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# POLICE & SCHOOL BOARDS PROTOCOL

Conseil scolaire catholique MonAvenir

Conseil scolaire Viamonde

York Catholic District School Board

York Region District School Board

York Regional Police



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**This protocol is revised annually as needed.**

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## 1. COMMON UNDERSTANDING

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

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 Principals, staff, students, parents, and members of the school community. It establishes guidelines for these various relationships.

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

## 2. INTRODUCTION

All members of a school community have the right to a safe environment. Principals and the Police work together to build and maintain this environment and to assist in the greater safety and protection of students, 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.

The parties to this protocol facilitate appropriate sharing and disclosure of information and ensure that the obligations and requirements of the education and Police systems are met. As a result, this document represents the clarification of respective roles and responsibilities, and reinforces the need to maintain open lines of communication. Moreover, it ensures a consistent, coordinated and multi-faceted approach across York Region in the way Police and schools respond to school related occurrences. It encourages an ongoing and effective partnership between Police and school communities.

### 3. STATEMENT OF PRINCIPLES

The Police and the Principals coordinate efforts to ensure that the legal rights of all students and staff are respected at all times. These efforts include:

- understanding of Police and school responsibilities;
- promoting respect and civility in the school environment;
- providing a balance between rights and responsibilities; and
- respecting fundamental rights under the Ontario Human Rights Code.

### 4. ROLE AND MANDATE OF THE POLICE

**In cases of exigent circumstances, Police will assume primary responsibility as may be necessary to ensure school safety.**

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:

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

## 5. ROLE AND MANDATE OF SCHOOL BOARDS

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

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

Administrators and school staff members will:

- explain the Board and school codes of conduct to students and their families, including details such as the definition of the term “weapon,” and the potential reach of school discipline with respect to behaviours taking place outside of school that have negative impact on school climate;
- engage and work proactively in partnership with Police officials to ensure the effectiveness of this protocol;
- ensure that all staff members, including occasional, part-time, or itinerant teachers, have the means, training and resources to implement the provisions of this protocol that apply to them, including the ability to lock their classroom doors during a lockdown;
- 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, Youth and Family Services Act (e.g., the “Duty to Report”);
- respect the Board’s code of conduct as required by the Education Act;
- develop and implement a Board Code of Student Conduct, and School Codes of Student Conduct as required under the Education Act;
- ensure that resources (e.g., substance abuse awareness, bullying prevention) are accessible to assist school staff in promoting a positive school climate with students and parents;
- develop protocols on how to respond to crises, including a communications plan;
- ensure that prevention and intervention strategies are provided;
- provide staff with opportunities to acquire the skills necessary to promote caring, safe, equitable and inclusive school climates; and
- develop an effective consultation mechanism to solicit input from staff, students, parents,

- school councils (e.g., board advisory committees, other groups) in the development of the local protocol.

Principals are responsible for conducting investigations of incidents for which suspension or expulsion must be considered under the Education Act. This will include taking mitigating and other factors into account as set out in the Education Act.

## 6. 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 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 under the Education Act to investigate incidents relating to suspension/expulsion. 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 in order 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 10**).

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

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. (**see Section 14 and 15**).

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 the subsequent judicial proceedings, while ensuring school Principals are able to meet their legislated responsibilities under the Act and/or school board policies and procedures. Most importantly, it enables Principals to maintain positive school and community relations.



**Police must understand a Principal’s legislated responsibility to conduct an investigation under the Education Act, and only in exceptional circumstances should Police advise school Principals against exercising their legislative responsibility to speak with students, regardless of whether they are an accused, a victim or a witness. In all cases where a Principal is asked to cease an investigation, it is essential the Principal contact the supervisory officer.**

There is recognition that Police and Principal 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.

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

School officials and Police are permitted to share information in certain circumstances. Federal legislation (the Criminal Code, the Youth Criminal Justice Act) and provincial legislation (the Education Act, [the Municipal Freedom of Information and Protection of Privacy Act](#), and the Child, Youth and Family Services Act) provide the statutory authority for information sharing and disclosure. The legislative authority is in place to ensure the safety of staff and students, to ensure the effective investigation of criminal allegations and to protect individual rights and privacy. In situations in which federal and provincial laws are in conflict with each other, the federal law takes precedence.

### **A. Criminal Code**

The Police can access a student’s Ontario Student Record (OSR) by warrant or subpoena, or with the written consent of a parent or guardian, or with the written consent of the student if the student is 18 years of age or older. In exigent circumstances, the Police can access a student’s OSR without a warrant, under section 487.11 of the *Criminal Code*.

### **B. Youth Criminal Justice Act (YCJA)**

The YCJA sets out the procedural requirements for dealing with young persons charged with offences. (Refer to Part 6 [ss. 110 to 129] of the YCJA, “Publication, Records and Information”.)

There may be occasions when it is necessary for Police to share confidential information with school officials. Section 119 of the YCJA provides the circumstances in which confidential information may be shared.

The following subsections of Part 6 are also of particular relevance to the Protocol:

- Section 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, with limited exceptions;
- Section 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;
- Section 118, which states that, except as authorized or required by the YCJA, no person shall be given access to a record kept under section 114 (court records) or 115 (Police records) 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;
- Section 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; and
- Section 125(6), enables information in a record under sections 114 to 116 of the YCJA to be shared, within the access period, with any professional or other person engaged in the supervision or care of a young person – including the representative of any school board, or school or any other educational or training institution 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;
  - Ensure the safety of staff, students, or other persons; or
  - Facilitate the rehabilitation of the young person. Such sharing of information does not require the young person's consent.

### **C. Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and Freedom of Information Privacy Protection Act (FIPPA)**

This legislation regulates the collection and disclosure of personal information that is not related to the YCJA. Section 32(g) of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* expressly permits a school board to disclose confidential information to the Police to aid

an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

Further information regarding the release of students' personal information can be found in the Office of the Information and Privacy Commissioner's A Guide to Ontario Legislation. *Covering the Release of Students' Personal Information*

**It is important to note that privacy laws permit the disclosure of personal information in compelling circumstances affecting health or safety. Examples include, but are not limited to, concerns arising about a possible suicide attempt; concerns about a student's mental state and the possible risk of significant harm to the public; and concerns that a student may harm himself/herself or others.**

#### D. Child, Youth and Family Services Act (CYFSA)

All school personnel and Police are required to and have an ongoing duty to report children who are suspected to be in need of protection to the Children's Aid Society (C.A.S.) as per district board guidelines and as directed by s. 125 of the CYFSA.

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.

### 8. SCHOOL PROCEDURES FOR REPORTING TO POLICE

<i>Situation</i>	<i>Action</i>	<i>Contact Information</i>
<b>EMERGENCY</b>	<b>CALL</b>	<b>911</b>
<b>NON-EMERGENCY SITUATION</b>	<b>CALL</b>	<b>1-866-876-5423 EXT. 7008</b> <b>Ask for Police Communications Centre (Dispatch)</b> <b>Purpose: To file a report, to have an officer attend a non-emergency incident at the school.</b>
<b>THREAT-RISK ASSESSMENT LINE</b>	<b>CALL</b>	<b>1-866-876-5423 EXT. 6708</b> <b>To initiate a Threat-Risk Assessment (VTRA), a Police Report/ incident number is first required. To get a Police Report/ incident number, call the NON-EMERGENCY SITUATION number listed above. A VTRA must be held in accordance with the timelines outlined in the Threat-Risk Assessment Protocol.</b>

## 9. INITIAL POLICE CONTACT

A Police Officer responding to a school-related incident is responsible for obtaining and thoroughly documenting information about the incident and should consider alternatives that limit the disruption to the school day. Except in exigent circumstances or where a Principal is being investigated, if a visit to the school is necessary, the Police officer shall:

- report to the Main Office upon arrival at the school;
- produce proper identification;
- explain the purpose of the visit and plan with the school Principal on how to proceed;
- obtain information from the administration about the student profile before making contact with the student (e.g., barriers to communication, accommodation needs);
- establish whether the officer or the Principal will contact parent(s)/guardian(s) of students, under the age of 18, prior to speaking with them in accordance with Section 10 and other provisions of this guideline ; and
- provide an explanation if they instruct Principals not to contact parents/guardians.

If a Principal is the subject of the investigation, the appropriate School Board Superintendent should be contacted as soon as practicable unless such contact could negatively impact the integrity of the investigation or jeopardize safety.

## 10. 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 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 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.

Except in exigent circumstances, it is the Principal's responsibility to contact parents(s)/guardians of:

- Victims who have been harmed as a result of an activity for which suspension or expulsion must be considered and of the student(s) who the Principal believes engaged in the activity that

resulted in the harm, unless, in the Principal's opinion, notification of the parents would put the student at risk of being harmed by the parent(s)/guardian(s). If that is the case, pursuant to the Education Act, parents must not be contacted;

- Students receiving a suspension;
- All other students being interviewed by Police during an investigation, except:
  - If the Principal is otherwise directed by the 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 or requests such contact or is incapable of providing consent): or
  - If the student is 16 or 17 years of age or older and has withdrawn from parental control (unless the student consents such contact or is incapable of providing consent).

If the Children's Aid Society is involved, Principals and Police will consult with Children's Aid officials and work together to determine the procedure for notifying the parent(s)/guardian(s).

## 11. SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS

All investigations of school-related incidents will be conducted in accordance with current Police procedures and training and in compliance with the requirements of all relevant legislation and regulations, 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 Principals are able to meet their legislated responsibilities under the Education Act.

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.

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.

The Principal will inform Police of any school logistics (e.g., hours of the school day, class rotations) that may be relevant to the investigation process. Police will endeavour to work within these and to minimize school disruption. Police should not use the school as a place of convenience to interview or arrest students for non-school related matters.

## **A. Legal Rights**

All investigations into school-related incidents will be conducted in a manner that respects 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);
- right not to make a statement (s. 146); and
- protection of privacy (s.110).

## **B. Search and Seizure**

At the commencement of each school term or semester, Principals shall ensure that all members of the school community are made aware of the right of Principals to search school property, such as lockers and desks, without notice to, or permission of, any person in accordance with school board policies and procedures.

**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.

Whenever possible, Police will notify a Principal before conducting a search on school premises. Except in exigent circumstances, Police seeking to conduct searches of school property including lockers, are required to obtain a search warrant. When executing a search warrant, Police will serve the Principal or designate with a copy of the search warrant.

Police will attempt to conduct searches in a manner that minimizes disruption to school activities.

**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.**

### **C. 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.

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 the Police. This includes the requirement to promptly notify 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 student, giving notice to the parent(s)/guardian(s).

When detaining or arresting any person with respect to a school-related incident, Police shall do so

in accordance with their current procedures and training, 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.

**It is always preferable that Police conduct detention and arrest at sites other than school property.**

When detention and arrest must occur on school property Police shall attempt to do so in a manner that minimizes disruption and ensures the safety and dignity of those involved.

#### **D. Demand for Entry**

In certain circumstances, the Police may demand entry to a school. These circumstances include when the Police are in pursuit of a suspect, when they believe entry is necessary to preserve life, when they have reason to believe a person to be arrested for an indictable offence is on the premises, and/or with a search warrant.

#### **E. Victim Support**

**Police will remain at the scene until satisfied that there is no imminent threat to the victim and that issues related to the victim's safety have been addressed.** Both Police and school Principals will inform victims of available support services and assist them in accessing these services when required.

Under the Youth Criminal Justice Act, victims are entitled to request information from the Police about how an offence was dealt with where extrajudicial measures have been ordered.

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 victim assistance.

The following services are among those available in York Region:

- [Victim 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.



Principals are obligated to notify the parent(s)/guardian(s) of victims who have been harmed as a result of activity for which suspension or expulsion must be considered unless, in the opinion of the Principal, doing so would put the victim at risk of harm from the parents.

## 12. POLICE INTERVIEWS OF STUDENTS

### **Statements Made to Board Employees/Utterances**

**Except in exigent circumstances, school and police investigations may run parallel to each other (see Section 11).**

Board employees must not offer any inducement or make any promise or threat related to school discipline or otherwise. 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.

School administrator notes and student statements may be requested a court order.

### **A. Preparation for Interviews**

Police are responsible for conducting interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims or witnesses. Any person who may have information related to the incident (e.g., students or school staff) may be interviewed by Police.

Police will consult the Principal to consider alternatives for conducting interviews at a location other than the school. Except in exigent circumstances, the Police will first request permission of a Principal if they intend on conducting interviews on school premises, unless a Principal is the subject of the investigation. If permission is granted, Principals will provide an appropriate setting for the interviews and will assist Police in determining the appropriate timing.

Interviews shall be scheduled taking into account the urgency of the investigation, the resources of the Police and school and, to the extent possible, the needs and wishes of the person to be interviewed. Interviews will be scheduled in such a way as to minimize interference with school activity and employment, and will take into consideration the availability of a support person, such as a child and youth worker, for the person being interviewed (see Section 10).

Police will act in a manner that respects the dignity and rights of the student being interviewed and will conduct all interviews in accordance with the relevant legislation, including the Youth Criminal Justice Act and The Canadian Charter of Rights and Freedoms.

## **B. Conduct of Interviews**

Police shall ensure that the requirements of the Youth Criminal Justice Act have been satisfied, particularly with respect to contacting parent(s)/guardian(s) or another responsible adult. The young person has the right to consult with a parent/guardian, lawyer, or other adult and to have these persons present at the interview. A young person, aged 12 to 17, has the right to waive the presence of an adult. If the young person waives the right to have an adult present, Principals are encouraged to witness and document the waiver. School Principals must inform Police of the special education or communication needs (i.e., behavioural, cognitive, physical or learning disability, ability to communicate in English) of the young person to determine the ability of the young person to make this decision. In cases where the needs of the young person mitigate against the waiver, the Principal will exercise the duty of care as per the Education Act.

When a young person does not waive that right, every effort must be made to contact parents or legal guardians or another adult chosen by the young person to attend. A Principal will attend in extraordinary circumstances when parent(s)/guardian(s) or another adult cannot be contacted.

Where a student has a special education identification, or an Individual Education Plan, the Principal shall work with Police to ensure that appropriate resources are available for the interview to accommodate the needs of the student. These may include, but are not limited to, the presence of an interpreter, social worker, child and youth worker, or probation officer. Refer to Section 14: Investigations Involving Students with Special Education Needs.

If a student is detained or arrested, the Police will notify their parent(s)/guardian unless the student is 18 years of age or older. The parent(s)/guardian should not be contacted if the Police determine that doing so may endanger the safety of the student or another person, or compromise the integrity of an investigation. In such cases, the student will be advised that he or she may contact another adult person.

## **C. 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 may be conducted by the Police and CAS, as set out in the Child Protection Protocol for York Region

## **D. Notification of Parents - Refer to Section 10 (Contacting Parent(s)/ Guardian(s))**

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 student suspected of a criminal activity. However, it may become necessary, in extraordinary circumstances and on the request of the student.

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

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

Any person who performs professional or official duties with respect to children has a duty to report children who are in need of protection. Teachers and Principals who have reasonable grounds to suspect the abuse or neglect of a child have a duty to report the suspicion and the information on which it is based forthwith to the Children's Aid Society (CAS).

For additional information, refer to the child protection protocols/policies for each district school board.

## **14. 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 their 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).

If an investigation involves a student with special education needs, the Principal will inform the Police of the student's special needs (i.e., behaviour, communication, intellectual, physical or multiple) and the Police will accommodate the student during their investigation. School Principals and the Police will make every attempt to provide specialized supports/resources, as needed, especially when it is necessary to interview the student. Parents must be contacted as soon as possible, except in exigent circumstances or where the Police believe the parent may be implicated in the incident.

## 15. 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. **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 their behaviour and whether the student has the ability to understand the foreseeable consequences of that behaviour, particularly when a child is under the age of 12.**

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

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

In any investigation involving a child, the parent or legal guardian of the child shall be notified immediately, except in circumstances or where the Police believe the parent/guardian may be implicated in the incident. If there are child protection concerns, the CAS shall be notified and the investigation shall proceed in accordance with the child protection protocols/policies for each district school board.

Although formal charges cannot be laid against a child, Police have the authority to take reports, make referrals to additional services, and conduct interviews. The Police, in concert with school officials, the child (where appropriate) and the child's parent(s)/ guardian(s), may determine appropriate remedial or corrective measures. Consideration should be given to the proactive involvement of Police resources, such as the school officer.

## 16. SCHOOL BOARD COMMUNICATION STRATEGY

Each school board will develop a communication plan to promote knowledge and understanding of the contents of the protocol as well as consistency in its application.

## **17. PROTOCOL REVIEW PROCESS**

This protocol is revised annually as needed.

## **18. COMMUNICATION OF THREATS**

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.

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

Principals, in co-operation with students, staff, parent(s)/guardian(s) and school councils, will develop a school code of conduct based on the board code of conduct. Annually, in September, this school code of conduct will be shared with students and parent(s)/guardian(s).

Board staff, Police, students and parents shall work in cooperation to promote learning environments that are caring, safe, orderly, nurturing, positive, respectful and equitable.

Such learning environments are to be peaceful and welcoming. Principals will encourage staff to be highly visible in the school and to engage in positive interactions with students, parent(s)/guardian(s) and other members of 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, and safe school environments, address behaviour that arises, and recognize risk factors ahead of time. It recognizes that crime prevention involves preventing and reducing crime by identifying and addressing the risk factors associated with crime and victimization. The proactive strategies that are put in place in schools begin this process. This protocol is one component of a broader partnership between schools, the Police and other essential community partners, including mental health providers, health care professionals and children's aid societies dedicated to violence prevention in schools.

## **20. PHYSICAL SAFETY ISSUES**

A Principal may request consultation with Police about possible alterations to the physical space of

the school to enhance safety. In all cases, the final decision about alterations rests with the Principal as does the responsibility to carry out any desired work.

The facilities departments of each school board shall provide to the Police up-to-date site and floor plans of all school buildings.

## **21. VIOLENCE THREAT RISK ASSESSMENT SERVICES**

Principals 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, Principals and the Police shall refer to the Threat-Risk Assessment Protocol.

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

Each school board will maintain an emergency/crisis planning guide (see Appendix B and Appendix C). These shall be reviewed and revised, as necessary, on a regular basis. Current copies will be available to the Police and copies of any revisions will be provided as issued. A copy of each board's protocol will be provided to Police and fire services.

## **23. SAFE ARRIVAL**

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.

## **24. TRAINING**

Annual training will be provided to Police and school Principals jointly by Police and school board staff.

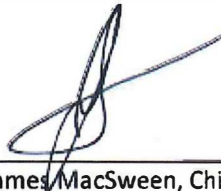
**25. SIGNATURES**

DATED at: Region of York this 30th day of June, 2021.



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Maurizio Bevilacqua, Chair  
York Regional Police Services Board



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James MacSween, Chief of Police  
York Regional Police



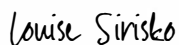
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André Blais, Director  
Conseil scolaire catholique MonAvenir



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Sylvie Longo, Acting Director  
Conseil scolaire Viamonde



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Louise Sirisko, Director  
York Region District School Board



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Maria Battista, Interim Director  
York Catholic District School Board

## 26. APPENDIX A: GLOSSARY

The purpose of this glossary is to explain some of the terms that are used in the protocol. The definitions provided here relate only to usages in the context of this document. Although some of the definitions are based on language used in legislation, they are not to be taken as the official legal definitions. For complete legal definitions, please consult the 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 or threatened application of force, directly or indirectly, to another person without that person's consent. A person is not considered to have given consent if the person suffers bodily harm, or if consent is obtained by fraud or the exercise of authority.

**Barricade** – creating a further barrier to a location that obstructs entry should the locked door be compromised. This may occur during lockdown when an object is used to further prevent entry. It may also occur when a person(s) barricades themselves in any location.

**Board Employee** – any person employed by a board of education 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, Youth and Family Services Act, wherein child is defined as any person under the age of sixteen.

**Child Abuse** – improper treatment, whether physical, sexual, 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, school 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 their safety.



**Criminal Offence** – any act committed that may result in charges under the Criminal Code of Canada and/or the Youth Criminal Justice Act and/or the Controlled Drugs and Substances Act and/or the Cannabis Act.

**Cyberbullying** – is when a person is bullying using digital technologies.

**Exigent Circumstances** – urgent, pressing, or emergency circumstances. Exigent circumstances usually exist when immediate action is required for the safety of the Police or others.

**Expulsion** – the removal of a student from their school or from all schools of the board. Activities for which expulsion must be considered are identified in the Education Act and board policies.

**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 their alleged criminal behaviour, in a timely manner, outside the formal youth justice system.

**Gang and Gang-related Occurrences** – incidents involving a group that consists of three or more persons, however organized, and having as one of its main purpose the commission or facilitation of a criminal offence in which any or all of the members engage.

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

**Hold and Secure** – used when it is desirable to secure the school due to an ongoing situation outside and not usually related to the school, whereby the school continues to function normally with the exterior doors locked. During a Hold and Secure no one enters or leaves the building, including during scheduled breaks (e.g., recess, lunch, spares, etc.).

**Intimate Image** - a visual recording such as a photograph, film, or video recording of a person in which the person is nude and/or engaged in explicit sexual activity and which was created in circumstances that gave rise to a reasonable expectation of privacy.

**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. See Appendix B for details.

**Mitigating and Other Factors** – circumstances that must be considered by the board and school Principals in situations involving suspension and/or expulsion of a student as set out in the Education Act and accompanying regulations.

**Negative Impact on School Climate** – inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school, that may have a negative impact on school climate and may result in consequences up to and including suspension and/or expulsion.

**Non-consensual Sharing of Intimate Images** – knowingly publishing, distributing, transmitting, selling, making available, or advertising an intimate image of another person while knowing that the person depicted in the image did not consent to the creation and/or sharing of the image.

**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.

**Possession of Drugs** – having a controlled substance as defined in the Controlled Drugs and Substances Act and/or the Cannabis Act and/or the Ontario Cannabis Control Act in one's personal possession or possessing it jointly with others, including knowingly possessing an illegal drug elsewhere.

**Principal** – Principal, Vice Principal, admin designate

**Principal Designate** – school board employees in York Region to whom authority and responsibility for a particular school have been delegated by a school Principal under the Education Act and in writing.

**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.

**School Community** – consists of students, parents/guardians, teaching and support staff, administration, volunteers and in the case of Catholic boards, parishes.

**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 gestures to do something he or she does not want to do.

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

**Subpoena or 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. Failure to attend the court or tribunal as required by the subpoena may be considered contempt of court.

**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.

**Threats** – any statement, act or communication by any means, including electronic, of an intent to cause harm, whether physical or emotional, to any person or thing.

**Trafficking Drugs or Weapons** – the selling, administering, giving, transferring, transporting, sending or delivering of any drug or substance (as set out in the Controlled Drugs and Substances Act and/or the Cannabis Act) or weapons, or authorization to obtain any drug, substance or weapons, whether or not for compensation, or the offering to do any of the foregoing.

**Trespass** – 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.

## 27. APPENDIX B: LOCKDOWN PROCEDURES FOR ELEMENTARY AND SECONDARY SCHOOLS

This procedure outlines the responsibilities and required actions of staff and others with respect to Lockdown. A Lockdown is similar to other emergency procedures, such as Hold and Secure and Shelter in Place, and respective procedures must be consulted for all three situations.

While people in schools have the right to learn and work in a safe place, the possibility of a major incident of violence is a reality that cannot be ignored. The purpose of this procedure is to outline the responsibilities for those in schools to protect themselves and students in the event of a major incident or threat of school violence.

Given the dynamic, complex, and fluid nature of violent incidents, it is essential that continuous communication, assessment, and coordination by first responders and school Principals occur.

Each school and work site must develop an Emergency and Crisis Response Plan using the template available.

### Definitions

**Lockdown** - A school emergency response to the presence or suspected presence of an armed intruder or other similar violent threat within the school. When in Lockdown all students and staff members are behind locked doors, quiet, and out of sight as much as possible. Electronic devices may not be used. Exterior entry doors remain open to allow access for emergency response personnel.

**Hold and Secure** - A school response to a possibly violent situation outside of the school and not related to it. During a Hold and Secure outside doors are locked, and staff members and students function normally inside the building. No one may enter or leave the building during a Hold and Secure at any time, including recess, lunch or dismissal

**Shelter in Place** - A school response to an environmental incident outside of the school, including but not limited to a weather related incident, blackout, chemical spill, etc. During a Shelter in Place students should be gathered in interior hallways or small rooms wherever possible, and lie face down in other locations. Doors remain unlocked. No one may leave the building during this event. Large central rooms, such as gymnasiums or libraries, may not be used during a Shelter in Place.

## 28. APPENDIX C: BOMB THREAT PROCEDURE

Staff, students and visitors in Ontario schools have the right to learn, work and be present in a safe and secure environment. Therefore, it is important that schools have a Bomb Threat Response Policy for responding to bomb threats. This work includes planning and preparation in the event that a bomb threat is received, an explosive device is discovered or an explosives incident takes place. Given the dynamic, complex, and fluid nature of such incidents continuous communication, assessment and coordination by first responders and school Principals are of paramount importance in ensuring an effective response.

## 29. WEBSITES

[Canadian Charter of Rights and Freedoms](#)

[Cannabis Act](#)

[Child, Youth and Family Services Act](#)

[Controlled Drugs and Substances Act](#)

[Criminal Code](#)

[Education Act](#)

Guide to Ontario Legislation to the Release of Student's Personal Information  
(YRDSB to insert the appropriate link)

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

[Ontario Cannabis Control Act](#)

[Police Services Act](#)

[Provincial Offences Act](#)

[Threat Assessment Protocol](#)

[Youth Criminal Justice Act](#)