

POLICE & SCHOOL BOARDS **PROTOCOL**

QUICK REFERENCE

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

EXIGENT CIRCUMSTANCES: In cases of exigent circumstances (“urgent, pressing or emergency circumstances that usually exist when immediate action is required for the safety of the policy or others”), police will assume primary responsibility as may be necessary to ensure school safety. In these cases, the principal will continue to have a role consistent with his or her statutory responsibility for the health and welfare of students and to maintain discipline in the school.

OCCURRENCES REQUIRING POLICE RESPONSE

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

Mandatory Notification of Police*

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

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

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

Discretionary Notification of Police

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

- being under the influence of alcohol or illegal 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.

Administrators have a duty to determine whether an offence has been committed and what the nature of that offence might be prior to notifying police. Nothing in this protocol is intended to change that duty. Once the police are called, the administrative investigation is undertaken in consultation with the police so as to avoid any interference with the police investigation. School and police investigations may run parallel to each other in these cases until such time as a decision is made by the police that such will cease (**see Section 11: School and Police Investigations of Incidents**).

SCHOOL PROCEDURES FOR REPORTING TO POLICE

EMERGENCY	CALL	911
URGENT SITUATION	CALL	905-895-1221, ext. 7008 or 905-773-1221 Ask for Police Communications Centre (Dispatch) <i>Purpose: To file a report, to have an officer attend a non emergency incident at the school</i>
CONSULTATION	CALL	Staff Sergeant in charge of School Officers: 905-895-1221, Ext. 6708 <i>Purpose: To consult with an officer about the Police and School Boards Protocol or Threat Assessment, or to initiate a VTRA and have an officer attend</i>

INITIAL POLICE CONTACT

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

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

INFORMATION SHARING AND DISCLOSURE

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

PARENT/GUARDIAN CONTACT

The administrator shall contact the student's parent(s)/guardian(s) regarding the alleged inappropriate behaviour requiring police involvement as soon as possible except in exigent circumstances unless the student is 18 years or older and requests that his/her parent(s)/guardian(s) not be contacted, or is 16 or 17 years of age and has withdrawn from parental control.

EXCEPTIONS

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

- The incident is the result of an allegation of misconduct or criminal activity committed by a principal or designate, in which case, absent exigent circumstances, the officer will make initial contact with the appropriate supervisory officer;
- the incident is the result of an allegation of misconduct, neglect or criminal activity committed by the parent(s)/guardian(s) of a student;
- the involved student(s), or any of them, is/are known to either the school or the police to have special needs; or
- exigent circumstances exist which, in the judgement of the responding officer, make compliance with the procedures impractical.

SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS

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

An administrator should note that any contact they have with students after a police investigation has begun may result in their becoming a witness in a criminal proceeding. All documentation, both written and electronic, will be subpoenaed in these instances.

SEARCH AND SEIZURE

Search of Person or Personal Belongings of a Person: No board employee shall conduct a search of a person or the personal belongings of a person (e.g., purse, knapsack, personal communication devices, personal computers and accessories) 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
- where the parent(s)/guardian(s), or student if over 18, has given prior consent to the search.

Consent constitutes the student or parent(s)/guardian(s) allowing the administrator to search personal belongings, or the student or parent(s)/guardian(s) voluntarily emptying pockets, turning them inside-out and removing shoes and socks or removing an outside jacket.

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

DETENTION AND ARREST

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

POLICE INTERVIEWS OF STUDENTS

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

Statements Made to Board Employees/Utterances

Except in exigent circumstances, school and police investigations may run parallel to each other (see **Section 11: School and Police Investigations of Incidents**).

It is essential that board employees not attempt by word, gesture, or demeanour, to elicit any comment or statement from the student. If the student to be interviewed by police makes any unprompted utterance or statement, the board employee must make a note of it. The board employee must make and retain notes of all contact with students being interviewed.

Children's Aid Society (CAS) Involvement

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

Duty to Report (Child and Family Services Act): Despite the provisions of any other Act, any person, including a person who performs professional or official duties with respect to children, and has reasonable grounds to suspect child protection concerns, that person shall forthwith report the suspicion and the information on which it is based to the Children's Aid Society (CAS).

INVESTIGATIONS INVOLVING STUDENTS WITH SPECIAL EDUCATION NEEDS

A principal must examine mitigating factors when considering whether to hold a student responsible for a violation of the Board Code of Conduct. This includes whether the student has the ability to control his or her behaviour and whether the student has the ability to understand the foreseeable consequences of that behaviour. Notwithstanding, the principal must still follow **Section 6: Occurrence Requiring Police Response**.

OCCURRENCES INVOLVING CHILDREN UNDER 12 YEARS OF AGE

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

Regardless of the age of the child, administrators are expected to report all incidents requiring mandatory notification to police (see Section 6: Occurrence Requiring Police Response).

In any investigation involving a child, the parent or legal guardian of the child shall be notified immediately, except in circumstances where the allegations relate to that person, in which case the CAS shall be notified and the investigation shall proceed in accordance with the child protection protocols/policies for each district school board.



COMMUNICATION OF THREATS & VIOLENCE THREAT RISK ASSESSMENT SERVICES

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

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

When a more serious threat is identified, school boards and the police shall refer to their respective threat assessment protocols as needed.

SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS

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

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