brydges Line BC (toll free access to criminal lawyer)**  
1-866-458-5500

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**Community Legal Assistance Society**  
604-685-3425 or 1-888-685-6222 (toll free)

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**Disability Law Clinic** 236-427-1108/1-800-663-1278

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**Independent Investigations Office of BC**  
604-586-5668/1-855-552-4622

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**Legal Aid BC** 604-408-2172 or 1-866-577-2525

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**Native Courtworker and Counseling Association of BC**  
604-985-5355

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**Office of the Information and Privacy Commissioner BC**  
250-387-5629 or info@oipc.bc.ca

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**South Asian Legal Clinic of British Columbia**  
604-878-7400 or 1-877-762-6664

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**UBC Law Students' Legal Advice Program** (604) 822-5791

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**UVic The Law Centre** 250-385-1221

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# ACCESS THE ARREST HANDBOOK

More information about your rights with police, including **searches, the arrest process, 2SLGBTQIA+ rights, mental health and involuntary treatment, and protest rights** can be found in the BCCLA's Arrest Handbook.

This comprehensive guide was made with the support of the Law Foundation of BC and the Canadian Bar Law for the Future Fund. A digital version of The Arrest Handbook can be accessed using the QR code.



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