

POLICE & SCHOOL BOARDS **PROTOCOL**

QUICK REFERENCE

The purpose of the Police and School Boards Protocol is to establish a protocol between Conseil scolaire catholique MonAvenir, Conseil scolaire Viamonde, the York Catholic District School Board, the York Region District School Board and York Regional Police.

EXIGENT CIRCUMSTANCES: In cases of exigent circumstances (“urgent, pressing or emergency circumstances that usually exist when immediate action is required for the safety of the police or others”), police will assume primary responsibility as may be necessary to ensure school safety. In these cases, 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.

OCCURRENCES REQUIRING POLICE RESPONSE

The incidents listed below include those that happen at school, during school related activities, in or outside school, or in other circumstances if the incident has a negative impact on school climate.

Mandatory Notification of Police*

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

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

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

Discretionary Notification of Police

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

- being under the influence of alcohol or drugs;
- giving alcohol to a minor;
- suicide threats;
- trespassing;
- threats of violence;
- worrisome behaviour;
- vandalism;
- serious incidents of bullying, without threats of serious physical injury; and
- other instances requiring police involvement.

Principals have a duty to determine whether an offence has been committed and what the nature of that offence might be prior to notifying police. Nothing in this protocol is intended to change that duty. Once the police are called, the administrative investigation is 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: School and Police Investigations of Incidents**).

SCHOOL PROCEDURES FOR REPORTING TO POLICE

| EMERGENCY | CALL | 911 |
|------------------------|------|--|
| NON-EMERGENCY | CALL | 1-866-876-5423, ext. 7008 Ask for Police Communications Centre (Dispatch) <i>Purpose: To file a report, to have an officer attend a non emergency incident at the school.</i> |
| THREAT ASSESSMENT LINE | CALL | 1-866-876-5423, ext. 6708 <i>To initiate a Threat Assessment (VTRA), a Police Report is first required. To generate a Police Report call the Emergency or Non-Emergency line listed above as appropriate. Once the incident has been reported to police, contact the Threat Assessment line with the incident number to activate a VTRA. A VTRA must be held within 48 hours.</i> |

INITIAL POLICE CONTACT

A police officer responding to a school-related incident should consider alternatives that limit the disruption to the school day. Should a visit to the school be necessary, the police officer shall (subject to the exceptions inherent in exigent and emergent circumstances), including (but not limited to):

- explain the purpose of the visit and plan with the school principal on how to proceed;
- conduct an investigation in accordance with current procedures and training of the police, including full documentation;

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 and privacy.

When possible and in accordance with the applicable privacy legislation, Police will share information about their investigation with the Principal that may be relevant to the Principal's investigation under the *Education Act*. Principals may make notes regarding this information and use those notes as part of their investigation. Where legislation allows or specific protocols are in place for the sharing of information (e.g., Threat-Risk Assessment Protocol), Police may provide copies of relevant documents to the Principal.

A Principal who interviews staff or students who are part of a criminal investigation may become a witness in court proceedings. Notes taken by the Principal during these interviews may be subpoenaed.

CONTACTING PARENT(S)/GUARDIAN(S)

The Principal must make every effort to contact the parent(s)/guardian(s) as soon as possible after Police arrival on school premises and before a student is interviewed on school premises. The Principal should document these efforts.

EXCEPTIONS

Exceptions to contacting parent(s)/guardian(s) may include:

- situations where the Police direct the administrator otherwise, such as in exigent circumstances;
- an investigation under s. 72 (Duty to Report) of the Child, Youth and Family Services Act;
- students who are 18 years of age or older; and
- students who are 16 or 17 years of age and have withdrawn from parental control.

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

- The incident is the result of an allegation of misconduct or criminal activity committed by a principal or designate, in which case, absent exigent circumstances, the officer will make initial contact with the appropriate **school superintendent**;
- the incident is the result of an allegation of misconduct, neglect or criminal activity committed by the parent(s)/guardian(s) of a student;

SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS

Police must understand a principal's legislated responsibility to conduct an investigation under the Education Act, which requires the expulsion process to be conducted within 20 days (except for exigent circumstances, police must not ask school principals to delay or cease exercising their legislated responsibility to speak with students, regardless of whether they are an accused victim or witness).

In circumstances where a Police investigation has commenced, the Principals should not interview students or staff without first discussing the matter with the Police. This will minimize the possibility of jeopardizing a Police investigation or subsequent court proceedings. In some circumstances, such as sexual assault or intimate partner violence investigations, Police may ask Principals not to (re-)interview victims, suspects or witnesses.

In all cases where a Principal is asked to cease an investigation, it is essential the Principal contact the supervisory officer.

SEARCH AND SEIZURE

Personal property such as knapsacks, purses, cell phones, etc. may become subject to search by the Principal and/or school staff, and guidelines on how to search said property will be in accordance with school board procedures. 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) except:

- 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) or that a student or visitor is in possession of a weapon or substance that is prohibited by school policies or regulations; or
- where prior consent to the search is obtained

In cases of searches conducted by school staff members, principals must never touch a student in order to conduct a search, and there must always be an adult witness present (not a police officer).

DETENTION AND ARREST

Board employees shall only detain individuals for or at the request of the police to prevent imminent risk of death or serious bodily harm to anyone, or to prevent the commission of an indictable offence. It is always preferable that police conduct detention and arrest at sites other than school property.

Regardless of Police presence on school premises, students remain the responsibility of the Principal at all times, until and unless they are arrested, when the student becomes the responsibility of Police.

POLICE INTERVIEWS OF STUDENTS

It is always preferable that police interviews of young persons are conducted with an adult present. A young person has the right to waive the presence of an adult (Principals are encouraged to witness and document the waiver). Police should not interview a child without a parent, legal guardian or other adult being present and consenting to the interview.

Police will consult the Principal to consider alternatives for conducting interviews at a location other than the school.

Section 12: School and Police Investigations of Incidents

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 it. The board employee must make and retain notes of all contact with students being interviewed.

Children's Aid Society (CAS) Involvement

If the investigation involves a child suspected of being in need of protection, the CAS shall be contacted prior to interviewing the child, and a joint interview will be conducted by the police and CAS, as set out in the Child Abuse and Assault Protocol of York Region (see **Section 10: Contacting Parents/Guardians**).

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, and

has reasonable grounds to suspect child protection concerns, that person shall forthwith report the suspicion and the information on which it is based to the Children's Aid Society (CAS).

INVESTIGATIONS INVOLVING STUDENTS WITH SPECIAL EDUCATION NEEDS

A principal must examine mitigating factors when considering whether to hold a student responsible for a violation of the Board Code of Conduct. This includes 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 that behaviour. Notwithstanding, the principal must still follow **Section 6: Occurrence Requiring Police Response.**

OCCURRENCES INVOLVING CHILDREN UNDER 12 YEARS OF AGE

No person under 12 years of age can be charged with an offence under the Criminal Code, Youth Criminal Justice Act, the Provincial Offences Act or other legislation.

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 CAS shall be notified and the investigation shall proceed in accordance with the child protection protocols/policies for each district school board.

In situations involving students with special education needs or under the age of 12, Principals should identify circumstances where a Police response is not necessary or appropriate based on mitigating factors. Please refer to Section 14 and 15.

COMMUNICATION OF THREATS & VIOLENCE THREAT RISK ASSESSMENT SERVICES

All communications concerning perceived threats related to a school shall be conveyed only with the joint agreement of police and school board communications (public relations) staff. Approved communications will be shared with affected school communities.

Boards proactively engage a wide variety of services to identify and address concerns before they escalate (e.g., Psychological Services, multi-disciplinary teams). Assessment and intervention strategies in place 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, school boards and the police shall refer to their respective threat assessment protocols as needed.

SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS

All elementary schools provide safe-arrival programs. Parent(s)/guardian(s) are responsible for communicating student absences or lateness in a timely manner as well as providing the school with complete and current emergency information.

If an elementary school-aged child is reported missing and all contact and emergency numbers have been tried, the principal **may** contact the police.