



**York Regional Police**

**York Catholic District School Board**

**York Region District School Board**

# **POLICE & SCHOOL BOARD PROTOCOL**

**September 2011**

# **ACKNOWLEDGEMENT**

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# **POLICE & SCHOOL BOARD PROTOCOL 2011**

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# **POLICE & SCHOOL BOARD PROTOCOL 2011**

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## **1. COMMON UNDERSTANDING**

The purpose of this document is to establish a protocol between York Regional Police, the York Catholic District School Board and the York Region District School Board.

This will confirm and define the working relationship and appropriate responses to incidents where police involvement or intervention is requested or required.

The Protocol is designed to encourage, enable and maintain a positive relationship between York Regional Police officers in their work with school administrators, staff, students, parents, members of the school community. It establishes guidelines for these various relationships, which include York Regional Police officers and school safety programs.

**This protocol is developed with the understanding that cooperative involvement, prevention and intervention will facilitate compliance with the law, and the development of positive attitudes, and acceptable student behaviour and to support a learning environment that is safe, nurturing, positive and respectful. This applies to all partners in this process. The end goal is safe and caring schools supported by this partnership.**

## **2. INTRODUCTION**

Students, staff and other members of a school community have the right to a safe school environment. The school boards and the police are working together to maintain this environment and to assist in the greater safety and protection of students, teachers, staff and volunteers. All parties will engage in a constructive, ongoing and responsive partnership. Ultimately, this Protocol helps to ensure an equitable and consistent approach across York Region in the way police and schools respond to school-related incidents.

The parties to this protocol will facilitate appropriate sharing and disclosure of information. All will ensure that the obligations and requirements of the education and police systems are met. This document represents the clarification of their respective roles and responsibilities, and defines the need for maintaining open lines of communication. Moreover, it will help to ensure a consistent approach across York Region in the way police and schools respond to school-related occurrences. In the end result, it encourages ongoing and effective partnerships between the police and school communities.

### 3. STATEMENT OF PRINCIPLES

The police and the school boards will cooperate and coordinate their efforts to ensure that the legal rights of **all** students and staff will be respected at all times. These efforts will include the following:

- understanding of police and school responsibilities;
- promoting respect and civility in the school environment;
- providing a balance between rights and responsibilities;
- respecting fundamental rights pertaining to disability, race, creed, ethnic origin and other prohibited grounds of discrimination under the Ontario Human Rights Code.

### 4. ROLE AND MANDATE OF THE POLICE

The mandate of the police is set out in the *Police Services Act*. With respect to young people and the school community, the role of the police includes the following:

- conducting *law enforcement and criminal investigations* pursuant to the [Criminal Code](#), the [Youth Criminal Justice Act](#), the [Controlled Drugs and Substances Act](#), and other federal, provincial and municipal legislation and regulations, and laying charges as appropriate;
- upholding the duties legislated under s.42 of the [Police Services Act](#);
- assisting victims of crime;
- protecting public safety and preventing crime by:
  - providing information on community safety issues;
  - diverting young people away from crime and antisocial behaviour;
  - promoting and fostering a reduction in crime, both against and committed by young people;
  - assisting in the development of young people's understanding of good citizenship;
  - working in partnership with other government and community-based organizations to support positive youth development.

### 5. ROLE AND MANDATE OF THE SCHOOL BOARDS

The role and mandate of the school boards is set out in the [Education Act](#) and accompanying regulations.

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

Specifically, in regards to the provision of safe and caring schools, the school boards, administrators and school staffs are required to do the following:

- comply with the requirements related to the duties of principals and teachers under the *Education Act* and regulations;
- comply with the requirements legislated under the [Child and Family Services Act](#) (e.g., the "Duty to Report");

- administer school-related disciplinary actions (e.g. suspensions and expulsions), considering progressive discipline measures and mitigating circumstances;
- develop a Code of Student Conduct, as required under the *Education Act*;
- ensure that resources (e.g. on substance abuse awareness, bullying prevention) are accessible to assist school staff in promoting crime prevention;
- develop policies on how to respond to crises, including a communications plan;
- ensure that prevention and intervention strategies are provided;
- provide staff with opportunities for acquiring the skills necessary to promote safe, equitable, inclusive and caring school environments;
- develop an effective consultation mechanism for soliciting input from staff, students, parents, school councils, the Special Education Advisory Committee, the York Catholic Parent Involvement Committee (Y.C.P.I.C.) and the Parent Engagement Advisory Committee (P.E.A.C.) in the development of the local protocol.

## 6. OCCURRENCES REQUIRING POLICE RESPONSE

### a) Mandatory Notification of Police\*

The following incidents **must** be reported forthwith to the police, regardless of the age of the student:

- criminal harassment;
- deaths on school property;
- extortion;
- gang-related incidents;
- hate and/or bias-motivated incidents;
- possession or trafficking in drugs;
- possession or use of weapons;
- physical assaults causing bodily harm requiring medical attention;
- robbery;
- sexual offences;
- threatened or actual violence occurring within an intimate relationship;
- threats of serious physical injury, including cyber-related incidents, social networking, instant messaging, text messaging, e-mail, etc.

\* See Section 14 Investigations Involving Students with Special Needs and Section 15 Occurrences Involving Children Under Age 12.

### b) Discretionary Notification of Police

The following incidents **may** be reported to the police:

- being under the influence of alcohol or illegal drugs;
- giving alcohol to a minor;
- suicide threats;
- trespassing;
- threats of violence;
- worrisome behaviour;
- vandalism;
- other instances deemed to require police involvement.

Principals should consider mitigating and other factors when deciding whether to call the police in the above discretionary situations. It is expected that all other school-related occurrences will be dealt with by the principal on a case-by-case basis. Administrators should always seek clarification and guidance from the appropriate supervisory officer.

For students with special education needs, administrators should identify circumstances where a police response is not necessary or appropriate. Please refer to Section 14.

Administrators have a duty to determine whether an offence may have been committed and what the nature of that offence might be prior to notifying police. Nothing in this protocol is intended to impact on that duty. Should it be required that the administrator conduct an investigation, that investigation will be undertaken in consultation with the police so as to avoid any interference with the police investigation. School and police investigations may run parallel to each other in these cases until such time as a decision is made by the police that such will cease. (see Section 11).

It is important for police and school staff to work cooperatively and understand each other's roles when a matter involves both a police investigation, and a mandated investigation under the *Education Act* relating to suspension/expulsion. Working cooperatively and sharing good communication reduces the risk of jeopardizing an investigation and the subsequent judicial proceedings, while ensuring school administrators are able to meet their legislated responsibilities under the *Act*. Most importantly, it enables administrators to maintain positive school and community relations.

Police must understand an administrator's legislated responsibility to conduct an investigation under the *Education Act*, and only in exceptional circumstances, should police advise school administrators against exercising their legislative responsibility to speak with students, regardless of whether they are an accused, victim or witness.

There is recognition that police and school board timelines are different and bound by legislation.

It is important to note that the *Education Act* determines the timelines for investigations, specifically with regard to suspensions possibly leading to expulsions and for appeals. Administrators must refer to the *Act* to ensure that these timelines are met.

## **7. INFORMATION SHARING AND DISCLOSURE**

Schools and Police are permitted to share information under certain circumstances and in specific situations. Legislative authority is found in the *Education Act*, the [\*Municipal Freedom of Information and Protection of Privacy Act\*](#), the *Youth Criminal Justice Act*, and the *Child and Family Services Act*. The legislative authority is in place to ensure safety of staff and students, to ensure the effective investigation of criminal allegations and to protect individual rights.

The accompanying chart summarizes the relevant sections of the legislation as it relates to sharing of information between schools and the police. For complete accuracy, refer to the specific legislation.

<b>Principal</b>	<b>Police</b>
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**Education Act**

<ul style="list-style-type: none"> <li>Principal is responsible for collecting information for inclusion in a student's record.</li> </ul>	
<ul style="list-style-type: none"> <li>Ontario Student Record (O.S.R.). The O.S.R. contains information such as transcripts, report cards and photographs.</li> </ul>	
<ul style="list-style-type: none"> <li>The O.S.R. includes a Violent Incident Form, where applicable.</li> </ul>	
<ul style="list-style-type: none"> <li>A Violent Incident Form contains the following:               <ul style="list-style-type: none"> <li>a description of the incident;</li> <li>a copy of the schools board's letter(s) to the student and/or parent(s) or guardian(s) regarding the suspension or expulsion for violent behaviour.</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>A Violent Incident Form could also contain the following, where applicable:               <ul style="list-style-type: none"> <li>a reference of the call to the police;</li> <li>a reference to the school/board disciplinary response to the incident.</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>Information in the O.S.R. is privileged for the information and use of supervisory officers, principals and teachers of a school. Disclosure of its contents to the police may be made in the following circumstances:               <ul style="list-style-type: none"> <li>with the written permission of a parent/guardian of the student or, where the student is an adult, with the written permission of the student;</li> <li>through a search warrant requiring the surrender of an O.S.R. to the police;</li> <li>through a subpoena or appropriate court order.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Police will receive the O.S.R. under the following circumstances:               <ul style="list-style-type: none"> <li>with the written permission of a parent or guardian of the student or, where the student is an adult, with the written permission of the student;</li> <li>through a search warrant requiring the surrender of an O.S.R. to the police;</li> <li>through a subpoena or appropriate court order.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>Consult with Privacy Manager.</li> </ul>	
<ul style="list-style-type: none"> <li>If a principal is served with a search warrant requesting an O.S.R. or other records, the principal is obliged to comply with the warrant and will provide a copy of the contents of the O.S.R. and other records as specified.</li> </ul>	

Principal	Police
<ul style="list-style-type: none"> <li>If a principal is served with a subpoena requiring his/her testimony in a criminal case, he/she is obliged to comply with the subpoena, attend court, and produce the original O.S.R. and other records if required, to the court, but should request that a copy be entered into evidence. A principal should produce three copies for the court.</li> </ul>	

### **Municipal Freedom of Information and Protection of Privacy Act**

<ul style="list-style-type: none"> <li>The <i>Municipal Freedom of Information and Protection of Privacy Act</i> expressly permits a school board to disclose confidential information to the police <b>to aid in an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.</b> Administrators are encouraged to consult the Office of the Information and Privacy Commissioner's <a href="#"><i>Guide to Ontario Legislation to the Release of Student's Personal Information.</i></a></li> <li>Consult with Privacy Manager.</li> </ul>	<ul style="list-style-type: none"> <li>Where the matter is not urgent, the initial dialogue with police will NOT include identifying information of any private individual (i.e. non-employee) such as name, address and telephone number.</li> <li>Should police consider it essential, a written statement will be provided clarifying what personal information is required from the school board to pursue the investigation.</li> </ul>
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### **Youth Criminal Justice Act**

<ul style="list-style-type: none"> <li>The <i>Youth Criminal Justice Act</i> (YCJA) protects the privacy and identity of young persons. The provisions of the act prohibits persons, including police, youth courts and school board officials, from publishing or making public, any information that would identify a young person as being dealt with under the <i>Act</i>, or as being a victim or witness in a YCJA proceeding.</li> </ul>	<ul style="list-style-type: none"> <li>The <i>Youth Criminal Justice Act</i> prohibits all persons, including police, youth courts and school board officials, from publishing the name of a young person, or any other information related to a young person, if that information would identify the individual as a young person dealt with under the <i>Act</i>. The <i>Act</i> establishes a similar prohibition on the publication of the name and information relating to a victim or a witness who is a child or a young person. Records, including police records, of an offence committed or alleged to have been committed by a young person are not to be disclosed except as authorized under the <i>Act</i>.</li> </ul>
<ul style="list-style-type: none"> <li>'Report' should be interpreted in a broad sense to include virtually all information or publication that might disclose the identity of a young person.</li> </ul>	
<ul style="list-style-type: none"> <li>The <i>Act</i> does <b>not</b> prevent the following: <ul style="list-style-type: none"> <li>- disclosure to ensure safety of staff, student or other persons, or pursuant to a court</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The <i>Act</i> does <b>not</b> prevent the following: <ul style="list-style-type: none"> <li>- disclosure to ensure safety of staff, student or other persons;</li> </ul> </li> </ul>

<b>Principal</b>	<b>Police</b>
<p>order;</p> <ul style="list-style-type: none"> <li>- principals from suspending students for reasons set out in the <i>Education Act</i>;</li> <li>- boards from hearing the appeal of the parent/guardian or an adult student.</li> </ul>	<ul style="list-style-type: none"> <li>- disclosure pursuant to a court order;</li> <li>- disclosure to facilitate the rehabilitation of the young person;</li> <li>- disclosure where a young person is released on a 'reintegration leave' from a young custody facility to attend school;</li> <li>- disclosure relating to information of a young person who has received an adult sentence;</li> </ul>
<ul style="list-style-type: none"> <li>• The <i>Act</i> does not prohibit school boards from exercising the right to expel a student. In each of these cases, evidence of the events may be presented despite the existence of <i>Youth Criminal Justice Act</i> proceedings.</li> </ul>	

**Child and Family Services Act**

<ul style="list-style-type: none"> <li>• Any person, including a person who performs professional duties with respect to children, has a duty to report any suspicion held on reasonable grounds to the Children's Aid Society that a child may be in need of protection, as defined in s. 72 of the <i>Child and Family Services Act</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 72 of the <i>Act</i> imposes a duty on all persons to report forthwith to the Children's Aid Society any belief held on reasonable grounds that a child may be in need of protection.</li> </ul>
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**Sharing Information**

	<ul style="list-style-type: none"> <li>• Whenever charges are laid against a student, that may impact on the school and/or school community, <b>the police officers involved in the case should consult with school administrators, where practical and possible, before recommending release and/or probation conditions.</b></li> </ul>
	<ul style="list-style-type: none"> <li>• Police officers will endeavour to alert the school and seek to assist the school in its efforts to accommodate the bail or probation order while at the same time continuing to exercise its powers and fulfill its obligations under the <i>Education Act</i>.</li> </ul>

## 8. SCHOOL PROCEDURES FOR REPORTING TO POLICE

<b>EMERGENCY</b>	<b>CALL</b>	<b>911</b>
<b>URGENT SITUATION</b>	<b>CALL</b>	905-895-1221 or 905-773-1221 Ask for Police Communications Centre (Dispatch)
<b>CONSULTATION</b>	<b>CALL</b>	Staff Sergeant in charge of School Officers 905-895-1221, Ext. 6708

## 9. INITIAL POLICE CONTACT

A police officer responding to a school-related incident should consider alternatives that limit the disruption to the schools day. Should a visit to the school be necessary, the police officer shall (subject to the exceptions inherent in exigent and emergent circumstances):

- report to the Main Office upon arrival at the school;
- produce proper identification;
- explain the purpose of the visit;
- obtain information from the administration about the student profile before making contact with the student (e.g. barriers to communication or accommodation needs);
- make arrangements with the administrator to contact the parents or legal guardians of students, under the age of 18, prior to speaking with them;
- conduct an investigation in accordance with current procedures and training of the police, including full documentation.

### Parent/Guardian Contact

In accordance with the *Education Act* and accompanying regulations, an administrator is responsible for reporting to a student's parent or legal guardian. The administrator shall contact the student's parent or legal guardian regarding the alleged inappropriate behaviour requiring police involvement unless the student is 18 years or older and requests that his/her parents not be contacted, or is 16 or 17 years of age and has withdrawn from parental control.

Reference should also be made to **Protocol Section 10** (Contacting Parents/Guardians); **Section 12** (Police Interviews of Students); **Section 13** (Reporting of Children suspected to be in Need of Protection); **Section 14** (Investigations Involving Students with Special Needs); and **Section 15** (Occurrences Involving Children Under Age 12).

### Exceptions

The responding officer may modify the above procedures in the following circumstances:

- the contact is the result of an allegation of misconduct or criminal activity committed by principal or designate, in which case, absent exigent circumstances, the officer will make initial contact with the appropriate Superintendent of Education;

- the contact is the result of an allegation of misconduct, neglect or criminal activity committed by the parent or legal guardian of a student;
- the involved student(s), or any of them, is/are known to either the school or the police to have special needs, including, but not limited to, behavioural, intellectual or physical exceptionalities, or communication difficulties; or
- exigent circumstances exist which, in the judgement of the responding officer, make compliance with the procedures impractical.

Refer to **Section 10** (Contacting Parents/Guardians) and Section 11 (School & Police Investigations of Incidents)

## 10. CONTACTING PARENTS/GUARDIANS

Prior to conducting an interview with a young person suspected of criminal or quasi-criminal activity, police shall ensure that the requirements of the *Youth Criminal Justice Act* have been satisfied, particularly with respect to the contacting of a parent or guardian or another responsible adult on behalf of the young person, and the opportunity for the young person to consult with a parent or other adult and with a lawyer and to have such persons present at the time of the interview.

The best interests and rights of the student must always be informed by the Human Rights Code.

If the Children's Aid Society is involved, administrators and police officials should discuss and come to agreement with the Children's Aid Society regarding the timing and procedure for notifying parents or legal guardians.

If the person to be interviewed is a child, that interview shall take place in the presence of a parent or other adult attending on behalf of the child, except in extraordinary circumstances or in an investigation under s.72 of the *Child and Family Services Act*.

If the person to be interviewed is a young person not suspected of criminal or quasi-criminal activity, the young person will be offered an opportunity to contact a parent or other adult prior to the interview and may have a parent or other adult present during the interview, if the young person so requests.

If the person to be interviewed is neither a young person nor a child, no parent or other adult shall be contacted on behalf of the person to be interviewed, unless the person to be interviewed consents to or makes a request for such contact, or is incapable of providing or withholding consent.

It is preferable that police interviews are conducted with an adult present. Students have the right to waive the presence of an adult advocate in police interviews, predicated on their ability to make that decision. When a student does not waive that right, every effort must be made to contact parents or legal guardians or another adult of the student's choice to attend. An administrator will attend in extraordinary circumstances when parents or legal guardians or another adult cannot be contacted.

### Police Involvement, Student Interviews and Parent Contact

Young Persons Suspected or Accused of Criminal or Quasi-Criminal Activity	Young Persons that are Victims/Witnesses/Other	Students that are 18 and Over (Suspects/Victims/Witnesses/Other)	Students with Special Needs
<ul style="list-style-type: none"> <li>• Police to ensure the requirements of the <i>Youth Criminal Justice Act</i> have been satisfied.</li> </ul>	<ul style="list-style-type: none"> <li>• The administrator shall ensure that the young person has the opportunity to consult with a parent or other adult they choose to have that person present at the time of the interview.</li> </ul>	<ul style="list-style-type: none"> <li>• No parent or other adult shall be contacted on behalf of the person to be interviewed, unless the person to be interviewed consents to or makes a request for such contact, or is incapable of providing or withholding consent.</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to undertaking an interview police, in consultation with the principal, shall determine whether the person to be interviewed has any special needs, such as behaviour, cognitive, physical or learning disability.</li> </ul>
<ul style="list-style-type: none"> <li>• Administrator must make best efforts to contact parent, or guardian or other responsible adult on behalf of the young person in consultation with police.</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews shall be conducted in accordance with the current procedures and training of the police and in compliance with all legal requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews shall be conducted in accordance with the current procedures and training of the police and in compliance with all legal requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• If so, police shall ensure that appropriate resources are available for the interview to address such disabilities.</li> </ul>
<ul style="list-style-type: none"> <li>• The young person should have the opportunity to consult with a parent or other adult they choose to have that person present at the time of the interview.</li> </ul>	<ul style="list-style-type: none"> <li>• Police shall utilize questioning techniques and language appropriate to the age, maturity and development of the person being interviewed.</li> </ul>	<ul style="list-style-type: none"> <li>• Police shall utilize questioning techniques and language appropriate to the age, maturity and development of the person being interviewed.</li> </ul>	<ul style="list-style-type: none"> <li>• Police shall also determine whether there are any communications barriers, such as language, and shall arrange for an independent and skilled interpreter to attend the interview.</li> </ul>

**Police Involvement, Student Interviews and Parent Contact**

<b>Young Persons Suspected or Accused of Criminal or Quasi-Criminal Activity</b>	<b>Young Persons that are Victims/Witnesses/Other</b>	<b>Students that are 18 and Over (Suspects/ Victims/Witnesses/Other)</b>	<b>Students with Special Needs</b>
<ul style="list-style-type: none"> <li>• If the young person is a child, the interview should take place in the presence of a parent or other adult attending on behalf of the child, except in extraordinary circumstances or in an investigation under s. 72 of the <i>Child and Family Services Act</i>.</li> </ul>			<ul style="list-style-type: none"> <li>• Interviews shall be conducted in accordance with the current procedures and training of the police and in compliance with all legal requirements.</li> </ul>
<ul style="list-style-type: none"> <li>• Given the role of the principal in school administration, it is preferable that the principal not act as an adult presence on behalf of a young person suspected of a criminal or quasi-criminal activity.</li> </ul>			<ul style="list-style-type: none"> <li>• Police shall utilize questioning techniques and language appropriate to the age, maturity and development of the person being interviewed.</li> </ul>
<ul style="list-style-type: none"> <li>• Interviews shall be conducted in accordance with the current procedures and training of the police and in compliance with all legal requirements.</li> </ul>			
<ul style="list-style-type: none"> <li>• Police shall utilize questioning techniques and language appropriate to the age, maturity and development of the person being interviewed.</li> </ul>			

## 11. SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS

All investigations of school-related incidents will be conducted in accordance with the current procedures and training of the police and in compliance with the requirements of all relevant legislation and regulation, including, but not limited to, the *Youth Criminal Justice Act*, the [Criminal Code](#), the [Canadian Charter of Rights and Freedoms](#), the [Provincial Offences Act](#) (specifically Part VI Young Offenders), the [Municipal Freedom of Information and Protection of Privacy Act](#), and the [Freedom of Information and Protection of Privacy Act](#).

It is important for police and school staff to work cooperatively and understand each other's roles when a matter involves both a police investigation and a mandated investigation under the *Education Act* relating to suspension/expulsion. Working cooperatively and maintaining good communication reduces the risk of jeopardizing an investigation and subsequent judicial proceedings while ensuring school administrators are able to meet their legislated responsibilities under the *Education Act*. It enables the administrators to maintain positive school and community relations.

Police must understand a principal's legislated responsibility to conduct an investigation under the *Education Act*. Except for exigent circumstances, police should avoid asking school administrators to delay or cease exercising their legislative responsibility to speak with students, regardless of whether they are an accused victim or witness.

Once the decision is made by a board employee to involve police regarding a school-related incident, the board employee(s) shall only assist the police in any investigation if, and to the extent, requested by the police, and except as set out in **Section 6** of this Protocol.

When police conduct an investigation, take statements, etc., they should provide a verbal account of the statement(s) to the principal. Where legislation allows or specific protocols are in place for the sharing of information (e.g. [Threat Assessment Protocol](#)), police may provide copies of statement to the principal. Furthermore, police can disclose the findings and outcome of the investigation to the principal. Principals may make their own notes as to what an officer has told them about a matter for the purpose of addressing their obligations under the *Education Act*.

If a principal feels he or she must re-interview a student for the purposes of the *Education Act* investigation they may do so, but are encouraged to discuss the interview with police prior to re-interviewing the student so as to minimize the possibility of jeopardizing the police investigation and any subsequent prosecution. In serious matters, the student should not be re-interviewed by the principal without first discussing the matter with police. Principals should be aware of the issue of re-victimization in cases of sexual assault or intimate partner violence and discuss with police the need to re-interview victims in these matters. Principals should also be aware that creating multiple statements from one witness may subject that witness to a more difficult cross-examination in a criminal prosecution because of the multiple statements. In addition, Principals should also note that any contact they have with students after a police investigation has been initiated may place them in a position of becoming a witness in a criminal proceeding.

### 1. Legal Rights

All investigations into school-related incidents will be conducted so as to respect the legal rights and dignity of all persons, whether victim, witness or suspect, child, young person or adult. The following procedures should be given particular attention under the *Youth Criminal Justice Act* (sections indicated):

- parental notification upon arrest (s.26);
- right to counsel (s.25);
- protection of privacy (s.110); and
- admissibility of statements (s.146).

## 2. Search and Seizure

### a) Search of Person or Personal Belongings of a Person

No board employee shall conduct a search of a person or the personal belongings of a person (e.g., purse, knapsack, personal communication devices, personal computers and accessories, etc.) except: (1) where there would otherwise be an imminent risk of death or serious bodily harm (this might include a situation where there is reasonable suspicion that a student carries a weapon); (2) where the student has given prior consent to the search. This could occur in various ways such as a student consenting to the search of personal belongings or consent to voluntary flip pockets and jackets.

### b) Search of School Property

**At the commencement of each school term or semester, administrators shall ensure that all members of the school community are made aware of the right of administrators to search school property, such as lockers and desks, without notice to or permission of any person.**

Police shall not conduct a search on school property without first notifying an administrator unless exigent circumstances make it impractical. Police shall attempt to conduct searches so as to minimize the disruption to school activities.

When conducting a search of school property, persons, or personal property, the police shall conform to all legal requirements with respect to such searches, including the obtaining of a warrant to search in appropriate circumstances. With respect to all searches conducted with consent, such consent shall be documented in writing, and should be signed by the person giving consent. Police should be vigilant when obtaining consent from all persons that such consent is fully informed and freely given and, when the consent is offered by a young person, that the age and maturity of that young person, as well as the requirements of the *Youth Criminal Justice Act*, have been taken into account.

## 3. Detention and Arrest

Board employees shall only detain individuals for or at the request of the police as required to prevent the imminent risk of death or serious bodily harm to any person, or to prevent the commission of an indictable offence.

Board employees must be aware that in detaining a person for or at the request of the police, they are acting as an agent of the state and are therefore subject to the same limitations and bear the same responsibilities as any other agent. Those responsibilities include: the requirement of promptly notifying the person detained of the reason for the detention, offering the person an opportunity of retaining and instructing counsel and facilitating that contact by providing privacy, and, in the case of the detention of a young person, giving notice to the parents or legal guardians of that person.

Police, when detaining or arresting any person with respect to a school-related incident, shall do so in accordance with the current procedures and training of the police, and in compliance with all

relevant legal requirements, including the requirements of the *Canadian Charter of Rights and Freedoms* and the *Youth Criminal Justice Act*.

Except in exigent **circumstances**, police shall conduct detention and arrest at sites other than school property.

Where detention and arrest must occur on school property, police shall attempt to do so in a manner that minimizes the disruption to school activities. Where physical restraints are necessary, police shall ensure the full regard to the safety and dignity of those involved, in accordance with police procedures.

#### 4. **Demand for Entry**

In certain circumstances, the police may demand entry to school premises. These circumstances include: when the police are in pursuit, when the police believe the entry is necessary to preserve life, when the police have reason to believe a person to be arrested for an indictable offence is on the premises, and to conduct drug and weapons searches.

#### 5. **Supports for Victims**

While respecting the privacy rights of victims, both police and school administrators shall ensure they are aware of all support services available within the community to victims and shall inform all victims of such services and, as required by the circumstances, assist victims to access appropriate services. Under the *Youth Criminal Justice Act*, victims are entitled on request to receive information about how an offence was dealt with where **extrajudicial measures\*** have been ordered. This information shall not be provided by a board employee. The victim shall be referred to the police.

In circumstances where a victim (age 16 and over) does not wish to lodge a complaint, a board employee may, on the student's behalf, consult the police for victims' assistance.

The following services are among those available in York Region:

- **Victims Services of York Region (VSY)** – a non-profit agency supported by the Ministry of the Solicitor General, VSY responds to the needs of victims by providing on-site crisis intervention. VSY only responds on-scene at the request of the police. Specially-trained Victim Response Teams provide short-term emotional and practical assistance to victims of crime, tragic circumstance and disaster 24-hours-a-day, 7-days-a-week. Non-emergency assistance and information is available from professional full-time staff at the VSY office, Monday to Friday, from 8:30 a.m. to 4:30 p.m.
- **York Regional Police Victim Liaison Officer** – works with the community to facilitate victim access to services in York Region. The Victim Liaison Officer monitors police response to victims. The Victim Liaison Officer works closely with VSY to ensure that victims are offered the services of VSY during the incident. For referral and assistance, the Victim Liaison Officer may be contacted Monday to Friday from 8:00 a.m. to 4:00 p.m.

Administrators are obligated to inform the parents or legal guardians of victims who have been harmed as a result of an activity for which suspension or expulsion must be considered unless, in the opinion of the administrator, doing so would put the victim at risk of harm from the parents.

## 12. POLICE INTERVIEWS OF STUDENTS

### **Statements/Utterance to Board Employees**

Prior to the police interviewing a student with respect to a school-related incident, that student has likely spoken to a board employee.

School and police investigations may run parallel to each other in these cases until such time as a decision is made that such will cease (see Section 11).

Board employees must not offer any inducement or make any promise or threat related to school discipline or otherwise. Board employees may be persons in authority. It is essential that board employees not attempt by word, gesture, or demeanour, to elicit any comment or statement from the student. If the student to be interviewed by police makes any unprompted utterance or statement, the board employee must make a note of the utterance or statement. The board employee must make and retain notes of all contact with students to be interviewed at the time these interviews are occurring.

### **Interviews on School Premises**

Interviews of student suspects, witnesses and victims are an integral part of a police investigation. Such interviews, with respect to school-related incidents, should be conducted on school premises unless the circumstances dictate otherwise. Prior to conducting such interviews, police shall request permission of the principal or designate, unless the principal or designate is the subject of the investigation or it would be otherwise inappropriate to seek such permission, in which case permission will be sought from the appropriate superintendent of schools. The obtaining of permission shall be waived in exigent circumstances.

The person granting permission for interviews on school premises shall be responsible for ensuring an appropriate setting is made available for the interviews and shall assist police in determining appropriate times for the interviews.

Interviews shall be scheduled taking into account the urgency of the investigation, the resources of the police and school and, as far as possible, the needs and wishes of the person to be interviewed. Interviews will be scheduled in such a way so as to minimize interference with school activity and employment, and the availability of a support person for the person being interviewed.

If the person to be interviewed is neither a young person nor a child, no parent or other adult shall be contacted on behalf of the person to be interviewed, unless the person to be interviewed consents to or makes a request for such contact, or is incapable of providing or withholding consent.

It is preferable that police interviews are conducted with an adult present. Students have the right to waive the presence of an adult advocate in police interviews, predicated on their ability to make that decision. When a student does not waive that right, every effort must be made to contact parents or legal guardians or another adult of the student's choice to attend. An administrator will attend in extraordinary circumstances when parents or legal guardians or another adult cannot be contacted.

Prior to conducting an interview with a young person suspected of criminal or quasi-criminal activity, police shall ensure that the requirements of the *Youth Criminal Justice Act* have been satisfied, particularly with respect to the contacting of a parent, or guardian or another responsible adult on behalf of the young person, and the opportunity for the young person to consult with a parent or other adult and with a lawyer and to have such persons present at the time of the interview. A student being interviewed may waive their right to have an adult present.

### **CAS Involvement**

If there is an expectation the investigation may involve a child in need of protection, the Children's Aid Society shall be contacted prior to the interviewing of such child, and a joint interview will be conducted by the police and the Children's Aid Society, as set out in the *Child Abuse and Assault Protocol of York Region*.

If the Children's Aid Society is involved in the interview, notification of the parent or legal guardian of the person to be interviewed should be agreed on between the Children's Aid society, the police and principal or designate prior to the commencement of the interview.

If the person to be interviewed is a **child\***, that interview shall take place in the presence of a parent or other adult attending on behalf of the child, except in extraordinary circumstance or in an investigation under s.72 of the *Child and Family Services Act*.

### **Notification of Parents**

Refer to Section 10 (Contacting Parents/Guardians)

Given the role of the principal in school administration, it is preferable that the principal or designate not act as an adult presence on behalf of a young person suspected of a criminal or quasi-criminal activity. However, it may become necessary, in extraordinary circumstances and on the request of the young person.

### **Interviews**

Interviews may or may not be conducted on school property. Police should consider the impact of interviews and arrests on the school community and recognize the obligations placed on the principal when deciding location.

**Police Involvement, Student Interviews and Parent Contact**

<b>Young Persons Suspected or Accused of Criminal or Quasi-Criminal Activity</b>	<b>Young Persons that are Victims/Witnesses/Other</b>	<b>Students that are 18 and Over (Suspects/ Victims/Witnesses/Other)</b>	<b>Students with Special Needs</b>
<ul style="list-style-type: none"> <li>• Police to ensure the requirements of the <i>Youth Criminal Justice Act</i> have been satisfied.</li> </ul>	<ul style="list-style-type: none"> <li>• The administrator shall ensure that the young person has the opportunity to consult with a parent or other adult they choose to have that person present at the time of the interview.</li> </ul>	<ul style="list-style-type: none"> <li>• No parent or other adult shall be contacted on behalf of the person to be interviewed, unless the person to be interviewed consents to or makes a request for such contact, or is incapable of providing or withholding consent.</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to undertaking an interview police, in consultation with the principal, shall determine whether the person to be interviewed has any special needs, such as behaviour, cognitive, physical or learning disability.</li> </ul>
<ul style="list-style-type: none"> <li>• Administrator must make best efforts to contact parent, or guardian or other responsible adult on behalf of the young person in consultation with police.</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews shall be conducted in accordance with the current procedures and training of the police and in compliance with all legal requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews shall be conducted in accordance with the current procedures and training of the police and in compliance with all legal requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• If so, police shall ensure that appropriate resources i.e. special education teacher, psychologist are available for the interview to address such disabilities.</li> </ul>
<ul style="list-style-type: none"> <li>• The young person should have the opportunity to consult with a parent or other adult they choose to have that person present at the time of the interview.</li> </ul>	<ul style="list-style-type: none"> <li>• Police shall utilize questioning techniques and language appropriate to the age, maturity and development of the person being interviewed.</li> </ul>	<ul style="list-style-type: none"> <li>• Police shall utilize questioning techniques and language appropriate to the age, maturity and development of the person being interviewed.</li> </ul>	<ul style="list-style-type: none"> <li>• Police, in consultation, shall also determine whether there are any communications barriers, such as language, and shall arrange for an independent and skilled interpreter to attend the interview.</li> </ul>
<ul style="list-style-type: none"> <li>• The police or school, as agreed between them, shall contact the parent or guardian or other responsible adult.</li> </ul>			

**Police Involvement, Student Interviews and Parent Contact**

<b>Young Persons Suspected or Accused of Criminal or Quasi-Criminal Activity</b>	<b>Young Persons that are Victims/Witnesses/Other</b>	<b>Students that are 18 and Over (Suspects/ Victims/Witnesses/Other)</b>	<b>Students with Special Needs</b>
<ul style="list-style-type: none"> <li>• If the young person is a child, the interview should take place in the presence of a parent or other adult attending on behalf of the child, except in extraordinary circumstances or in an investigation under s. 72 of the <i>Child and Family Services Act</i>.</li> </ul>			<ul style="list-style-type: none"> <li>• Interviews shall be conducted in accordance with the current procedures and training of the police and in compliance with all legal requirements.</li> </ul>
<ul style="list-style-type: none"> <li>• Given the role of the principal in school administration, it is preferable that the principal not act as an adult presence on behalf of a young person suspected of a criminal or quasi-criminal activity.</li> </ul>			<ul style="list-style-type: none"> <li>• Police shall utilize questioning techniques and language appropriate to the age, maturity and development of the person being interviewed.</li> </ul>
<ul style="list-style-type: none"> <li>• Interviews shall be conducted in accordance with the current procedures and training of the police and in compliance with all legal requirements.</li> </ul>			
<ul style="list-style-type: none"> <li>• Police shall utilize questioning techniques and language appropriate to the age, maturity and development of the person being interviewed.</li> </ul>			

### **13. REPORTING OF CHILDREN SUSPECTED TO BE IN NEED OF PROTECTION**

#### **Duty to Report (*Child and Family Services Act*)**

Despite the provisions of any other Act, any person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect child protection concerns, the person shall forthwith report the suspicion and the information on which it is based to the York Region Children's Aid Society (CAS). Proof is not required in order to report a concern to the CAS and/or the police that a child might have been abused or neglected.

If a person has made a referral to the CAS and has further protection concerns regarding the same child, they are obligated to make a referral to the CAS each time they have new information.

It is the duty of the person who has the suspicions to make the referral to the CAS. No one else can make the referral for them.

A person who performs professional duties or official duties with respect to children includes the following: school board employees, health care professionals, physicians, nurses, dentists, pharmacists, psychologists, social workers, family counsellors, clergy members, operators or employees of a day nursery, youth and recreation workers, peace officers, coroners, legal professionals, service providers and their employees.

Professionals, as defined above, could be subject to a fine if they do not report protection concerns.

#### **Making the Report – Consultation**

The CAS provides a consultation service to the community in order to assist the professional so that the child receives the highest quality of response and treatment. There may be times when assistance is required as the professional may be unsure as to what warrants a report of suspected abuse or neglect under the law, and/or may be hesitant to assume the responsibility of reporting. It is advisable to consult with the CAS as early as possible.

The referral to CAS should be made immediately in all cases. This allows for the investigation to begin prior to the child returning home thereby reducing the risk to the child and other children. It is important for the board employee not to conduct a formal investigation but simply obtain enough information that a referral can be made. At this point, consultation with the CAS is essential.

The CAS will consult with the York Regional Police upon receiving and reviewing a report of a situation of a child protection nature. During the follow up on the report, the CAS and the police will determine their respective roles in the matter.

#### **Allegations Involving Board Employees**

When a report of a child protection nature involves a board employee as an alleged offender, the CAS upon receipt of the referral will notify the appropriate school superintendent. The investigators will determine when the allegations will be discussed with the alleged offender. The board shall consult with the investigators regarding its own investigation into the matter and may consider suspending the employee from active duty involving children.

### **Investigations on School Premises**

The school principal is responsible for approving police access to any child. Legislation and school board policy generally prohibit access to the child in school unless parental consent is given. However, when a child protection concern is reported under s.72 of the *Child and Family Services Act*, the principal of the school has the right to grant permission to interview a child on school premises.

The police/child protection worker(s) (the “team”) may determine that it would be in the best interest of the child to conduct an interview without the prior knowledge of and in the absence of the parent(s) or guardian(s). In these cases the following steps should be taken:

- The team will contact the school requesting an interview with the child and discuss the situation with the principal, including information that:
  - the team is currently investigating a reported case of alleged abuse or neglect and/or related offences with respect to a child;
  - the team intends to interview the child without prior knowledge to the parents(s) or guardian(s); and in their opinion it would best serve the interest of the child that such interview take place within the school;
  - if the child will be detained beyond the usual arrival time to his/her home, the team will undertake to inform the parent(s) or guardian(s) as soon as possible – in the event that the parent(s) or guardian(s) contact the school regarding the whereabouts of the child, the principal will direct them to the attending CAS or police.
- The team will request that the school provide an appropriate location where the interview can be conducted.
- The team will advise board employees against conducting a parallel investigation pertaining to any suspicions or any disclosures arising out of the complaint.
- The administrative team, acting in the best interest of the child, will determine whether to have a support person for the child present during the interview.

## **14. INVESTIGATIONS INVOLVING STUDENTS WITH SPECIAL EDUCATION NEEDS**

A principal must consider prescribed mitigating factors when considering whether to hold a student responsible for a violation of the Board Code of Conduct, including whether the student has the ability to control his or her behaviour and whether the student has the ability to understand the foreseeable consequences of his or her behaviour. Notwithstanding, the principal must still follow Section 6 (Occurrence Requiring Police Response).

If an investigation involves a person known to have special needs, i.e. they are involved with a board’s special education program and/or services because they exhibit behavioural, intellectual or physical exceptionalities, and/or communications difficulties, the principal making the initial contact shall make those needs known to the police. The police shall take those special needs into account during their investigation including, but not limited to, the conducting of interviews, and the determination of whether to lay charges.

## 15. OCCURRENCES INVOLVING CHILDREN UNDER AGE 12

Section 13 of the *Criminal Code* provides that no person under the age of 12 can be convicted of a criminal offence. Therefore, no child may be charged with a criminal or quasi-criminal offence under federal or provincial legislation. Where children under the age of 12 are involved, school boards are expected to use their discretion for reporting incidents to the police except for incidents requiring mandatory notification to police (see Section 6). 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.

Bearing in mind the above limitation, this protocol applies to children and shall be modified as required taking into account the age, development and maturity of the child.

In all investigations involving a child, police and board employees **shall** be mindful of their obligations under s.72 of the *Child and Family Services Act* with respect to suspected abuse or neglect or the risk thereof, including the commission of serious acts by the child that are not being appropriately addressed by the parent or legal guardian.

In any investigation involving a child, the parent or legal guardian of the child shall be notified immediately, except in circumstances where the allegations relate to that person, in which case the Children's Aid Society shall be notified and the investigation shall proceed in accordance with the **Child Protection Protocol for York Region**.

<http://www.ycdsb.ca/Schools/documents/safeSchools/Child-Protection-Protocol.pdf>

Police should not interview a child without a parent, legal guardian or other adult being present and consenting to the interview. Any questioning of a child shall take place in a non-threatening environment and should be conducted by officers trained in the interviewing of children. Although formal charges cannot be laid against a child, police should conduct an investigation of the allegations and, in concert with school officials, the child (where appropriate) and the child's parent or legal guardian, determine appropriate remedial or corrective measures to be taken. Consideration should be given to the involvement of proactive police resources, such as the school officer. It is required to provide accommodations and/or modifications for students with special education needs as outlined in their Individual Education Plans.

Investigations involving children shall be conducted in accordance with the current procedures and training of the police.

## 16. SCHOOL BOARD COMMUNICATION STRATEGY

In an effort to promote knowledge and understanding of the contents of this protocol, it will be shared with the following York Catholic District School Board stakeholders:

- Trustees
- Senior Administration
- Administrators
- Exempt and Schedule E Personnel
- O.E.C.T.A. York Unit
- C.U.P.E. Locals 2331 and 1571
- York Occasional Teachers' Association
- Catholic School Councils
- Secondary School Student Councils
- YCDSB Communication Office
- S.E.A.C.
- Y.C.P.I.C

In an effort to promote knowledge and understanding of the contents of this protocol, it will be shared with the following York Region District School Board stakeholders:

- Trustees
- Senior Administration
- Administrators
- O.S.S.T.F. York Region (District 16)
- E.T.F.O. York Region
- C.U.P.E. Locals 1734 and 1196
- O.P.S.E.U.
- York Region Occasional Teachers' Association
- School Councils
- Secondary School Student Councils
- York Region Public Affairs and Communication
- S.E.A.C.
- P.E.A.C.

Input on the contents of the protocol will be solicited from the above-noted stakeholders during the protocol evaluation process.

The protocol will be communicated with the broader student and parent communities through each school board's website: <http://www.ycdsb.ca> and <http://www.yrdsb.edu.on.ca>.

## **17. PROTOCOL REVIEW PROCESS**

A review of this protocol shall be conducted every two years or sooner if required. This review shall be conducted by the York Regional Police, YCDSB and YRDSB.

## **18. SCHOOL/POLICE ROLE IN VIOLENCE PREVENTION**

Administrators, in co-operation with students, staff, parents/guardians and school councils, will develop a school code of conduct based on the provincial code of conduct. Annually, in September, this school code of conduct will be distributed to students and parents/guardians.

Board staff, police and students shall work in cooperation to promote learning environments that are caring, safe, orderly, nurturing, positive and respectful. Such learning environments are to be peaceful and welcoming for all authorized individuals. Principals will encourage staff to be highly visible in the school and to engage in positive interactions with students, parents/guardians and the school community. York Regional Police will continue to pursue proactive crime prevention.

It is understood that violence prevention is a community activity that involves community partners in a proactive manner to establish caring, safe school environments, address behaviour that arises, and recognize risk factors ahead of time. It recognizes that crime prevention through social development (C.P.S.D.) involves preventing and reducing crime by identifying and addressing the risk factors associated with crime and victimization. It is the proactive strategies that are put in place in schools that begin the process. This protocol is one component of a broader partnership between schools and other essential community partners, including mental health providers, health care professionals and children's aid societies who are dedicated to violence prevention in schools.

## **19. PHYSICAL SAFETY ISSUES**

An administrator may request a consultation with police about possible alterations to the physical space of the school to support safety. In all cases, the final decision about any alterations rest with the boards, as does the responsibility to carry out any suggested work.

The plant departments of each school board shall provide to the police up-to-date site and floor plans of all school buildings located with the York Catholic District School Board and York Region District School Board.

## **20. RISK ASSESSMENT SERVICES**

It is the intent to identify behaviours that cause concern before they escalate. Boards proactively engage a wide-variety of services to address these concerns (e.g., Psychological Services, multi-disciplinary teams, etc.). Assessment and intervention strategies in place in boards for at-risk students should reduce the need for disciplinary actions and police intervention, and work to ensure the success of each student.

When a more serious threat is identified, both boards and the police shall refer to their respective threat assessment and management protocols as needed. Security issues are a joint responsibility of the board and the police and will be acted upon expeditiously, always bearing in mind the necessity to ensure the safety of all persons.

## **21. EMERGENCY PLANNING AND THREATS TO SCHOOL SAFETY**

The York Catholic District School Board maintains a **Crisis Action Steps** and the York Region District School Board maintains an **Emergency Preparedness Guide**. These shall be reviewed and revised, as necessary, on a regular basis by board personnel. Current copies will be made available to the police and copies of any revisions will be provided as issued.

Lockdown and Hold and Secure procedures are available as follows:

[YCDSB](http://www.ycdsb.ca/Schools/documents/SafeSchools/Emergency_Codes_and_Responses.pdf) [http://www.ycdsb.ca/Schools/documents/SafeSchools/Emergency\\_Codes\\_and\\_Responses.pdf](http://www.ycdsb.ca/Schools/documents/SafeSchools/Emergency_Codes_and_Responses.pdf)

[YRDSB](http://www.yrdsb.edu.on.ca/page.cfm?id=IIS000105) <http://www.yrdsb.edu.on.ca/page.cfm?id=IIS000105>

Every school is expected to follow the board Lockdown procedures, Crisis Action Steps and the Emergency Preparedness Guide.

## **22. COMMUNICATION OF THREATS**

Any official communiqués to the school community concerning perceived threats of a specific nature shall be conveyed only with the joint agreement of police and board communications (public relations) staff. Approved communiqués will be shared with affected school communities affiliated with both Catholic and Public boards.

## **23. SAFE ARRIVALS**

It is the policy of both the York Catholic District School Board and the York Region District School Board, in accordance with Ministry of Education Policy/Program Memorandum No. 123, that all elementary schools provide safe-arrival monitoring programs. (The principal shall establish a safe-arrival program that will be delivered in a manner that complements other school and community safety programs and initiatives. As well, the principal will be responsible for developing, implementing and monitoring the program through consultation with staff and school councils. Parents, guardians and caregivers will be advised that they are responsible for communicating planned pupil absences or lateness to the school on a timely basis as well as providing the school with complete and current emergency information. The school's safe-arrival procedures shall support program/procedures as outlined in the York Catholic District School Board's **Crisis Action Steps** and the York Region District School Board's **Emergency Preparedness Guide**.)

If an elementary school-aged child is reported missing and all contact and emergency numbers have been tried, the administrator may contact the police. Upon being notified of a child reported missing as set out above, the police will attend the reporting school forthwith and will conduct an investigation in accordance with the current procedures and training of the police, bearing in mind at all times the primary concern is for the safety and well-being of the child.

## 24. TRAINING

Training will be provided to police and board staff on an annual basis. Where possible, training should be provided jointly by police and board personnel.

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

### **For the Boards**

### **For the Police**

\_\_\_\_\_  
Elizabeth Crowe, Chair  
York Catholic District School Board

\_\_\_\_\_  
Danny Wheeler, Chairman  
York Regional Police Services Board

\_\_\_\_\_  
Susan LaRosa, Director of Education  
York Catholic District School Board

\_\_\_\_\_  
Eric Jolliffe, Chief  
York Regional Police

\_\_\_\_\_  
Anna DeBartolo, Chair  
York Region District School Board

\_\_\_\_\_  
Ken Thurston, Director of Education  
York Region District School Board

## **DEFINITIONS / EXPLANATION OF TERMS**

**(For detailed definitions, please consult appropriate legislation.)**

**Arrest** – the taking of physical control or custody of a person with the intent to detain by a peace officer as empowered by statute or common law.

**Assault** – the intentional application of force, directly or indirectly, to another person without that person's consent.

NOTE: Consent is not obtained when the person otherwise assaulted submits or does not resist by reason of: an assault on the person or another person; fraud; or the exercise of authority.

**Board Employee** – any person employed by either the York Catholic District School Board or the York Region District School Board on a temporary, part time or full time basis.

**Bullying** – is a form of abuse which involves repeated acts over time attempting to create or enforce one person's (or group's) power over another person (or group). Bullying consists of three basic types of abuse – emotional, verbal and physical.

**Child** – a person who is, or appears to be in the absence of evidence to the contrary, less than 12 years of age, except with reference to the *Child and Family Services Act*, wherein child is defined as any person under the age of sixteen.

**Child Abuse** – improper treatment, whether physical, mental or emotional of a person under the age of sixteen, and includes but is not limited to words, actions, neglect and the contribution to an abusive environment.

**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.

**Cyber bullying** – is when a person is bullying using the Internet, interactive and digital technologies or mobile phones.

**Detention** – includes both a deprivation of liberty or physical constraint other than arrest and a demand or direction by a person in authority, which may have significant legal consequences, but does not include the compelling of a student to attend at the office of the principal or other similar requirements.

**Exigent Circumstances** – urgent, pressing, or emergency circumstances.

**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 or the board must be offered a program for expelled students.

**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.

**Forthwith** – at once, immediately, as soon as may be accomplished by giving all possible priority.

**Gang** – any group of persons, whether formally organized or not, which has as an objective or engages in any criminal activity or illegal purpose.

**Hate- and/or Bias-Motivated Incidents** – any incident motivated by hatred or bias towards an identifiable group (e.g., distinguished by colour, race, religion, gender, sexual orientation or ethnic origin), or intended to incite bias or hatred against such a group.

**Hold and Secure** – used when it is desirable to secure the school due to an ongoing situation outside and not related to the school, whereby the school continues to function normally with the exterior doors locked.

**Lockdown** – used *only* when there is a major incident or threat of school violence within the school, or in relation to the school, whereby all occupants remain covered and concealed from view with all doors locked.

**Mitigating and Other Factors** – are circumstances that would lessen the responsibility of an individual for assuming the consequences of their actions and therefore lessen the severity of the disciplinary consequences flowing there from. They are of an explanatory or contributory nature which helps to understand the “interaction between students and the environment – on influences in the environment that may cause appropriate or inappropriate behaviour”. (Caring and Safe Schools in Ontario.)

**Persons in Authority** – a peace officer and any other person with the authority to detain or arrest, and may include school board employees.

**Police Involvement** – the course of action determined to be appropriate by the police for the investigation of an incident to which they have been called, including any follow up and proactive measures.

**Police Response** – the reaction of the police to an incident to which they are called, including, depending on the circumstances, attendance at a school and conducting interviews and investigations.

**Principal Designate** – York Catholic District School Board or York Region District School Board employees to whom authority and responsibility for a particular school have been delegated by a school principal under the *Education Act* and in writing.

**Progressive Discipline** – refers to a “whole school approach that utilizes a continuum of prevention programs, interventions, supports and consequences to address inappropriate student behaviour and to build upon strategies that promote and foster positive behaviours”. Specifically this means that “When inappropriate behaviour occurs disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Schools should utilize a range of interventions, supports and consequences that are developmentally appropriate and include learning opportunities for reinforcing positive behaviour while helping students to make good choices” PPM145.

**Quasi-Criminal Offence** – any breach of provincial or municipal legislation which may be prosecuted under the *Provincial Offences Act*, including but not limited to the *Highway Traffic Act*, *Trespass to Property Act*, and the *Tobacco Control Act*.

**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.

**Report** – to relay information regarding an incident either in writing or orally.

**Requiring Medical Attention** – injuries so significant that a physician deems treatment is necessary.

**Robbery** – the use of violence or threats of violence to steal money or other property from a victim.

**School Community** – consists of students, parents/guardians, teaching and support staff, administration, volunteers and in the case of the York Catholic District School Board, parish priests.

**School Premises** – comprises all school buildings and school property.

**School Property** – comprises school buildings and property upon which school building (s) are situated including parking lots, playgrounds and playing fields.

**Search Warrant** – is a document signed by justice of the peace or a judge authorizing the police or other named persons to search a certain place for certain things between certain hours.

#### **Sexual Offences**

- **Sexual Assault** – any touching of a sexual nature without the consent of the person touched or in circumstances where consent is impaired, negated or irrelevant;

- **Sexual Assault with a Weapon** any sexual assault during which the person committing the assault carries, uses, or threatens to use any weapon or imitation weapon;
- **Sexual Assault with Threats to a Third Party** – any sexual assault during which the person committing the assault threatens to cause bodily harm to a person other than the person being assaulted;
- **Sexual Assault Causing Bodily Harm** – any sexual assault during which the person committing the assault causes bodily harm to the person being assaulted;
- **Aggravated Sexual Assault** – any sexual assault during which the person committing the assault wounds, maims, disfigures, or endangers the life of the person assaulted, and includes sexual assaults in which a firearm is used;
- **Sexual Interference** – any touching, by any means, directly or indirectly, for a sexual purpose, of any part of the body of a person under the age of sixteen years;
- **Invitation to Sexual Touching** – the inviting, counselling or inciting of a person under the age of 16 to touch, by any means, directly or indirectly, any part of the body of any person, for a sexual purpose;
- **Sexual Exploitation** – the sexual interference or invitation to sexual touching of a person 16 years of age or more but under 18 years of age, or of a person with a mental or physical disability, by a person in a position of trust or authority to that person, or upon whom that person is dependent.

**Significant Bodily Harm** – an injury requiring medical attention, but not including instances where medical attention is sought solely on a precautionary basis.

**Special Needs** – a student who has behavioural, intellectual or physical exceptionalities and/or communications difficulties and is involved with either Board’s Special Education programs and/or services.

**Subpoena** – (also called summons) – is a document signed by a court or other official requiring a person to attend before a court or tribunal at a certain date, time and place, to give evidence. The subpoena may also require the person to bring certain records, objects or documents with them to the court or tribunal. Failure to attend the court or tribunal as required by the subpoena may be considered contempt of court or a criminal or quasi-criminal offence.

**Suspension** – the removal of a student from school and all school-related activities for a minimum of one school day to a maximum of twenty school days.

**Theft** – the taking or conversion of anything, whether inanimate or animate, and includes temporarily depriving of lawful possession or interest in anything.

**Threats** – any statement, act or communication 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 in Drugs** – the selling, administering, giving, transferring, transporting, sending or delivering of any drug or substance or authorization to obtain any drug or substance, whether or not for compensation, or the offering to do any of the foregoing.

**Trespass** – the attending at a place without invitation or beyond the scope of the invitation, or the remaining at a place after the invitation is revoked by any means of communication.

**Vandalism** – the defacing, damaging or destruction of property, or the rendering of property dangerous, useless, inoperative or ineffective, or the lessening of the value of any property, and includes the drawing of graffiti by any means.

**Weapons** – anything used, designed to be used, or intended for use in causing death or injury to any person or to threaten or intimidate any person, and includes all firearms, replica firearms and imitation firearms.

**Young Person** – means a person who is, or appears to be in the absence of evidence to the contrary, at least 12 years of age but less than 18 years of age.

## LIST OF HYPERLINKS

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- [Canadian Charter of Rights and Freedoms,](#)
- [Child and Family Services Act](#)
- [Controlled Drugs and Substances Act](#)
- [Criminal Code](#)
- [Education Act](#)
- [Freedom of Information and Protection of Privacy Act.](#)
- [Guide to Ontario Legislation to the Release of Student's Personal Information.](#)
- [Lockdown and Hold and Secure Procedure](#)

[YRDSB](http://www.yrdsb.edu.on.ca/page.cfm?id=IIS000105) http://www.yrdsb.edu.on.ca/page.cfm?id=IIS000105

[YCDSB](http://www.ycdsb.ca/Schools/documents/SafeSchools/Emergency_Codes_and_Responses.pdf) http://www.ycdsb.ca/Schools/documents/SafeSchools/Emergency\_Codes\_and\_Responses.pdf

- [Municipal Freedom of Information and Protection of Privacy Act](#)
- [Police Services Act](#)
- [Provincial Offences Act](#)
- [Threat Assessment Protocol](#)
- [Youth Criminal Justice Act](#)