



Administrative Procedure: Police & School Protocol

Table of Contents

[Police and School Board Response Protocol](#)

[Organizations](#)

[Purpose of the Protocol](#)

[Signatories to the Protocol](#)

[STATEMENT OF PRINCIPLES](#)

[Policing in Ontario: Six Principles](#)

[INTRODUCTION](#)

[ROLE AND MANDATE OF POLICE SERVICES](#)

[ROLE AND MANDATE OF SCHOOL BOARDS](#)

[DEFINITIONS/EXPLANATIONS OF TERMS](#)

[A COORDINATED APPROACH TO VIOLENCE PREVENTION](#)

[OCCURRENCES REQUIRING POLICE RESPONSE](#)

[Mandatory Notification of Police](#)

[Discretionary Notification of Police](#)

[INFORMATION SHARING AND DISCLOSURE](#)

[Criminal Code](#)

[Youth Criminal Justice Act \(YCJA\)](#)

[Municipal Freedom of Information and Protection of Privacy Act \(MFIPPA\)](#)

[Reporting Children in Need of Protection](#)

[Child and Family Services Act \(CFSA\)](#)

[SCHOOL PROCEDURES FOR REPORTING TO POLICE](#)

[Incidents of Concern \(See Section, Occurrences Requiring Police Response, for mandatory reporting\)](#)

[Investigating and Reporting a Serious Violent Incident](#)

[Role of School](#)

[Role of the Police](#)

[Police Access to School Records](#)

[Trespass](#)

[Drugs, Alcohol and Tobacco](#)

[Role of the School](#)

[Role of Police](#)

[Vandalism](#)

[Immediate Emergencies](#)

[Weapons](#)

[Definition of a Weapon](#)

[Possession of a Weapon by Students](#)

[Possession of a Weapon by Persons other than Students](#)

[Use of a Weapon by Students](#)

[Bomb Threats](#)

[Abduction](#)

[Armed Person](#)

[Hostage](#)

[Attempted Suicide](#)

[Assaults](#)

[Role of the School](#)

[Role of Police](#)

[Gang Activities](#)

[Role of the School](#)

[Role of Police](#)

[Possession/Use of Firecrackers or Fireworks](#)

[INITIAL POLICE CONTACT](#)

[SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS](#)

[POLICE INTERVIEWS OF STUDENTS](#)

[Victims and Witnesses](#)

[Notification of Parents/Legal Guardians](#)

[Preparation for Interviews](#)

[Conduct of Interviews](#)

[Suspects Under the Age of 12](#)

[Suspects 12 – 17 Years](#)

[Student 18 Years and Older](#)

[REPORTING OF CHILDREN SUSPECTED TO BE IN NEED OF PROTECTION](#)

[INVESTIGATIONS INVOLVING STUDENTS WITH SPECIAL EDUCATION NEEDS](#)

[OCCURRENCES INVOLVING STUDENTS UNDER AGE 12](#)

[SCHOOL BOARD COMMUNICATION STRATEGY](#)

[PROTOCOL REVIEW PROCESS](#)

[PHYSICAL SAFETY ISSUES](#)

[THREAT MANAGEMENT/AWARENESS SERVICES](#)

[EMERGENCY PLANNING AND THREATS TO SCHOOL SAFETY](#)

[SCHOOL BOARD LOCKDOWN PROCEDURES – See Appendix B](#)

[TRAINING](#)

[APPENDIX A](#)

[GLOSSARY](#)

[APPENDIX B](#)

[APPENDIX C](#)

[APPENDIX C1](#)

[Bomb Threats](#)

[Initial Assessment of Bomb Threat](#)

[APPENDIX C2](#)

[Individual School Plan for Bomb Threat Checklist:](#)

[APPENDIX C3](#)

[Bomb Threat Intake Checklist](#)

[APPENDIX C4](#)

[Response Tracking](#)

[APPENDIX C5](#)

[Response Tracking](#)

[APPENDIX C6](#)

[Incident Log Notes](#)

[APPENDIX C7](#)

[Post Incident Bomb Threat Tracking Report](#)

[APPENDIX D](#)

[Justice Act Statements](#)

[Guide to Officers for Section 146 Youth Criminal](#)

[Statement from a Young Person](#)

Police and School Board Response Protocol

In accordance with the requirements of the Ministry of Education and the Ministry of the Solicitor General.

Organizations

- Superior North Catholic District School Board
- Superior-Greenstone District School Board
- Conseil scolaire de district catholique des Aurores boréales
- Conseil scolaire public du Grand Nord de l'Ontario
- Greenstone Ontario Provincial Police Detachment
- The Nipigon Ontario Provincial Police Detachment
- The Marathon Ontario Provincial Police Detachment
- Anishinabek Police Service

- The Children's Aid Society of the
- District of Thunder Bay
- Dilico Anishinabek Family Care

Purpose of the Protocol

The Superior North Catholic, Superior Greenstone District, Conseil scolaire de district des Aurores boreales, Conseil scolaire public du Grand Nord de l'Ontario School Boards in partnership with the Ontario Provincial Police and Anishinabek Police Service, the Children's Aid Society of the District of Thunder Bay, Tikinagan Child & Family Services and Dilico Anishinabek Family Care believe that students, staff and members of the school community have the right to learn and work in a safe and positive learning environment. The schools, police and community are jointly participating in a number of co-operative programs to establish and maintain this positive, safe learning environment.

Police play a vital role in supporting and enhancing the efforts of schools and their communities to be safer places in which to learn and work. In addition to responding to and investigating school related incidents, police are essential partners in the prevention of crime and violence. At the root of effective school-police partnerships is a common understanding of each partner's roles and responsibilities. Other reasons for this protocol include consistency of approach, promotion of dialogue and effective relationships between schools and police.

Promoting the well-being of all students in Ontario schools is one of the key goals in the government's renewed vision for education. To help achieve this goal, all partners in education – students, parents, school staff, and community organizations – must work together to create and sustain safe, accepting, and healthy schools across the province.

It is understood that the strategy can be effective only if decisions about school safety are informed by reliable data, including school climate and violent incident data. The data that schools collect on school climate can, for example, provide information on risk factors for violent or antisocial behaviour. Decisions should be made on the basis of assessments of priority, need, and risk that are as accurate as possible.

It should be noted here that the school-police partnership is consistent with the findings of the Provincial Approach to Community Safety and Well-Being (the Provincial Approach), an initiative led by the Ministry of Community Safety and Correctional Services (MCSCS). The ministry, in collaboration with its interministerial, policing, and

community partners, is in the process of developing a Provincial Community Safety and Well-Being Planning Framework as part of the final phase of the initiative. The framework will promote a service delivery model that encourages multisectoral approaches and partnerships to respond to crime and complex social issues on a sustainable basis.

Signatories to the Protocol

An agreement between the Superior North Catholic District School Board, the Superior Greenstone District School Board, Conseil scolaire de district des Aurores boreales, Conseil scolaire public du Grand Nord de l'Ontario, the Anishinabek Police Service, The Children's Aid Society of the District of Thunder Bay, Dilico Anishinabek Family Care, Nishnawbe-Aski Police Services, and the Ontario Provincial Police.

- Alexa McKinnon, Director of Education, Superior North Catholic District School Board
- David Tamblyn, Director of Education, Superior Greenstone District School Board
- Lucie Allaire, Director of Education, Conseil scolaire de district catholique des Aurores boréales
- Marc Gauthier, Director of Education, Conseil scolaire public du Grand Nord de l'Ontario
- Staff Sergeant Carl Pettigrew, Nipigon Ontario Provincial Police Detachment
- Staff Sergeant Al Gordon, Greenstone Ontario Provincial Police Detachment
- Sergeant Paul Michtics, Marathon Ontario Provincial Police Detachment
- Rob Richardson, Executive Director, The Children's Aid Society of the District of Thunder Bay
- Darcia Borg, Executive Director, Dilico Anishinabek Family Care
- Sergeant Warren Bouchie, Anishinabek Police Service

Signatures are available at our Catholic Education Centre, not on our online documents.

STATEMENT OF PRINCIPLES

The guiding principles upon which the terms of this agreement are based are:

- the need for students, staff and all members of the school community to be protected from serious incidents, including incidents of violence, during the regular school day and during school sponsored events;
- the need to have a clear understanding of police and school responsibilities;
- the need to promote respect and civility in the school environment;

- the need to respect the fundamental rights of students, teachers, and staff pertaining to disability, race, creed, ethnic origin, gender, gender identity, gender expression, sexual orientation and other prohibited grounds of discrimination under the Ontario Human Rights Code; and
- the need to support both rights and responsibilities.

Policing in Ontario: Six Principles

Ontario is the first province in Canada to have a Declaration of Principles written into its statutes. With these principles, Ontario's police are committed to:

Ensuring the safety and security of all people and property in Ontario.

- Safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code.
- Working closely with the communities they serve.
- Respecting victims of crime and working to understand their needs.
- Being sensitive to the diverse, multiracial and multicultural character of Ontario society.
- Ensuring that police services are representative of the communities they serve.

INTRODUCTION

The School Boards and the Police believe that schools must be safe, caring, inclusive, and equitable places for learning and teaching. A safe, inclusive, and equitable school environment fosters and supports learning and the ongoing development of respect, responsibility, civility, and other positive behaviour and characteristics.

The purpose of this document is to establish a protocol between the Police Services, School Boards and Children Services.

The purposes of and/or the rationale for this protocol are:

- assisting in the greater safety and protection of students, teachers, principals, staff, and volunteers in schools;
- encouraging constructive, ongoing, adaptive, and responsive partnerships between police and the school community such as violence prevention;
- reinforcing the importance of a coordinated and multifaceted approach on the part of schools and police in their interactions with parents and the community, in an effort to promote the well-being of students;

- facilitating appropriate sharing and disclosure of information in accordance with privacy laws, including FIPPA and MFIPPA;
- promoting joint consultation and partnerships between school boards and police services on maintaining a safe school environment;
- ensuring that the obligations and requirements of both the education and police systems are met; and
- ensuring that an equitable and consistent approach across a school board's jurisdiction in the way police and schools respond to a school-related occurrence.

ROLE AND MANDATE OF POLICE SERVICES

In cases of exigent circumstances, police will assume primary responsibility as may be necessary to ensure school safety. The principal/vice principal will continue to have a role consistent with his or her statutory responsibility for the health and welfare of students and members of the school community, and to maintain proper order and discipline in the school.

The specific roles and responsibilities of the school board, principals, teachers, and school staff related to safe and secure schools, will include:

- engaging and working proactively in partnership with school officials to ensure the effectiveness of this protocol;
- protecting public safety and preventing crime;
- enforcing the Youth Criminal Justice Act, the Criminal Code, and other federal, provincial, and municipal legislation and related regulations;
- upholding the duties legislated under section 42 of the Police Services Act;
- assisting victims of crime;
- conducting police and criminal investigations;
- assisting in the development of young people's understanding of good citizenship;
- promoting and fostering the prevention and reduction of crime, both against and committed by young people;
- providing information on community safety issues;
- diverting young people away from crime and antisocial behaviour; and
- working in partnership with other government and community-based organizations to support positive youth development.

ROLE AND MANDATE OF SCHOOL BOARDS

In cases of exigent circumstances, the police will assume primary responsibility as may be necessary to ensure school safety. The principal/vice principal will continue to have a role consistent with his or her statutory responsibility for the health and welfare of students and to maintain discipline in the school.

The specific roles and responsibilities of the school board, principals/vice principals, teachers, and school staff related to safe and secure schools, will include:

- clearly explaining the board's code of conduct to students and their families including details such as the definition of the term weapon and the potential reach of school discipline with respect to behaviours taking place outside of school that have a negative impact on school climate;
- engaging and working proactively in partnership with police officials to ensure the effectiveness of this protocol;
- ensuring that all staff, including occasional, part-time, or itinerant teachers, have the means, training, and resources to implement the provisions of this protocol that may apply to them, including the ability to lock their classroom doors during a lockdown (see Appendix B);
- complying with the requirements related to the duties of principals and teachers under the Education Act and regulations;
- roles and responsibilities of the principal in conducting investigations of incidents for which suspension or expulsion must be considered under the Education Act, including the responsibility to take mitigating and other factors* into account, as set out in Ontario Regulation 472/07 (see the glossary entry for "mitigating and other factors" in Appendix A);
- complying with the requirements legislated under the Child and Family Services Act
- (e.g., "duty to report");
- respecting the board's code of conduct, as required by the Education Act (s. 302);
- to ensure that resources (e.g., on drug awareness, on bullying prevention) are accessible to assist school staff in promoting a positive school environment with students and parents/legal guardians.
- developing policies on how to respond to crises, including the development of a communications plan;
- ensuring that appropriate prevention and intervention strategies are available;
- providing staff with opportunities to acquire the skills necessary to promote safe, equitable, and inclusive school environments; and

- developing an effective mechanism for soliciting input from staff, students, parents, parent involvement committees (PICs), school councils, aboriginal advisory committee and Special Education Advisory Committees (SEACs) in the development of local protocols.

DEFINITIONS/EXPLANATIONS OF TERMS

The police services and school boards have identified a glossary of terms that provides definitions of terms that are important to assist those who will be administering local protocols. This practice will help maintain consistency among interrelated policies and protocols. The glossary is located in Appendix A of this document. Note to readers: A glossary of terms is provided in Appendix A of this document. An asterisk (*) following an italicized word or phrase at its first use in the text of the document signals that a definition of that word or phrase is provided in the glossary.

A COORDINATED APPROACH TO VIOLENCE PREVENTION

The Boards and Police recognize the importance of a coordinated and multifaceted approach on the part of the school board and police to promote positive behaviour and prevent school violence. Outline the role of local police services with respect to implementing violence-prevention policies in schools, and identify additional supports that police are prepared to offer.

School boards and principals should develop, promote, and maintain strong partnerships with police and seek to benefit from their support in implementing the school's violence- prevention policies, particularly where those policies pertain to addressing risk factors associated with antisocial, gang-related, or criminal behaviour. In a closely cooperative relationship, police may also offer support in a consulting role, to assist school personnel in determining appropriate action when dealing with violent behaviour and to explain the procedures for police investigations.

Police work in partnership with schools and other community-based service providers to administer various crime-prevention programs, including programs that focus on areas such as peer mediation or conflict resolution; programs that include referrals to appropriate community resources (e.g., those providing counseling or mentoring services, drug awareness/ education programs, or support for seeking employment or housing); and programs such as Crime Stoppers.

Working from a crime-prevention perspective, police can play an important role in the school community, which presents extensive opportunities for employing the strategy of “crime prevention through social development” (CPSD). CPSD involves preventing and reducing crime by identifying and addressing the risk factors associated with crime and victimization. Police use proactive measures that focus on the factors that precipitate the onset of criminal and antisocial behaviour.

CPSD recognizes that the intersection of multiple and complex social, economic, health, and environmental factors may lead to criminality.

CPSD involves long-term, sustainable, multi-agency, integrated actions that deal with the risk factors (e.g., mental health issues, certain types of behavioural issues, involvement in the criminal justice system, victimization/ abuse) that can start a young person on the path to crime, and build protective factors (e.g., strong adult role models, enhanced self-esteem, effective personal coping skills and strategies) that may mitigate those risks.

Strategies that schools can use to help prevent violence include, but may not be limited to:

- helping students develop social skills, including conflict-resolution skills;
- promoting positive mental health and reducing the stigma associated with mental health issues;
- proactively identifying students at risk and giving them extra support;
- using progressive discipline to teach and encourage appropriate behaviour in the school;
- viewing each student as an integral and contributing member of the school community;
- demonstrating, by example and leadership, that students’ human rights are to be respected; and
- encourage students to return to the school community after involvement with the criminal justice system, and supporting them in the process.

Strategies that police can use to help prevent violence in schools include but may not be limited to:

- developing positive partnerships with all members of the school community, including parents;
- being visible within the school community;
- being a positive adult role model for students;
- establishing positive relationships with children and youth;
- making referrals based on the best interest of the students;
- helping deliver educational sessions on crime and criminal justice issues;

- launching, leading, or being part of local planning tables that mobilize community members and agencies to participate in activities designed to address and reduce risk factors and to enhance protective factors for youth at risk of conflict with the law;
- facilitating communication and cooperation with school officials, Probation Services, community justice programs, other police officers, courts, and other social services; and
- supporting students as they return to the school community after involvement with the criminal justice system.

In developing the protocol, school boards and police services should refer to, and ensure alignment with, related ministry, board, and police policies on violence prevention.

The local police/school board protocol is one component of a broader partnership between schools and other essential community partners, including mental health providers, health care professionals, and children's aid societies that is dedicated to violence prevention in Ontario schools.

OCCURRENCES REQUIRING POLICE RESPONSE

The protocol outline the types of incidents that require mandatory reporting to police and those for which reporting is discretionary. The following incidents require mandatory reporting to police (for students under the age of 12, refer to section 15 of the School Board\ Police Protocol Document). Note that mandatory police reporting does not mean that police will lay charges in every situation; however, for the incidents listed, police must be notified. The incidents listed include those that happen at school, during school-related activities in or outside school, or in other circumstances if the incident has a negative impact on school climate.

Mandatory Notification of Police

At a minimum, the police must be notified of the following types of incidents:

- all deaths;
- physical assault causing bodily harm requiring medical attention;
- sexual assault*;

- robbery*;
- criminal harassment*;
- relationship-based violence*;
- possessing a weapon, including possessing a firearm;
- using a weapon to cause or to threaten bodily harm to another person;
- trafficking in weapons or in illegal drugs*;
- possessing an illegal drug*;
- hate and/or bias-motivated occurrences*;
- gang-related occurrences*;
- extortion*;
- non-consensual sharing of intimate images*; and
- bomb threats.

Discretionary Notification of Police

Principals/Vice Principals should consider mitigating and other factors when deciding whether to call the police in these discretionary situations. It is expected that all other school-related occurrences not specified in the protocol will be dealt with by the principal on a case-by- case basis, and that police will be notified at the principal/vice principal's discretion. For students with special education needs, school boards should identify circumstances where a police response is neither necessary nor appropriate. Refer to section 14 of this document for further information on dealing with students with special education needs.

Police response may also be needed in connection with the following types of incidents:

- giving alcohol to a minor;
- being under the influence of alcohol or illegal drugs;
- threats* of serious physical injury, including threats made on social networking sites or through instant messaging, text messaging, e-mail, and so on;
- bullying;
- incidents of vandalism; and
- trespassing incident

INFORMATION SHARING AND DISCLOSURE

The Boards recognize that cooperation with the police is essential to the welfare of the staff, students and all members of the school community.

A number of different statutes deal with information sharing and disclosure. These include federal legislation (the Criminal Code, the Youth Criminal Justice Act) and provincial legislation (the Municipal Freedom of Information and Protection of Privacy Act, the Education Act, and the Child and Family Services Act). **In situations where federal and provincial laws are in conflict with each other, the federal law takes precedence.**

Criminal Code

The police can access a student's Ontario Student Record (OSR) by warrant or subpoena, or with the written consent of a parent or legal guardian (s) of the student, if the student is 18 years of age or older. In exigent circumstances, the police can access a student's OSR without a warrant, under section 487.1.1 of the Criminal Code.

Youth Criminal Justice Act (YCJA)

The YCJA sets out the procedural requirements for dealing with young persons charged with offences. (Refer to Part 6 (ss. 110 to 129) of the YCJA, "Publication, Records and Information".) There may be occasions when it is necessary for police to share confidential information with school officials. Section 119 of the YCJA provides the circumstances under which confidential information may be shared.

The following subsections are of particular relevance for the police/school board protocols:

- subsection 110(1), which states that no person shall publish the name of the young person or any information that would identify the young person as a young person dealt with under the YCJA;
- subsection 111(1), which states that "no person shall publish the name of a child or young person, or any other information related to a child or a young person, if it would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person";
- subsection 118, which states that no person shall be given access to a record and no information in the record shall be given to any person, where to do so would identify the young person as being dealt with under the YCJA;
- subsection 125(1), which states that "[a] peace officer may disclose to any person any information in a record kept under section 114 (court records) or 115 (police records) that it is necessary to disclose in the conduct of the investigation of an offence";

- subsection 125(6), which permits a provincial director, youth worker, peace officer, or any other person engaged in the provision of services to young persons to disclose to a representative of a school board or school any information kept in a record under sections 114 to 116 of the YCJA if the disclosure is necessary:
 - to ensure compliance with an order made by the youth justice court for a young person released from custody to attend school;
 - to ensure the safety of staff, students, or other persons; or
 - to facilitate the rehabilitation of the young person.

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

This legislation regulates the collection and disclosure of personal information that is not related to the YCJA. As part of the local protocol, police services and school boards should develop a policy for the disclosure of personal information in situations under subsection 32(g) of the MFIPPA (i.e., “to aid an investigation undertaken with a view to a law enforcement proceeding ...”).

Further information regarding the release of students’ personal information can be found in the [Office of the Information and Privacy Commissioner’s Guide to Ontario Legislation Covering the Release of Students’ Personal Information](#).

The Ontario Student Record (OSR) is privileged for the information and use of supervisory officers and the principal and teachers of a school for the improvement of instruction of a student. Disclosure of its contents to the police may be made in the following circumstances: with the written permission of the parent or guardian of the student, or where the student is an adult, with the written permission of the student; through a search warrant requiring the surrender of an OSR to the police; or through a subpoena or appropriate court order.

The Privacy Commissioner for Ontario has released a Practice Tool for Exercising Discretion – Emergency Disclosure of Personal Information by Universities, Colleges and other Educational Institutions. It is important to note that privacy laws in Ontario permit the disclosure of personal information in compelling circumstances.

Examples cited include, but are not limited to, concerns arising about a possible suicide attempt; concerns about a student’s mental state and the possible risk of significant harm to the public; and concerns that a student may harm themselves or others.

Reporting Children in Need of Protection

When a school employee has reasonable grounds to believe that a child is or may be in need of protection as defined by the Child and Family Services Act; that employee shall immediately report the concern as outlined in the Board's Child Abuse Reporting Protocol. The Youth Criminal Justice Act [in s.35] also outlines the authority to refer a young person to a child and welfare agency to determine whether the youth is in need of child welfare services.

Child and Family Services Act (CFSA)

The duty to report of persons "who perform professional or official duties with respect to children", including teachers and principals, should be emphasized.

Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:

1. The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's,
 - a. failure to adequately care for, provide for, supervise or protect the child, or
 - b. pattern of neglect in caring for, providing for, supervising or protecting the child
2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
 - a. failure to adequately care for, provide for, supervise or protect the child, or
 - b. pattern of neglect in caring for, providing for, supervising or protecting the child.
3. The child has been sexually molested or sexually exploited, including by child pornography, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.
4. There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3
5. The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment.
6. The child has suffered emotional harm, demonstrated by serious,
 - a. anxiety,

- b. depression,
 - c. withdrawal
 - d. self-destructive or aggressive behaviour, or
 - e. delayed development,
 - f. and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
7. The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.
 8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph a, b, c, d, or e, of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.

SCHOOL PROCEDURES FOR REPORTING TO POLICE

In an emergency requiring police, ambulance or fire services, school staff will immediately call 911.

In a non-emergency situation, school staff will consult with the principal/vice principal or designate before police are contacted. Schools procedures for reporting to Police – see Board Policy

Incidents of Concern (See Section, Occurrences Requiring Police Response, for mandatory reporting)

The following occurrences shall require police involvement:

- all deaths;
- bomb threats;
- criminal harassment;
- extortion;
- gang-related occurrences;

- hate and/or bias-motivated occurrences;
- non-consensual sharing of intimate images;
- intentionally summoning emergency services without cause
- physical assault causing bodily harm requiring treatment by a medical practitioner;
- illegal drugs;
- providing alcohol to minors;
- relationship-based violence;
- robbery;
- sexual assault;
- trafficking in weapons, or in illegal drugs
- possession of a weapon, including, but not limited to firearms;
- using a weapon to cause or to threaten bodily harm to another person.

The following occurrences may require police involvement:

- possessing or giving alcohol to a minor;
- being under the influence of alcohol or illegal drugs;
- threats of serious physical injury, including threats made on social networking sites or through
- instant messaging, text messaging, e-mail, and so on;
- bullying;
- intimidation;
- incidents of vandalism; and
- trespassing incident.

It is expected that all other school related occurrences not specified above shall be dealt with/at the discretion of the principal on a case-by-case basis.

Investigating and Reporting a Serious Violent Incident

Serious violent incidents occurring at the school will be addressed by the school administration and the police.

Role of School

1. All instances of serious violent behaviour between students, staff members or non-students shall be investigated by the Principal/Vice Principal.
2. The Principal shall call the police.

3. The Principal should contact the parents/guardians of the student directly involved. If the student is 18 years of age or older, contact with the parents/guardians will only be with the consent of the student. If the student is under the age of 12, the principal may consider referring the student to Child and Family Services. The Youth Criminal Justice Act [in s.35] also outlines the authority to refer a young person to a child and welfare agency to determine whether the youth is in need of child welfare services.
4. If a staff member is involved, the Principal will recommend that the staff member notify his/her union/federation representative.
5. The school investigation should include documenting observations of any physical evidence (cuts, bruises, torn clothing, written threats, etc.) and documenting interviews with any witnesses. If any physical evidence is seized, the evidence shall be secured and the number of people who handle it limited.
6. After the occurrence of a serious violent incident leading to a suspension/expulsion or report to police, a Violent Incident Report Form must be completed by the Principal, Vice-Principal and filed in the Ontario Student Record. The procedure can be found in the appendix in the Safe Schools Policy.
7. Disciplinary procedures for a student involved in a serious violent incident, which could include counseling, suspension, alternative education placement or expulsion, will be applied as outlined in the Code of Conduct policy.
8. Disciplinary measures for a staff member alleged to be the perpetrator in a serious violent incident shall be handled according to the Code of Conduct policy.
9. Where the individual is a student of another school, disciplinary measures could include counseling, suspension, or initiating expulsion proceedings in accordance with Board policy and the Education Act.
10. A copy of all reports related to the school's investigation should be kept on file.

Role of the Police

1. The police, upon request of the Principal, staff member, student or parents/guardians, may conduct an investigation of any serious violent incident.
2. The police will advise the complainant(s), as appropriate, of the outcome of their investigation.

The police, in the course of an investigation, may need to speak to students who are potential witnesses, victims or suspects, or have knowledge of some criminal activity. If the school encounters a problem which necessitates the involvement of the police, the Principal or Vice-Principal shall request police attend at the school. The following procedure will be used when students are being interviewed as witnesses, victims or suspects.

Note: Remember *Youth Criminal Justice Act* disclosure concerns re: offences committed or alleged to be committed by a young offender.

1. If the police wish to question a student on school property, the police officers shall contact the Principal or Vice-Principal of the school that the student is attending, to advise the school administration of the nature of the visit, and to request a meeting with the student.
2. Under the Youth Criminal Justice Act a “young offender” is any person from the age of 12 through 17. Although students under age 12 cannot be charged criminally, the police may still intervene to facilitate communication between the school and parents/guardians. When a student under 12 years of age has killed or seriously injured another person, or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent/legal guardian does not provide or refuses or is unavailable or unable to consent to, those services or treatment then the matter should be referred to Child and Family Services as a child who may be in need of protection.

If the student who is being questioned is 12-17 years of age, the school will advise the student that their parents/guardians shall be contacted, by the school, prior to any interview with the police, subject to the notes below. **At that time the parents/guardians shall be advised that their child is being interviewed as a witness, as a victim or as a suspect.** If the student who is being questioned is 18 years of age or older and therefore considered an adult, the school shall not contact the parents/guardians without the permission of the student.

Note: If the parents/guardians refuse to grant permission for the student to be interviewed by the police, the school administrator will request that the police conduct their investigation off school property.

Note: If the student is a crown ward or ward of Child and Family Services, the legal guardian is considered to be Child and Family Services. The Youth Criminal Justice Act [in s.35] also outlines the authority to refer a young person to a child and welfare agency to determine whether the youth is in need of child welfare services.

Note: There may be times of exceptional circumstances where the parents/guardians should not be contacted, e.g., the parents/guardians are the suspects of a crime about which the student is being interviewed and to contact the parents/guardians could interfere with the police investigation. In such cases, it is the responsibility of the police to determine the proper course of action.

3. If the parents/guardians of the student under 18 years of age do not wish to attend the school or the school is unable to contact the parents/guardians, within a reasonable amount of time, or the adult student (18 years or older) expresses the desire that they do not wish their parents/guardians contacted, the Principal or Vice-Principal shall request that the interview be delayed until contact is made or request that the interview take place outside of the school.

Note: In exceptional circumstances if the student expresses their right not to have the Principal or Vice-Principal present, the school administrator will request the police to conduct their investigation off school property. The Principal and Vice-Principal and the police will document this request.

4. It is the responsibility of the school to communicate to the police officer if any student has a learning disability or other exceptionality that may impede the student from expressing or understanding written/oral communication. The police have contingency plans to address these types of situations. The Principal or Vice-Principal shall request that the interview be delayed until parental contact is made. It is preferred that the interview takes place in the presence of the parent.
5. A private room may be made available for such interviews to ensure confidentiality for students and parents/guardians.
6. If the student is not in attendance at school on that day, the school shall inform the police officer of the student's proper date of birth, address, phone number, and the parent's/guardian's home and business phone numbers, in accordance with the **Municipal Freedom of Information and Protection of Privacy Act**, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation of law enforcement proceedings.

Police Access to School Records

The **Education Act** has specific provisions governing control and access to the Ontario Student Record (O.S.R.). The O.S.R. and other records such as attendance reports, suspension records, incident reports, etc., may be the subject of a warrant or subpoena.

In civil matters a court may issue an order to produce certain records, and in those situations the Principal shall produce a copy of the OSR or other records in accordance with the court order.

In criminal matters, if a school Principal is served with a **warrant** requesting an OSR or other records, the Principal is obliged to comply with the warrant and will provide a copy of the OSR contents and other records as specified.

If a Principal is personally served with a subpoena requiring his/her testimony in a criminal case, he/she is obliged to comply with the **subpoena**, attend court, and, if requested, produce the original OSR to the court, but request that a copy be entered into evidence. A principal should produce three copies for the court and other records if required.

If the police are conducting an investigation for the purpose of law enforcement proceedings, the school Principal, in accordance with the Municipal Freedom of Information and Protection of Privacy Act, shall release "general information" (such as the name, address and phone numbers of a student or staff) to the law enforcement official.

Trespass

Under the Trespass to Property Act and the Ontario Code of Conduct, Regulation 474-00, Access to School Premises, a District School Board has all the right of an "occupier" to maintain control over the school premises, which is broadly defined to include the school building, playground, gymnasium, offices and parking area, etc.

Regulation 474-00 states that:

The following persons are permitted access to school property during hours of operation:

- Pupils enrolled in the school;
- Parents or guardians of such children;
- Persons employed or retained by the board;
- Persons on school property for lawful purposes.

The following persons are permitted conditional access to school property, provided they are there for a specific purpose:

- Persons invited to attend an event, class or meeting;
- Persons invited by the principal, vice-principal, or someone else authorized by board policy to do so.

The following persons are prohibited access to school property:

- Anyone whose presence, in the principal's judgement, is detrimental to the safety or well-being of a person on the premises;
- Any person who fails to report their presence in the manner specified by the school or board.

Drugs, Alcohol and Tobacco

The illegal possession, distribution, or use of drugs, alcohol or tobacco by students is not permitted on school premises.

Role of the School

1. The schools will endeavour through their curriculum to discourage the illegal use of drugs, alcohol and tobacco and to educate students of the resulting harmful effects.
2. The schools will support the Tobacco Control Act.
3. Trafficking in drugs, and possession are extremely serious offences and will result in a recommendation for expulsion from school, considering mitigating circumstances.
4. Students and parents/guardians should be made aware of rehabilitative counseling services to overcome drug and alcohol problems.
5. In the event students are suspected of being in possession of any drugs or alcohol, reference should be made to **section 11 (b) of this Protocol governing Search and Seizure.**

Role of Police

1. The Police will conduct the appropriate interviewing and investigation in accordance with sections 10 and 11 of this Protocol.

Vandalism

Vandalism, which in The Criminal Code of Canada is referred to as mischief, is any willful damage to school property. Vandalism is a crime.

The District School Boards and police recognize that immediacy in contacting the police regarding any vandalism complaint will assist in the investigation and preservation of

evidence. However, in the event of minor vandalism, it is left to the discretion of the Principal to handle it internally through disciplinary action and/or securing compensation for damage.

1. It is the responsibility of the school Principal/Vice Principal to immediately upon discovery report all major acts of vandalism or mischief to the police to investigate.
2. It is the responsibility of the school Principal/Vice Principal to advise the appropriate Superintendent and other personnel of major incidents of school vandalism so that the building can be properly secured.
3. If possible, the school Principal shall provide the investigating officer with a written financial costing of the damage in order to seek restitution. Alternatively, this information shall be provided to the police or Crown Attorney's Office as soon as available.
4. When dealing with alleged offenders under age 12 (the legal age of accountability) involved in causing damage to school property, the Principal may contact the police for assistance in conducting the investigation. The Principal may also inform the parents/guardians, suspend the student involved and arrange with the parents/guardians/student for restitution for the damage caused. If the vandalism is extensive and repeated, the principal may contact Child and Family services to report a child in need of protection. The Youth Criminal Justice Act [in s.35] also outlines the authority to refer a young person to a child and welfare agency to determine whether the youth is in need of child welfare services.

Immediate Emergencies

If there is a crisis in the school the police shall be contacted in accordance with the school emergency plans. Schools will follow all legislative requirements under Bill 157, Ontario Regulation 472/07, PPM 144, 145 and PPM 119.

Weapons

Definition of a Weapon

1. The term "weapon" has broad meaning. It includes everything from legally restricted weapons (like firearms) to commonplace objects like penknives, baseball bats and even a pencil. Individual circumstances or the particular use of an object will dictate whether an object is viewed as a weapon or not.
2. The Criminal Code of Canada defines "weapon" as follows:

- a. anything used, or intended for use in causing death or injury to persons whether designed for that purpose or not, or
 - b. anything used or intended for use for the purpose of threatening or intimidating any person.
3. Essentially, a restricted weapon is a firearm requiring a permit for use of possession. It includes handguns, rifles with barrels of less than 18" or less than 26" overall, and full automatic weapons.

Prohibited weapons are miscellaneous devices banned by The Criminal Code of Canada. No one may use or have these in their possession. Included are gas discharge devices (e.g., mace), nunchaku sticks, throwing stars, electronic "zappers", brass knuckles, silencers, and switchblade knives.

Possession of a Weapon by Students

1. When a student is found to be in possession of an "object" on school property or at a school function, which is the Principal's opinion is a "weapon" as defined in this protocol, the Principal shall ask the student to hand over the object if it is safe to do so. If the student refuses to relinquish the weapon, the police shall be called.
2. If the Principal determines that it would not be prudent to return the object/weapon to the student, the Principal may return it to the student's parents/guardians after appropriate communication with them. In addition, the Principal may take appropriate disciplinary action.
3. If the object is a restricted or prohibited weapon, including a firearm, it must be turned over to the police and the Principal shall take appropriate disciplinary action.
4. Principals may deny entry to school-sponsored activities to anyone, including students, whom they know to have a history of violence or who have been found in possession of any weapon.

Possession of a Weapon by Persons other than Students

1. Where a person who is not a student is found to be in possession of a weapon on school property or at a school function, the Principal shall make every effort to ensure the safety of students and staff and call the police for assistance.
2. The Principal, if it is safe to do so, has the authority to request any person to leave the property under appropriate circumstances in accordance with the Education Act and the Trespass to Property Act.

Use of a Weapon by Students

1. When a student has used a weapon, the school Principal shall do the following:
 - a. Contact the police, and if necessary other emergency services (i.e., fire, ambulance).
 - b. Communicate with the student's parents/guardians if the student is under the age of 18.
 - c. Contact the appropriate supervisory officer.
 - d. Immediately suspend the student and investigate a possible expulsion
2. Any student who uses a weapon on school property or at a school function may be charged after a police investigation.
3. Principals may deny entry to school-sponsored activities to anyone, including students, whom they know to have a history of violence or who have used any weapon.

Bomb Threats

SEE APPENDIX C FOR DOCUMENTATION OF BOMB THREAT

1. The direction of the police or fire department supersedes the Board policy
 - a. Most bomb threats are made by telephone to places of employment. When you are prepared for such a call, you can respond in a calm manner, ask for specific information about the bomb and listen for some identifying characteristics of the caller. While on the telephone, you may be able to initiate a trace of the telephone number of the caller, providing vital information about the caller's whereabouts.
2. Search Procedures:
 - i. The police may carry out a search of the school and may direct that the following procedures should be used.
 - ii. If it is determined by the police that it is safe to conduct a search, the following procedures may apply. The search will be conducted at the direction of the police.
 - iii. As a routine procedure, staff should inspect their own work areas daily and make note of anything unusual or out of place.
 - iv. Employees of a building, office or area are generally aware of the contents and, as such, are more likely to recognize any suspicious item. Any item that is not immediately recognized should be considered suspect until proven otherwise.
 - v. The searchers should be occupants who are familiar with the areas and designated by the person responsible for the building or area or by police.
- b. The police will select a control point with suitable communications facilities available. This is normally the office. A map of the school shall

be available to verify areas checked. A file for this purpose will be established.

- c. Search the selected control point before use.
- d. Allot areas to be searched using the following guidelines:
- e. (CAUTION – DO NOT TOUCH ANY SUSPECT ITEM)
- f. areas accessible to the public and entrances or exits should be visually searched first;
- g. occupants do a visual search of their own working areas and areas they are familiar with;
- h. instruct searchers to report any suspect item immediately and record its description, size, shape, etc., and exact location on floor plan;
- i. do not stop if suspect item is found – more than one device may be present – the obvious item may be a hoax – continue to search until the entire area is covered;
- j. instruct searchers to report to the control point after each search area is completed for additional area to be searched;
- k. continue to search until all areas are covered.

Note: Evacuation may be temporary pending the search of the building. It is not an automatic dismissal of students.

3. The decision to return to the school will be made by the police.
4. Follow-up meeting with police should take place to create a plan for subsequent bomb threats.
5. At the principal's discretion, counseling may be provided for staff and students.

Abduction

If an abduction or suspected abduction has taken/is taking place, the staff member will inform the principal who in turn will contact the police.

The following information will be shared, if available:

Location of incident;

- Whether it is in progress or when it occurred;
- Victim's name if known and description;
- Suspect's name if known and description;
- Vehicle description;
 - direction of travel
 - license plate
- The action by the suspects or victim that made it appear to be an abduction.

The principal and staff member will remain at the scene until the police arrive.

Armed Person

If an armed person is present on the school premises, the police will be contacted.

The following information will be shared, if available:

- Location of incident;
- Type of weapon;
 - rifle
 - shotgun
 - pistol
 - caliber if known
 - knife
 - other
- Whether a weapon was used, i.e.: fired or brandished;
- Where the suspect is now; if gone, method and direction of escape;
- Vehicle description;
- Direction of travel;
- License plate;
- Whether there is any danger to caller;

The principal/vice principal will provide direction in consultation with the police.

Hostage

If a hostage situation is present on the school premises, the police will be contacted.

The following information will be shared, if available:

- Where this is occurring, specific room or floor;
- The type of weapons involved;
- The number of hostages and if any are injured;
- The number of suspects and whether they are known to you;
- Whether the suspect is violent or has threatened violence;
- Whether there are vehicles involved;
 - description
 - license numbers.

Attempted Suicide

If an attempted suicide is suspected, the staff member will contact the principal who will, in turn, contact the police.

The following information will be shared, if available:

- Where is this occurring;
- The types of weapons involved;
- Whether the attempt is in progress or just threatened;
- How the attempt is being made? i.e., pills, knife;
- Name and description of person;
- Whether there is someone close to them available;
- Whether there have been previous incidents.

Assaults

The Criminal Code of Canada defines assault in the following manner:

1. the application of force intentionally to another person, directly or indirectly, without the consent of that other person, or
2. to attempt or threaten, by an act or a gesture, to apply force to another person, when you have, or cause another person to believe upon reasonable grounds that you have, the present ability to effect such a purpose, or
3. while openly wearing or carrying a weapon or an imitation thereof, you accost or impede another person or beg.

Acts of assault on or by students, and on or by members of staff will not be tolerated.

There is often little to distinguish fighting from assault. School procedures, and consequences in dealing with fighting may thus be similar to those for assault. Also, threatening, under The Criminal Code of Canada, is a form of assault. School procedures and consequences in dealing with threatening may thus be similar to those for assault.

With respect to sexual assaults, reference should be made to the Board's Safe Schools Policy.

Role of the School

1. All instances of assault and fighting will be investigated by the Principal/Vice Principal. Depending on the nature, extent and seriousness of the incident, it will be left to the discretion of the Principal as to whether or not their respective Superintendent and the police are contacted.
2. In an assault, the Principal shall notify the superintendent of all allegations that a staff member has been involved.
3. The Principal should contact the parents/guardians of any student directly involved in any assault or fighting. If the student is 18 years of age or older, contact with the parents/guardians will only be made with the consent of the student.
4. The school investigation should include documenting observations of any physical evidence (e.g., cuts, bruises, torn clothing, etc.) and documenting interviews with any witnesses. If any physical evidence is seized, secure the evidence and limit the number of people who handle it.
5. After the occurrence of a serious violent incident leading to a suspension/expulsion or report to police, a Violent Incident Report Form must be completed by the Principal, Vice Principal or designate and filed in the Ontario Student Record.
6. Disciplinary procedures for a student which could include counseling, suspension, alternative education placement or expulsion, will be applied as warranted.
7. Disciplinary measures for a staff member, alleged to be the perpetrator in an assault, shall be handled according to Board policy.
8. Where an injury to a student has occurred, the appropriate Board insurance form must be completed.
9. If a staff member is involved and has received any injury, the Principal shall investigate the occurrence and document for submission to the Human Resources department.
10. If a staff member is involved, the Principal will recommend that the staff member notify his/her union/federation representative.
11. Where the individual is a student of another school, disciplinary measures could include counseling, suspension, or initiating expulsion proceedings at the discretion of that student's Principal.
12. A copy of all reports related to the school's investigation should be kept on file.

Role of Police

1. The police, upon the request of the Principal, staff member, student of parents/guardians shall conduct an investigation of any allegations that an assault has occurred.
2. The police will advise the complainant(s), as appropriate, of the outcome of this investigation.

Gang Activities

The District School Boards and police have a joint interest in wanting to identify gang-related activities in order to prevent the initial formation of gangs or the continuation of gangs. Some youths join or stay in gangs due to the companionship, protection, and excitement that they provide, or in response to peer pressure. Once a member of a gang, they are generally afraid to leave for fear of retaliation.

Role of the School

1. Teachers should watch for and report to their Principal any early warning signs of a youth's involvement in a gang, such as change in dress and/or behaviour.
2. Staff should be made aware that some indicators of gang membership are the use of certain graffiti or insignia, similar dress and/or hairstyle, bandanas, choice of colours, use of unique language or hand signals.
3. In order to maintain the moral tone of the school, the Board will support Principals enforcing a dress code prohibiting the wearing of clothing or display of symbols that incite hatred or biases or identifies a student with gang involvement.
4. The Principal may bring these same concerns to the attention of the student's parents/guardians by way of a personal letter, phone call and/or interview.
5. The Principal may suggest counseling programs to assist the student(s).
6. Depending on the nature and severity of the circumstances, an alternative placement for the student may be considered in order to remove the student from the influence of the gang.
7. If the Principal suspects or is informed that gang-related illegal activities are occurring on school premises or within the neighbourhood of the school, the Principal shall report the matter to the police in order to seek assistance in the investigation of the matter and the disbanding of the gang.

Role of Police

1. The police monitor gang-related activities and can offer assistance to schools facing problems with gang-related activities.

Possession/Use of Firecrackers or Fireworks

Fireworks cannot be sold, or given or possessed by any person under age 18.

In the interest of preserving safety and avoiding any injuries to staff or student, no person shall possess, sell, offer for sale, give or distribute, or set off any firecrackers or fireworks on school premises, or at any school sponsored event.

In the event any person is found to have used or is in possession of firecrackers or fireworks while on school premises or at a school sponsored event, the Principal may take any of the following steps he/she deems appropriate in the circumstances:

1. The items shall be confiscated and safely disposed of in accordance with police instructions.
2. Disciplinary action may be imposed by way of a suspension.
3. The parents/guardians shall and the police may be contacted.

INITIAL POLICE CONTACT

The following procedures outlines how a police officer who responds to a report of a school- related incident is required to follow. Under exigent circumstances, or if the principal is being investigated, the officer is not required to follow the procedures set out below.

The police officer who responds to a report of a school-related incident is responsible for obtaining and thoroughly documenting information on the incident. The officer is normally required to take the following steps:

- report to the principal/vice principal, providing proper identification;
- explain the purpose of the visit, and plan with the principal on how to proceed;
- consider alternatives that limit the disruption to the school day;
- obtain information from the principal about the student (e.g., regarding accommodation needs or barriers to communication) before making contact with the student; and
- contact or make arrangements with the principal to contact, parents of students under the age of 18 (see section 11(a) below).
- where the principal/vice principal is under investigation, the investigating police officer shall contact the Director of Education or designate to determine the best course of action in conducting the investigation.

SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS

While it is important that the principal not do anything to prejudice the police investigation, it is also important that the police recognize and respect the principal's/vice principal's obligations under the **Education Act**. For example, under the Act, a school board's decision regarding expulsion of a student must be made within twenty school days from the date when the student was suspended. Police need to be aware of this fact and should, when possible, share with the principal information that may be relevant to that decision. In addition, protocols should refer to the need for police and schools to cooperate, whenever possible, regarding their investigations.

Note that police investigations should also be undertaken in accordance with the local police service's criminal investigation management plan and, where required, with the **Ontario Major Case Management Manual**.

The principal will inform police of any logistical information about the school (e.g., the hours of the school day and class rotation schedules) that may be relevant to the investigation process. Police services will endeavor to work within these logistical considerations in order to minimize the disruption to the school. Unless other options have been exhausted, police services should not use the school as a place of convenience in which to interview or arrest students for matters that do not pertain to the school.

Principals have a legislated responsibility under the Education Act to conduct investigations related to suspensions* and expulsions*. These investigations require that principals interview involved students and/or staff.

Police and principals will work together to ensure that the requirements of the Education Act are fulfilled and that the integrity of criminal investigations are maintained.

Prior to interviewing students previously interviewed by police, principals will first discuss their intention to interview involved students and staff with the police. This will minimize the possibility of jeopardizing a police investigation or subsequent court proceedings.

In serious matters, when a police investigation has commenced, students shall not be interviewed by the principal without the principal first discussing the matter with police.

There are situations, for example, sexual assault* investigations, where police may ask principals not to interview or re-interview victims, suspects or witnesses.

When police conduct an investigation, they can generally provide a verbal account of the investigation to the principal. Principals may make notes regarding the information and use those notes as part of their investigation.

1. Legal Rights

In the investigation of school-related incidents where a young person is a suspect, particular attention should be given by the principal and police to procedures that are consistent with the following provisions:

- a. parental notification upon arrest (s. 26, Youth Criminal Justice Act);
- b. right to counsel (s. 25, Youth Criminal Justice Act);
- c. right not to make a statement (s. 146, Youth Criminal Justice Act); and
- d. protection of privacy (s. 110, Youth Criminal Justice Act).

During a police investigation at a school, it is the responsibility of the police to explain to a young person his or her rights in a manner that enables him or her to understand those rights.

2. Search and Seizure

Where investigations involve search and seizure, the police and the principal should pay particular attention to the following procedures and responsibilities:

- a. procedures to be followed in personal and premise searches, in accordance with the Ministry of Community Safety and Correctional Services' Guidelines LE-011 on search of premises, and LE-012 on search of persons, and relevant federal legislation;
- b. roles and responsibilities of police and school personnel in conducting searches of persons or property;
- c. the requirement that police notify the principal before conducting searches on school premises. (Under some exigent circumstances, police may execute a search without a warrant and without notice to the principal.); and
- d. the continuing responsibility of the principal for students even when police are on school premises.

The **Canadian Charter of Rights and Freedoms** states that "Everyone has the right to be secure against unreasonable search or seizure". The Supreme Court of Canada in *R. vs.*

M.R.M. (1998) and the Ontario Court of Appeal *R. vs. J.M.G.* (1986) have stated that a Principal, who has reasonable grounds to do so, may conduct a search of a student or their possessions in carrying out his or her duties to maintain order and discipline in the school under the guideline of the Search and Seizure policy.

It is the responsibility of the Principal or Vice-Principal to advise the students at the beginning of the school year that desks and lockers are school property and there is no expectation of privacy; therefore, a search of such property is permissible by the school administration. In this case the Principal or the Vice-Principal is acting as an agent of the Board and not as an agent of the police. However, it may be advisable that the student be present when the locker or desk is being opened to avoid allegations that the administration planted something or took something from the locker or desk.

A Principal has the duty to carry out an investigation to establish the nature and extent of the offence, but when it becomes apparent that an offence has been committed, the police shall be notified. However, in the case of minor offenses, it will be left to the discretion of the Principal as to whether or not the Police and/or the appropriate Superintendent are contacted.

3. Detention and Arrest

Where investigations result in detention and/or arrest, the police and the principal should pay particular attention to the following procedures and responsibilities:

- a. procedures to be followed in the detention and/or arrest of suspects, in accordance with the Ministry of Community Safety and Correctional Services' Guideline LE-005 on arrest and the Youth Criminal Justice Act;
 - b. roles and responsibilities of police and school personnel in the event of a suspect being arrested or detained on school property;
 - c. legal grounds for police to demand entry (e.g., for weapon and drug searches, to arrest a person wanted for an indictable offence, or to save lives);
-
- a. requirements to be followed under the Youth Criminal Justice Act when a young person is arrested and detained, including who is responsible for discharging specific obligations (e.g., the notification of parents/legal guardians under s. 26 of the Act).

4. Supports for Victims

It is important that police and the principal be aware of the following procedures and responsibilities with respect to providing support for victims:

- a. procedures consistent with the Ministry of Community Safety and Correctional Services' Guideline VA-001 on victims' assistance;
- b. roles and responsibilities of police and school personnel, such as: – the obligation that the principal inform the parents of victims who have been harmed as a result of an activity for which suspension or expulsion must be considered unless, in the principal's opinion, doing so would put the victim at risk of harm from the parents (Education Act, s. 300.3(1) and O. Reg. 472/07); and – the requirement that all board employees who work directly with students are expected to support all students, including those who disclose or report such Incidents, by providing them with contact information about professional supports (e.g., public health units, community agencies, Help Phone lines);
- c. notice to victims of the services available to them and other considerations, such as:
 - i. police services for victims;
 - ii. student support services of the local school board;
 - iii. services offered by other municipal, community, and social service agencies, including legal services;
 - iv. access to information; and
 - v. confidentiality of victim and witness identity (s. 111, Youth Criminal Justice Act);

Where appropriate, police shall contact Victim Services to provide support and assistance to victims.

School staff shall refer to their board's policies, procedures, guidelines and protocols regarding support to victims and others involved who have been harmed as a result of an activity for which suspension* or expulsion* must be considered.

POLICE INTERVIEWS OF STUDENTS

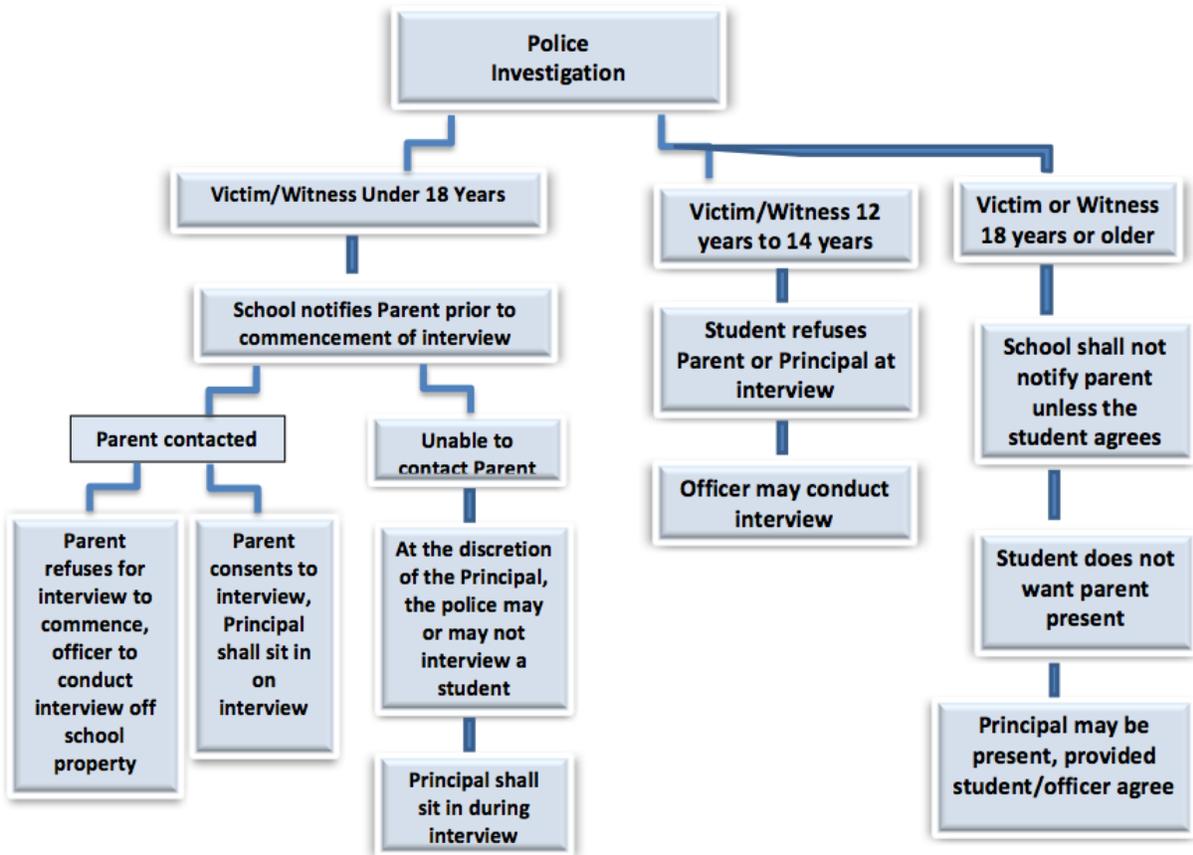
Wherever possible, police will conduct interviews off school property. Except in exigent circumstances*, when the police interview students on school premises the following procedures will be followed in relation to police interviews of students.

General procedures, requirements, and considerations related to police interviews of students include the following:

- the need for the principal to make best efforts to contact parents as soon as possible before the interview (see also section 12(b), “Notification of Parents”, below);
- the requirement that a parent/legal guardian, third-party adult, or the principal, if no alternative is available, be present when students under the age of 18 are being interviewed at school;
- the requirement, in cases where a student aged 12 to 17 waives the right to have an adult present at the interview, that the police and the principal consider the most appropriate location for conducting the interview and take steps to ensure that the student’s rights are respected during the interview;
- factors to consider in determining the most appropriate time and place to conduct a student interview;
- the responsibility of police to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses;
- procedures for police to follow in requesting permission to conduct interviews on school premises;
- procedures for including the local Child Welfare Agencies (CAS, Dilico, Tikinagan, etc.) in a joint interview if the child is suspected to be in need of protection;
- roles and responsibilities of police in interviewing students, as set out in the local police service’s procedures for interviewing witnesses, victims, and suspects;
- the need for school personnel to assist police in making the required preparations (e.g., securing a quiet room and establishing a time for the interview);
- the need for police to consult with the principal to consider alternatives for conducting interviews at a location other than the school; and
- the need for police to act in a manner that respects the dignity of the student and minimizes disruption to the school when it is necessary to interview, search, or arrest a student at school during school hours.

Victims and Witnesses

This chart is a suggestion for this Police/School Board Protocol to follow. Principals are advised to contact senior administration for clarification.



Notification of Parents/Legal Guardians

Except in exigent circumstances, it is the principal’s responsibility to contact parents/legal guardians of:

1. victims who have been harmed as the result of an activity for which suspension or expulsion must be considered, unless, in the principal’s opinion, notification of the parents would put the student at risk of being harmed by the parents. If that is the case, the parents must not be contacted (Education Act, s. 300.3(3));
2. students receiving a suspension (Education Act, s. 311);
3. all other students being interviewed by police during an investigation, except:

- a. if the principal is otherwise directed by police because of exigent circumstances
- b. or where the police believe the parent may be implicated; if the student is 18 years of age or older (unless the student consents to or requests such contact or is incapable of providing consent); or
- c. if the student is 16 or 17 years of age and has withdrawn from parental control (unless the student consents to or requests such contact or is incapable of providing consent).

If local Child Welfare Agencies are involved, school and police officials should discuss and come to agreement with the CWA regarding the timing and procedure for notifying the parents.

If a student is detained or arrested, the police will notify his or her parents unless the student is 18 years of age or older. The parents should not be contacted if the police determine that doing so may endanger the safety of the student or another person or the integrity of an investigation. In such cases, the student will be advised that he or she may contact another adult person.

Preparation for Interviews

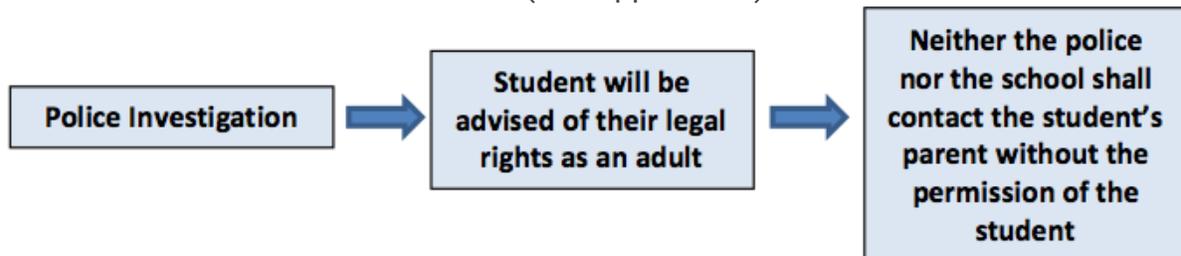
Procedures and considerations related to preparing for interviews include the following:

- determining whether circumstances allow for the interview to be conducted at the student's home or another location rather than at school, in view of the stigma and the potential impact on the student;
- evaluating the need for specialized resources where a student is known to have mental health needs or special education needs (see section 14);
- determining the methodology of the interview;
- deciding which officer will take the lead in conducting the interview, if more than one officer is interviewing;
- arranging for the audio/videotaping of interviews and statements, and meeting the requirement for police to inform the interviewee that the conversation is being recorded; and
- determine the need for an interpreter (e.g., a language interpreter, an interpreter for a student who is deaf or hard of hearing) and/or for information to be provided in an alternative format (e.g., Braille for a student who is blind or has low vision).

Conduct of Interviews

Procedures and considerations related to conducting interviews include the following:

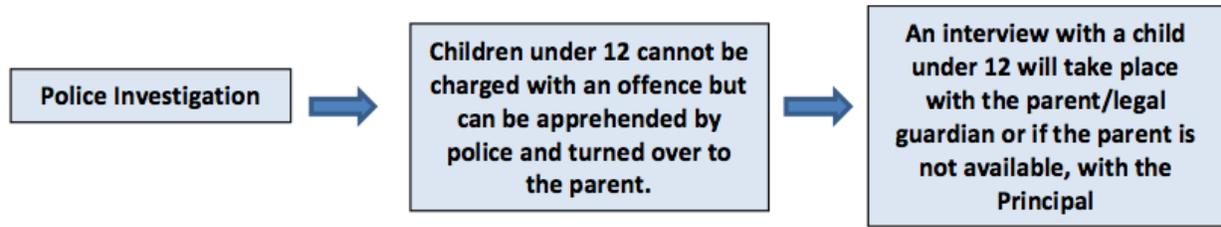
- the need for police officers to employ appropriate techniques when interviewing children and young persons;
- the requirement that police follow the Guide to Officers for Section 146 Youth Criminal Justice Act Statements (see Appendix D)



- the requirement that police provide, upon arrest or detention, a legal caution and notification of the right to counsel where there are reasonable grounds to believe that the student being interviewed has been involved in the commission of a criminal offence;
- taking into account legal considerations respecting the admissibility of statements made to persons in authority (s. 146(2) of the Youth Criminal Justice Act);
- involving the local Child Welfare Agencies in the interview process, which is recommended when an interview involves a child who may be in need of protection; and
- the requirement that an adult be present throughout the interview, except when the student can waive and has waived the right to have an adult present.
- best efforts must be made to have the student's parent(s) or another adult of the student's choice present. In circumstances when this cannot be done, the principal must attend the interview.

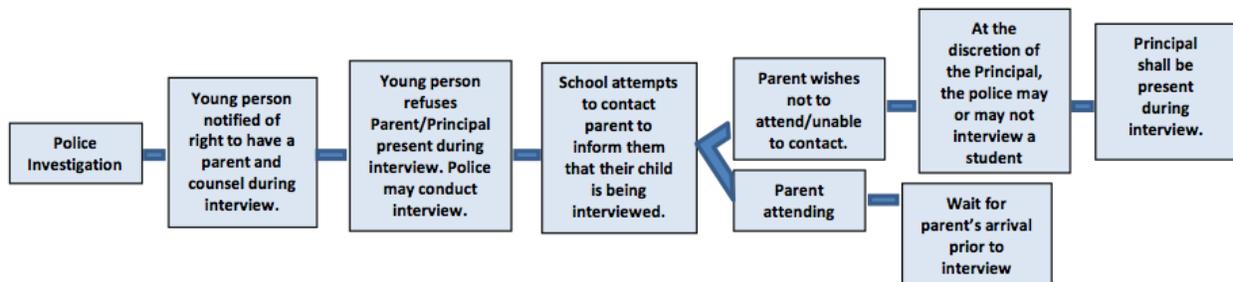
Suspects Under the Age of 12

- Police Investigation, Children under 12 cannot be charged with an offence but can be apprehended by police and turned over to the parent.
- An interview with a child under 12 will take place with the parent/legal guardian or if the parent is not available, with the Principal.



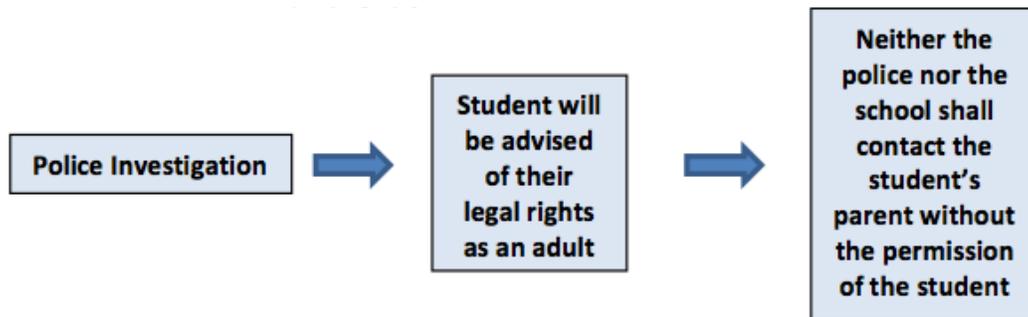
Suspects 12 – 17 Years

- Police Investigation
 - Young person notified of right to have a parent and counsel during interview
 - Young person refuses parent/principal present during interview, then police may conduct interview
 - School attempts to contact parent to inform them that their child is being interviewed
 - parent wishes not to attend or if unable to contact
 - At the discretion of the Principal, the police may or may not interview a student. The Principal shall be present during interview.
 - parent is attending
 - wait for the parent’s arrival prior to interview



Student 18 Years and Older

- Police investigation
 - Student will be advised of their legal rights as an adult
 - Neither the police nor that school shall contact the student’s parent without permission of the student.



REPORTING OF CHILDREN SUSPECTED TO BE IN NEED OF PROTECTION

Teachers and principals have a duty to report children in need of protection to a Child Welfare Agency. Teachers and principals who have reasonable grounds to suspect the abuse or neglect of a child shall forthwith report the suspicion and the information on which it is based to a society. A person who has a duty to report a matter under the Act shall make the report directly to the local Child Welfare Agency and shall not rely on any other person to report on his or her behalf.

For additional information, refer to the document Reporting Child Abuse and Neglect, developed by the [Ministry of Children and Youth Services](#).

Also refer to the Provision of Agency Services on School Board Property Protocol. Section 72 of the Act states that the public, including professionals who work with children, must promptly report any suspicions that a child is or may be in need of protection to a children's aid society (CAS). The Act defines the phrase "child in need of protection" and explains what must be reported to a CAS. It includes physical, sexual and emotional abuse, neglect, and risk of harm.

INVESTIGATIONS INVOLVING STUDENTS WITH SPECIAL EDUCATION NEEDS

Because school administrators have a duty to ensure that all members of the school community are able to work and learn in a safe and positive environment, they are obliged to report incidents to police as outlined in section 7 of this document. However,

in investigations that involve a student known to have special education needs, additional considerations must be taken into account by school personnel and police. Identify the additional considerations to be taken into account when an investigation involves a student (or students) known to have special education needs, who may be identified as having an exceptionality in any of the following categories: behaviour, communication, intellectual, physical, or multiple. Such considerations include:

- the responsibility of the school to communicate to the police that a student is known to have special education needs or communication difficulties;
- the requirement to accommodate the student, especially when interviewing is necessary. Every attempt should be made to provide specialized supports/resources, as needed, for the student during an investigation;
- the need to ensure that the student's parent is contacted as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident.

In cases involving students with special education needs, the principal should review the student's Individual Education Plan (IEP) and other relevant student records in order to identify whether further intervention strategies and/or resources are required for the student. These may include the development of and/or revisions to a behaviour management plan or a safety plan.

OCCURRENCES INVOLVING STUDENTS UNDER AGE 12

Where children under the age of 12 are involved, school boards are expected to use their discretion in applying the rules outlined in section 7 (above) for reporting incidents to the police. Children under 12 cannot be charged with an offence under the Criminal Code, Youth Criminal Justice Act, or the Provincial Offences Act, but police may take reports of incidents allegedly committed by students in this age group and may respond in an appropriate manner.

Early intervention for children involved in such incidents is essential, and involving police and parents as early as possible may facilitate the provision of appropriate intervention and support.

The principal is required to conduct an investigation of an incident for the purpose of school discipline – for example, where a recommendation for suspension or expulsion may be required – regardless of the age of the students involved.

The procedures and considerations for responding to occurrences involving students under the age of 12, are:

- the requirement to notify the child's parent as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident;
- the authority police have to take reports, make referrals to additional services (e.g., health/counseling), and conduct interviews;
- the circumstances under which there is a duty to report children suspected to be in need of protection to the local child welfare agencies, under subsection 72(1) of the Child and Family Services Act (e.g., when there is evidence of abuse or neglect, or the risk thereof; when the child has committed serious acts and the child's parents
- are not accessing appropriate treatment); and
- the requirement to provide accommodations and/or modifications for students with special education needs, as outlined in their IEPs.

SCHOOL BOARD COMMUNICATION STRATEGY

The Local Police/School Board Protocol will be posted on the Board website for community stakeholder access. In addition, school principal will ensure that the first school newsletter in September will inform parents or legal guardian (s) of children attending the school that access to the protocol can be found on the Board website or a hard copy can be viewed at the child's respective school. It is suggested that the Board provide something written for the Newsletter.

The Board will develop a communication plan to promote knowledge, understanding, and consistent application of the contents of the protocol.

Students and their families need to be aware of the range of situations in which police may be called (including any criminal activity involving students that takes place away from school, if that activity has a negative impact on school climate).

PROTOCOL REVIEW PROCESS

School Boards are required to conduct a review of the local protocol every two years, or sooner if required.

The review is conducted by the police and school board, soliciting input from school staff, students, and parents and will follow board procedures for stakeholder input.

PHYSICAL SAFETY ISSUES

When requested, police services may work in cooperation with local schools to assess the physical safety of the school premises, including the building and outdoor areas. In all cases, final decisions about alterations rest with the school board, as does the responsibility to carry out any desired work.

THREAT MANAGEMENT/AWARENESS SERVICES

Individual School Boards are responsible for developing training in risk assessment for employees of the Board.

The Boards see the value of early intervention and threat management/awareness services, available in the local community (dial 211 for a listing or see www.211.ca).

Incidents of violence in schools are often preventable through early intervention in response to threatening behaviour, or non-threatening but worrisome behaviour. Taking steps to identify at-risk students through early and ongoing assessment and intervention strategies may reduce the need for disciplinary action and police interventions.

A multi/disciplinary/multi-agency approach to threat/risk assessment can be a highly effective means of preventing and managing situations that could otherwise negatively affect the safety of students and/or school staff.

School Boards will review Threat Risk Management assessment protocols to support staff on necessary procedures and protocols

School boards, along with police and other community partners (e.g., mental health agencies, Youth Justice Probation Services, and other youth focused agencies), will work cooperatively to facilitate timely intervention in situations where a threat has been made or an individual is engaging in worrisome behaviour. Having such a process in place provides for the sharing of information and makes a collective and timely response possible.

Various police services, including the Ontario Provincial Police, have Threat Assessment Units which will work with school board staff in threat assessment training sessions.

EMERGENCY PLANNING AND THREATS TO SCHOOL SAFETY

In keeping with school board and ministry policies, every school of the Board, is expected to develop an Emergency and Crisis Response Plan, which must include but is not limited to a

1. A lockdown plan and procedures following a lockdown or other emergency plan and procedures for dealing with bomb threats.

Teachers, staff, parents, and students shall be involved in the development and monitoring of the Emergency and Crisis Response Plan. The plan will be fully communicated to members of the school community and police services as per board policy or legislation. Mechanisms for sharing the Emergency and Crisis Response Plan with police services will be done as per board policy and current legislation.

The *Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario*, issued in June 2009 by the Ministry of Education and the Ministry of Community Safety and Correctional Services and included in this document as Appendix B, specify two mandatory components, as follows:

1. All publicly funded school boards in Ontario must establish a lockdown policy to ensure the development and implementation of individual school plans.
2. A minimum of two lockdown drills must occur each school year.

SCHOOL BOARD LOCKDOWN PROCEDURES – See Appendix B

Each School/Board will enter their Lockdown Procedures and Maps as Appendix B.

TRAINING

The school board and police services shall provide joint training, where possible, on the local police/school board protocol to their respective staff **on an annual basis**.

Training should be based upon effective/leading practices; and where possible, the training should be delivered in collaboration with police and school board personnel.

Specify the requirement that school boards and police services provide training on the local police/school board protocol to their respective staff on an annual basis. Best efforts should be made to include all staff, including part-time, itinerant, and occasional staff, in this training. Resources such as DVDs and other methods may be used for training.

To improve collaboration between local police services and schools:

- training should be based upon effective/leading practices; and
- wherever possible, the training should be delivered jointly by police and school board personnel.

APPENDIX A

GLOSSARY

The purpose of this glossary is to explain some of the terms that are used in the present document or that may be used in local protocols. The definitions provided here relate only to usages in the context of this document and cannot be attributed to usages in any other document. Although some of the definitions are based on language used in the Criminal Code of Canada, they are not to be taken as the official legal definitions set out in the Code. For the actual legal definitions, please refer to the Code itself.

Assault. A person commits an assault when (a) without the consent of another person, he/she applies force intentionally to the other person, directly or indirectly; (b) attempts or threatens, by an act or gesture, to apply force to another person, if he/she has, or causes that other person to believe upon reasonable grounds that he/she has present ability to effect his/her purpose; (c) while openly wearing or carrying a weapon or an imitation thereof, he/she accosts or impedes another person.

Barricading. Creating a further barrier to a classroom or office that would obstruct the entry of an intruder, should the locked door be compromised. Barricading can be done by a number of means, including but not limited to adding a secondary locking mechanism or blocking the doorway with a large moveable object or with multiple smaller moveable objects. The barricade should be capable of being removed to allow exit from the room once the lockdown incident has been resolved.

Criminal Harassment. Criminal harassment occurs when: (1) a person repeatedly follows an individual from place to place or repeatedly communicates, directly or indirectly, by any means (including electronic means), with an individual, or watches the home or place of work of an individual, or engages in threatening conduct directed at a person or a member of that person's family; and (2) the victim of the criminal harassment is caused to reasonably, in the circumstances, fear for his or her safety.

Exigent Circumstances. Urgent, pressing, and/or emergency circumstances. Exigent circumstances usually exist when immediate action is required for the safety of the police or others. Such circumstances may include a bomb threat, a person possessing or using a weapon, or a fire on school property.

Expulsion. The removal of a student from his or her school or from all schools of the board. Students expelled only from their school are assigned to another school of the board. Students expelled from all schools of the board must be offered a program for expelled students. Activities for which expulsion must be considered are found in section 310(1) of the Education Act. An example is using a weapon to cause or to threaten bodily harm.

Extortion. The use of threats, intimidation, or violence towards a person to obtain something of value from that person or someone else, or to cause that person or someone else to do something.

Extra-Judicial Measures. Measures used by police to hold a young person accountable for his or her alleged criminal behaviour, in a timely manner, outside the formal youth justice system. The formal system would include charging the individual and going

through the court process. Extra-judicial measures hold a youth accountable for his or her actions and provide sanctions outside of judicial proceedings. Some examples of sanctions include

- substance abuse counseling, volunteer work, repair of or compensation for damaged or stolen property, and a letter of apology.

Gang-Related Occurrences. Incidents involving a group, consisting of three or more persons, however organized, having as one of its main purposes the commission or facilitation of a criminal offence in which any or all of the members engage.

Hate and/or Bias-Motivated Occurrences. Incidents (e.g., involving statements, words, gestures) motivated by hatred or bias towards an identifiable group (i.e., a group distinguished by colour, race, religion, gender, sexual orientation, or ethnic origin) that are publicly communicated and that are willfully intended to promote or incite bias or hatred against such a group.

Hold and Secure. All movement in and out of the school is restricted and external doors are locked. However, movement within the school is not restricted as the external danger near the school poses no immediate threat to students or staff unless they leave the building.

Lockdown. A procedure used in response to a major incident or threat of violence within the school, or in relation to the school. (See Appendix B for details.)

Mitigating and Other Factors. Circumstances that must be considered by the board and school administrators in situations involving suspension and/or expulsion of a student, as required by the Education Act and as set out in Ontario Regulation 472/07 (quoted below):

For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) and 311.4 (2) (b) of the Act, the following mitigating factors shall be taken into account:

1. The pupil does not have the ability to control his or her behaviour.
2. The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
3. The pupil's continuing presence in the school does not create an unacceptable risk
4. to the safety of any person.

Other factors

For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) and 311.4 (2) (b) of the Act, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:

1. *The pupil's history.*
2. *Whether a progressive discipline approach has been used with the pupil.*
3. *Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin,*
4. *Religion, disability, gender or sexual orientation or to any other harassment.*
5. *How the suspension or expulsion would affect the pupil's ongoing education.*
6. *The age of the pupil.*
7. *In the case of a pupil for whom an individual education plan has been developed,*
 - a. *whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,*
 - b. *whether appropriate individualized accommodation has been provided, and*
 - c. *whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.*

Negative Impact on School Climate. A possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school. Actions or behaviours that occur outside school may still have a negative impact on school climate. For example, cyber bullying often occurs outside school, but if it targets individual students and causes them to be afraid to come to school, it is having a negative impact on school climate.

Non-consensual sharing of intimate images. Knowingly publishing, distributing, transmitting, selling, making available, or advertising an intimate image of another person while knowing that the person depicted in the image did not give their consent, or being reckless as to whether the person gave their consent. The term "intimate image" refers to a visual recording such as a photograph, film, or video recording of a person in which the person is nude or engaged in explicit sexual activity and which was created in circumstances that gave rise to a reasonable expectation of privacy.

Parent. Refers to a parent or legal guardian; that is, a person legally entrusted with the care of and managing the property and rights of, another person, usually a child/youth who is under the age of 18. For the purposes of Part XIII of the Education Act, students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are considered to be adults.

Principals. Refers to Principal and Vice Principal

Possession of Drugs. Having a controlled substance (e.g., a drug or narcotic, as set out in the Controlled Drugs and Substances Act) in one's personal possession or possessing it jointly with others, including knowingly possessing an illegal drug elsewhere.

Reasonable Grounds. It is not necessary for you to be certain a child is or may be in need of protection to make a report to a CAS. "Reasonable grounds" refers to the information that an average person, using normal and honest judgment, would need in order to decide to report.

Relationship-Based Violence. Any behaviour or action that is used to scare, harm, threaten, control, intimidate, or injure another person within an intimate relationship. The behaviour or action can be physical, sexual, or emotional, and it may comprise a single act of violence, regardless of the level of physical injury, or a number of acts forming a pattern of abuse through the use of assaultive and controlling behaviour.

Robbery. The use of violence or threats of violence to steal money or other property from a victim.

Sexual Assault. Any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control over the victim. In some cases, no overt physical force is used – instead, the victim may be threatened with words or pressured into doing something he or she doesn't want to do.

Shelter in Place. Should be used for an environmental or weather-related situation, where it is necessary to keep all occupants within the school to protect them from an external situation at or near the school. Examples may include chemical spills, blackouts, explosions, or extreme weather conditions.

Suspension. The removal of a student from his or her school and all school-related activities for a minimum of one school day to a maximum of twenty school days.

Activities for which suspension must be considered are found in subsection 306(1) of the Education Act. An example is possessing alcohol or illegal drugs.

Theft (abbreviated). Anyone who fraudulently and without colour of right, takes or converts to their use or the use of another person, anything with intent to (a) deprive the owner of the thing.

Threats. Any statement, act, or communication, by any means, including electronic means, of an intent to cause harm, whether physical or emotional, to any person or thing, in circumstances where the person threatened believes or has grounds to believe the threat may be carried out.

Trafficking. Assisting in any manner with the distributing of a controlled drug or substance, as set out in the Controlled Drugs and Substances Act, or with the distributing of weapons.

Weapon. Any article designed as a weapon or used or intended to be used for the purpose of threatening, intimidating, or injuring a person. All firearms, including replica firearms and imitation firearms, are always considered weapons.

APPENDIX B

PAGES 28 TO 39 OF “THE PROVINCIAL POLICY FOR DEVELOPING AND MAINTAINING LOCKDOWN PROCEDURES FOR ELEMENTARY AND SECONDARY SCHOOLS IN ONTARIO “ OUTLINE THE MANDATORY REQUIREMENTS IN ALL PUBLICLY FUNDED SCHOOLS IN ONTARIO. THIS PUBLICATION IS AVAILABLE ON THE MINISTRY OF EDUCATION’S WEBSITE,

[Provincial Model for a Local Police/School Board Protocol](#)

APPENDIX C

Appendix C – Consists of the following:

- Appendix C1 - INITIAL ASSESSMENT OF BOMB THREAT
- Appendix C2 - INDIVIDUAL SCHOOL PLAN FOR BOMB THREAT CHECKLIST
- Appendix C3 - BOMB THREAT INTAKE CHECKLIST
- Appendix C4 - RESPONSE TRACKING
- Appendix C5 - RESPONSE TRACKING
- Appendix C6 - INCIDENT LOG NOTES
- Appendix C7 - POST INCIDENT BOMB THREAT TRACKING REPORT

APPENDIX C1

Bomb Threats

Initial Assessment of Bomb Threat

Principal or Designate shall review the following:

- Have police/senior admin been contacted?
- Did caller indicate date and or time of detonation?
- Did the caller have knowledge of the building?
- Did the caller give a reason for the bomb threat?
- Did the caller give the location of the device?
- Are there any activities (exams, concerts, sports events, musicals, or assemblies taking place?
- Has there been recent negative incidents with students/staff or others connected to the board site?
- Have there been any other bomb threats or hoaxes?
- Has a suspicious device or package been identified/located?

The Principal or Designate in consultation with local police and Director of Education or Designate shall determine appropriate measures to be undertaken based on information documented on initial assessment of bomb threat.

Actions taken may include;

1. Visual Scan - Appendix C3
 - a. Procedures for conducting safe visual scans
 - b. Principal should be trained to make sound decisions as to safety of visual scan
 - c. No staff member conducting visual scan to touch a suspicious object
 - d. Evacuate immediate area if suspicious package/device found and report to principal
 - e. Entire facility threat, prioritize areas and consider routes, command post, staging areas, etc., accessible by potential suspect
2. Partial Evacuation - Appendix C4
3. Full Evacuation - Appendix C4

APPENDIX C2

Individual School Plan for Bomb Threat Checklist:

Bomb Threat Intake Form readily available to all office staff

Yes No

Electronic copy and /or hard copy locations:

Initial Threat Assessment Form Readily available with Response Tracking and Actions Log

Yes No

Locations of above forms:

Entire Plan Location:

Primary Command Post Location:

Secondary Command Post Location:

Where are school camera system monitors located:

Alternate Police Liaison area and Master-Key/access card hand-off location

Name exact area (ie: door number or north/south/east/west/ configuration:

Who is responsible for authorizing evacuation?

Who can terminate evacuation and return students to class, following consultation with the police?

Primary assembly area:

Secondary assembly area:

Staff assigned to monitor evacuation:

Staff assigned to monitor assembly location:

Training has been completed with all staff on (Date):

Training has been completed with community partners and others who share the site (ie: daycare, etc.):

Parents/guardians have been informed of Bomb Threat Response Plan

Yes No

Method:

Students have been informed on Bomb Threat Response Plan

Yes No

Method:

APPENDIX C3

Bomb Threat Intake Checklist

The following guide will help you record the details of a bomb threat made by telephone.

When a bomb threat is received:

1. Listen.
2. Be calm and courteous.
3. Do not interrupt the caller.
4. Obtain as much information as possible.
5. Initiate call trace action (if available) while the call is ongoing.
6. Using a pre-arranged signal, notify your supervisor while the call is still ongoing.
7. Your supervisor should contact the local police service.
8. Complete the form provided below and give it to your supervisor.

Call trace (if applicable, obtain this information prior to a bomb threat):

- Steps to take:
- Call trace number to dial:

Details of the bomb threat to be recorded:

- Date:
- Time (include a.m. or p.m.):
- Duration of call:
- Exact wording of threat:

Questions to ask:

- What time will the bomb explode?

- Where is it?
- What does it look like?
- Where are you calling from?
- Why did you place the bomb?
- What is your name?

Identifying characteristics of the caller:

Sex	Male	Female	Not Sure
Estimated Age	specify -		
Accent	English	French	Other -
Voice	Loud	Soft	Other -
Speech	Fast	Slow	Other -
Diction	Good	Nasal	Lisp or Other -
Manner	Emotional Calm	Vulgar	Other -
Background Noise	specify -	specify -	specify -
Voice was familiar	specify -	specify -	specify -
Caller was familiar with the area	specify -	specify -	specify -

APPENDIX C4

Response Tracking

Visual Scan Only

School Announcement Made: Yes No

Area Scanned	Staff Assigned	Results	Time Completed
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APPENDIX C5

Response Tracking

Select:

PARTIAL EVACUATION ONLY

FULL EVACUATION

Evacuation Routes checked

Yes No

School Announcement Made

Yes No

Collection Location Safe

Yes No

Description of area to be evacuated:

Evacuation route (Describe):

Area(s) Evacuated	Staff Assigned	Collection Point	Time	Parents Notified (yes or no)

Media Release issued in conjunction with Police, board and other Emergency Services.

School Media Liaison/Spokesperson:

Board Media Liaison/Spokesperson:

Police Media Liaison/Spokesperson:

Police On-scene Commander:

Fire On-scene Commander:

EMS On-scene Commander:

APPENDIX C6

Incident Log Notes

Action Taken	Person Assigned	Time Assigned	Time Completed	Miscellaneous

APPENDIX C7

Post Incident Bomb Threat Tracking Report

BOMB THREAT

1. Nature of Incident
 - a. Who received call?
 - b. Where was the call received:
 - c. What was the telephone number of the line to which the call was made?
 - d. What was the date and time of call?
 - e. What did the caller say, and what was the response of the receiver, if any?
 - f. Was caller male or female?
 - g. Were there any unusual speech characteristics of the caller such as a lisp, accent, dialect, etc.?

2. Action taken
 - a. Who was notified immediately after call was received?
 - b. What was the time of evacuation, if applicable?
 - c. What search techniques were employed?
 - d. What time did personnel re-enter the building, if there was an evacuation?

BOMB DISCOVERY

1. Nature of Incident
 - a. How was the bomb discovered?
 - b. Where was the bomb discovered?
 - c. Who discovered the bomb?
 - d. What was the date and time of discovery?

- e. Was it established that only one bomb existed?
- f. What was the description of the device?

APPENDIX D

Justice Act Statements

Guide to Officers for Section 146 Youth Criminal

The Ontario Court of Appeal has emphasized the importance of recording any statement of an accused person on video. This is even more important when contemplating charges against or taking the statement of a young person where the informational components of **Section 146 must be explained to the young person in language appropriate to the particular young person's age and understanding**. The best way to demonstrate that you have tailored your explanation to the age and understanding of the particular young person is by way of video.

- It is imperative that the young person clearly understands everything that is being said and explained to him/her.
- It is insufficient to simply read the form to the young person and ask if he/she understands.
- An individualized, objective approach that takes into account the level of sophistication and other personal characteristics relevant to the young person's understanding is required when conducting the interview.
- Prior to asking any of the questions set out in the statement form, you are required to acquire some insight into the level of understanding of the young person you are interviewing in order to determine the appropriate language to use in explaining their rights. It would be of evidentiary value to record this initial interaction with the youth while gauging their level of understanding.
- This requirement involves learning something about the young person's level of education, language and vocabulary skills, ability to comprehend, and emotional state.
- This requirement can only be achieved by engaging the young person in conversation. Consideration should be given to the following non-exhaustive list of questions:
 - How old are you?
 - What grade are you in?
 - What school do you attend?

- Do you have a learning disability?
- Are you in a special education class?
- Have you been arrested before?
- Have you given a statement to a police officer before?
- Once you have acquired the necessary insight into the young person's level of understanding, you will be in a position to tailor your explanation of the Section 146 requirements to the capabilities of the particular young person you are interviewing.
- While you are not required to have the young person "explain back" their rights, in some instances, this may well demonstrate that your explanations were both appropriate and sufficient.
- A simple and appropriate way to determine whether the young person understands is to ask, "What does this mean to you in your own words?"

Statement from a Young Person

Forms attached on the following pages

APPENDIX D

Statement of a Young Person

Youth Criminal Justice Act, Section 146

1. Statement Recording Method

Audiotape (No.) _____ Written DVD (No.) _____ Videotape (No.) _____

Police Service: _____ Police Case ID: _____

Occurrence No: _____

Date: _____ Location: _____ Start Time: _____ Time Completed: _____

Interviewing Officer(s): _____

Name of Young Person: _____ Date of Birth: _____

Address: _____

Name: Parent(s) Adult Relative Other Adult

Address: _____ Phone Number: _____

You are charged with:

You may be charged with:

2. Do you understand the charge(s)?

Reply: _____

If at any time you do not understand anything, tell me and I will explain it to you. Do you understand?

Reply: _____

3a. **THIS SECTION APPLIES ONLY TO YOUTHS WHO ARE 14 YEARS OF AGE OR OLDER AT THE TIME OF THE ALLEGED OFFENCE AND THE OFFENCE IS 1ST OR 2ND DEGREE MURDER, ATTEMPT MURDER, MANSLAUGHTER, OR AGGRAVATED SEXUAL ASSAULT.**

As you are 14 years old, or older, and you are charged with _____, if you are found guilty, the Crown will ask the court to give you an adult sentence. The most severe adult sentence is life in prison. It is up to the court to decide whether you will be sentenced as a young person or an adult.

Not Applicable _____ (officer's initials) _____ Warning Read YES

Do you understand YES No

3b. **THIS SECTION APPLIES TO YOUTHS WHO ARE 14 YEARS OF AGE OR OLDER AT THE TIME OF THE ALLEGED OFFENCE AND THE OFFENCE IS ONE FOR WHICH AN ADULT IS LIABLE TO IMPRISONMENT FOR MORE THAN TWO YEARS.**

As you are 14 years old, or older, if you are found guilty, the Crown may ask the court to give you an adult sentence. The most severe adult sentence is life in prison. It is up to the court to decide whether you will be sentenced as a young person or an adult.

Not Applicable _____ (officer's initials) _____ Warning Read YES

Do you understand YES No

APPENDIX D (cont.)

Statement of a Young Person

4a. You have the right to talk to a lawyer in private without delay. Do you understand?

Reply:

b. You can also get immediate legal advice from a free Legal Aid Lawyer by calling 1-800-561-2561 or 1-800-265-0451.

Do you understand?

Reply:

c. If you are charged with an offence, you may apply to Ontario Legal Aid for legal assistance.

Do you understand?

Reply:

d. You also have the right to speak, without delay and in private, to a parent, or in the absence of a parent, an adult relative, or in the absence of an adult relative, another appropriate adult whom you feel may assist you.

Do you understand?

Reply:

e. If you make a statement to the police, the police must have the person(s) you spoke with here while you make a statement, unless you do not want them or any one of them here.

Do you understand?

Reply:

f. Do you want to talk to a lawyer?

Reply:

g. Do you want to talk to one or both of your parents?

Reply:

h. If your parent(s) are not available, do you want to talk to an adult relative?

Reply:

i. If an adult relative is not available, do you want to talk to another appropriate adult?

Reply:

APPENDIX D

Statement of a Young Person

5. **If the young person indicates that he/she wishes to speak to any of the above persons, officer conducting the interview must now facilitate those conversations.**

Do you wish to make a statement?

Reply: _____

If yes, the police must have the people you spoke with here while you make a statement, unless you do not want them or any one of them here. Do you understand?

Reply: _____

If you decide to make a statement, you can stop at any time. You can also at any time talk to a lawyer and parent, adult relative, or another appropriate adult, and have that person here with you. Do you understand?

Reply: _____

6. **WAIVER OF RIGHTS**

I have been given the opportunity to obtain immediate free advice from a Legal Aid Lawyer and the opportunity to talk to a lawyer and my parents(s); or, in the absence of a parent, an adult relative; or in the absence of a parent or adult relative, another appropriate adult. I have been informed that the police must have the people with whom I have just spoken present when making a statement unless I do not want them, or any one of them, with me during this interview. These rights have been explained to me and I understand them.

I choose not to talk with any of these people.

Signature of Young Person

I do not want any of them here with me during this interview.

Signature of Young Person

Witness

Time

Name of Person Present: ___ Parent(s) ___ Adult Relative ___ Other Appropriate Adult

Address: _____ Phone Number: _____

7. **CAUTION**

You do not have to say anything about the charge(s) unless you want to:
Do you understand?

Reply: _____

I also have to tell you that whatever you do say will be recorded in writing or on audio or video and may be given in evidence against you in court.
Do you understand?

Reply: _____

APPENDIX D

Statement of a Young Person

8. SECONDARY CAUTION

If you have spoken to any other police officer or if anyone else has spoken with you in connection with this matter, I want it clearly understood that I do not want it to influence you in making a statement.

Do you understand?

Reply: _____

You are reminded that you do not have to say anything about this charge unless you want to.

Do you understand?

Reply: _____

Do wish to make a statement?

Reply: _____

Signature of Young Person: _____ Time Completed: _____

Witnesses:

1) _____ Signature

2) _____ Signature