

POLICE/SCHOOL BOARD PROTOCOL

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

Avon Maitland District School Board
Huron-Perth Catholic District School Board
Ontario Provincial Police – Huron, Sebringville
Stratford Police Service
Wingham Police Service
Huron-Perth Children's Aid Society

Written in 2011

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Appreciation is extended to the members of the committee who developed this protocol in 2011. In the true spirit of partnership, ideas were formed, perspectives were understood, contributions were valued, and the workload was shared.

Michael Ash, Co-Chair
Superintendent of Education
Avon Maitland District School Board

Dan Parr, Co-Chair
Superintendent of Education
Huron-Perth Catholic District School Board

The contributions of the following people are gratefully acknowledged:

Education

Anne Copeland
Coordinator Student Services
AMDSB

Police Services

Chief Tim Poole
Wingham Police Services

Sgt. Charlene Pollard
O.P.P., Huron

Staff Sgt. Joel Skelding
O.P.P., Sebringville

Sgt. Scott Bentley
O.P.P., Sebringville

Insp. Mike Bellai
Stratford Police Services

Const. David Ashkanase
Stratford Police Services

Children's Aid Society

Larry Marshall
Ministry Supervisor
Huron-Perth Children's
Aid Society

Maxine McCaulay
Director of Service
Huron-Perth Children's
Aid Society

2.0 Participants in the Protocol

The District School Boards and Police in Huron and Perth Counties, in the Town of Wingham and in the City of Stratford, have a history of working cooperatively to encourage the safety of students, and to provide programs in schools that address crime prevention, drug/alcohol awareness, and school bus safety.

These efforts are enhanced by the development of this protocol for the investigation of school-related occurrences through the cooperative efforts of the following:

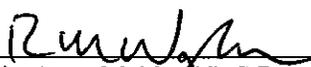
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Huron Perth Catholic District School Board
Ontario Provincial Police (Huron, Sebringville)
Stratford Police Service
Wingham Police Service
The Children's Aid Society of Huron-Perth**

3.0 Signatories

The District School Boards and Police in Huron and Perth Counties, in the Town of Wingham and in the City of Stratford, have a history of working cooperatively to encourage the safety of students, and to provide programs in schools that address crime prevention, drug/alcohol awareness, and school bus safety.

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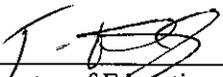
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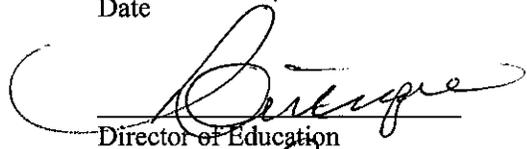
Chair, Avon Maitland D.S.B.
Randy Wagler
Date May 19, 2011



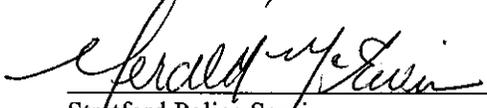
Chair, Huron-Perth Catholic D.S.B.
Ron Marcy
Date May 19, 2011



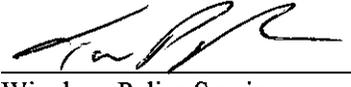
Director of Education
Ted Doherty
Date May 19/2011



Director of Education
Martha Dutrizac
Date May 19/2011



Stratford Police Service
Gerald McEwin, Chief
Date May 19/2011



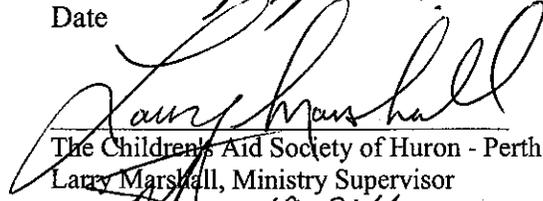
Wingham Police Service
Tim Poole, Chief
Date May 19 2011



Ontario Provincial Police - Huron
Scott Janssens, Interim Detachment Commander
Date May 19/2011



Ontario Provincial Police - Sebringville
Steve Porter, Inspector
Date May 19, 2011



The Children's Aid Society of Huron - Perth
Larry Marshall, Ministry Supervisor
Date May 19, 2011

4.0 Statement of Principles

This protocol is based on the following guiding principles:

- 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 fundamental rights of students, teachers and staff pertaining to disability, race, creed, ethnic origin, and other prohibited grounds of discrimination under the *Ontario Human Rights Code*; and
- the need to provide a balance between rights and responsibilities.

5.0 Introduction

- 5.1 In Huron and Perth Counties, the Police and the two District School Boards believe that all members of the educational community have the right to be educated in and work in an environment which is safe, free from violence and which promotes respect for self, for others and for property.
- 5.2 The signatories recognize their shared responsibility for the safety of students, staff and members of the school community. 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.
- 5.3 This document is an agreement among the partners to cooperate and communicate, when possible, in police-related investigations and in their dealings with students. It is intended to:
- provide for a greater degree of safety and protection of students, teachers, staff, and volunteers in schools;
 - encourage constructive, ongoing, adaptive and responsive partnerships between police and school community;
 - facilitate appropriate sharing and disclosure of information in accordance with privacy laws, including FIPPA and MFIPPA;
 - promote joint consultation and partnerships between school boards and police services with respect to maintaining a safe school environment;
 - promote a consistent approach in the way police and schools/school boards respond to school-related occurrences; and
 - ensure that the obligations and requirements of both the education police systems are met; and
 - ensure an equitable and consistent approach across both school boards' jurisdiction in the way police and schools respond to a school-related occurrence.

6.0 Relevant Legislation

- 6.1 This protocol recognizes that there are federal and provincial pieces of legislation that affect the District School Boards, the students and the school community at large. These include, but are not limited to:
- *The Criminal Code of Canada;

- *Youth Criminal Justice Act;
- *Controlled Drugs and Substances Act;
- Tobacco Control Act;
- Freedom of Information and Protection of Privacy Act;
- *Food and Drugs Act;
- Education Act;
- Municipal Freedom of Information and Protection of Privacy Act;
- The Canadian Charter of Rights and Freedoms;
- Child and Family Services Act;
- Trespass to Property Act;
- Immunization of School Pupils Act;
- Liquor License Act; and
- Ontario Human Rights Code.

(* Federal legislation)

- 6.2 It should be noted that federal legislation, such as the *Criminal Code of Canada*, takes precedence over provincial legislation such as the *Education Act*.

Note: Under the *Youth Criminal Justice Act*, “child” means a person who is or, in the absence of evidence to the contrary, appears to be less than twelve years old. “Young person” means a person who is or, in the absence of evidence to the contrary, appears to be twelve years old or older, but less than eighteen years old.

7.0 The Role and Mandate of Police Services

Note: In cases of exigent circumstances, police will assume primary responsibility as may be necessary to ensure school safety.

- 7.1 The primary role of the police is to provide these five core functions:
- law enforcement;
 - victims' assistance;
 - crime prevention;
 - public order maintenance; and
 - emergency response.

These functions include intervening in crises and emergencies, conducting investigations and

- engaging and working proactively in partnership with school officials to ensure the effectiveness of this protocol;
- protecting public safety and preventing crime;
- enforcing the *Criminal Code of Canada*, the *Police Services Act*, the *Youth Criminal Justice Act*, and other federal, provincial, and municipal legislation and related regulations;
- upholding the duties legislated under s.42 of the *Police Services Act*;
- assisting victims of crime;
- conducting police and criminal investigations;
- protecting public safety and preventing crime;
- assisting in the development of young people's understanding of good citizenship;

- promoting and fostering a reduction of crime, both against and committed by young people;
- providing information on community safety issues;
- diverting young people away from crime and antisocial behavior; and
- working in partnership with other government and community-based organizations to support positive youth development.

7.2 As such, the role and mandate of the police services involves assisting school boards in preserving the peace, preventing crime and providing assistance to victims of crime. This ultimately involves assisting in the preservation of a safe learning and working environment for students, staff and others lawfully on the school property.

8.0 The Role of the School Board

School boards have the responsibility to develop a code of conduct, to implement measures that promote safe schools, and to include violence prevention in the curriculum.

Boards, through their administrators, must implement this protocol and communicate its contents to members of the school community. Feedback from school communities will be used as part of the process to review this protocol (Section 21.0 Protocol Evaluation Process).

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

8.1 Role of the Principal

Note: For the purposes of this document, “principal” shall mean “principal or principal designate”.

Under the *Education Act* and accompanying Regulations, the principal of a school has an obligation to maintain order and discipline in the school. Where criminal offences are committed on school property or involve students of a school, it is necessary for the principal and the police to work cooperatively in fulfilling their respective obligations and responsibilities.

It is recognized that principals have been appointed to administer the schools and to exercise their judgment in determining what circumstances warrant informing, and seeking assistance from their Superintendent of Education and the police.

It is also the principal's duty to:

- maintain, in accordance with the requirements of relevant legislation and board policies, a safe, orderly learning and working environment for students, staff and others lawfully on school property;
- act *in loco parentis* (in place of the parent) to the students of the school;
- clearly explain the board’s code of conduct to students and their families, including details such as the definition of the term weapon and the fact that

- school discipline may be applied for behaviours taking place outside of school that have a negative impact on school climate;
- engage and work proactively in partnership with police officials to ensure the effectiveness of this protocol;
 - meet his/her legislated responsibilities when 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;
 - comply with the requirements legislated under the *Child and Family Services Act* (e.g., duty to report);
 - respect the board's code of conduct, as required by the *Education Act* (s. 302);
 - ensure 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;
 - develop policies on how to respond to crises, including a communication plan;
 - ensure appropriate prevention and intervention strategies are available to ensure a safe school;
 - provide staff with opportunities to acquire skills necessary to promote safe, equitable and inclusive school environments;
 - implement provincial and board policies and procedures related to safe school;
 - encourage awareness of policies and procedures by staff, students, parents and school communities;
 - communicate with school councils about this protocol; and
 - cooperate, when possible, with the police and community agencies.

From time to time, violent incidents that occur off school property have an impact on the school community. In the spirit of this protocol, the principal may wish to provide information concerning such incidents, as it becomes known, to the police.

8.2 **Role of the Teacher**

Teachers share the responsibility with administrators to maintain proper order and discipline in their classrooms, and while on duty in the school and on the school grounds (*Education Act, s.264 (1)(e)*). Under the leadership of their principal, teachers must maintain order in the school and are expected to hold everyone to the highest standard of respectful and responsible behaviour.

Teachers must also:

- ensure that all reasonable safety procedures are carried out in classes and activities for which the teacher is responsible;
- cooperate with the principal and other teachers to establish and maintain consistent disciplinary practices in the school (*Reg. 298 s.20(g)(h)*);
- report to the principal any infractions of the code of conduct which could lead to a suspension or an expulsion (*Education Act s. 300.2*); and
- respond to incidents in the school which may have a negative impact on the school climate (*Education Act s. 300.4*).

8.3 **Role of School Staff**

All members of school staff share the responsibility of creating a positive learning environment for students. Under the leadership of their principal, staff must maintain order in the school, and are expected to hold everyone to the highest standard of respectful and responsible behaviour. In addition, all staff must report to the principal any infractions of the code of conduct which could lead to a suspension or an expulsion (*Education Act s. 300.2*). Finally, staff who work directly with students must respond to incidents in the school which may have a negative impact on the school climate (*Education Act s. 300.4*).

8.4 **Role of Students**

Students are responsible for abiding by the requirements in the boards and provincial codes of conduct while on school premises, on school buses and on out-of-school activities that are part of the school program.

Students are also required to:

- follow the board and school code of conduct;
- exercise self-discipline;
- attend classes punctually and regularly;
- be courteous to fellow students and obedient and courteous to teachers; and
- show respect for school property (*Reg. 298 S.23 (1)(b)(c)(d)(h)*).

8.5 **Role of Parents/Guardians**

Parents/guardians play an important role in the education of their children and have a responsibility to support the efforts of school staff in maintaining a safe and respectful learning environment for all students (*Policy/Program Memorandum 128: The Provincial Code of Conduct*).

9.0 **Occurrences Requiring Police Involvement or Response**

Police Response: Police will respond when a call is placed by the school, or by a victim of a crime, and when the police presence is needed. A police response is also required for offences outlined in section 9.1 of this protocol.

Police Involvement: In all other situations, the principal (or designate) may request police involvement. In such cases, an initial assessment of the situation will be conducted by the principal (or designate) and communicated to the responding police officer. The police will determine if an investigation is necessary.

9.1 The following incidents **require** notification of police as soon as is practically possible:

- 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 illegal drugs;
- possessing an illegal drug;
- hate and/or bias-motivated occurrences;
- gang-related occurrences;
- extortion;
- arson; or
- bomb threats.

9.2 The following incidents may result in notification of police at the discretion of the principal:

- 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, email, etc.;
- incidents of vandalism; or
- trespassing.

9.3 All other school-related incidents will be dealt with on a case by case basis.

The principal should consider mitigating and other factors when deciding whether to call the police in these discretionary situations. For example, it might not be necessary or appropriate for the principal to contact police when a student with an identified behavioural disability hits another student in the class.

Mitigating and additional factors to be considered:

Before deciding on consequences, the principal shall consider the following mitigating and additional factors.

- whether the student has the ability to control his or her behaviour;
- whether the student has the ability to understand the foreseeable consequences of his or her behaviour;
- whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
- the student's academic, discipline and personal history;
- whether progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
- whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or related harassment for any other reason;
- the impact of the discipline on the student's prospects for further education;
- the student's age; and
- where the student has an IEP or disability related needs:
 - a) whether the behaviour causing the incident was a manifestation of the student's disability;
 - b) whether appropriate individualized accommodation has been provided;

- c) whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct.
- 9.4 The offence of trespassing is now covered by two Acts: the *Trespass to Property Act*, and *Access to School Premises, Reg. 474/00* under the *Education Act*.

Trespass to Property Act - When a principal has reason to require that an individual may not be on school property, he/she can issue a trespass letter and copy this to the police. The police can respond without having the warning letter. In the presence of the police, the principal (or designate) then directs the person to leave. If the person refuses to comply, the police have the authority to remove that person under this Act.

Education Act Reg. 474/00 – A principal has the authority to tell a person to leave the school premises. If the person complies, the police do not need to be informed unless the principal chooses to do so. If this same person comes on school property again, the police will be called to deal with the person as a trespasser.

10.0 Information Sharing and Disclosure

There are several legal authorities pertaining to disclosure:

- s. 32(g) of the *Municipal Freedom of Information and Protection of Privacy Act*;
- s. 42(g) of the *Freedom of Information and Protection of Privacy Act*;
- s. 110(1) of the *Youth Criminal Justice Act* (identity of offender not to be published);
- s.125(6) of the *Youth Criminal Justice Act* (provides for access to records by a representative of a school board or school for specific purposes, as set out in the Act);
- binding case law;
- any existing policies or protocols on disclosure and/or information sharing among schools, police services, courts and correctional services;
- the *Ontario Student Record Guideline, 2000*; and
- *Child and Family Services Act*.

In situations where federal and provincial laws are in conflict with each other, the federal law takes precedence.

The signatories to this protocol believe that it is in the best interest of the community to, where appropriate, share information to ensure the safety and well being of each community member.

10.1 Ontario Student Record Guideline

- Records of violent incidents leading to suspensions or expulsions, and of reports to police are maintained in the Ontario Student Record (OSR).
- In court proceedings, subject to an appeal, the judge's order must be followed. If a principal receives a court order requiring the release of an OSR, the principal should contact the appropriate Supervisory Officer to obtain legal counsel. As a general rule, the principal should go to court with both the original OSR and a complete and exact copy, and should propose to the judge that the photocopy be submitted instead of the original. The principal should

also inform the judge that the subpoena is inconsistent with section 266(2) of the *Education Act*. The principal must, however, relinquish the documents if ordered to do so by the judge (*OSR Guideline, 2000, p.15*).

- The *Education Act* has specific provisions governing control and access to the Ontario Student Record (OSR). Section 266(2) states that the OSR will not be produced in the course of any legal proceedings. There may be occasions, however, when access to the OSR of current students or former students will be sought.
- Suspension records, Violent Incident Report Forms, etc. may be producible pursuant to a search warrant or a subpoena. In such cases, principals should consult with their Supervisory Officer about obtaining legal advice (*Ontario Student Record (OSR) Guideline, 2000, p.15*).

10.2 The police can access a student's Ontario Student Record (OSR) by warrant or subpoena, or with the written consent of a parent or of the student, if the student is 18 years of age or older or if the student is 16 or 17 years of age and no longer living under the control of his or her parent. In exigent circumstances, the police can access a student's OSR without a warrant, under section 487.1.1 of the *Criminal Code*.

10.3. **Youth Criminal Justice Act (YCJA)**

The YCJA sets out the procedural requirements for dealing with young persons charge with offences. [Refer to Part 6 (ss. 110 to 120) 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 of Part 6 are of particular relevance for 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"; or
- 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.

10.4 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. Per subsection 32(g) of the MFIPPA, schools may release personal information “if disclosure is to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result”.

10.5 Children and Family Services Act (CFSA)

The overall duty, under subsection 72(1) of the CFSA, is to report to a children’s aid society those children who are suspected to be in need of protection. The duty to report specifically identifies persons “who perform professional or official duties with respect to children” including teachers, principals and other education workers.

This provision applies as well to information that is confidential or privileged, except under solicitor/client privilege, and there is no liability against a person who reports unless the reporting was done maliciously or without reasonable grounds.

The following are general guidelines. School personnel are to refer to their Board’s operating procedures or guidelines. Also, see Appendix B for the revised Policy/Program Memorandum No. 9 *Reporting Children in Need of Protection* (August 10, 2001).

- In situations where a teacher, school administrator, professional support person or other board personnel have reasonable grounds to suspect that a child is in need of protection as defined by the *Child and Family Services Act*, the person shall immediately report the suspicion and the information on which it is based to the Children's Aid Society (CAS) in the jurisdiction that the child normally resides.
- The individual who suspects that a child is in need of protection has a personal and/or professional duty to report directly to the CAS; that duty cannot be delegated to, or assumed by anyone else, including a principal, professional support staff or senior administrator, under s. 72(1) of the Act. (The individual may request the presence of any of these staff members while making the report to the CAS.) This requirement overrides the provisions of any other provincial statute that may prohibit disclosure. Information should be shared in a manner that respects the vulnerability of children who may be in need of

protection. The *Youth Criminal Justice Act*, s.35, also outlines the authority to refer a young person to a child welfare agency to determine whether the youth is in need of child welfare services.

- Assessing the validity of a suspicion is the responsibility of the CAS. Once a child has disclosed, he/she must not be subjected to further questioning by any other board person. Further questioning constitutes investigation and is the responsibility of the CAS. School personnel must avoid interfering with the investigative process.
- Information required by the CAS should include:
 - identification of the alleged child victim and any other children under the age of 16 who may have contact with the alleged offender;
 - identification of the alleged offender;
 - nature of the suspicion of the child in need of protection;
 - identity of the staff reporting the incident;
 - date, time and location where the information was received and/or incident occurred or observed; and
 - any other information that would support a pattern of abuse/neglect.
- The individual making the report should consult with the principal regarding the report. Consultation should be available, but shall not remove the reporting obligation from the individual nor impede the timeliness of the report.
- Once a report is received by the CAS, the social worker will develop a strategy for informing the parents and will discuss the strategy with the reporting person. Prior to notifying the parents/guardians that a report has been made, consultation will occur between the principal and the CAS worker doing the investigation to determine when, how, and by whom the parents/guardians will be notified.
- The social worker will keep school personnel advised of the strategy for responding to the report so that school personnel may assist where required. Any investigative role is clearly the mandate of the CAS. The strategy will include consideration of appropriate time lines such as when the child is expected at home, or when a parent/guardian may arrive to pick up the child from school. The strategy should also include provisions for supporting the child prior to and during the initial interview and/or investigation. A support person should be a person of the child's choosing.
- Consultation with the CAS is available in situations where an individual is unsure of whether the circumstances constitute reasonable grounds to suspect, thereby requiring a report to be made. In such consultation, the individual would explain a situation without giving names or other identifying data. The consultation would not constitute a referral or require any follow-up by the CAS.

11.0 School Procedures for Reporting to Police

- 11.1 Requirements to report abuse are detailed in the respective Board's policies and procedures, as well as in Policy/Program Memorandum No. 9 *Reporting Children in Need of Protection* (Appendix B). The 'duty to report' provisions are required under the *Child and Family Services Act*.
- 11.2 Refer to the respective Board's policies and procedures regarding responses to emergency situations.
- 11.3 Refer to school emergency plans and crisis response plans for procedures for reporting an imminent threat to the safety of students and/or staff.

12.0 Initial Police Contact

- 12.1 Under exigent circumstances, or if the principal is being investigated, the officer is not required to follow the procedures set out in 12.2.
- 12.2 The police officer who responds to a report of a school-related incident is responsible for obtaining and documenting information on the incident. The responding officer is normally required to take the following steps:
 - report, upon arrival at the school, to the principal (or designate) and provide, if required, proper identification;
 - explain the purpose of the visit, and plan with the principal on how to proceed;
 - consider alternatives to 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 the students under the age of 18 (see Section 14).
- 12.3 If the focus of the investigation or complaint is regarding the principal/principal's designate, or involves other exigent circumstances, the police will advise the respective Director of Education, providing it does not jeopardize the investigation.
- 12.4 If police are aware of illegal activity that occurs after hours on school property they should, if appropriate, notify the principal of the school and discuss the actions taken. It is not the role of the principal to investigate matters of this nature.

13.0 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 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 endeavour to work within these logistical considerations in order to minimize the disruption to the school.

13.1 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:

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

13.2 Age of Student

- Students who are 18 years of age or over, at the time of the offence, are adults and fall under the Criminal Code, and not the Youth Criminal Justice Act. Principals must not notify parents/guardians unless asked to do so by the student.
- Under the Youth Criminal Justice Act, a 'young person' is any person between the ages of 12 and 17 (inclusive). The parents/guardians will be notified.
- If a child under age 12 commits an offence, the CAS must be notified.
- Although persons under the age of 12 cannot be charged criminally, police shall still be called to investigate offences (as listed under Police/School Board Protocol, 7.1) and to facilitate communication among the school personnel, the parents/guardian(s) and community agencies. The parent/guardian is a partner in this process and shall be notified in every case.

13.3 Search and Seizure

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

- procedures for personal and premise searches, must be 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;
- the principal maintains a continuing responsibility for students even when police are on school premises.
- The *Canadian Charter of Rights and Freedoms* (s.8) states, "Everyone has the right to be secure against unreasonable search or seizure." In carrying out his/her duties to maintain proper order and discipline in the school, the principal (or designate), who has reasonable belief to do so, may conduct a

search of a student's possessions or any area (desk, locker) where the student's possessions may be stored. The principal (or designate) may request that a police officer be present when the search is occurring.

- In the event of the need for a search of a person, the principal/designate shall notify the police and have them conduct the search. The police will decide if a search is warranted. School personnel shall not conduct these searches.
- **It is the responsibility of the principal to advise the students at the beginning of the school year that desks and lockers are considered school property and that a search of such property is permissible by school administration. This notification should be done in writing through the student handbook or a letter home and it should also be brought to students' attention verbally (in class or at an assembly).**
- It is highly recommended that at least one other adult be present when a locker or desk is opened to avoid any allegations of wrongdoing.
- A principal/designate has the duty to carry out the investigation to establish the nature and extent of the offence, but if it becomes apparent that an offence has been committed, the police shall be notified.
- In the case of minor infractions, it will be left to the discretion of the principal as to whether or not the police and/or the appropriate Supervisory Officer are contacted.
- in the event of a principal's absence from the school premises, the designate will notify the appropriate Supervisory Officer of the Board. The Supervisory Officer will make arrangements to attend the interview or assign another principal to attend.

13.4 Detainment and Arrest

- When a student is to be arrested, police shall not be denied access to the student.
- The police shall, in the interest of school safety and morale, consult with the principal/designate and consider alternatives to the extent possible, and effect the arrest at a location other than the school.
- When a student is to be arrested on school premises during school hours, and so long as circumstances permit, police will contact the principal/designate to arrange for a suitable procedure by which the police will access the student.
- There may be circumstances in which physical restraints will be necessary. These will be applied with full regard to the safety of those involved, in accordance with this protocol, police procedure and the arresting officer's discretionary powers.
- The police officer shall follow the Ministry of the Solicitor General's Guideline on Arrest and observe local police policies and procedures, in accordance with the Ministry of Community Safety and Correctional Services' Guideline LE-005 on arrest and the Youth Criminal Justice Act.
- A police officer acting on reasonable grounds that an offence has been committed, may enter upon Board property without a warrant to affect an arrest.
- It is the responsibility of the police to attempt to contact a parent or legal guardian of persons under the age of 18 to inform him/her that an arrest has been affected.

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13.5 Supports for Victims

The common goal of the school staff and the police is to minimize trauma to victims, and to support the security and healing of victims.

Other responsibilities include:

- the principal's obligation to 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);
- the obligation of all board employees who work directly with students 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);
- the obligation of Police and school staff to inform victims of the services available to them and other considerations, such as:
 - police services for victims;
 - student support services of the local school board;
 - services offered by other municipal, community, and social service agencies, including legal services (e.g. Victim Services of Huron Perth);
 - access to information;
 - confidentiality of victim and witness identity (s. 111, Youth Criminal Justice Act); and
 - procedures for information sharing and community referrals.

14.0 Police Interview of Students

The following procedures will be followed, except in exigent circumstances, when the police interview students on school premises:

- The principal must make every effort to contact parents of the student as soon as possible before an interview takes place;
- In the course of conducting an investigation the police may wish to speak to a student about his/her possible involvement in a criminal incident, or as a potential witness;
- While it is advisable, there is no obligation on the part of the witness to provide information to the police. Prior to conducting an interview, police will advise a potential student witness that his/her participation in the interview is voluntary;
- If at all possible, the interview of the student should occur off school property before or after the school day;
- If an interview off school property is not possible, the police shall inform the principal of the nature of the police officer's visit, and the principal shall cooperate;
- Where practical, the interview shall be conducted in private and school personnel shall assist the police in locating an appropriate location within the school; and
- If the police suspects the child is in need of protection, he/she shall follow the procedures established in the *Police Protocol* with the CAS.

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. Police officers can interview the student without the parent's permission.

14.1 Parental Notification

Except in exigent circumstances, it is the principal's responsibility to contact parents of:

- 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));
- students receiving a suspension (Education Act, s. 311);
- all other students being interviewed by police during an investigation, except:
 - if the principal is otherwise directed by police because of exigent circumstances 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
 - 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 a CAS is involved, school and police officials should discuss and come to agreement with the CAS 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.

Prior to interviewing the student under the age of 18, the police officer shall advise the student that he/she may request the presence of a parent/guardian or relative for the interview.

When a young person under the age of 18 is detained, arrested, or charged with a criminal offence the procedure under Part 3 s.25 and s.26(1) of the *Youth Criminal Justice Act* shall be followed (i.e., notice to parent, right to counsel, right to phone a parent/guardian).

If the CAS is involved, the Child Protection Worker will consult with the principal and police regarding the appropriateness of notifying the parent/guardian.

If the parent/guardian of a student under 18 cannot be contacted, the student may identify another adult relative, or the principal may, with the consent of the student, be present during an interview held at the school.

Note: If the student is a ward of the Children's Aid Society, and living in a foster home, the legal guardian is considered to be the Children's Aid Society.

14.2 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;
- 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
- determining 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).

14.3 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 C);
- 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 Children's Aid Society 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.

14.4 Legal Rights

- It is the responsibility of the police officer to inform the student of his/her constitutional rights, where there are reasonable grounds to believe that the student has committed a criminal offence (*Canadian Charter of Rights and Freedoms s. 10*).
- Students under the age of 18 may request, or waive the right to have, the presence of a parent or legal guardian during an interview with the police. This waiver should be documented and witnessed by the police and the principal. This waiver does not remove the principal's obligation to contact the parent or legal guardian of the student.

- If the parent or legal guardian is unable to be contacted, the student may request the principal to be present during the interview. The principal may be subsequently involved in a court proceeding as a witness to the interview.
- If the student is not in attendance that day, the school shall inform the police officer of the student's address, telephone number and date of birth, if requested to do so (*Municipal Freedom of Information and Protection of Privacy Act* s.32(g)).

15.0 Reporting of Children Suspected to be in Need of Protection

- 15.1 Every person who has reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to a Children's Aid Society (CAS), and must not rely on anyone else to report on his or her behalf (s.72(2) Child and Family Services Act).
- 15.1.1 The duty to report cannot be delegated to, or assumed by anyone else, including a principal or vice-principal, professional support staff or senior administrator. The individual may request the presence of any of these staff members while making the report to the CAS.
- 15.1.2 Third party disclosure must be reported without interviewing the victim.
- 15.2 School personnel must not conduct an investigation regarding the suspicion or disclosure and should question the student only to clarify the nature of the complaint. In certain situations the CAS may request the principal to ask specific questions to assist in determining the safety needs of the child.
- 15.3 The duty to report is an ongoing obligation. If a person has made a report about a child to a CAS and has additional reasonable grounds to suspect that the child is or may be in need of protection, that person must make a further report to the CAS.
- 15.4 The legal duty to report suspected abuse to the CAS under the Child and Family Services Act applies when alleged victims are under the age of 16 or were under the age of 16 when the alleged abuse occurred.
- 15.5 Assessing the validity of a suspicion is the responsibility of the CAS. It is not the staff member's responsibility to prove that the student has been abused or neglected or to determine whether the student is in need of protection.
- 15.6 Once a student has disclosed, he/she must not be subjected to further questioning by any other staff member. Further questioning constitutes investigation and is the responsibility of the CAS. Staff must avoid interfering with the investigative process. In certain situations the CAS may request the principal to ask specific questions to assist in determining the safety needs of the child.
- 15.7 An initiating incident occurs when a district staff member has a reasonable suspicion that a student has been abused. Consultation with the CAS is available in a situation where an employee is unsure whether the circumstances constitute reasonable grounds to suspect, thereby requiring a report to be made. In such consultation, the individual would explain the situation without giving names or other identifying data. The consultation would not constitute a referral or require

any follow-up by the CAS. If a staff member is in doubt, he or she should consult.

- 15.8 Staff members are further encouraged to review the district's procedures and protocol for reporting children in need of protection with the principal/supervisor or designate.
- 15.9 Where an employee has reasonable grounds to suspect that a child is or may be in need of protection, it is the responsibility of the employee to make a direct and immediate report to the CAS by calling the Huron office at 524-7356 (1-800-265-5198) or the Perth office at 271-5290 (1-800-668-5094).
- 15.10 The employee will notify the principal/supervisor or designate immediately or as soon as possible after that a report has been made to the CAS and request Form 346 Reporting a Child in Need of Protection.
- 15.11 If a staff member is advised by the CAS worker that the suspicion and/or disclosure(s) do not warrant an investigation, the staff member shall record the worker's name, the date and the time of the consultation.
- 15.12 As the safety and protection of the student is the paramount concern, the person reporting to the CAS should inform the worker of any of the child's family circumstances which may help in the investigation. In addition, the following questions should be asked:
 - How and when should the parents be contacted?
 - Will the child be interviewed?
 - Will the investigators go to the home or the school, and when will they be investigating or consulting?
 - May the child go home at lunch or after school if the interview has not yet taken place?
 - What information can be shared with the child and his/her parents if the interview has not yet taken place?

16.0 Investigations Involving Students with Special Education Needs

Since 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 9 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.

When an investigation involves a student (or students) known to have special education needs, and who may be identified as having an exceptionality category including behaviour, communication, intellectual, physical, or multiple, the following must be considered:

- 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; and

- 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.

17.0 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 9 (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.

In addition, the principal is required to conduct an investigation of incidents for the purpose of school discipline (e.g., where a recommendation for suspension or expulsion may be required) regardless of the age of the students involved.

When investigating incidents involving children less than 12 years of age, the following points should be considered:

- 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/counselling), and conduct interviews;
- the circumstances under which there is a duty to report children suspected to be in need of protection to the local children's aid society, 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.

18.0 School Board Communication Strategy

The purpose of this plan is to inform school communities about the contents of this protocol. It is expected that this information will be provided to the following members of the school communities by September 1, 2011:

Communication Plan 2011

<i>School Community Members</i>	<i>Strategies and People Responsible</i>
Trustees	Trustees will be informed of this protocol at their regularly scheduled Board Meetings: Huron Perth CDSB – April 2011 Avon Maitland DSB – April 2011
School Administrators	An in-service session is scheduled for August 23 and 24, 2011 for all school administrators in both school boards, as well as designated members of the police services and CAS.
Teachers	Principals and Vice-Principals will provide in-service sessions to all members of their school staff. September 2011
School Councils	Principals will inform their School Councils. September 2011
Parents/Guardians	Principals, with the assistance of resource personnel from the committee, will provide parents/guardians with information about this protocol. As required
Community Agencies	Huron and Perth Counties have several agencies that support students and school staffs in promoting safe schools. Copies of this protocol will be made available upon request.
Federations and Unions	Arrangements will be made with the respective leaders to provide information to their membership. September 2011
Police Services Boards	The Chief or Detachment Commander, (or designate), will arrange for the information to be shared with their respective Polices Service Boards and Municipal Councils. Upon request, District School Board personnel will be available to assist.

19.0 Non-Incident-Related Police Involvement

Police provide a visible and positive image for law enforcement. They serve as a confidential source of counseling to students concerning problems they face. They bring expertise into schools that will help young people make more positive choices in their lives. They also work to protect the school environment and to maintain an atmosphere where teachers feel safe to teach and students feel safe enough to learn (*National Association of School Resource Officers*).

Principals should contact their local Community Services Officer (CSO) or School Resource Officer (SRO) to make arrangements to access programs in their community.

20.0 School/Police Role in Violence Prevention Programs

A coordinated and multifaceted approach is required to prevent school violence. Police work in partnership with schools and other community agencies to administer programs such as peer mediation, mentoring, drug awareness and education, conflict resolution and High School Crime Stoppers.

School boards and principals should develop, promote, and maintain strong partnerships with police and seek to benefit from their support in the implementation of the school's violence-prevention policies, particularly where those policies pertain to addressing the 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.

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:

- helping students develop social skills, including conflict-resolution skills;
- 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
- encouraging 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:

- 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;
- being part of an integrated, multi-agency team that can respond to children and youth at risk of conflict with the law;
- facilitating communication and cooperation with school officials, Youth Justice Probation Services, 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.

This protocol is one component of a broader partnership among schools and other essential community partners (including mental health providers, health care professionals, and Children's Aid Societies).

21.0 Physical Safety Issues

Alteration to the physical space (e.g. lighting, building design, landscaping) can be made by the school or boards to enhance the safety of students and staff. When requested, police services should work in cooperation with local schools to assess the physical safety of buildings and /or school premises.

22.0 Risk Assessment Services

Threat Assessment Unit

The Threat Assessment Unit of the Ontario Provincial Police (O.P.P.) provides investigative support to criminal justice agencies involving threatening individual and group activities, domestic violence, workplace violence, school violence, stalking, high risk releases, threats to public figures, sexual offenders and anywhere else there is a threat of potential violence. This process entails the analysis of verbal, written and situational indicators to assess/predict the likelihood of violent acts involving occurrences of political threats, stalking (Criminal Harassment), dangerous offenders within the community or about to be released, unknown source threats, extortion and others.

Suggestions and advice include:

- categorization of threat;
- evaluation of potential harm;
- suggested methods of intervention;
- assistance in the preparation of an operational plan;
- 24 hour profiler access to provide input in critical strategic decisions;

- facilitate further access to lay enforcement, correctional, legal and medical/psychiatric expertise; and
- court testimony.

Threat Assessment is performed by the O.P.P. to offer assistance to various police services in the management of all occurrences which have a potential for violence. Assistance has been provided to investigators across Canada and internationally.

In the short time the Unit has been in operation, it has been very successful. Requesting agencies and victims have responded favorably to assessments, and suggestions for the management of dangerous or potentially dangerous occurrences and investigations. These suggestions assist in appropriate and responsible allocation of resources in accordance with observable indicators of potential violence.

Threat Assessments are only released to the person making the request. Information concerning the release of Dangerous Offenders is released to the public only after decision by the Commissioner or Chief of Police. Threat Assessment assists in all decisions in this regard for the O.P.P. and other police services. This decision is based upon the balance between individual rights and public protection.

Currently, this Unit is comprised of two full time Provincial Police officers, one seconded Peel Regional Police Officer, as well as one Correctional Services officer. This Unit responds to approximately 400 calls for service annually and is the only one of its kind in Canada.

Principals should contact their local Community Service Officer if they feel they may be dealing with a situation that is of risk to the school community.

23.0 Emergency Plan

Every school is expected to develop an Emergency and Crisis Response Plan, which must include but is not limited to a lockdown plan and procedures following a lockdown or other emergency, in keeping with school board and ministry policies. Teachers, staff, parents, and students should be involved in the development and monitoring of the Emergency and Crisis Response Plan, and the plan should be fully communicated to members of the school community and police services. Each principal will share the emergency and crisis response plan with the local police.

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 C, specifies two mandatory components, as follows:

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

24.0 Protocol Evaluation Process

- Feedback will be solicited from police and school board staff, as well as school councils during the first year of implementation.
- During the first year of the implementation of this protocol, the Committee will meet once to review the feedback that has been received. Recommendation for changes to the protocol will be made. At the end of the school year, a revised protocol will be issued.
- Thereafter, the protocol will be reviewed at least once every two years.

25.0 Training

The school boards and police services will provide training on the local police/school board protocol to their respective staff on an annual basis.

To improve collaboration between local police services and schools:

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

APPENDICES

- A Glossary**
- B Policy / Program Memorandum No. 9: Children in Need of Protection**
- C Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario**
- D Guide to Officers for Section 146 Youth Criminal Justice Act Statements**

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

Intentional or unintentional force applied to another person without his/her consent.

Bodily Harm

Any hurt or injury to the complainant that interferes with the health or comfort of the complainant and that is more than merely transient or trifling in nature (Criminal Code).

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 counselling, 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.

Harassment

Any unwelcome gesture, comment, joke, innuendo, racial slur or conduct that intimidates, demeans or offends an individual. The Ontario Human Rights Code specifically addresses all issues of discrimination by harassment by stating:

Harassment means any comment or conduct that is based on the prohibited grounds and is offensive to any employee (individual), and is known or should be known or should reasonably be known to be unwelcome, It can include such conduct as demands or threats, gestures, innuendo, remarks, jokes or slurs, display of offensive material, physical or sexual touching, or taunts about a person's body, attire, habits, customs or mannerism where they are related to any of the prohibited grounds such as race, colour, ancestry, place of origin, ethnic origin, citizenship, religion, sex (includes pregnancy), sexual orientation, age, marital status, family status, physical or mental disability, criminal charges or criminal record.

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.

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):

2. *For the purposes of subsections 306 (2J), 306 (4J), 310 (3J), 311.1 (4J) and clauses 311.3 (7J (b)) and 311.4 (2J (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 to the safety of any person ...*

Other factors

3. *For the purposes of subsections 306 (2J), 306 (4J), 310 (3J), 311.1 (4J) and clauses 311.3 (7J (b)) and 311.4 (2J (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, religion, disability, gender or sexual orientation or to any other harassment.*
 4. *How the suspension or expulsion would affect the pupil's ongoing education.*
 5. *The age of the pupil.*
 6. *In the case of a pupil for whom an individual education plan has been developed,*
 - i. *whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,*
 - ii. *whether appropriate individualized accommodation has been provided, and*
 - iii. *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.

Parent/Legal Guardian

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.

Police Involvement

Is the follow-up that is deemed necessary after the initial response.

Police Response

Is the immediate contact after an incident has been reported.

Providing Alcohol to Minors

A minor is someone under the age of 19.

Requiring Medical Attention

By a medical practitioner.

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.

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.

Sexual Harassment

Can include:

- Sexist statements, jokes, innuendoes, obscene gestures
- Ogling or suggestively brushing against another
- Name-calling, teasing, sexual put-downs
- Pressuring another person, in an unwelcome way for sexual favours

Sexual Interference

Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of fourteen years is guilty of an indictable offence.

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

The act of stealing or carrying away the personal property of another person.

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.

Trespasser

A person who is on school or Board premises without permission to be there.

Vandalism

Under the Criminal Code, this is referred to as 'mischief'.

Violent Incident

An act that is characterized by verbal or written threats, physical, emotional, sexual abuse/harassment, or racial harassment by an individual or group of individuals which has the effect of impairing or might have the effect of impairing the health and welfare of any individual or a group of individuals.

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

Policy/Program Memorandum No. 9

Issued under the authority of the Deputy Minister of Education

Date of Issue:	August 10, 2001	Effective: Until revoked or modified
Subject:	REPORTING OF CHILDREN IN NEED OF PROTECTION	
Application:	Directors of Education Secretaries of School Authorities Director of Provincial Schools Principals of Elementary Schools Principals of Secondary Schools Principals of Provincial Schools	
Reference:	This memorandum replaces Policy/Program Memorandum N°. 9, "Child in Need of Protection/Child Abuse Reporting Requirements", December 15, 1986.	

Note: This memorandum reflects the latest version of the *Child and Family Services Act* (March 31, 2000).

Requirements for Reporting

The *Child and Family Services Act* contains provisions under Part III, Child Protection, for reporting a child who is or may be in need of protection. If any person – including a teacher, a principal, or another professional – has reasonable grounds to suspect that a child is or may be in need of protection, the act requires that the person report his or her suspicions "forthwith" to a children's aid society and provide the information on which the suspicions are based. Therefore, teachers, principals, and other professionals who, in the course of performing their professional or official duties, suspect that a child is or may be in need of protection must report this information without delay to a children's aid society. Details are given in subsection 72(1), which is quoted below in its entirety:

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,
 - i. failure to adequately care for, provide for, supervise or protect the child, or
 - ii. 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,
 - i. failure to adequately care for, provide for, supervise or protect the child, or
 - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.
3. The child has been sexually molested or sexually exploited, 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,
 - i. anxiety,
 - ii. depression,
 - iii. withdrawal,
 - iv. self-destructive or aggressive behaviour, or
 - v. delayed development, 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 i, ii, iii, iv or v 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.
9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and that 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 prevent the harm.
10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development 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, treatment to remedy or alleviate the condition.
11. The child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.
12. The child is less than 12 years old and 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 or the person having charge of the child does not provide, or

refuses or is unavailable or unable to consent to, those services or treatment.

13. The child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately.

Subsection 72(3) of the act provides that every person who has reasonable grounds to suspect that a child is or may be in need of protection must make the report *directly* to a children's aid society, and *must not rely on anyone else* to report on his or her behalf.

In addition, subsection 72(2) states that the duty to report is an ongoing obligation. If a person has made a report about a child to a children's aid society and has additional reasonable grounds to suspect that the child is or may be in need of protection, that person must make a further report to the children's aid society.

These requirements do not prevent a school board from establishing additional policies on internal reporting procedures, but the board's policies must not conflict with the reporting requirements of the act.

Consequences of Failure to Report

Subsection 72(4) of the act makes it an offence for persons performing professional or official duties with respect to children to fail to report a child who, they suspect, is or may be in need of protection. Clause 72(5)(b) expressly identifies teachers and school principals as such persons. If a teacher or principal obtains information, *in the course of performing his or her professional or official duties*, that leads him or her to suspect that a child is or may be in need of protection, he or she must report this suspicion. If such a professional or official does not report the suspicion, he or she is liable, upon conviction for the offence, to a fine of up to \$1000.

Protection for Persons Making Reports

The duty of a professional or official to make a report overrides the provisions of any other provincial statute – that is, those provisions that would otherwise prohibit the professional or official from disclosing confidential or privileged information. In other words, a teacher or school principal must report that he or she suspects that a child is or may be in need of protection even if he or she believes that the information to be used to support the report is supposed to be confidential or privileged.

Subsection 72(7) provides that no action for making a report shall be instituted against a person who acts in accordance with the duty to report in section 72, unless the person acts maliciously or without reasonable grounds for the suspicion.

Investigation

It is the responsibility of the children's aid society and, if necessary, the police to conduct an investigation into the possibility that a child is in need of protection. School personnel who suspect that a child is or may be in need of protection should not conduct an investigation regarding their suspicions or the disclosures of the child, and shall question the child only to clarify the nature of the complaint.

Responsibilities of Directors of Education

Directors of education are requested to ensure that:

all staff members are aware of, and understand, the relevant sections of the *Child and Family Services Act*, particularly the requirement to report suspected cases of children in need of protection;

school board policies and procedures on reporting suspected cases of children in need of protection conform with the provisions of the *Child and Family Services Act*.

For further details, please see the *Child and Family Services Act*.

Appendix B: Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario

Introduction

Staff, students, and visitors in Ontario's schools have the right to learn, work, and be present in a safe and secure environment. However, the possibility of a major incident of violence is a reality that cannot be overlooked. Everyone who spends any amount of time in an Ontario school on a regular basis needs to know how to protect themselves, and how to protect students, in the event of a major incident or threat of school violence.

Publicly funded schools in Ontario are committed to providing and maintaining a safe school environment. Much has been accomplished around the issue of safe schools since the introduction of the Provincial Model for a Local Police/School Board Protocol in 2000, and more recently with the passage of Bill 212, which amended the safe schools provisions of the *Education Act*, in February 2007. The Ministry of Education and school boards and police from across the province continue to work in partnership to create safe school environments, and to prepare plans to be used in the event of a major incident of school violence. Many boards have actively undertaken the process of establishing lockdown plans with the support of their police service. However this has not previously been a ministry requirement, nor has there been a consistent approach across the province with respect to lockdown planning. The following policy should accompany the protocols already developed.

Purpose

Based on lockdown procedures that have already been established in many Ontario schools, the following policy is being provided to help elementary and secondary schools ensure their lockdown plans meet basic requirements, and to ensure a degree of consistency across the province. While much of what is provided will be termed "Effective Practices", there are two key elements which the Ontario Association of Chiefs of Police (OACP) is recommending as mandatory requirements by the Ministry of Education.⁵

5. The Ministry of Education and the Ministry of Community Safety and Correctional Services acknowledge the work of the Ontario Association of Chiefs of Police (OACP) Lockdown Procedure Working Group and thank the members and OACP for their work in preparing these guidelines.

Mandatory Requirements

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

In developing lockdown plans, each elementary and secondary school should consider the following policy:

When to Lock down / Terminology to Be Used

Terminology is very important. Plans should clearly identify when "lockdown" versus other terminology is to be utilized. Terminology used to order a lockdown should be plain language, clear, and leave no room for misunderstanding as to what is expected. No secret passwords should be used.

"Lockdown" should be used *only* when there is a major incident or threat of school violence within the school, or in relation to the school. The overuse or misuse of "lockdown" will result in staff/students becoming desensitized and not taking lockdowns seriously.

"Hold and Secure" should be used when it is desirable to secure the school due to an ongoing situation outside and not related to the school (e.g., if a bank robbery occurs near a school but not on school property). In this situation, the school continues to function normally, with the exterior doors being locked until such time as the situation near the school is resolved.

"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. Examples may include chemical spills, blackouts, explosions, or extreme weather conditions.

Boards must use the above terminology in developing local plans, in an effort to ensure consistency across the province. This policy focuses primarily on "Lockdowns".

Rationale

The use of common language across the province allows for easy integration when staff, students, and emergency service personnel are transferred from one jurisdiction to another.

Roles and Responsibilities

Clearly defined roles, responsibilities, and expectations are critical in emergency situations.

At a minimum, plans should include expectations with respect to staff, students, parents, and police. The lockdown policy should address issues such as accessibility and communications for students with special education needs.

Effective Practices

Principal – The principal is responsible for overall planning; the final content of the plan; scheduling drills; inviting police, fire, and emergency medical services (EMS) to participate in and be aware of planning and drills; training students; and the overall safety of staff and students. In an actual incident (not a drill), the police are responsible for management of the threat and subsequent criminal investigation; however, the principal shall provide full cooperation with police.

Staff – School staff, and in particular administrators, have the overall responsibility for the training, safety, and well-being of students. Administrators during a violent incident have additional responsibilities in terms of working closely with police.

Students – Students have a responsibility to be familiar with the plan and to respond quickly to the direction of staff during a crisis situation. Any student with information on or prior knowledge of an individual or a potential situation that may result in a violent incident must come forward with that information as soon as possible. This is also the case during an incident.

Police – Police are responsible for responding to and investigating violent incidents. During a violent incident, police will assume command and control of the response and investigation but will liaise and work closely with school administration and other emergency services throughout the process.

Parents/Guardians – Parents and guardians must be informed of the existence of this plan and should reinforce with their children students' responsibilities with respect to following directions during a crisis and disclosing any information they may have prior to or during a crisis situation.

Floor Plans

Accurate floor plans are a key component of lockdown plans and are important from both a planning and a response standpoint.

Effective Practices

Consideration should be given to colour coding floor plans using three colours, such as red, green, and blue. Red indicates danger areas of the school that cannot be locked down safely, with green identifying areas where staff and students are to proceed to safely lock down. Blue areas

identify command post locations, which will be utilized by police depending on the nature of the incident.

Normally, the main office will be a command post location, with another area within the school identified as an alternate command post location. A third off-site command post location should be identified within the individual school plan in the event that neither on-site command post location is available.

Off-site evacuation locations should also be identified and included with copies of the floor plans.

Floor plans should be posted throughout the school, at least in every classroom and at every entry point to the school. In multi-level buildings, it is suggested that only the floor plans relevant to a specific level be posted on that level.

Hard copies of floor plans, and electronic copies, if possible, should be provided to police.

Rationale

It is vitally important that police have current, accurate information about the school layout and that this information be available in both electronic and hard copy formats in the event of computer malfunctions.

Identification of Buildings, Exterior Doors, Classrooms

To assist police in responding to a major incident or threat of violence, buildings, entrances, and all rooms within buildings need to be clearly identified.

Effective Practices

In situations where more than one building exists on school grounds, each building should be clearly identified on all sides of the building with a building identifier, such as a number. All portables shall be clearly identified as well.

All exterior doors shall be clearly identified, such as doors A, B, C, etc.

All rooms within the building should be clearly marked with room numbers.

Rationale

This information is essential to identify the location of buildings and identify safe access routes for responding emergency personnel.

Initiating Lockdown

Plans should emphasize the importance of locking down as quickly as possible. At the first indication of a major incident of school violence, notification must go to the main office and the lockdown must commence immediately.

Effective Practices

All staff (especially those working in the main office) should be trained that, when information is received in the office of a situation requiring a lockdown, whoever receives that information will immediately activate the school's public address (PA) system, inside and outside, announcing the lockdown. There should be no hesitation in announcing the lockdown, and the decision to call the lockdown should be made immediately by whoever receives the call to the office, and should not be delayed for the purpose of checking with administration before announcing a lockdown. Boards should consider both auditory (PA) and visual notification systems inside and outside the school to announce a lockdown. For the safety of hearing-impaired individuals and in situations where noise levels in open areas such as cafeterias, and outside the school, may prevent staff and students from hearing a PA announcement, consideration should be given to the use of strobe lights or other visual indicators, in addition to the PA system.

It is recommended that the actual wording announcing a lockdown be affixed on or near the microphone, so that it is clearly visible and can be read by the person announcing the lockdown.

Rationale

In emergent stressful circumstances, even the most composed individuals may have difficulty remembering exact words. By pre-printing the announcement and practising it, the person delivering the message can ensure that the content is delivered accurately.

Classroom/Other Secure Area – Procedures During Lockdown

Plans should provide detailed procedures to be used when locking down a classroom or other secure areas.

Effective Practices

It is recommended that, before locking a door, staff should gather everyone in the immediate vicinity into their classroom or other secure area, but only if it is safe to do so. Once inside a secure area, staff and students should:

- stay away from doors and windows;
- turn off lights;

- close blinds;
- be aware of sight lines;
- if there is a window in the classroom door, consider covering the window;
- take cover if available (get behind something solid);
- remain absolutely quiet;
- take attendance (to be done by teachers);
- not use cell phones unless it is necessary to communicate regarding the incident. Cell phones should be shut off or put on vibrate.

Rationale

The goal is to make the classroom appear vacant.

Portables

Plans must address how to effectively and safely lock down a school portable.

Effective Practices

Plans must recognize unique issues with portables. Due to thin wall construction, it is recommended that desks be tipped onto their sides with desktops facing out, and all desks placed in a circle, with students/staff gathered within the circle, down on the floor below the top edge of the desk.

Rationale

The desktops will act as an additional barrier to a round from a firearm that may have penetrated a portable wall.

Washrooms: Procedures During Lockdown

Plans should address what staff/students should do if they are in a washroom when a lockdown is called.

Effective Practices

As washrooms cannot be locked, and therefore should be identified during planning as a danger (red) area in the event of a lockdown, students need to evacuate washrooms if at all possible and get to an area that can safely be locked down (green).

For elementary schools, it is recommended that plans designate adults who normally work in close proximity to student washrooms to check the washroom(s) prior to locking down themselves, if it safe to do so. After gathering students in the immediate vicinity of their classroom door into

their classroom, they would quickly check both male and female washrooms to which they have been assigned in the planning phase, and take any students found in the washrooms into their classrooms to lock down.

For secondary schools, it is recommended that training include an explanation to students that they are responsible for getting out of the washrooms immediately upon hearing a lockdown announced, and getting to the nearest classroom or other area that is identified as a safe (green) area.

As a last resort, staff or students trapped in a washroom should attempt to somehow secure the bathroom door, enter a stall, lock the door, and climb on top of the toilet.

Rationale

Plans need to indicate that staff and students should be moved from washrooms into classrooms but not if it means moving into immediate danger. In those instances, staff and students should remain in the washroom and attempt to make the washroom appear vacant.

Open Areas – Procedures During Lockdown

Plans should recognize that open areas, including cafeterias, libraries, and hallways, are the most vulnerable areas of a school, making them the most likely location for a shooting, and the most difficult areas to quickly and effectively secure.

Effective Practices

Considerable time and attention need to be given to open areas during the planning phase. All possible options should be considered to best address these highly vulnerable areas, including the possibility of evacuating to the exterior of the school. This may be the best option if these areas are adjacent to exterior walls and have doors leading to the outside. It is very important during staff and student training that everyone understand what to do and where to go in the event that a lockdown is called when they are in an open area.

Rationale

Consider having various options in the event that the first option is not available.

Child Care and Other Facility Occupants

As many schools have licensed child care centres or other tenants and community groups using school premises, those organizations or individuals must be taken into consideration at all stages.

Effective Practices

It is important that principals ensure the appropriate staff from organizations sharing facilities are included in the development and implementation of lockdown procedures and that these organizations participate in aspects of planning, training, and drills.

Rationale

Due to proximity issues, the need to be prepared is as important for other occupants as it is for staff and students of schools.

Outside of School Buildings When a Lockdown Is Called

Procedures must address where staff and students outside the school should go in the event of a lockdown. These procedures should also address how people who are outside the school building will know where the evacuation sites are located.

Effective Practices

In order to ensure that those who are outside school buildings are aware that the school is locking down, the PA system must be capable of being activated outside the school. Consideration should also be given to including an exterior visual indicator (e.g., strobe lights) that can be used to indicate that a lockdown has been called. Those who are outside the school when a lockdown is called shall not re-enter the school, but shall proceed immediately to predetermined off-site evacuation location(s). Once at the location, staff and students shall remain in that location until further advised by administration or police. Plans should include the taking of attendance at the off-site evacuation location(s). Neighbouring schools may not be the best option as off-site evacuation locations, as they too may lock down once they become aware of an incident at a nearby school.

Note: When a "Hold and Secure" situation occurs and staff and students are outside the building, they should re-enter the building prior to the exterior doors being locked.

Controlled Evacuation

In the event of a prolonged situation, or a situation where the threat has been contained (e.g., a barricaded individual), plans should include provisions for a controlled evacuation of the areas of the school not in the vicinity of the contained area.

Effective Practices

Police will make the decision as to whether a controlled evacuation of a school under lockdown is a viable option, and will direct the evacuation process. This will normally be done on a room-by-room basis, with evacuees being escorted by police to the evacuation location.

Fire Alarms

Plans should address the issue of how to deal with a fire alarm activation after a school has gone into lockdown.

Effective Practices

In the event that a fire alarm is pulled once a lockdown has been called, staff and students shall not respond as they normally would to a fire alarm, but shall remain locked down, if it is safe to do so. Staff and students must always be aware of other dangers such as fire, and be prepared to respond accordingly in order to ensure their own safety.

Rationale

There is a desire not to create a situation where staff and students run into danger when responding to a fire alarm. At the same time, staff and students should not ignore the fact that fire may occur intentionally or otherwise during a lockdown and that there is a need to respond to the most immediate threat.

Procedures to End a Lockdown

Plans should include how a lockdown will be terminated.

Effective Practices

Plans to conclude a lockdown will vary by location. Procedures may include a general announcement via the PA system by the principal, or a room-to-room visit from police/school administration, with some sort of an identification process, so that the occupants of a locked room know that whoever is giving them the all-clear is in fact authentic. Local plans should include procedures for ending lockdowns at off-site evacuation locations. In all cases where police have responded, plans should clearly indicate that the decision to end a lockdown shall be made only after approval of the on-scene police incident commander.

Rationale

There is a need to include the same level of authenticity to ending a lockdown as to initiating one.

Training

Plans should address initial and ongoing training of staff, students, and visitors to the school.

Effective Practices

Orientation for new teachers should include mandatory lockdown training. Schools should establish a method to conduct lockdown review training for

all staff during each school year. Schools should consider assemblies to train secondary students on lockdown procedures. Due to the young age of some elementary students, it is suggested that classroom teachers be responsible for training students at the elementary level. Any training provided to students with special education needs should be consistent with the expectations outlined in their Individual Education Plans. Where possible, it is advantageous to have police partners present during training, and to assist with the training of staff and students. Information for parents may be presented in newsletters, school or board websites, or an evening session on lockdown plans. Fire and EMS personnel should be invited to training sessions.

Rationale

People can be expected to respond properly under stressful and emergent circumstances when properly trained.

Drills

Fire drills have long been accepted as an important and effective tool in preparing staff and students for procedures to be followed in the event a fire breaks out in a school. Equally important is the practising of lockdown drills in preparation for a major incident of school violence.

Mandatory Requirements (Ministry of Education)

Each school shall conduct a minimum of two lockdown drills during each school year.

Effective Practices

School personnel should work cooperatively with police partners on drills. The principal is responsible for setting the date of drills and overseeing the drill, with police support/assistance. Consider including fire and EMS personnel during drills, so they become familiar with lockdown plans. Staff, students, and parents should be given some warning of an impending drill. Procedures should include a plan to alert neighbouring schools of lockdown drills, especially if fire and EMS personnel have been invited to participate. A short debriefing should be included after all drills to identify areas for improvement. Many boards have established a tracking system to record drill dates, thereby ensuring accountability and compliance.

Rationale

In order for staff and students to respond properly, plans must be practised to ensure complacency is avoided.

Media

Plans shall include provisions for dealing with media.

Effective Practices

Police are responsible for addressing media with respect to the criminal incident involved and police response to an incident. Principals/board personnel are responsible for dealing with media on issues of staff and student safety. It is strongly advised that media personnel from police and school boards share press releases prior to their release to the media, so that both police and school officials are aware of what the other is saying. A spirit of cooperation is highly recommended in terms of police and school officials working closely on media issues.

Rationale

Coordinated and consistent messaging from all partners is essential in maintaining public confidence.

Communication with Parents/Guardians/Community

Communication with parents, guardians, and the community in general is important so as to ensure a good understanding of lockdown procedures, without instilling fear.

Effective Practices

Consider sending a newsletter to each home at the beginning of the school year to inform parents of lockdown procedures and to encourage parents to reinforce with their children the importance of understanding the procedures and following staff direction.

Parents need to be informed of where they should proceed in the event of an actual incident involving a lockdown. Communication with parents around the importance of lockdowns is vital. Parents should be informed of what is expected should they arrive at school during a drill, or if they are present within the school when a lockdown is called.

In all instances of a lockdown that was not a drill, it is recommended that a communication to parents be sent home with each student at the conclusion of the school day or as soon as possible.

Parents should be encouraged to ensure that their contact information is kept up to date so they can easily be reached by staff in the event of an emergency.

Rationale

Parents need to see lockdown drills as essential elements to prevent injury, and good communication is required to eliminate fears and concerns.

Parents play a key role in ensuring students' cooperation and participation in drills.

School Recovery Following a Lockdown

Plans should include provisions to address the aftermath of a school lockdown.

Effective Practices

A debriefing should occur in all situations following a lockdown. The nature and severity of the incident will dictate who should be included in the debriefing.

In serious situations where injuries or loss of life occurs, the board's trauma response plan will normally be initiated.

In all cases, communication with parents is vital.

Plan Review

Each school plan, as well as the board plan, shall be thoroughly reviewed annually.

Effective Practices

A page should be included within the plan that allows for documentation of when the plan was reviewed and who reviewed it, along with a signature area. Where boards develop a web-based application to record when drills have been completed, a separate page could be created to allow for the recording on the website of the date the plan was reviewed annually.

Appendix C: Guide to Officers for Section 146 Youth Criminal Justice Act Statements

Guide to Officers for Section 146 Youth Criminal Justice Act Statements

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 his/her 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?"

Guide pour les Agents : Déclarations en Vertu De l'article 146 De La Loi Sur Le Système de Justice Pénale Pour les Adolescents

La Cour d'appel de l'Ontario a souligné l'importance d'enregistrer sur bande vidéo toute déclaration d'une personne inculpée. Ceci est d'autant plus important lorsqu'on envisage d'inculper un adolescent ou d'enregistrer sa déclaration et qu'il faut lui expliquer clairement les éléments d'information prévus par l'article 146 **en des termes adaptés à son âge et à sa compréhension**. Le meilleur moyen de prouver que vous avez adapté vos explications à l'âge et au niveau de compréhension de l'adolescent en question est de procéder à un enregistrement sur bande vidéo.

- Il est impératif que l'adolescent comprenne bien tout ce qui lui est dit et expliqué.
- Il ne faut pas se contenter de lire la formule à l'adolescent et de lui demander s'il ou elle comprend.
- Une approche objective et personnalisée, qui tient compte du niveau intellectuel et de toute autre caractéristique personnelle de l'adolescent, est nécessaire lorsqu'on procède à une entrevue.
- Avant de poser l'une ou l'autre des questions figurant dans la formule de déclaration, vous devez vous faire une idée du niveau de compréhension de l'adolescent afin de déterminer le langage approprié à utiliser pour lui expliquer ses droits. L'enregistrement de ce contact initial avec l'adolescent pour évaluer sa compréhension aura force probante.
- À cette fin, vous devez vous renseigner sur le niveau d'éducation de l'adolescent, sur ses aptitudes langagières et l'étendue de son vocabulaire, sur sa capacité à comprendre ainsi que sur son état émotionnel.
- Pour cela, il n'y a pas d'autre moyen que d'engager une conversation avec l'adolescent. La liste ci-dessous, même si elle n'est pas exhaustive, pourra vous guider pour mener cette conversation :
 - Quel âge avez-vous?
 - En quelle classe êtes-vous?
 - Où allez-vous à l'école?
 - Avez-vous une difficulté d'apprentissage?
 - Êtes-vous dans une classe d'éducation spéciale?
 - Avez-vous déjà été arrêté dans le passé?
 - Avez-vous déjà fait une déclaration à un agent de police dans le passé?
- Lorsque vous aurez réussi à vous faire une idée suffisante du niveau de compréhension de l'adolescent, vous serez en mesure d'adapter votre explication des dispositions de l'article 146 à ses aptitudes.
- Même si rien ne vous oblige à demander à l'adolescent de vous réexpliquer ses droits, dans certains cas, cette technique vous permettra de vous assurer que vos explications étaient à la fois appropriées et suffisantes.
- Un moyen simple et approprié de déterminer si l'adolescent a bien compris est de lui demander « Pouvez-vous expliquer dans vos propres mots ce que ceci signifie pour vous? »

Statement of a Young Person
Déclaration d'un Adolescent
Youth Criminal Justice Act, Section 146
Loi Sur le Système de Justice Pénale Pour les Adolescents, Article 146

1. Statement Recording Method:

Méthode d'enregistrement de la déclaration :

Audiotape (N^o _____) Written (N^o _____) DVD (N^o _____) Videotape (N^o _____)
 Bande vidéo (N^o _____) Par écrit DVD (N^o _____) Bande vidéo (N^o _____)

Police Service: _____ Police Case ID: _____
 Service de police : _____ Référence du dossier de police : _____

Occurrence N^o: _____
 N^o d'incident : _____

Date: _____ Location: _____ Start Time: _____ Time Completed: _____
 Date : _____ Lieu : _____ Heure (début) : _____ Heure (fin) : _____

Interviewing Officer(s): _____
 Agent(s) procédant à l'entrevue : _____

Name of Young Person: _____ Date of Birth: _____
 Nom de l'adolescent(e) : _____ Date de naissance : _____

Address: _____
 Adresse : _____

Name: Parents Adult Relative Other Adult
 Nom : Père ou mère Autre parent adulte Autre adulte approprié

Address: _____ Phone Number: _____
 Adresse : _____ Numéro de téléphone : _____

You are charged with: / Vous êtes accusé(e) de : _____ You may be charged with: / Vous pourriez être accusé(e) de : _____

2. Do you understand the charge(s)? / Comprenez-vous la(les) accusation(s)?

Reply / Réponse:

If at any time you do not understand anything, tell me and I will explain it to you. Do you understand?
 Si, à un moment quelconque, vous ne comprenez pas quelque chose, dites-le-moi et je vous l'expliquerai.
 Comprenez-vous?

Reply / Réponse:

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.

CETTE SECTION NE S'APPLIQUE QU'AUX ADOLESCENTS ÂGÉS D'AU MOINS 14 ANS AU MOMENT DE L'INFRACTION PRÉSUMÉE ET LORSQUE CETTE INFRACTION EST UN MEURTRE AU 1^{ER} OU 2^E DEGRÉ, UNE TENTATIVE DE MEURTRE, UN HOMICIDE INVOLONTAIRE COUPABLE OU UNE AGRESSION SEXUELLE GRAVE.

Comme vous avez 14 ans ou plus et que vous êtes accusé(e) de _____, si vous êtes reconnu(e) coupable, la Couronne demandera au tribunal de prononcer contre vous une peine applicable aux adultes.

La peine la plus sévère applicable aux adultes est l'emprisonnement à perpétuité. Il appartient au tribunal de choisir entre une peine spécifique applicable aux adolescents et une peine applicable aux adultes.

Not Applicable _____ (officer's initials) Warning Read: Yes
 Ne s'applique pas (initiales de l'agent) Avertissement lu : Oui

Do you understand? Yes No

Comprenez-vous? Oui Non

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.

CETTE SECTION NE S'APPLIQUE QU'AUX ADOLESCENTS ÂGÉS D'AU MOINS 14 ANS AU MOMENT DE L'INFRACTION PRÉSUMÉE ET LORSQU'IL S'AGIT D'UNE INFRACTION POUR LAQUELLE UN ADULTE SERAIT PASSIBLE D'UNE PEINE D'EMPRISONNEMENT DE PLUS DE DEUX ANS.

Comme vous avez 14 ans ou plus, la Couronne demandera au tribunal de prononcer une peine applicable aux adultes. La peine la plus sévère applicable aux adultes est un emprisonnement à vie. Il appartient au tribunal de choisir entre une peine spécifique applicable aux adolescents et une peine applicable aux adultes.

Statement of a Young Person / Déclaration d'un Adolescent

Not Applicable

Ne s'applique pas _____

(officer's initials)

(initiales de l'agent)

Warning Read: Yes

Avertissement lu : Oui

Do you understand? Yes No

Comprenez-vous? Oui Non

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

Vous avez le droit de parler sans délai à un avocat en privé. Comprenez-vous?

Reply / Réponse:

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?

Vous pouvez aussi obtenir gratuitement l'assistance immédiate d'un avocat de l'aide juridique en appelant le 1-800-561-2561 ou le 1-800-265-0451. Comprenez-vous?

Reply / Réponse:

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

Do you understand?

Si vous êtes accusé(e) d'une infraction, vous pouvez faire une demande d'aide juridique auprès d'Aide juridique Ontario. Comprenez-vous?

Reply / Réponse:

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?

Vous avez le droit de parler, sans délai et en privé, soit à votre père ou votre mère soit, en l'absence de votre père ou de votre mère, à un parent adulte, soit, en l'absence d'un parent adulte, à tout autre adulte approprié qui, selon vous, pourrait vous aider.

Comprenez-vous?

Reply / Réponse:

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?

Si vous faites une déclaration à la police, celle-ci a le devoir de faire en sorte que la ou les personnes auxquelles vous avez parlé soient présentes au moment où vous faites votre déclaration, à moins que vous préfériez le faire sans qu'elles soient présentes.

Comprenez-vous?

Reply / Réponse:

f. Do you want to talk to a lawyer? / Voulez-vous parler à un avocat?

Reply / Réponse:

g. Do you want to talk to one or both of your parents? / Voulez-vous parler à votre père, votre mère ou aux deux?

Reply / Réponse:

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

Si votre père ou votre mère ne sont pas disponibles, voulez-vous parler à un autre parent adulte?

Reply / Réponse:

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

Si aucun parent n'est disponible, voulez-vous parler à un autre adulte approprié?

Reply / Réponse:

Statement of a Young Person / Déclaration d'un Adolescent

5. IF THE YOUNG PERSON INDICATES THAT HE/SHE WISHES TO SPEAK TO ANY OF THE ABOVE PERSONS, THE OFFICER CONDUCTING THE INTERVIEW MUST NOW FACILITATE THOSE CONVERSATIONS.

SI L'ADOLESCENT[E] INDIQUE QU'IL OU ELLE SOUHAITE PARLER À L'UNE DES PERSONNES INDIQUÉES CI-DESSUS, L'AGENT QUI PROCÈDE À L'INTERROGATION DOIT ALORS PRENDRE LES DISPOSITIONS NÉCESSAIRES POUR FACILITER CES CONVERSATIONS.

Do you wish to make a statement? / Souhaitez-vous faire une déclaration?

Reply / Réponse: _____

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?

Dans l'affirmative, la police doit faire en sorte que les personnes auxquelles vous avez parlé soient présentes au moment de votre déclaration, à moins que vous préfériez le faire sans qu'elles soient présentes. Comprenez-vous?

Reply / Réponse: _____

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

Si vous décidez de faire une déclaration, vous pouvez vous arrêter à tout moment. Vous pouvez aussi à tout moment parler à un avocat ainsi qu'à votre père ou votre mère, à un adulte parent ou à un autre adulte, et demander que cette personne soit présente ici avec vous. Comprenez-vous?

Reply / Réponse: _____

6. WAIVER OF RIGHTS / RENONCIATION À DES DROITS

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 parent(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.

J'ai eu la possibilité d'obtenir des conseils gratuits et immédiats d'un avocat de l'aide juridique et la possibilité de parler à mon avocat ainsi qu'à soit mon père ou à ma mère, soit, en l'absence de mon père et de ma mère, à un parent adulte, soit, en l'absence de mon père, de ma mère ou d'un parent adulte, à un autre adulte approprié.

J'ai été avisé(e) que la police est tenue de faire en sorte que les personnes avec lesquelles je viens juste de parler soient présentes au moment où je fais ma déclaration, à moins que je préfère faire cette déclaration sans qu'elles soient présentes. Ces droits m'ont été expliqués et je les comprends.

I choose not to talk with any of these people.

Je choisis de ne parler à aucune des ces personnes. _____

Signature of Young Person
Signature de l'adolescent(e)

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

Je ne veux pas que ces personnes soient présentes pendant mon interrogation. _____

Signature of Young Person
Signature de l'adolescent(e)

Witness
Témoïn

Time
Heure

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

Nom de la personne présente : Père et/ou mère Parent adulte Autre adulte approprié : _____

Address: _____ Phone Number: _____
Adresse : _____ Numéro de téléphone : _____

7. CAUTION / MISE EN GARDE

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

Vous n'êtes pas tenu(e) de dire quoi que ce soit à propos de(s) accusation(s), à moins que vous ne souhaitiez le faire. Comprenez-vous?

Reply / Réponse: _____

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?

Je dois aussi vous avertir que tout ce que vous direz sera enregistré par écrit, sur bande audio ou sur bande vidéo et pourra être présenté en preuve dans les poursuites intentées contre vous. Comprenez-vous?

Reply / Réponse: _____

