

# POLICE & SCHOOL

## BOARDS

## PROTOCOL



## **ACKNOWLEDGMENT**

York Catholic District School Board (YCDSB), York Region District School Board (YRDSB), Conseil scolaire catholique (CSC) MonAvenir, Conseil scolaire Viamonde and York Regional Police (YRP) wish to acknowledge the work and dedication of the partners and individuals who participated in the review of this Police and School Boards Protocol for York Region during the 2023-2024 school year, in particular the leadership given by:

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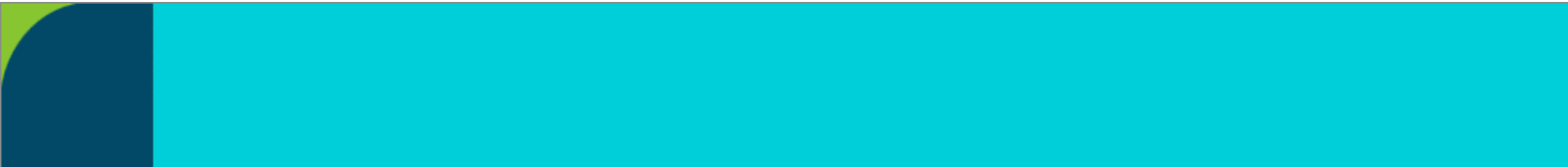
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# 1. COMMON UNDERSTANDING

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

This document confirms and defines the working relationship and provides appropriate responses to incidents where police involvement or intervention is requested or required.

This protocol is designed to encourage, enable and maintain a positive relationship between York Regional Police in their work with school staff, students, families, parent(s)/legal guardian(s)/caregiver(s) 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 safe schools and student well-being. This understanding applies to all partners in the process, with the end goal to support caring, inclusive and safe schools.

# 2. INTRODUCTION

Every child in Ontario should have the opportunity to succeed, regardless of background, social identity, race, religion, identification, personal circumstance and immigration status. Students' well-being and sense of inclusion in schools are key goals in the Ontario government's vision for education.<sup>1</sup> To help achieve these goals, all partners in education, including students, families, parent(s)/legal guardian(s)/caregiver(s), school staff and community organizations, must work together to create and sustain safe, inclusive and healthy schools across the province. Education is one of the most valued public services in the province.

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<sup>1</sup> [Published plans and annual reports 2022–2023: Ministry of Education](#)



York Regional Police and the school boards are committed to building a safer community together.

At the root of effective school-police partnerships is the common understanding of each partner's roles and responsibilities, agreed upon procedures and clearly delineated decision-making authority.

The parties to this protocol facilitate appropriate sharing and disclosure of information to meet the obligations and requirements of the education and legal systems. As a result, this document clarifies respective roles and responsibilities and reinforces the need to maintain open lines of communication.

All members of a school community have the right to a safe and inclusive environment. School administrators 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. The protocol ensures a consistent, coordinated and multi-faceted approach across York Region in the way police and schools respond to school-related occurrences. 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.

### **3. STATEMENT OF PRINCIPLES**

**Maintaining our caring, safe, equitable and inclusive school environments requires a comprehensive strategy.**

Police and school administrators coordinate efforts to ensure that the legal rights of students, Board and school staff members are respected at all times. These efforts include:

- implementation of strategies for the prevention of violent and worrisome behaviour and use of comprehensive interventions and wrap around support (e.g., social worker support, community partner supports) for those who are at risk of, or have already engaged in violent or worrisome behaviour;
- employing a trauma-informed approach;
- taking a human rights, anti-oppressive approach;
- creating opportunities for all staff to acquire the knowledge, skills and attitudes

- to maintain a school environment in which conflict can be addressed respectfully;
- responding to incidents effectively and in a timely manner when they occur;
  - respecting the rights of victims, witnesses and of alleged perpetrators;
  - understanding police and school responsibilities, which are best served through ongoing communication;
  - promoting respect and civility in the school environment;
  - providing a balance between rights and responsibilities;
  - respecting fundamental rights under the Ontario Human Rights Code;
  - using a restorative approach; and
  - an acknowledgment of mitigating factors that may affect the student.

#### **4. ROLE, RESPONSIBILITIES AND MANDATE OF THE POLICE**

The legislated responsibilities of the police are set out in the [Community Safety and Policing Act](#) (2019). With respect to youth 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 \(YCJA\)](#), the [Controlled Drugs and Substances Act](#), the [Ontario Cannabis Control Act](#) and other federal, provincial and municipal legislation and regulations and laying charges as appropriate;
- upholding the duties legislated under section 82 of the [Community Safety and Policing Act](#);
- assisting victims; and
- protecting public safety and preventing crime by:
  - conducting police and criminal investigations
  - providing information on community safety issues
  - diverting youth away from crime as per the declaration of principles in the [Youth Criminal Justice Act](#)
  - assisting in the development of youth'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, school administrators' statutory responsibility for the health and welfare of students and to maintain safety and discipline in the school remain in place.**

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

Administrators and school board 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 for school discipline with respect to behaviours taking place outside of school that will have a 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 and itinerant staff members, have the means, training and resources to implement applicable provisions of this protocol, including the ability to lock classroom doors during a lockdown and participate in other emergency preparedness activities;
- comply with the requirements related to the duties of school administrators and teachers under the [Education Act](#) and regulations and 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 use and misuse awareness, bullying prevention) are accessible to assist school staff to promote a positive school climate with students and families/parent(s)/legal guardian(s)/caregiver(s);
- develop crisis response protocols, including communication plans;
- ensure that prevention and intervention strategies are in place as needed;
- provide staff with opportunities to acquire the skills necessary to promote caring, safe, equitable and inclusive school climates;



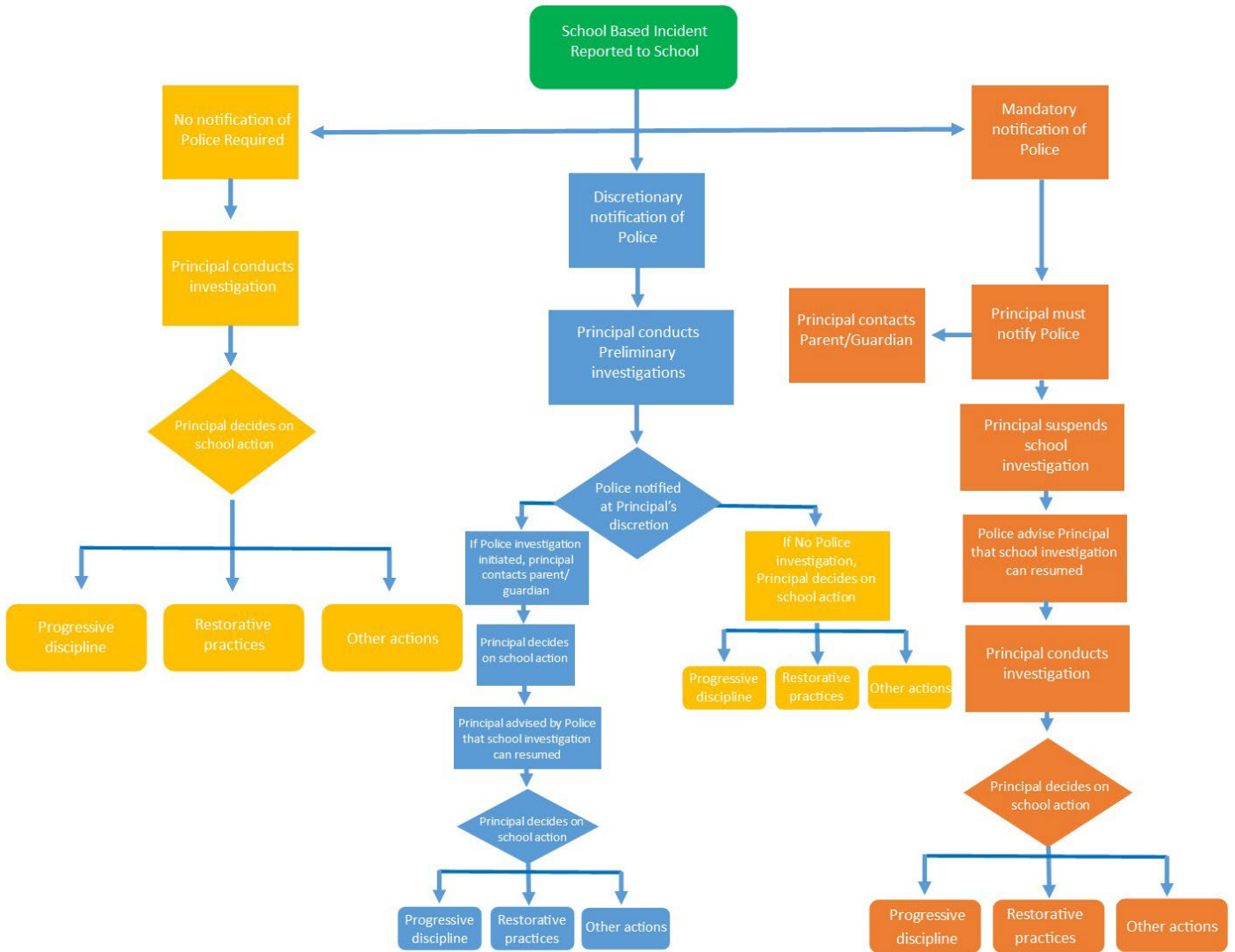
- develop an effective consultation mechanism to solicit input from staff, students, families/parent(s)/legal guardian(s)/caregiver(s) regarding Board and school codes of conduct; and
- ensure the protocol is readily available for schools, families and community partners on each partner organization's website.

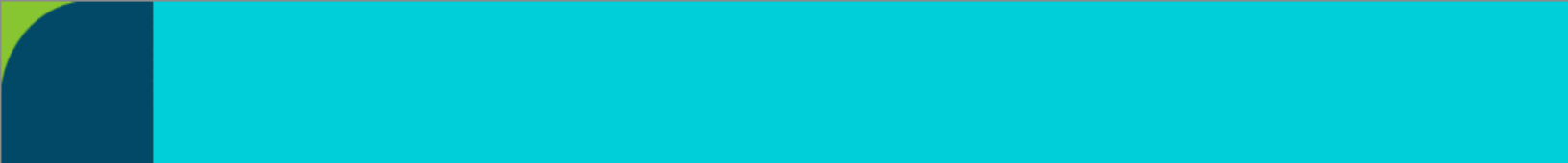
School administrators are responsible for conducting investigations of incidents for which suspension or expulsion must be considered under the [Education Act](#). This will include considering mitigating and other factors as set out in the [Education Act](#).

**Examples of mitigating factors include, but are not limited to:**

- Does the student have the ability to control their behaviour and/or the ability to understand the foreseeable consequences of their behaviour?
- Would the student's presence in the school create an unacceptable risk to the safety of any person?
- What progressive discipline has already been used with the student?
- Is the behaviour potentially related to harassment/discrimination because of the student's race, ethnic origin, religion, ableism, social identity (e.g., gender, sexual orientation, etc.) or any other type of harassment?
- How would the suspension/expulsion affect the student's ongoing education?
- What is the student's age?
- If a student is a Multilingual Learner (MLL) and/or has special education needs and has, or is in the process of obtaining, an Individual Education Plan (IEP) consider:
  - Is the behaviour a manifestation of a disability identified in the student's IEP?
  - Have appropriate accommodations been provided?
- Would the suspension or expulsion likely result in aggravating or worsening the student's behaviour or conduct?
- Does the student have a history of unresolved or untreated trauma?

## 6. OCCURRENCES REQUIRING POLICE RESPONSE





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

### **Mandatory Notification of Police**

The following incidents **must** be reported immediately to the police:

- deaths on school property or during school related activities and events
- criminal harassment
- extortion
- gang-related incidents
- hate and/or bias-motivated incidents
- possession or trafficking of illegal drugs or weapons
- use of weapons
- physical assaults causing bodily harm requiring medical treatment, at any time
- robbery
- sexual offences/assault
- non-consensual taking or sharing of intimate images
- bomb threats
- threatened or actual violence occurring within an intimate relationship (relationship-based violence)
- threats of serious physical injury, including bullying, whether online or in-person

**In situations of uncertainty, reach out to the Superintendent overseeing Safe Schools for direction.**

See - Section 14: Investigations Involving Students with Special Needs;  
Section 15: Occurrences Involving Children Under Age 12

## Discretionary Notification of Police

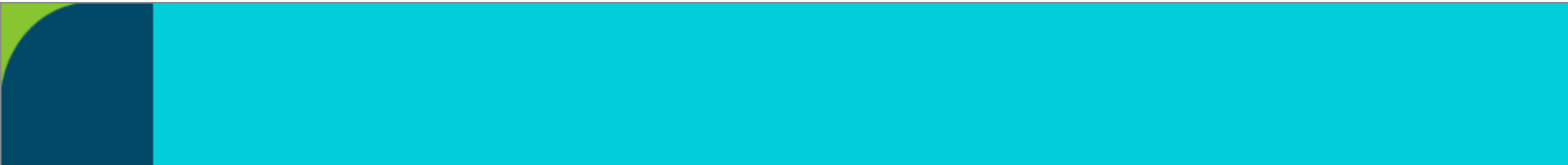
The following incidents may be reported to the police:

- being under the influence of alcohol or illegal drugs
- giving alcohol to a minor
- suicide threats (refer to School Board suicide protocol)
- trespassing
- threats of violence, including physical injury and/or threats made on social networking sites or through instant messaging, text messaging, email and/or other electronic means
- worrisome behaviour
- vandalism
- serious incidents of bullying, without threats of serious physical injury
- other instances requiring police involvement at the discretion of the school administrator and in consultation with the superintendent

## School Investigations

School administrators have a duty under the [Education Act](#) to investigate incidents relating to suspension/expulsion. Nothing in this protocol changes that duty. Once the police are called, the school investigation is undertaken in consultation with the police to avoid any interference with the police investigation. School and police investigations may run parallel to each other until such time that the police determine the school's parallel investigation must pause (see Section 11).

School administrators 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 managed by school administrators on a case-by-case basis. School administrators should always seek clarification and guidance from the appropriate superintendent.



In situations involving students with special education needs and/or multilingual learners or students under the age of 12, school administrators should consult with their superintendent to determine if a police response is necessary or appropriate based on mitigating factors (See Section 14 and 15).

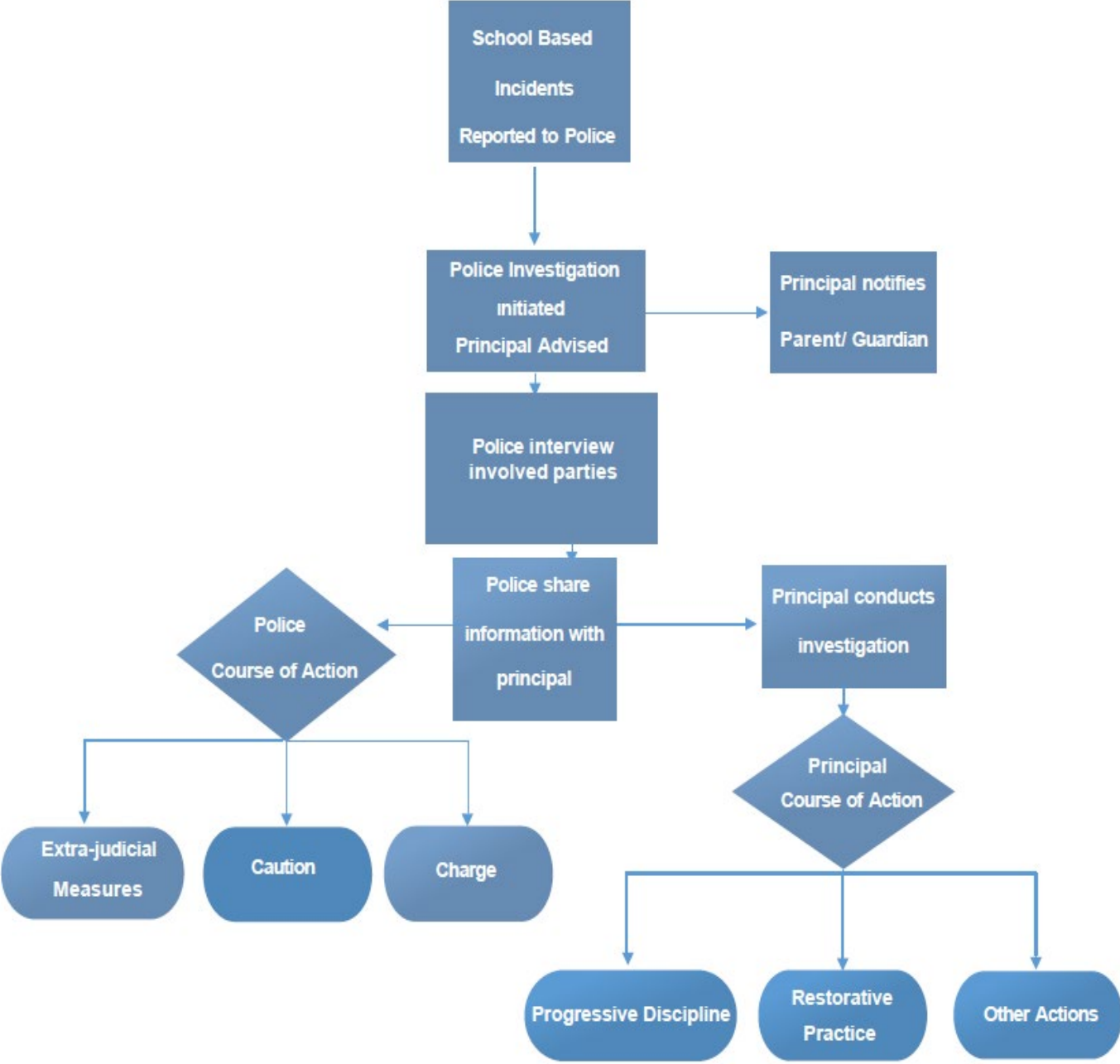
School administrators cannot suspend students from Junior Kindergarten to Grade 3, including for discretionary reasons listed above and must conduct an investigation before imposing a mandatory suspension and considering an expulsion as per [Regulation 440/20](#) and [Policy/Program \(PPM\) 144](#).

It is important for police and school staff members to work cooperatively and understand each other's roles when a matter involves both a police investigation and a school investigation. Police must understand a school administrator's legislated responsibility to conduct an investigation under the [Education Act](#); only in exigent circumstances should police advise school administrators against exercising their legislative responsibility to speak with students, regardless of whether they are an accused perpetrator/wrongdoer, victim or witness. In all cases where a school administrator is asked to pause an investigation, they must inform their superintendent of education and document details related to the request. In the event of a parallel investigation, school administration will be provided with the contact information of the YRP investigator.

There is recognition that police and school administrator timelines are different and both are bound by legislation. It is important to note that the [Education Act](#) determines the timelines for investigations, specifically regarding suspensions possibly leading to expulsions, appeals and hearings.

Where possible during/following an incident, York Regional Police will provide significant information or timely updates to school administrators.

# Parallel Investigations



## 7. INFORMATION SHARING AND DISCLOSURE

School administrators and police are permitted to share information in certain circumstances. Federal and provincial legislation provide the statutory authority for information sharing and disclosure. This includes [the Criminal Code](#), [Youth Criminal Justice Act](#) [Education Act](#) (YCJA), [Municipal Freedom of Information and Protection of Privacy Act](#) and the [Child, Youth and Family Services Act \(CYFSA\)](#). The legislative authority is in place to ensure staff and student safety, to ensure the effective investigation of criminal allegations and to protect individual rights and privacy. In situations where federal and provincial laws 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, with the written consent of a parent, legal guardian, caregiver or with the written consent of the student if the student is 18 years of age or older or is 16-17 years old and has withdrawn from parental control. 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 responding to 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 relevant to this protocol:

- Section 110(1), which states that no person shall publish the name of the youth or any information that would identify the youth as a youth dealt with under the YCJA, with limited exceptions.

- Section 111(1), which states that no person shall publish the name of a child or youth, 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.
- Section 125(6), enables information in a record under sections 114 to 116 of the YCJA to be shared without the youth's consent, within the access period with any professional or other person engaged in the supervision or care of a young person — including a representative of any school board, 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.
  - Facilitate the rehabilitation of the youth.

### **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 personal 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 [A Guide to Ontario Legislation: Covering the Release of Students' Personal Information](#) from the Office of the Information and Privacy Commissioner of Ontario.

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 themselves or others.

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

All school staff members and police have a duty to report to a child protection agency (e.g., Children's Aid Society [CAS], Jewish Family and Child Services [JFCS], etc.) If they suspect a child to be in need of protection as per board guidelines and as directed by [CYFSA](#), section 125.

This provision applies 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>
EMERGENCY	CALL	911
NON-EMERGENCY SITUATION	CALL	1-866-876-5423 EXT. 7008 Ask for Police Communications Centre (Dispatch) Purpose: To file a report, to have an officer attend a non-emergency incident at the school.

THREAT-RISK ASSESSMENT LINE	CALL	1-866-876-5423 EXT. 6708  To initiate a Violence 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.
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## 9. INITIAL POLICE CONTACT


### Emergency

In emergency circumstances, reporting to police shall be done through 9-1-1.

When notifying the police of an incident, the caller should be prepared to provide the following information:

- Where is the incident happening and what is happening?
- What is the current status of the school (e.g., in lockdown, etc.)?
- Is anyone injured and what are the injuries?
- Who and where is the caller?
- Who and where is the threat?
- Are there any weapons involved? What type? Where are the weapons now and who has them?
- Who is involved (including names, dates of birth)?
- If the event involves a student with an identification and/or diagnosis that may affect their behaviour, communicate the student's experience of past trauma and successful de-escalation strategies contributing to safety of all involved persons.
- How many people are involved?
- When did the event take place?

Please note: Additional details may also be required.



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. Except in exigent circumstances, if a visit to the school is necessary, the police officer shall:

- On arrival at the school, report to the main office.
- Produce proper identification.
- Explain the purpose of the visit and plan with the school administrator on how to proceed.
- Obtain information from the administration about the student profile before contacting the student (e.g., barriers to communication, accommodation needs).
- Prior to speaking with the student, establish whether the officer or the school administrator will contact parent(s)/legal guardian(s)/caregiver(s) of students under the age of 18, except students who are 16-17 years old and have withdrawn from parental control.
- Provide an explanation if they instruct school administrators not to contact parent(s)/legal guardian(s)/caregiver(s).
- Police will need a warrant to obtain third party video but can view video footage from school cameras.

If a school administrator is the subject of the investigation, the appropriate school board superintendent should be contacted as soon as possible, unless such contact may jeopardize safety or the integrity of the investigation. In such a case, the police may also contact the respective Board's Human Resources Department at the appropriate time.

From time to time, it may be necessary or unavoidable to interview or apprehend a staff member on school property. If this occurs, the board and police will collaborate as appropriate and proceed as sensitively and unobtrusively as possible. The police may not always be able to discuss or disclose circumstances involved in the investigation, including apprehension details. When feasible, prior to arriving at the school, the police should attempt to contact a supervisor of the staff member or senior executive of the board regarding the apprehension.

## 10. CONTACTING PARENT(S)/LEGAL GUARDIAN(S)/CAREGIVER(S)

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

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

- if the school administrator is directed by the police because of exigent circumstances or where the police believe the parent(s)/legal guardian(s)/caregiver(s) may be implicated;
- an investigation under section 125 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 school administrator's responsibility to contact parent(s)/legal guardian(s)/caregiver(s) of:

- victims who have been harmed as a result of an activity for which suspension or expulsion must be considered;
- the student(s) who the school administrator believes engaged in the activity that resulted in the harm, unless, in the school administrator's opinion, notification of the parent(s)/legal guardian(s)/caregiver(s) would put the student at risk of being harmed by the parent(s)/legal guardian(s)/caregiver(s). If that is the case, pursuant to the [Education Act](#), parent(s)/legal guardian(s)/caregiver(s) must not be contacted;
- students receiving a suspension; and
- all other students being interviewed by police during an investigation, **except**:
  - if the school administrator 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 or requests such contact or is incapable of providing consent.


If a child protection agency is involved, school administrators and police will consult with the child protection agency officials and work together to determine the procedure for notifying the parent(s)/legal guardian(s)/caregiver(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 members to work cooperatively and understand each other's roles when a matter involves both a police investigation and a school 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](#).

In circumstances where a police investigation has commenced, school administrators 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. When applicable, in accordance with relevant legislation, police may provide updates to school administration.



In some circumstances, such as allegations of sexual assault or intimate partner violence investigations, police may ask school administrators not to interview victims, suspects or witnesses again.

When possible, police will share information about their investigation with the school administrator that may be relevant to the school administrator's investigation under the [Education Act](#) and in accordance with applicable legislation. School administrators 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 school administrator. A school administrator may contact the investigating officer for an update if significant time has elapsed.

A school administrator who interviews staff or students who are part of a criminal investigation may become a witness in court proceedings. Notes taken by the school administrator during these interviews may be subpoenaed. School administrator notes may be shared verbally with police. The school administrator will inform police of any school logistics (e.g., hours of the school day, class rotations) that may be relevant to the investigation. Police will endeavour to minimize school disruption. Police should not use the school to interview or arrest students for non-school related matters.

Section 125(6) of the [YCJA](#) allows police to disclose information to a representative of a school board or school when the information is within the applicable access period and the disclosure is necessary:

- to ensure the youth's compliance with a Youth Justice Court order or authorization;
- to ensure the safety of students, staff or other persons; or
- to facilitate the rehabilitation of the young person.

**Please note - Only the lead investigator can share the relevant information with the principal, after consultation with the YRP Superintendent of Community Services.**

School administrators should note that, pursuant to s.125(7), [YCJA](#) information must be kept separate from the youth's other educational records. School administrators must destroy the [YCJA](#) record when the

information is no longer required for the purpose for which it was disclosed (e.g., the conditions are no longer in effect or the young person is no longer a student at that school or a school in that board).

## **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. 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).

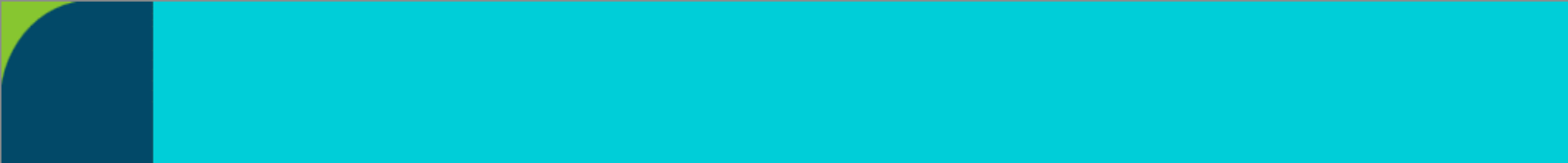
## **B. Search and Seizure**

At the beginning of each school term or semester, school administrators shall ensure that all members of the school community are made aware of the right of school administrators 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 backpacks, purses, cellphones, etc., may become subject to search by the school administrator and/or school staff.**

No board employee shall conduct a search of a person or the personal belongings of a person (e.g., backpack, purse, personal communication devices, personal computers and accessories, etc.) except:

- where there would otherwise be an imminent risk of death or serious bodily harm
- where 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 school administrator 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, the police will serve the school administrator 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 school administrator at all times, unless they are arrested, at which time the student becomes the responsibility of the police.**

### **C. Detention and Arrest**

When detaining or arresting any person with respect to a school-related incident, the 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 the police conduct detention and arrest at sites other than school property.**

When detention and arrest must occur on school property, the 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 the police and school administrators 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 extra-judicial measures have been used. In circumstances where a victim aged 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. – 4:30 p.m.

School administrators are obligated to notify the parent(s)/legal guardian(s)/caregivers 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 school administrator, doing so would put the victim at risk of harm from the parent(s)/legal guardian(s)/caregiver(s).

## **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 12).**

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, who are present during a police interview of a student, not attempt by word, gesture, or demeanor, to elicit any comment or statement from the student.

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


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

**If feasible, York Regional Police will notify the school administrator prior to arriving at the school.**

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

Police officers will consult the school administrator to consider alternatives for conducting interviews at a location other than the school. Except in exigent circumstances, and when a school administrator is the subject of the investigation, the police will first request permission of a school administrator if they intend to conduct interviews on school premises. If permission is granted, school administrators 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, 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 11).

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](#), [Canadian Charter of Rights and Freedoms Act](#) and the [Ontario Human Rights Code](#).

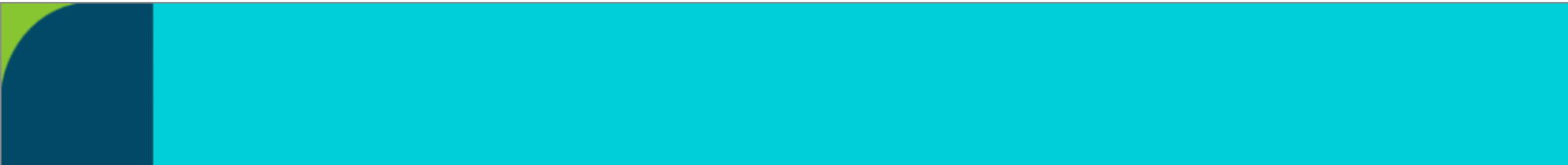
## **B. Conducting Interviews**

Police shall ensure that the requirements of the [Youth Criminal Justice Act](#) have been satisfied, particularly with respect to contacting parent(s)/legal guardian(s)/caregiver(s) or another responsible adult. The youth has the right to consult with a parent(s)/legal guardian(s)/caregiver(s), lawyer, or other adult and to have these persons present at the interview. A youth aged 12 to 17 also has the right to waive the presence of an adult. An adult must be present throughout the interview, except when the student can waive and has waived the right to have an adult present. Best efforts must be made to have the student's parent(s) or another adult of the student's choice present.

School administrators must inform police of the special education or communication needs (e.g., behavioural, cognitive, physical or learning disability, ability to communicate in English) of the young person to determine the ability of the youth to make this decision. In cases where these needs of the youth mitigate against their ability to waive their rights, the school administrator will exercise the duty of care as per the [Education Act](#) (refer to Section 14 for students with special education needs).

When a young person does not waive that right to have an adult (e.g., parent/legal guardian/caregiver), every effort must be made to contact parent(s)/legal guardian(s)/caregivers, or another adult chosen by the youth to attend.

A school administrator will attend in extraordinary circumstances when parent(s)/legal



guardian(s)/caregiver(s) or another adult cannot be contacted. Where a student has a special education identification, or an Individual Education Plan, the school administrator 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)/legal guardian(s)/caregiver(s) unless the student is 16-17 years old and has withdrawn from parental control or is 18 years of age or older. The parent(s)/legal guardian(s)/caregiver(s) 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 they may contact another adult person.

### **C. Child Protection Services Involvement**

If the investigation involves a child suspected of being in need of protection, the relevant child protection agency shall be contacted prior to interviewing the child and a joint interview may be conducted by the police and agency,  
as set out in the Child Protection Protocol for York Region.

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

Given the role of the school administrator, it is preferable that they 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/or on the request of the student.

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

### **Duty to Report ([Child, Youth and Family Services Act](#))**

Any person who performs professional or official duties with respect to children has a duty to report children who are suspected to be in need of protection. All school staff 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 immediately to the appropriate child protection agency.

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


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

School administrators 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](#).

A school administrator 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 school administrator must still follow Section 6 (Occurrences Requiring Police Response).

If an investigation involves a student with special education needs, the school administrator will inform the police of the student's special needs (e.g., behaviour, communication, intellectual, physical or multiple) and the police will accommodate the student during their investigation.

School administrators and the police will make every attempt to provide specialized supports/resources as needed, especially when it is necessary to interview the student. Parent(s)/legal guardian(s)/caregiver(s) must be contacted as soon as possible, except in



exigent circumstances or where the police believe the parent/legal guardian/caregiver 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](#) and other legislation.

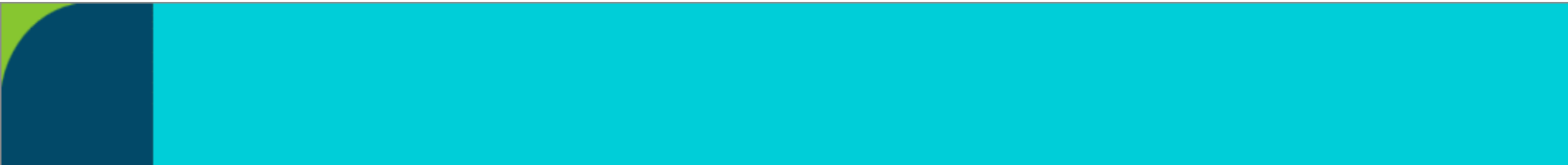
**A school administrator must examine mitigating factors when considering whether to hold a student responsible for a violation of the Board Code of Conduct. This includes whether the student has the ability to control their behaviour and whether the student has the ability to understand the foreseeable 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, where appropriate and parent(s)/legal guardian(s)/caregiver(s) as early as possible may facilitate the provision of appropriate support.

The school administrator 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(s)/legal guardian(s)/caregiver(s) of the child shall be notified immediately, except in circumstances or where the police believe the parent(s)/legal guardian(s)/caregiver(s) may be implicated in the incident. If there are child protection concerns, the appropriate child protection agency 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 partnership with school officials, the child (where appropriate) and the child's parent(s)/legal guardian(s)/caregiver(s), may determine appropriate remedial or corrective measures. Consideration may be given to the proactive involvement of police resources.

## **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**

The protocol may be revised annually if needed. A review of the protocol shall be conducted a minimum every two years.

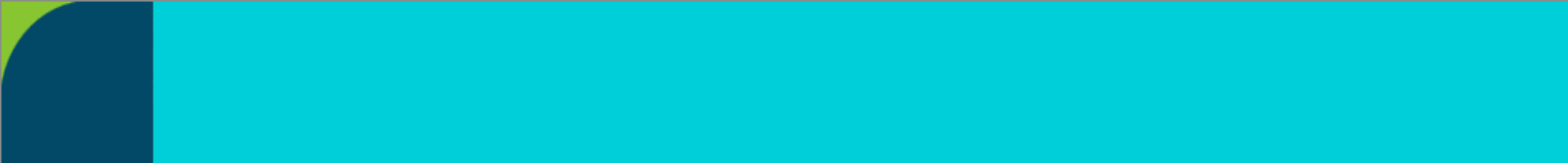
## **18. COMMUNICATION OF THREATS**

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

## **19. SCHOOL/POLICE ROLE IN SCHOOL SAFETY AND STUDENT WELL-BEING**

School administrators, in co-operation with staff, students and their families/parent(s)/legal guardian(s)/caregiver(s) and school councils, will develop a school code of conduct based on the Board's Code of Conduct. Annually, in September, this school code of conduct will be shared with students and their families/parent(s)/legal guardian(s)/caregiver(s).

Learning environments are to be safe, caring, respectful, equitable, welcoming and inclusive. School administrators will encourage staff to be highly visible in the school and to engage in positive interactions with students, parent(s)/legal guardian(s)/caregiver(s)



and other members of the school community. York Regional Police will continue to pursue proactive crime prevention and support the school community when appropriate.

It is understood that safety and well-being are paramount and involve community partners in a proactive manner to establish caring and safe school environments, address behaviour that arises, identify and support vulnerable students and families and recognize risk factors. It recognizes that crime prevention involves preventing and reducing harm by identifying and addressing the risk factors associated with crime and victimization. This protocol is one component of a broader partnership between schools, the police and other essential community partners that support youth and are dedicated to safety and well-being in schools.

## **20. PHYSICAL SAFETY ISSUES**

A school administrator 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 school administrator 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 (VTRA)**

School administrators proactively involve a wide variety of services to identify and address concerns before they escalate (e.g., Psychological Services, multi-disciplinary teams). In addition, school administrators will develop and implement assessment and intervention strategies in place for at-risk students to reduce the need for disciplinary actions. Where appropriate, police intervention will be engaged to ensure the success of each student. When a more serious threat is identified, school administrators and the police shall refer to their school board's 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 and 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 and secondary schools provide safe-arrival programs. Parent(s)/legal guardian(s)/caregiver(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.

School administrators need to adhere to their school board's safe arrival policy and procedure.

## **24. TRAINING**

Regular training will be provided to police and school administrators jointly by police and school board staff.



## **25. SIGNATURES**

*DATED at: Region of York this 19th day of September 2024*

## 26. APPENDIX A: GLOSSARY

The purpose of this glossary is to explain some of the terms that are used in the protocol or used when responding to incidents. The definitions provided here relate only to their use 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.

**Anti-oppression approach** – Anti-oppression as a framework, challenges social and historical inequalities and injustices in all facets of social identities (e.g., racism, heterosexism, ageism, ableism, etc.) that pervade all social relations and are systemic to our systems and institutions through policies and practices. This framework recognizes that systemic discrimination exists in our society and in our institutions and that we must take deliberate action to tackle both systemic and attitudinal discrimination. The anti-oppression framework encourages the practice of identifying, addressing and changing the values, structures, policies, attitudes and practices that result in discrimination against individuals or groups covered by the Ontario Human Rights Code. Engaging in this framework leads us to understand how power, privilege and oppression operate within our institutions and in contrast to our intentions as caring professionals. Anti-oppression means allying with marginalized individuals or groups and requires all individuals to acknowledge their own power and privilege.

**Anti-racism** – Anti-racism is the practice of identifying, challenging and changing the values, structures and behaviours that perpetuate systemic racism ([Ontario Anti-Racism Secretariat](#)). This can include but is not limited to anti-Black racism, anti-Semitism, anti-Indigenous racism, anti-Asian racism, Islamophobia, etc.

**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 a lockdown when an object is used to further prevent entry. It may also occur when a person(s) barricade themselves in any location.

**Board employee** – Any person employed by a board of education on a temporary, casual, part time or full-time basis.

**Bullying** – A form of abuse which may occur one time or may be 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. Refer to: [Policy/Program Memorandum 144](#).

**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 physical, sexual, mental or emotional treatment 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 offense** – 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** – Occurs 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 youth 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) that are motivated by hatred or bias towards an identifiable group (e.g., a group distinguished by colour, race, religion, gender, sexual orientation, or ethnic origin), but may not be a criminal offense under the Criminal Code of Canada. A hate/bias-motivated incident may include name calling, racial slurs, or the distribution of material promoting prejudice.

**Hate crime** – A criminal offense committed against a person or property that is motivated, in whole or in part, by the suspect's hatred, bias or prejudice towards an identifiable group (e.g., a group distinguished by colour, race, religion, gender, sexual orientation, ethnic origin, or any other similar factor). Hate crimes may be directed at physical, symbolic targets (such as a place of worship), or at individuals or groups of people.

**Indictable offense** – Refer to the [Criminal Code](#) for examples of an indictable offense.

**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.

**Mitigating and other factors** – Circumstances that must be considered by the board and school administrators in situations involving suspension and/or expulsion of a student as 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, administrator, principal designate.

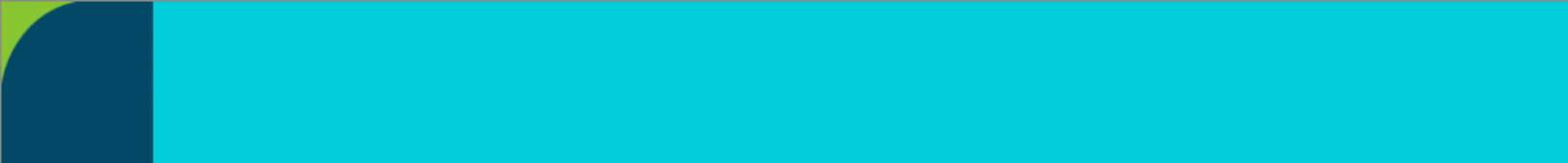
**Principal designate** – School board employees to whom authority and responsibility for a particular school have been delegated in writing by a school principal under the Education Act.

**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.

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

**Restorative approach** – Community circles and restorative practices are rooted in Indigenous practices that continue to be used by Indigenous peoples. Community circles proactively build caring, safe and inclusive communities by focusing on strengthening relationships in the classroom and the school community. Restorative practices are a reactive approach used when conflict happens within a community and relationships have been broken. Restorative practices help students understand the effects of their actions and help restore the relationships they have harmed. Restorative practices also empower students to have a plan, to be accountable and not repeat previous mistakes/conflict. Caring adults support this process by following up with students on their agreements and providing guidance. This practice is also a valued part of the progressive discipline model, helping build, strengthen and restore healthy relationships following an incident.

**School community** – Consists of students and their families/parent(s)/legal guardian(s)/caregiver(s), teaching and support staff, administration, volunteers and, in the case of Catholic boards, parishes.



**Sexual assault/offences** – 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 they 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** – 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.

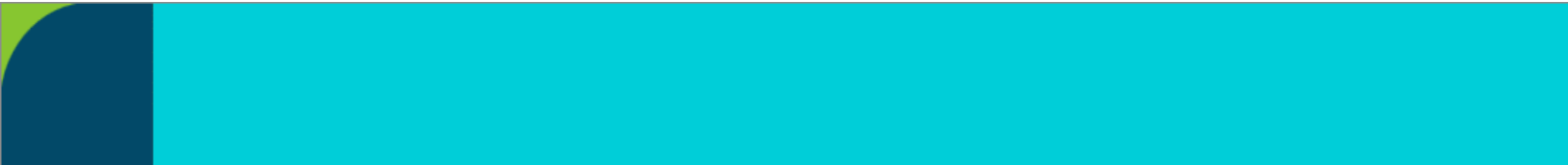
**Suspension** – The removal of a student from school and all school-related activities for a minimum of one school day to a maximum of twenty school days.

**Trauma-informed approach** – Any professional that considers the role of historical trauma on an individual’s current functioning can be considered trauma-informed. A professional who builds those insights into their ongoing practice strategies can be considered to have a trauma-informed practice.

**Threats** – Any statement, act or communication by any means, including electronic, with 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.

**Worrisome behaviour** – As per the Student Threat-Risk Assessment Protocol, worrisome behaviours are those that cause concern for members of a school system but do not meet the threshold for a violent threat-risk assessment. These behaviours may indicate that a student demonstrates a greater risk of violent behaviour.

**Youth/young person** – 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: EMERGENCY PREPAREDNESS AND CRISIS MANAGEMENT

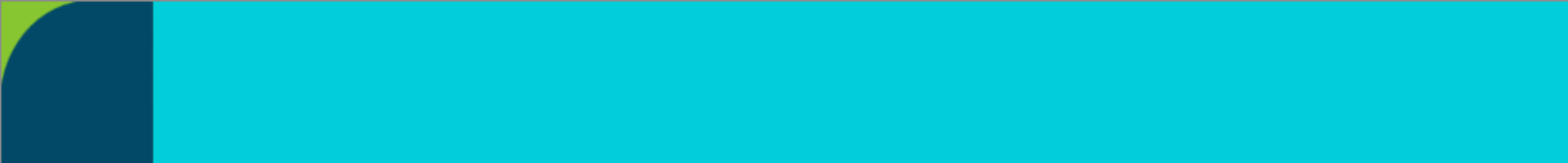
### Definitions

**Bomb Threat** – Bomb threat means the communication or threat of use of explosives. This can include the threat of other hazards such as Chemical, Biological, Radiological, Nuclear (CBRN) materials or devices. A bomb threat protocol is designed to help school staff members and emergency services personnel work together to deal with bomb threats quickly and cautiously.

According to the RCMP, most bomb threats are made over the telephone by anonymous callers. Some are received in the mail or by other means, but these methods are rare. In each case, the communication should be taken seriously. School staff in positions that make them most likely to receive bomb threats should be identified in school plans and should receive training in proper procedures. 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 administrators are of paramount importance in ensuring an effective response.

**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. REFERENCES**

[Canadian Charter of Rights and Freedoms](#)

[Cannabis Act](#)

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

[Community Safety and Policing Act](#)

[Controlled Drugs and Substances Act](#)

[Criminal Code](#)

[Education Act](#)

[A Guide to Privacy and Access to Information in Ontario Schools](#)

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

[Ontario Cannabis Control Act](#)

[Provincial model for a local police or school board protocol](#)

[Provincial Offences Act](#)

[Threat Assessment Protocol](#)

[Youth Criminal Justice Act](#)