



Policy Name:	SCHOOL TRESPASSING AND SCHOOL RELATED OFFENCES		
Policy #:	OP 4.44	Last Updated:	2022-09-29
Issued By:	COMMUNITY SERVICES BUREAU	Approved By:	SURREY POLICE BOARD
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RELATED POLICIES

OP 4.51.1 *Child Under 12 Acting Contrary to Law*

OP 4.51.2 *Arrest and Charges of a Young Person*

OP 6.1.6 *Youth Team*

1. PURPOSE

1.1. To ensure Surrey Police Service (SPS) Members respond to trespassing on school property complaints and offences relating to school property in a consistent manner.

2. SCOPE

2.1. This policy applies to all SPS Members.

3. POLICY

3.1. Members must notify School Administrators in advance of investigating or responding to an incident on Surrey School Board or Surrey independent school property during school hours, whenever practicable.

3.2. Youth Team School Resource Officers assigned to a specific school must be informed of a police response in relation to an offence or incident at that school, whenever practicable.

3.3. Section 177 of the *School Act* allows School Administrators and persons authorized by the Surrey School Board to direct anyone disturbing or interrupting the proceedings of a school function to

immediately leave the land and premises. See also the *Criminal Code*, section 35, for the authority of School Administrators to remove trespassers.

3.4. A person who is directed to leave must leave the land and premises until such time that they are approved by an administrative officer or person authorized by the school board to return to the land and premises. If the person does not leave, they have committed an offence.

3.5. A principal, vice principal or director of instruction of a school or a person authorized by the Surrey School Board may, to restore order on school premises, require adequate assistance from a peace officer.

4. PROCEDURE

Trespassing

4.1. Members attending a school in response to a complaint of trespassing on school property will:

- i. attend the school and obtain the circumstances of the trespass from the School Administrator;
- ii. accompany the School Administrator to the trespasser's location; and
- iii. ask the trespasser to identify themselves and stand by while the School Administrator requests the trespasser to leave. The Member must give the person the opportunity to leave voluntarily.

4.2. A person who leaves voluntarily, and who the School Administrator believes has not been previously barred by school authorities is not committing an offence and cannot be compelled to identify themselves.

4.3. If the Member determines that the person is committing an offence and the person refuses to identify themselves or will continue the offence (e.g., refuses to leave), the Member will:

- i. place the person under arrest for contravening section 177 of the *School Act* (under authority of the *Offence Act*);
- ii. escort the person off school property;
- iii. once the person has properly identified themselves and the Member is satisfied the offence will not continue, issue a Provincial Appearance Notice (PAN) indicating a charge under section 177 of the *School Act*;
- iv. release the person; and
- v. submit a General Occurrence (GO) Report to Crown Counsel, outlining the circumstances of the trespass. If no PAN is issued or the offender is a Young Person, a summons can be requested.

4.4. If a trespasser leaves upon request, and no charges will be forwarded, Members must complete a GO report documenting the incident.

School-Related Offences

4.5. Upon receiving a report of vandalism (i.e., mischief s. 430(1) *Criminal Code*) to school property, or theft from school property, or an offence occurring at a school, the assigned Member must, where practicable:

- i. consult the school's School Resource Officer or a Youth Team Supervisor; and
- ii. notify the School Administrator prior to:
 - a. arresting a student on school property;
 - b. searching a student or any place on school property; or
 - c. interviewing a student on school property.

4.6. If a School Administrator does not agree with a Member's proposed course of action, and there is no imminent risk to public safety, the Member must consider proceeding the investigation outside school hours and make reasonable efforts to do so. If the Member and the School Administrator are unable to agree on the course of action to be taken, the investigating Member must consult a Supervisor before taking action.

4.7. In situations where it is not practicable to notify the School Administrator prior to contact with a student or the search of any place on school property (e.g., during an emergency or an on-view situation), the Member must notify the School Administrator as soon as practicable after the incident.

4.8. If the subject of an incident is a child under age 12 years, the Member must act in accordance with policy OP 4.51.1 *Child Under 12 Acting Contrary to Law* and consult their Supervisor, and if appropriate, the School Administrator and School Resource Officer, regarding the appropriate police response.

4.9. If the subject of an incident is a Young Person, the Member must act in accordance with policy OP 4.51.2 *Arrest and Charges of a Young Person* and consult their Supervisor and if appropriate, the School Administrator and School Resource Officer, regarding the appropriate police response.

APPENDIX A: DEFINITIONS

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“School Administrator” means a principal, vice principal, director of instruction or a person authorized by the Surrey School Board.

“SPS” means Surrey Police Service.

“Supervisor” means a Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

“Young Person” a person who is at least 12 years old and less than 18 years old.

APPENDIX B: REFERENCES

Criminal Code, R.S.C., 1985, c. C-46

School Act, R.S.B.C. 1996, c. 412

Trespass Act, R.S.B.C. 2018, c. 3