



POLICE/SCHOOL PROTOCOL



Conseil scolaire de district des écoles
catholiques du Sud-Ouest



Revised June 2011



CHILDREN'S AID SOCIETY
OF THE COUNTY OF BRUCE

Special thanks to the
Region of Peel Local Police and local School Board
and the
Region of Chatham-Kent/Sarnia/OPP and local School Boards
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Introduction

It is the policy direction of the Ministry of Education and the Ministry of Community Safety and Correctional Services that school boards and police services establish and follow a protocol for the investigation of school-related occurrences.

This document has been prepared for the following reasons:

- to ensure a coordinated approach among school boards and police services;
- to promote dialogue and the establishment of effective relationships between schools and police based on cooperation and shared understandings;
- to address unique factors and/or considerations that may affect individual jurisdictions, and negotiate service-delivery arrangements accordingly.

This document outlines the common principles, the varied resources, and certain obligations and procedures that are required by provincial and federal legislation (i.e. the *Education Act*, the *Child and Family Services Act*, the *Criminal Code*, the *Youth Criminal Justice Act*, the *Canadian Charter of Rights and Freedoms*, and the *Ontario Human Rights Code*) and by case law.

It is important for schools and police to respect the human rights of students under the *Ontario Human Rights Code* (the *Code*) in the context of this document. For more information, see www.ohrc.on.ca.

Note to readers: A glossary of terms is provided in Appendix A of this document. An asterisk following an italicized word or phrase at its first use in the text of the document signals that a definition of that word or phrase is provided in the glossary.

Purpose of This Document

Ontarians believe that schools must be safe, inclusive, and equitable places for learning and teaching. A safe, inclusive, and equitable school environment fosters and supports learning and the ongoing development of respect, responsibility, civility and other positive behaviours and characteristics.

At the root of effective school-police partnerships is a common understanding of each partner's roles and responsibilities, as well as agreed-upon procedures and clearly delineated decision-making authority. Providing the best possible education for students in a safe school community is a shared responsibility, which requires a commitment to collaboration, cooperation, and effective communication.

Making our schools safer requires a comprehensive strategy that includes the following elements:

- opportunities for staff to acquire the knowledge, skills, and attitudes necessary to maintain a school environment in which conflict and differences can be addressed in a manner characterized by respect and civility;
- implementation of strategies for the prevention of violent and/or antisocial behaviour, and use of intervention and supports for those who are at risk of, or have already engaged in, violent or antisocial behaviour;
- an understanding of, and commitment to, human rights principles; and
- an effective and timely response to incidents when they occur – one that respects the rights of victims and witnesses, as well as those of the alleged perpetrators.

Police play a vital role in supporting and enhancing the efforts of schools and their communities to be safe places in which to learn and to work. In addition to responding to and investigating school-related incidents, police are essential partners in the prevention of crime and violence.

It is the policy direction of the Ministry of Education and the Ministry of Community Safety and Correctional Services that school boards and police services work together to develop police/school board protocols so that both partners have a clear understanding of the respective roles, procedures, and decision-making authority of both police and school personnel as they relate to school safety.

The Ministry of Community Safety and Correctional Services' guideline LE-044 on Youth Crime indicates that every police service's procedures on the investigation of offences committed by young persons should include the steps to be taken by officers, in accordance with the local police/school board protocol, when responding to school-related occurrences. The guideline also states that every chief of police, and the Commissioner of the Ontario Provincial Police (OPP) should work, where possible, with local school boards to develop programs for safe schools. Every chief of police and the OPP Commissioner should consider the need for a multi-agency strategy to prevent or counter the activities of youth gangs in the community, including working, where possible, with school boards, municipalities, youth and other community organizations, business, and the Crown.

In the development of this police/school board protocol, the school boards and police services have considered all relevant legislation, including, but not limited to, the:

- Youth Criminal Justice Act,
- Criminal Code,
- Police Services Act,
- Canadian Charter of Rights and Freedoms,
- Ontario Human Rights Code,
- Provincial Offences Act (specifically Part VI, "Young Offenders"),
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA),
- Freedom of Information and Protection of Privacy Act (FIPPA),
- Child and Family Services Act,
- Personal Health Information Protection Act, 2004,
- Education Act / Safe Schools, and
- Equity and Inclusive Education Policy.

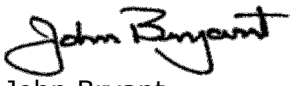


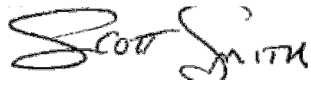










Required Elements for a Local Police/School Board Protocol

1. Signatories to the Protocol

This document represents the clarification of our respective roles and responsibilities, and defines the need for maintaining open lines of communication.

We the undersigned support the principles and protocol set out in this document.

Dated at Chesley this 15th of June 2011.

Bluewater District School Board  John Bryant Director of Education	Grey County O.P.P.  Bob Mahlberg Inspector
Bruce-Grey Catholic District School Board  Bruce MacPherson Director of Education	South Bruce O.P.P.  R. Scott Smith Inspector
Conseil scolaire de district des écoles catholiques du Sud-Ouest  Mme Janine Griffore Directrice générale	Hanover Police Service  Tracy David Chief
Bruce Peninsula O.P.P.  Wayne D. Thompson Staff Sgt.	Owen Sound Police Service  William Sornberger Chief
Collingwood/The Blue Mountains O.P.P.  John Trude Inspector	West Grey Police Service  Rene Berger Chief
Cape Croker First Nation Police  Sgt. Robert King Supervisor	Saugeen Shores Police Services  Dan Rivett Chief
Children's Aid Society for Owen Sound and The County of Grey  Phyllis Lovell Executive Director	Bruce County Children's Aid Society  Phyllis Lovell Executive Director

Statement of Principles

The Bruce-Grey Catholic District School Board, Bluewater District School Board, and Le Conseil scolaire de district des écoles catholiques du Sud-Ouest shall herewith be known as the School Boards.

Bruce Peninsula O.P.P., Collingwood/The Blue Mountains O.P.P., Grey County O.P.P., South Bruce O.P.P., Hanover Police Services, Owen Sound Police Services, West Grey Police Services, Saugeen Shores Police Services and Cape Croker First Nation Police herewith be known as the Local Police.

School Principal or designate, herewith be known as the Principal.

The Bruce-Grey Catholic District School Board, Bluewater District School Board, and Le Conseil scolaire de district des écoles catholiques du Sud-Ouest and the Local Police recognize their respective responsibilities for the safety of students, staff and members of the school community:

- Police have responsibility for the investigation of alleged criminal offences;
- the School Boards have the responsibility for maintaining proper order and discipline in their schools and for ensuring the safety and well-being of staff, students and all members of the school community where subject to the School Boards' jurisdiction;
- students and/or their parents/guardians are free to seek Police involvement in incidents that fall outside the categories covered in this Protocol or in cases where the school does not involve the police.

The guiding principles upon which the terms of this agreement are based and which are relevant to the jurisdiction, include:

- the need to have a clear understanding of police and school responsibilities;
- the need to promote respect and civility in the school environment;
- the need to respect the fundamental rights of students, teachers, and staff pertaining to disability, race, creed, ethnic origin, and other prohibited grounds of discrimination under the *Ontario Human Rights Code*; and
- the need to support both rights and responsibilities.

3. Introduction

The School Boards and the Local Police believe that students, staff and members of the school community have the right to learn and work in a safe and positive learning environment.

To that end, this Protocol between the School Boards and the Local Police outlines how the School Boards and Police will co-operate with each other in their dealings with students and police-related investigations. Further, this Protocol outlines the respective roles and responsibilities of the School Boards and the Police for maintaining safe environments in schools, responding to incidents, and maintaining open lines of communication, all in accordance with applicable law.

The purpose of this protocol is to:

- assist in the greater safety, protection and well-being of students, teachers, principals, staff, and volunteers in schools;
- encourage constructive, ongoing, adaptive, and responsive partnerships between police and the school community;
- facilitate appropriate sharing and disclosure of information in accordance with privacy laws, including FIPPA and MFIPPA;

- promote joint consultation and partnerships between school boards and police services on maintaining a safe school environment;
- ensure that the obligations and requirements of both the education and police systems are met; and
- ensure an equitable and consistent approach across a school board's jurisdiction in the way police and schools respond to a school-related occurrence.

4. Role and Mandate of Police Services

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

The Local Police:

- engage and work proactively in partnership with school officials to ensure the effectiveness of this protocol;
- protect public safety and prevent crime;
- enforce the *Youth Criminal Justice Act*, the *Criminal Code*, and other federal, provincial, and municipal legislation and related regulations;
- uphold the duties legislated under section 42 of the *Police Services Act*;
- assist victims of crime;
- conduct police and criminal investigations;
- assist in the development of young people's understanding of good citizenship;
- promote and foster the prevention and reduction of crime, both against and committed by young people;
- provide information on community safety issues;
- divert young people away from crime and antisocial behaviour; and
- work 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.

The principal will have a role consistent with his or her statutory responsibility for the health and welfare of students and to maintain discipline in the school.

The School Boards, principals, teachers, and school staff related to safe and secure schools, shall:

- clearly explain the board's code of conduct to the school community, and the potential reach of school discipline with respect to behaviours taking place outside of school that have a negative impact on school climate;
- engage and work proactively in partnership with police officials to ensure the effectiveness of this protocol;
- comply with the requirements related to the duties of principals and teachers under the *Education Act* and regulations;
- consider the roles and responsibilities of the principal in conducting investigations of incidents for which suspension or expulsion under the *Education Act*, including the responsibility to take mitigating and other factors into account, as set out in Ontario Regulation 472/07;
- comply with the requirements legislated under the *Child and Family Services Act* (e.g., "duty to report");

- respect the board's code of conduct, as required by the *Education Act* (s. 302);
- ensure that resources (i.e. on drug awareness, on bullying prevention) are accessible to assist school staff in promoting a positive school environment with students and parents;
- develop policies on how to respond to crises, including the development of a communications plan;
- ensure that appropriate prevention and intervention strategies are available; and,
- provide staff with opportunities to acquire the skills necessary to promote safe, equitable, and inclusive school environments.

6. Definitions/Explanations of Terms

A glossary is provided, outlining definitions of terms that are important to assist those who will be administering local protocols, as Appendix A.

7. Occurrences Requiring Police Response

It is the duty of the principal to maintain proper order and discipline in the school. The following reporting guidelines should be followed by the principal or designate.

The following incidents require mandatory reporting to police (for students under the age of 12, refer to section 15 below). Note that mandatory police reporting does not mean that police will lay charges in every situation; however, for the incidents listed, police *must* be notified. The incidents listed 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.

It is expected that all other school-related occurrences not specified in the protocol will be dealt with by the principal on a case-by-case basis, and that police will be notified at the principal's discretion.

Mandatory Notification of Police

The police must be notified of the following types of incidents:

- all deaths;
- physical assault causing bodily harm requiring medical attention;
- threat where victim perceives imminent danger;
- sexual assault*;
- robbery*;
- criminal harassment*;
- relationship-based violence*;
- possessing a weapon, including possessing a firearm;
- using a weapon to cause or to threaten bodily harm to another person;
- trafficking* in weapons or in illegal drugs;
- possessing an illegal drug;
- hate and/or bias-motivated occurrences*;
- bomb threat;
- gang-related occurrences*; and
- extortion*.

Discretionary Notification of Police

Principals may notify police of the following types of incidents:

- giving alcohol to a minor;
- being under the influence of alcohol or illegal drugs;
- physical assault;
- threats* of serious physical injury, including threats made on social networking sites or through instant messaging, text messaging, e-mail, and so on;
- incidents of bullying;
- incidents of vandalism; and
- trespassing incidents.

Principals should consider mitigating and other factors when deciding whether to call the police in these discretionary situations. (For students with special education needs, school boards should identify circumstances where a police response is neither necessary nor appropriate. Refer to section 14 below for further information on dealing with students with special education needs.)

8. Information Sharing and Disclosure

A number of different statutes deal with information sharing and disclosure. These include federal legislation (the *Criminal Code*, the *Youth Criminal Justice Act*) and provincial legislation (the *Municipal Freedom of Information and Protection of Privacy Act*, the *Education Act*, and the *Child and Family Services Act*). In situations where 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) and other student records, by warrant or subpoena, or with the written consent of a parent or of the student, if the student is 18 years of age or older, or if the student is 16 or 17 years of age and has withdrawn from parental care.

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 under which confidential information may be shared.

The following subsections of Part 6 are of particular relevance for police/school board protocols:

- subsection 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;
- subsection 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";
- subsection 118, which states that no person shall be given access to a record 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;

- subsection 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”;
- subsection 125(6), which permits a provincial director, youth worker, peace officer, or any other person engaged in the provision of services to young persons to disclose to a representative of a school board or school any information kept in a record under sections 114 to 116 of the YCJA 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;
 - to ensure the safety of staff, students, or other persons; or
 - to facilitate the rehabilitation of the young person.

c) Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

This legislation regulates the collection and disclosure of personal information that is not related to the YCJA. As part of the local protocol, police services and school boards should develop a policy for the disclosure of personal information in situations under subsection 32(g) of the MFIPPA (i.e. “*to aid an investigation undertaken with a view to a law enforcement proceeding ...*”).

Further information regarding the release of students’ personal information can be found in the Office of the Information and Privacy Commissioner’s *Guide to Ontario Legislation Covering the Release of Students’ Personal Information*, at www.ipc.on.ca/english/Resources/Discussion-Papers/Discussion-Papers-Summary/?id=495

d) Child and Family Services Act (CFSA)

The *Child and Family Services Act* mandates that anyone who has reasonable grounds to suspect that a child is or likely will be a child in need of protection must report these suspicions to the Children's Aid Society. Section 72(1) - “*Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect (a need for protection), the person shall forthwith report the suspicion and the information on which it is based to a society*”.

e) Release of School Information by Warrant or Subpoena

In criminal matters, if a school Principal is served with a warrant requesting an OSR or other records, the Principal is obliged to comply with the warrant and will provide a copy of the OSR contents and other records as specified. The Principal should contact the Superintendent for guidance before releasing information. This should be done immediately upon receiving the warrant.

If a Principal is personally served with a subpoena requiring his/her testimony in a criminal case, he/she is obliged to comply with the subpoena, attend court, and produce any records or documents, including the original O.S.R., to court as specified in the subpoena. In the event that a record or document is ordered by the court to be entered into evidence, the Principal should bring the original records or documents, plus three copies, in order that the School Board can request to retain the originals and provide copies to the court.

f) Other Release of School Information to Police

In the absence of a warrant or court order, Principals should seek direction from their Superintendent before releasing any information.

If the Police are conducting an investigation for the purpose of law enforcement proceedings, the school Principal shall, upon the request of Police and pursuant to section

32(g) of the Municipal Freedom of Information and Protection of Privacy Act, release general information to the Police officer including, but not limited to the following:

- name, address and phone number of the student or staff member;
- name, address and phone numbers of the parent or guardian of the student.

In exigent circumstances, the police can access a student's OSR without a warrant, under section 487.1.1 of the *Criminal Code*.

9. School Procedures for Reporting to Police

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

In non-emergency situations that require police involvement, school staff should report the matter to the school principal or designate, who will initiate police contact. The following telephone numbers are available for non-emergency situations:

- | | |
|---|---------------------|
| • Bruce Peninsula Ontario Provincial Police: | 1-888-310-1122 |
| • Collingwood/The Blue Mountains Ontario Provincial Police: | 1-888-310-1122 |
| • Grey County Ontario Provincial Police: | 1-888-310-1122 |
| • South Bruce Ontario Provincial Police: | 1-888-310-1122 |
| • Hanover Police Service: | 519-364-2411 ext. 0 |
| • Owen Sound Police Service: | 519-376-1234 ext. 0 |
| • West Grey Police Service: | 519-364-2411 ext. 0 |
| • Saugeen Shores Police Services: | 519-832-2500 |
| • Cape Croker First Nation Police: | 519-534-1233 |

When notifying the police of an incident, the caller should be prepared to provide the following information. Additional details may also be required:

- where and what is happening?
- is anyone injured and what are the injuries?
- who and where is the caller?
- are there any weapons involved? What type? Where are the weapons now and who has them? and,
- who is involved (including names, dates of birth)? How many people are involved?;
- when did the event take place?
- emergency or medical required?

Refer to Appendix B regarding school lockdown procedures.

Reporting procedures must comply with the "duty to report" provisions under the *Child and Family Services Act*.

10. Initial Police Contact

Under exigent circumstances, or if the principal is being investigated, the officer is not required to follow the procedures set out below.

The police officer who responds to a report of a school-related incident is responsible for obtaining and thoroughly documenting information on the incident. The officer is normally required to take the following steps:

- report to the principal, providing proper identification;
- explain the purpose of the visit, and plan with the principal on how to proceed;
- consider alternatives that limit the disruption to the school day;
- obtain information from the principal about the student (e.g., regarding accommodation needs or barriers to communication) before making contact with the student; and
- contact, or make arrangements with the principal to contact, parents of students under the age of 18 (see section 12(a) below).

From time to time, it may become necessary and/or unavoidable to interview or apprehend a staff member on school property. If this occurs it is the intent of the Board to proceed as sensitively and unobtrusively as possible while co-operating with the police. The police may not always be able to discuss or disclose circumstances involving the investigation (including apprehension). Where feasible, the police should attempt to contact a supervisor or senior executive of the Board of the staff member being apprehended.

11. School and Police Investigations of Incidents

While it is important that the principal not do anything to prejudice the police investigation, it is also important that the police recognize and respect the principal's obligations under the *Education Act*. Under the Act, a school board's decision regarding expulsion of a student must be made within twenty school days from the date when the student was suspended. When possible, the police will share information with the principal that may be relevant to that decision.

Upon notifying Police of an incident, school staff shall separate the involved students and refrain from taking written statements. In the event that school staff are taking a statement while conducting an internal investigation and determine that a criminal offence has been committed, they shall discontinue the statement and notify Police immediately.

Any statement(s) taken shall then be turned over to Police for purposes of an investigation if requested.

Police investigations should be undertaken in accordance with the local police service's criminal investigation management plan and, where required, with the *Ontario Major Case Management Manual*.

The principal will inform police of any logistical information about the school (i.e. the hours of the school day and class rotation schedules) that may be relevant to the investigation process.

Police services will endeavour to work within these logistical considerations in order to minimize the disruption to the school.

a) Legal Rights

In the investigation of school-related incidents where a young person is a suspect, particular attention should be given by the principal and police to procedures that are consistent with the following provisions:

- parental notification upon arrest (s. 26, *Youth Criminal Justice Act*);
- right to counsel (s. 25, *Youth Criminal Justice Act*);
- right not to make a statement (s. 146, *Youth Criminal Justice Act*); and
- protection of privacy (s. 110, *Youth Criminal Justice Act*).

b) Search and Seizure

The Canadian Charter of Rights and Freedoms (Section 8) states that *"Everyone has the right to be secure against unreasonable search and seizure"*.

Where investigations involve search and seizure, the police and the principal should pay particular attention to the following procedures and responsibilities:

- it is the responsibility of the Principal or Vice-Principal to advise the students at the beginning of the school year that desks and lockers are school property and there is no expectation of privacy on the part of the students; therefore, a search of such property is permissible by the school administrator. In this case, the Principal or the Vice-Principal is acting under the authority of the *Education Act* to maintain proper order and discipline in the school, and not as an agent of the Police. It is advisable for the Administrator to have another person present to conduct any search. The Supreme Court of Canada in *R. v. M.R.M.* (1998) and the Ontario Court of Appeal in *R. v. J.M.G.* (1986) have stated that a Principal, who has reasonable grounds to do so, may conduct a search of a student or his/her possessions in carrying out his or her duties to maintain order and discipline in the school.
- any search by the police, shall be conducted in accordance with relevant federal and provincial legislation.
- the police will notify the principal before conducting searches on school premises. (Under some exigent circumstances, police may execute a search without a warrant and without notice to the principal).

Refer to Appendix E – Article: HicksMorley – "Supreme Court Speaks on School Searches"

c) Detainment and Arrest

Where investigations result in detainment and/or arrest, the police and the principal should pay particular attention to the following procedures and responsibilities. When possible, non-school related incidents resulting in the arrest of a student shall take place away from school property.

If the Police wish to arrest or charge a student on school property, the Police officer shall contact the Principal of the school that the student is attending and advise of the nature of the visit and to request a meeting with the student. In the case of "fresh pursuit", the Police may not be able to advise the school administrator immediately of the reason for their actions but will advise the school administrator at the first opportunity of any students charged or arrested.

If the student who is being arrested or charged by the Police is under 18 years of age, the Police shall inform that student about the nature of the charges and his/her rights. Subject to the Youth Criminal Justice Act, and in consultation with the Police, the school will attempt to contact the student's parents/guardians to inform them that their child is being arrested or charged by the Police. There may be times when the Police will direct the school administrator **not** to contact the parents/guardians of a charged or arrested student, for example:

- i) the parents/guardians are the suspects of a crime about which the student is being interviewed and/or;
- ii) contacting the parents/guardians could interfere with the Police investigation.
- iii) in such cases, the Police determine the proper course of action. The school administrator will follow Police direction in this regard and will document the name and badge number of the officer and the direction given. The Principal shall notify the Supervisory Officer.

If a student is a Crown ward or a ward of the Children's Aid Society, the legal guardian is the Children's Aid Society and shall be contacted in the same way as a parent/guardian.

If the student who is being arrested or charged by the Police is 18 years of age or older, and therefore an adult, (or a 16 or 17 year old who has withdrawn from parental control), the school shall not contact the parents/guardians without the permission of the student.

It is the responsibility of the school to communicate to the Police officer if any student has a learning disability or other exceptionality that may impede the student from expressing or understanding written/oral communication. Refer to section 14 of this protocol for further information.

If the student is not in attendance at school on that day, the school shall inform the Police officer of the student's date of birth, address, phone number, and the parent's/guardian's home and business phone numbers on file, in accordance with section 32(g) of the Municipal Freedom of Information and Protection of Privacy Act, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation with a view to a law enforcement proceeding is likely to result. Refer to section 8 of this protocol for further information.

d) Supports for Victims

It is important that police and/or the principal be aware of the procedures and responsibilities with respect to providing support for victims, according to their own agency-specific guidelines.

The principal shall inform the parents of victims who have been harmed as a result of an activity for which suspension or expulsion must be considered unless, in the principal's opinion, doing so would put the victim at risk of harm from the parents (*Education Act*, s. 300.3(1), O.Reg. 472/07), and Bill 157.

All board employees who work directly with students are expected to support all students, including those who disclose or report such incidents, by providing them with contact information about professional supports (i.e. public health units, community agencies, Help Phone lines). Advising victims of the services available shall be a shared responsibility between police and school administrators.

Procedures for information sharing and community referrals shall be in keeping with current and relevant legislation governing confidentiality.

Appendix D lists the available agencies for the support of victims.

12. Police Interviews of Students

It is the responsibility of police to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses.

The Police, in the course of an investigation, may need to interview students. If the school encounters an incident which necessitates the involvement of the Police, the Principal shall request the Police attend at the school.

The following procedure will be used when students are being interviewed:

Notification of Parents

The following procedures are to be followed, except in exigent circumstances, when the police interview students on school premises.

Police

- a) must advise a student, under the age of 18, that he/she may request his/her parent/legal guardian to be in attendance during the police interview
- b) are to act in a manner that respects the dignity of the student and minimizes disruption to the school when it is necessary to interview, search, or arrest a student at school during school hours
- c) if the student is deemed a suspect, the police will explain to the young person his/her rights, specifically the right to speak to a lawyer.

Police /Children's Aid Society (C.A.S.) for Owen Sound and The County of Grey/Bruce County Children's Aid Society

- If C.A.S. is involved, school and police officials should discuss and come to an agreement regarding the timing and procedure for notifying the parents.
- Police will consult with the C.A.S. when there is a duty to report, as outlined under the *Child & Family Service Act*.

Principal

Students under the Age of 18

➤ except in exigent circumstances, it is the principal's responsibility to contact parents of:

- a) victims who have been harmed as a result of an activity for which suspension or expulsion must be considered, unless, in the principal's opinion, notification of the parents would put the student at risk of being harmed by the parents.
If that is the case, the parents must not be contacted (*Education Act*, s300.3(3) www.e-laws.gov.on.ca)
- b) students receiving a suspension (*Education Act*, S. 311 www.e-laws.gov.on.ca)
- c) all other students being interviewed by police during an investigation, except:
 - if the principal is otherwise directed by police because of exigent circumstances, or where the police believe the parent may be implicated
 - if the student is 16 or 17 years of age and has withdrawn from parental control (unless the student consents to or requests such contact or is incapable of providing consent)
- d) the principal will attempt to inform the parent of any student who will be interviewed by the police and give the parent the opportunity to attend at the location of the interview. This applies to students under the age of 18 (except where the student is the victim of abuse and the alleged offender is a family member or primary care-giver or the contact may jeopardize further investigation or safety of the student)
- e) a parent/legal guardian, third-party adult, or the principal, if no alternative is available, must be present when students under the age of 18 are being interviewed at school
- f) in cases where a student aged 12 to 17 is to be interviewed at the school and waives the right to have an adult present at the interview, and the police and the principal consider the school the most appropriate location for conducting the interview, steps will be taken to ensure that the student's rights are respected during the interview
- g) when the parent cannot be reached or be present, at the request of the student, the principal or suitable designate, may act as an observer/advocate for the student; and
- h) where the principal is not able to contact the parent(s)/guardian(s), the principal will record his/her attempts to make such contact

Students over the Age of 18

The parent/legal guardian should not be called if the student is 18 years of age or older, unless the student gives his/her consent or makes the request him/herself or is incapable of providing consent for medical or other reasons.

Preparations for Interviews

Police will employ appropriate techniques when interviewing children and young persons and are required to follow the Guide to Officers for Section 146 *Youth Criminal Justice Act* <http://laws.justice.gc.ca> Statements.

Police are required to provide, upon arrest or detention, a legal caution and notification of the right to counsel, where there are reasonable grounds to believe that the student being interviewed has been involved in the commission of a criminal offence. As well, the police will take into account the legal considerations respecting the admissibility of statements made to persons in authority (S. 146(2) of the *Youth Criminal Justice Act* <http://laws.justice.gc.ca>)

It is recognized that the norm for interviews by police will be conducted outside the school.

However:

- interviews may be conducted on school premises
- police will attempt to notify the school principal or designate when interviews are to be conducted on school premises
- police should consult with the principal to consider alternatives for conducting interviews at a location other than the school
- interview procedures will vary depending on the circumstances and will be conducted at the discretion of the police
- if police interviews are conducted on school premises during school hours, the principal/designate will cooperate with police to provide equipment, facilities, information, staff and logistical support as required

Additional Principal Responsibilities:

- principal shall follow police direction and document the name and badge number of the officer and the directions given by police
- principal to communicate to the police if any student has a learning disability or other exceptionality, who has the need for specialized resources, that may impede the student from expressing or understanding written/oral communication; where a student is known to have a behavioural, cognitive, mental health, physical or learning disability.
- principal shall remain with the student during any interview held at the school
- if student is not in attendance at school on that day, the principal shall inform police of the student's date of birth, address, phone number and the parent's/guardian's home and business phone numbers on file, in accordance with section 32(g) of the Municipal Freedom of Information and Protection of Privacy Act, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

13. Reporting of Children Suspected to Be in Need of Protection

The *Child and Family Services Act* mandates that anyone who has reasonable grounds to suspect that a child is or likely will be a child in need of protection must report these suspicions to the Children's Aid Society. Section 72(1)-"*Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect (a need for protection), the person shall forthwith report the suspicion and the information on which it is based to a society*".

In cases where a child is suspected to be in need of protection, the principal shall notify the appropriate Children's Aid Society, in accordance with the protocol established by the school board.

When police are advised of a matter where a child is suspected to be in need of protection, the police will conduct an investigation in accordance with the protocol established with the appropriate Children's Aid Society.

For additional information, refer to the document *Reporting Child Abuse and Neglect*, developed by the Ministry of Children and Youth Services, which is available at www.children.gov.on.ca/htdocs/English/topics/childrensaidthereportingabuse/index.aspx.

14. Investigations Involving Students with Special Education Needs

School administrators have a duty to ensure that all members of the school community are able to work and learn in a safe and positive environment, they are obliged to report incidents to police as outlined in section 7 of this document. However, in investigations that involve a student known to have special education needs, additional considerations must be taken into account by school personnel and police.

Additional considerations are to be taken into account when an investigation involves a student known to have special education needs, who may be identified as having exceptionality in any of the following categories: behaviour, communication, intellectual, physical, or multiple.

Such considerations include:

- the responsibility of the school to communicate to the police that a student is known to have special education needs or communication difficulties;
- the requirement to accommodate the student, especially when interviewing is necessary. Every attempt should be made to provide specialized supports / resources, as needed, for the student during an investigation;
- the need to ensure that the student's parent is contacted as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident.

In cases involving students with special education needs, the principal should review the student's Individual Education Plan (IEP) and other relevant student records in order to identify whether further intervention strategies and/or resources are required for the student. These may include the development of and/or revisions to a behaviour management plan or a safety plan.

15. Occurrences Involving Students Under Age 12

The Principal is required to notify the child's parent as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident.

Children under 12 years of age cannot be charged with an offence under the *Criminal Code* <http://laws.justice.gc.ca>, *Youth Criminal Justice Act* <http://laws.justice.gc.ca>, or the *Provincial Offences Act* www.e-laws.gov.on.ca, but police have authority to:

- take reports of incidents allegedly committed by students in this age group
- make referrals to additional services for the student (Health, counselling)
- conduct interviews
- report to the local children's aid society under subsection 72 (1) of the Child and Family Services Act www.e-laws.gov.on.ca when there is evidence of abuse or neglect, or the risk thereof; when the child has committed serious acts and the child's parents are not accessing appropriate treatment.

Police shall refer to relevant police procedures/protocols, and local police service policies.

The Principal is required to conduct an investigation of an incident for the purpose of school discipline where a recommendation for suspension or expulsion may be required regardless of the age of the students involved. The Principal is required to provide accommodations and/or modifications for students with special education needs, as outlined in their Individual Education Plan (IEP).

The Principal shall refer to appropriate board regulations and procedures, in addition to this protocol, and may at any time consult with a Supervisory Officer.

16. School Board Communication Strategy

Develop a communication plan to promote knowledge and understanding of the contents of the protocol as well as consistency in its application. Key targets of the communication strategy are students and their families, who need to be aware of the range of situations in which police may be called (including any criminal activity involving students that takes place away from school, if that activity has a negative impact on school climate). Communications materials should use plain language, and should be available in multiple languages and accessible formats, as appropriate.

17. Protocol Review Process

A review of the local protocol shall be conducted every two years or sooner if required.

The review is conducted by the police, school boards and Child Protective Agencies, who should develop an effective mechanism for soliciting input from school staff, students, and parents.

18. School/Police Role in Violence Prevention

Staff and students, under the leadership of Principals and Vice-Principals, will design activities to promote a positive atmosphere and pride in the school, including the development of strategies to improve individual self-esteem and the encouragement of student participation in co-curricular activities. School staff and student representatives will encourage participation in activities that will promote an image of their school as having a safe environment.

Principals, in co-operation with students, staff, parents/guardians and the school council, will develop a School Code of Conduct. Annually, in September, this School Code of Conduct will be made available to students and parents/guardians.

Schools will promote learning environments that are safe, orderly, nurturing, positive and respectful. Such learning environments are to be peaceful and welcoming for all authorized individuals. Principals will encourage staff to be highly visible in the school and to engage in positive interactions with students, parents/guardians and the school community. The Police will continue to pursue proactive crime prevention through the School Liaison Program.

Signatories will reinforce the importance of a coordinated and multifaceted approach on the part of the school board and police in an effort to promote positive behaviour and prevent school violence. Outline the role of local police services in the school community, and

identify additional supports that police are prepared to offer, with respect to implementing violence-prevention policies in schools.

School boards and principals should develop, promote, and maintain strong partnerships with police and seek to benefit from their support in the implementation of the school's violence-prevention policies, particularly where those policies pertain to addressing the risk factors associated with antisocial, gang-related, or criminal behaviour. In a closely cooperative relationship, police may also offer support in a consulting role, to assist school personnel in determining appropriate action when dealing with violent behaviour and to explain the procedures for police investigations.

Police work in partnership with schools and other community agencies to administer crime-prevention programs that focus on areas such as peer mediation, conflict resolution, referral to appropriate community resources (i.e. those providing counseling or mentoring services, drug awareness and education programs, or support for seeking employment or housing), and Crime Stoppers. Working from a crime-prevention perspective, police can play an important role in the school community, which presents extensive opportunities for employing the strategy of "crime prevention through social development" (CPSD). CPSD involves preventing and reducing crime by identifying and addressing the risk factors associated with crime and victimization. Police use proactive measures that focus on the factors that precipitate the onset of criminal and antisocial behaviour.

CPSD recognizes that the intersection of multiple and complex social, economic, health, and environmental factors may lead to criminality. CPSD involves long-term, sustainable, multi-agency, integrated actions that deal with the risk factors (i.e. mental health issues, certain types of behavioural issues, involvement in the criminal justice system, victimization/abuse) that can start a young person on the path to crime, and build protective factors (i.e. strong adult role models, enhanced self-esteem, effective personal coping skills and strategies) that may mitigate those risks.

Strategies that schools can use to help prevent violence include:

- helping students develop social skills, including conflict-resolution skills;
- proactively identifying students at risk and giving them extra support;
- using progressive discipline to teach and encourage appropriate behaviour in the school;
- viewing each student as an integral and contributing member of the school community;
- demonstrating, by example and leadership, that students' human rights are to be respected; and
- encouraging students to return to the school community after involvement with the criminal justice system, and supporting them in the process.

Strategies that police can use to help prevent violence in schools include:

- developing positive partnerships with all members of the school community, including parents;
- being visible within the school community;
- being a positive adult role model for students;
- establishing positive relationships with children and youth;
- making referrals based on the best interest of the students;
- helping deliver educational sessions on crime and criminal justice issues;
- being part of an integrated, multi-agency team that can respond to children and youth at risk of conflict with the law;
- facilitating communication and cooperation with school officials, Youth Justice Probation Services, other police officers, courts, and other social services; and
- supporting students as they return to the school community after involvement with the criminal justice system.

In developing the protocol, school boards and police services should refer to, and ensure alignment with, related ministry, board, and police policies on violence prevention.

The local police/school board protocol is one component of a broader partnership between schools and other essential community partners, including mental health providers, health care professionals, and children's aid societies that is dedicated to violence prevention in Ontario schools.

19. Physical Safety Issues

When requested, police services may work in cooperation with local schools to assess the physical safety of the school premises, including the building and outdoor areas. In all cases, final decisions about alterations rest with the school board, as does the responsibility to carry out any desired work.

20. Establishing Risk-Assessment Services

Incidents of violence in schools are often preventable through early intervention in response to threatening behaviour, or non-threatening but worrisome behaviour. Taking steps to identify at-risk students through early and ongoing assessment and intervention strategies may reduce the need for disciplinary action and police interventions. A multi-agency approach to threat/risk assessment can be a highly effective means of preventing and managing situations that could otherwise negatively affect the safety of students and/or school staff.

School boards, along with police and other community partners (i.e. mental health agencies, Youth Justice Probation Services, and other youth focused agencies), are encouraged to develop procedures and protocols to facilitate timely intervention in situations where a threat has been made or an individual is engaging in worrisome behaviour. Having such a process in place provides for the sharing of information and makes a collective and timely response possible.

21. Emergency Planning and Threats to School Safety

In keeping with school board and ministry policies, every school shall have and communicate an Emergency and Crisis Response Plan, which must include but is not limited to a lockdown plan and procedures following a lockdown or other emergency.

Refer to Appendix B Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario.

22. Training

The school boards and police services will provide joint training on this local police/school board protocol to their respective staff on an annual basis.

Training will be based on effective/leading practices and will be delivered as considered appropriate to staffing requirements.

23. Dealing with the Media

Whenever a serious incident occurs in a school or is school-related and the local police propose to issue a press release that includes reference to a school board or a school, the police will consult with the appropriate director of education or designate in advance, where possible.

Bluewater District School Board	1-800-661-7509 519-363-2014
Bruce Grey Catholic District School Board	1-877-471-8121 519-364-0605
Conseil scolaire de district des écoles catholiques du Sud-Ouest	1-800-407-2338
London Office	1-519-673-1035

APPENDIX A: GLOSSARY

These definitions are provided as a general guide. Applicable legislation should be referenced for specific legal definitions. Online access to statutes is available through:

- www.e-laws.gov.on.ca
- <http://laws.justice.gc.ca/en/notice/index.html?redirect=%2Fen%2F>
- <http://www.napra.ca/pdfs/fedleg/cdsa.pdf>

Assault: A person commits an assault when (a) without the consent of another person, he/she applies force intentionally to that other person, directly or indirectly; (b) attempts or threatens, by an act or gesture, to apply force to another person, if he/she has, or causes that other person to believe upon reasonable grounds that he/she has present ability to effect his/her purpose; (c) while openly wearing or carrying a weapon or an imitation thereof, he/she accosts or impedes another person.

Bodily Harm: Refers to injury resulting from assault that is more than transient or trifling in nature

Bomb: An explosive device fused to detonate under specified conditions.

Bullying – Ministry and Board Definition: “Bullying is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and / or harm to another person’s body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance.”

Causing Disturbance: In or near a public place, by fighting, screaming, shouting, swearing, singing or using insulting or obscene language; by being drunk; or by impeding other persons.

Child A child means a person who is, or in the absence of evidence to the contrary, appears to be less than 12 years of age

Criminal harassment: Criminal harassment occurs when: (1) a person repeatedly follows an individual from place to place or repeatedly communicates, directly or indirectly, by any means (including electronic means), with an individual, or watches the home or place of work of an individual, or engages in threatening conduct directed at a person or a member of that person’s family; and (2) the victim of the criminal harassment is caused to reasonably, in the circumstances, fear for his or her safety.

Exigent circumstances: Urgent, pressing, and/or emergency circumstances. Exigent circumstances usually exist when immediate action is required for the safety of the police or others. Such circumstances may include a bomb threat, a person possessing or using a weapon, or a fire on school property.

Expulsion: The removal of a student from his or her school or from all schools of the board. Students expelled only from their school are assigned to another school of the board. Students expelled from all schools of the board must be offered a program for expelled students. Activities for which expulsion must be considered are found in section 310(1) of the *Education Act*. An example is using a weapon to cause or to threaten bodily harm.

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 his or her alleged criminal behaviour, in a timely manner, outside the formal youth justice system. The formal system would include charging the individual and going through the court process. Extra-judicial measures hold a youth accountable for his or her actions and provide sanctions outside of judicial proceedings. Some examples of sanctions include substance abuse counseling, volunteer work, repair of or compensation for damaged or stolen property, and a letter of apology.

Gang-related occurrences: Incidents involving a group, consisting of three or more persons, however organized, having as one of its main purposes the commission or facilitation of a criminal offence in which any or all of the members engage.

Hate and/or bias-motivated occurrences: Incidents (i.e. 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.

Lockdown: A procedure used in response to a major incident or threat of violence within the school, or in relation to the school. (See Appendix B for details.)

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 required by the *Education Act* and as set out in Ontario Regulation 472/07 (quoted below):

2. *For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following mitigating factors shall be taken into account:*

- 1. the pupil does not have the ability to control his or her behaviour*
- 2. the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour*
- 3. the pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person ...*

3. Other factors *For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:*

- 1. the pupil's history*
- 2. whether a progressive discipline approach has been used with the pupil*
- 3. whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment*
- 4. how the suspension or expulsion would affect the pupil's ongoing education*
- 5. the age of the pupil*
- 6. in the case of a pupil for whom an individual education plan has been developed,*
 - i. whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,*
 - ii. whether appropriate individualized accommodation has been provided, and*
 - iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.*

Negative impact on school climate: A possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school. Actions or behaviours that occur outside school may still have a negative impact on school climate. For example, cyber bullying often occurs outside school, but if it targets individual students and causes them to be afraid to come to school, it is having a negative impact on school climate.

Parent/legal guardian: A person legally entrusted with the care of, and managing the property and rights of, another person, usually a child/youth who is under the age of 18. For the purposes of Part XIII of the *Education Act*, students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are considered to be adults.

Police: For the purpose of this protocol, means the police detachments as listed in this protocol.

Possession of drugs: Having a controlled substance (i.e. a drug or narcotic, as set out in the *Controlled Drugs and Substances Act*) in one's personal possession or possessing it jointly with others, including knowingly possessing an illegal drug elsewhere.

Principal / Principal Designate: Teacher or appointed by a board to perform in respect of a school the duties of a principal under the *Education Act* and its regulations. For the purpose of this protocol, also includes a person designated by the principal.

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 Board: Means a district school board or a school authority, and for the purpose of this protocol, means the Boards as included as participants in this protocol.

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 pressured into doing something he or she doesn't want to do.

Suspension: The removal of a student from his or her school and all school-related activities for a minimum of one school day to a maximum of twenty school days. Activities for which suspension must be considered are found in subsection 306(1) of the *Education Act*. An example is possessing alcohol or illegal drugs.

Theft: The illegal or unauthorized removal of another person's property without his/her consent.

Threats: Any statement, act, or communication, by any means, including electronic means, of intent to cause harm, whether physical or emotional, to any person or thing, in circumstances where the person threatened believes or has grounds to believe the threat may be carried out.

Trafficking: Assisting in any manner with the distributing of a controlled drug or substance, as set out in the *Controlled Drugs and Substances Act*, or with the distributing of weapons.

Trafficking: Assisting in any manner with the distributing of a controlled drug or substance, as set out in the *Controlled Drugs and Substances Act*, or with the distributing of weapons.

Vandalism (Mischief): The wilful or malicious damage, defacement, or destruction of (school board) buildings, grounds, equipment, or property as well as staff and student property.

Weapon: Any article designed as a weapon, or used or intended to be used for the purpose of threatening, intimidating, or injuring a person. All firearms, including replica firearms and imitation firearms, are always considered weapons.

Young Person: Means a person who is, or, in the absence of evidence to the contrary, appears to be 12 years of age or older, but less than 18 years of age.

Appendix B: Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario

Introduction

Staff, students, and visitors in Ontario's schools have the right to learn, work, and be present in a safe and secure environment. However, the possibility of a major incident of violence is a reality that cannot be overlooked.

Everyone who spends any amount of time in an Ontario school on a regular basis needs to know how to protect themselves, and how to protect students, in the event of a major incident or threat of school violence. Publicly funded schools in Ontario are committed to providing and maintaining a safe school environment. Much has been accomplished around the issue of safe schools since the introduction of the Provincial Model for a Local Police/School Board Protocol in 2000, and more recently with the passage of Bill 212, which amended the safe schools provisions of the *Education Act*, in February 2007. The Ministry of Education and school boards and police from across the province continue to work in partnership to create safe school environments, and to prepare plans to be used in the event of a major incident of school violence. Many boards have actively undertaken the process of establishing lockdown plans with the support of their police service. However this has not previously been a ministry requirement, nor has there been a consistent approach across the province with respect to lockdown planning. The following policy should accompany the protocols already developed.

Purpose

Based on lockdown procedures that have already been established in many Ontario schools, the following policy is being provided to help elementary and secondary schools ensure their lockdown plans meet basic requirements, and to ensure a degree of consistency across the province. While much of what is provided will be termed "Effective Practices", there are two key elements which the Ontario Association of Chiefs of Police (OACP) is recommending as mandatory requirements by the Ministry of Education.

The Ministry of Education and the Ministry of Community Safety and Correctional Services acknowledge the work of the Ontario Association of Chiefs of Police (OACP) Lockdown Procedure Working Group and thank the members and OACP for their work in preparing these guidelines.

Mandatory Requirements

1. All publicly funded school boards in Ontario must establish a lockdown policy to ensure the development and implementation of individual school plans.
2. A minimum of two lockdown drills must occur each school year.

In developing lockdown plans, each elementary and secondary school should consider the following policy:

When to Lock Down /Terminology to Be Used

Terminology is very important. Plans should clearly identify when "lockdown" versus other terminology is to be utilized. Terminology used to order a lockdown should be plain language, clear, and leave no room for misunderstanding as to what is expected. No secret passwords should be used.

“Lockdown” should be used *only* when there is a major incident or threat of school violence within the school, or in relation to the school. The overuse or misuse of “lockdown” will result in staff/students becoming desensitized and not taking lockdowns seriously.

“Hold and Secure” should be used when it is desirable to secure the school due to an ongoing situation outside and not related to the school (i.e. if a bank robbery occurs near a school but not on school property). In this situation, the school continues to function normally, with the exterior doors being locked until such time as the situation near the school is resolved.

“Shelter in Place” should be used for an environmental or weather-related situation, where it is necessary to keep all occupants within the school to protect them from an external situation. Examples may include chemical spills, blackouts, explosions, or extreme weather conditions.

Boards must use the above terminology in developing local plans, in an effort to ensure consistency across the province. This policy focuses primarily on “Lockdowns”.

Rationale

The use of common language across the province allows for easy integration when staff, students, and emergency service personnel are transferred from one jurisdiction to another.

Roles and Responsibilities:

Clearly defined roles, responsibilities, and expectations are critical in emergency situations.

At a minimum, plans should include expectations with respect to staff, students, parents, and police. The lockdown policy should address issues such as accessibility and communications for students with special education needs.

Effective Practices:

Principal – The principal is responsible for overall planning; the final content of the plan; scheduling drills; inviting police, fire, and emergency medical services (EMS) to participate in and be aware of planning and drills; training students; and the overall safety of staff and students. In an actual incident (not a drill), the police are responsible for management of the threat and subsequent criminal investigation; however, the principal shall provide full cooperation with police.

Staff – School staff, and in particular administrators, have the overall responsibility for the training, safety, and well-being of students. Administrators during a violent incident have additional responsibilities in terms of working closely with police.

Students – Students have a responsibility to be familiar with the plan and to respond quickly to the direction of staff during a crisis situation. Any student with information on or prior knowledge of an individual or a potential situation that may result in a violent incident must come forward with that information as soon as possible. This is also the case during an incident.

Police – Police are responsible for responding to and investigating violent incidents. During a violent incident, police will assume command and control of the response and investigation but will liaise and work closely with school administration and other emergency services throughout the process.

Parents/Guardians – Parents and guardians must be informed of the existence of this plan and should reinforce with their children students' responsibilities with respect to following directions during a crisis and disclosing any information they may have prior to or during a crisis situation.

Floor Plans:

Accurate floor plans are a key component of lockdown plans and are important from both a planning and a response standpoint.

Effective Practices

Consideration should be given to colour coding floor plans using three colours, such as red, green, and blue. Red indicates danger areas of the school that cannot be locked down safely, with green identifying areas where staff and students are to proceed to safely lock down. Blue areas identify command post locations, which will be utilized by police depending on the nature of the incident.

Normally, the main office will be a command post location, with another area within the school identified as an alternate command post location. A third off-site command post location should be identified within the individual school plan in the event that neither on-site command post location is available.

Off-site evacuation locations should also be identified and included with copies of the floor plans.

Floor plans should be posted throughout the school, at least in every classroom and at every entry point to the school. In multi-level buildings, it is suggested that only the floor plans relevant to a specific level be posted on that level.

Hard copies of floor plans, and electronic copies, if possible, should be provided to police.

Rationale

It is vitally important that police have current, accurate information about the school layout and that this information is available in both electronic and hard copy formats in the event of computer malfunctions.

Identification of Buildings, Exterior Doors, Classrooms:

To assist police in responding to a major incident or threat of violence, buildings, entrances, and all rooms within buildings need to be clearly identified.

Effective Practices

In situations where more than one building exists on school grounds, each building should be clearly identified on all sides of the building with a building identifier, such as a number. All portables shall be clearly identified as well. All exterior doors shall be clearly identified, such as doors A, B, C, etc. All rooms within the building should be clearly marked with room numbers.

Rationale

This information is essential to identify the location of buildings and identify safe access routes for responding emergency personnel.

Initiating Lockdown:

Plans should emphasize the importance of locking down as quickly as possible. At the first indication of a major incident of school violence, notification must go to the main office and the lockdown must commence immediately.

Effective Practices

All staff (especially those working in the main office) should be trained that, when information is received in the office of a situation requiring a lockdown, whoever receives that information will immediately activate the school's public address (PA) system, inside and outside, announcing the lockdown. There should be no hesitation in announcing the lockdown, and the decision to call the lockdown should be made immediately by whoever receives the call to the office, and should not be delayed for the purpose of checking with administration before announcing a lockdown. Boards should consider both auditory (PA) and visual notification systems inside and outside the school to announce a lockdown. For the safety of hearing-impaired individuals and in situations where noise levels in open areas such as cafeterias, and outside the school, may prevent staff and students from hearing a PA announcement, consideration should be given to the use of strobe lights or other visual indicators, in addition to the PA system.

It is recommended that the actual wording announcing a lockdown be affixed on or near the microphone, so that it is clearly visible and can be read by the person announcing the lockdown.

Rationale

In emergent stressful circumstances, even the most composed individuals may have difficulty remembering exact words. By pre-printing the announcement and practicing it, the person delivering the message can ensure that the content is delivered accurately.

Classroom/Other Secure Area – Procedures During Lockdown:

Plans should provide detailed procedures to be used when locking down a classroom or other secure areas.

Effective Practices

It is recommended that, before locking a door, staff should gather everyone in the immediate vicinity into their classroom or other secure area, but only if it is safe to do so. Once inside a secure area, staff and students should:

- stay away from doors and windows;
- turn off lights;
- close blinds;
- be aware of sight lines;
- if there is a window in the classroom door, consider covering the window;
- take cover if available (get behind something solid);
- remain absolutely quiet;
- take attendance (to be done by teachers);
- not use cell phones unless it is necessary to communicate regarding the incident. Cell phones should be shut off or put on vibrate.

Rationale

The goal is to make the classroom appear vacant.

Portables:

Plans must address how to effectively and safely lock down a school portable.

Effective Practices

Plans must recognize unique issues with portables. Due to thin wall construction, it is recommended that desks be tipped onto their sides with desktops facing out, and all desks placed in a circle, with students/staff gathered within the circle, down on the floor below the top edge of the desk.

Rationale

The desktops will act as an additional barrier to a round from a firearm which may have penetrated a portable wall.

Washrooms: Procedures During Lockdown:

Plans should address what staff/students should do if they are in a washroom when a lockdown is called.

Effective Practices

As washrooms cannot be locked, and therefore should be identified during planning as a danger (red) area in the event of a lockdown, students need to evacuate washrooms if at all possible and get to an area that can safely be locked down (green).

For elementary schools, it is recommended that plans designate adults who normally work in close proximity to student washrooms to check the washroom(s) prior to locking down themselves, if it safe to do so. After gathering students in the immediate vicinity of their classroom door into their classroom, they would quickly check both male and female washrooms to which they have been assigned in the planning phase, and take any students found in the washrooms into their classrooms to lock down.

For secondary schools, it is recommended that training include an explanation to students that they are responsible for getting out of the washrooms immediately upon hearing a lockdown announced, and getting to the nearest classroom or other area that is identified as a safe (green) area.

As a last resort, staff or students trapped in a washroom should attempt to somehow secure the bathroom door, enter a stall, lock the door, and climb on top of the toilet.

Rationale

Plans need to indicate that staff and students should be moved from washrooms into classrooms but not if it means moving into immediate danger. In those instances, staff and students should remain in the washroom and attempt to make the washroom appear vacant.

Open Areas – Procedures During Lockdown:

Plans should recognize that open areas, including cafeterias, libraries, and hallways, are the most vulnerable areas of a school, making them the most likely location for a shooting, and the most difficult areas to quickly and effectively secure.

Effective Practices

Considerable time and attention need to be given to open areas during the planning phase. All possible options should be considered to best address these highly vulnerable areas, including the possibility of evacuating to the exterior of the school. This may be the best option if these areas are adjacent to exterior walls and have doors leading to the outside. It is very important during staff and student training that everyone understand what to do and where to go in the event that a lockdown is called when they are in an open area.

Rationale

Consider having various options in the event that the first option is not available.

Child Care and Other Facility Occupants:

As many schools have licensed child care centres or other tenants and community groups using school premises, those organizations or individuals must be taken into consideration at all stages.

Effective Practices

It is important that principals ensure the appropriate staff from organizations sharing facilities is included in the development and implementation of lockdown procedures and that these organizations participate in aspects of planning, training, and drills.

Rationale

Due to proximity issues, the need to be prepared is as important for other occupants as it is for staff and students of schools.

Outside of School Buildings When a Lockdown Is Called:

Procedures must address where staff and students outside the school should go in the event of a lockdown. These procedures should also address how people who are outside the school building will know where the evacuation sites are located.

Effective Practices

In order to ensure that those who are outside school buildings are aware that the school is locking down, the PA system must be capable of being activated outside the school. Consideration should also be given to including an exterior visual indicator (i.e. strobe lights) that can be used to indicate that a lockdown has been called. Those who are outside the school when a lockdown is called shall not re-enter the school, but shall proceed immediately to pre-determined off-site evacuation location(s). Once at the location, staff and students shall remain in that location until further advised by administration or police. Plans should include the taking of attendance at the off-site evacuation location(s). Neighbouring schools may not be the best option as off-site evacuation locations, as they too may lock down once they become aware of an incident at a nearby school.

Note: When a "Hold and Secure" situation occurs and staff and students are outside the building, they should re-enter the building prior to the exterior doors being locked.

Controlled Evacuation:

In the event of a prolonged situation, or a situation where the threat has been contained (i.e. a barricaded individual), plans should include provisions for a controlled evacuation of the areas of the school not in the vicinity of the contained area.

Effective Practices

Police will make the decision as to whether a controlled evacuation of a school under lockdown is a viable option, and will direct the evacuation process. This will normally be done on a room-by-room basis, with evacuees being escorted by police to the evacuation location.

Fire Alarms:

Plans should address the issue of how to deal with fire alarm activation after a school has gone into lockdown.

Effective Practices

In the event that a fire alarm is pulled once a lockdown has been called, staff and students shall not respond as they normally would to a fire alarm, but shall remain locked down, if it is safe to do so. Staff and students must always be aware of other dangers such as fire, and be prepared to respond accordingly in order to ensure their own safety.

Rationale

There is a desire not to create a situation where staff and students run into danger when responding to a fire alarm. At the same time, staff and students should not ignore the fact that fire may occur intentionally or otherwise during a lockdown and that there is a need to respond to the most immediate threat.

Procedures to End a Lockdown:

Plans should include how a lockdown will be terminated.

Effective Practices

Plans to conclude a lockdown will vary by location. Procedures may include a general announcement via the PA system by the principal, or a room-to-room visit from police/school administration, with some sort of an identification process, so that the occupants of a locked room know that whoever is giving them the all-clear is in fact authentic. Local plans should include procedures for ending lockdowns at off-site evacuation locations. In all cases where police have responded, plans should clearly indicate that the decision to end a lockdown shall be made only after approval of the on-scene police incident commander.

Rationale

There is a need to include the same level of authenticity to ending a lockdown as to initiating one.

Training:

Plans should address initial and ongoing training of staff, students, and visitors to the school.

Effective Practices

Orientation for new teachers should include mandatory lockdown training. Schools should establish a method to conduct lockdown review training for all staff during each school year. Schools should consider assemblies to train secondary students on lockdown procedures. Due to the young age of some elementary students, it is suggested that classroom teachers be responsible for training students at the elementary level. Any training provided to

students with special education needs should be consistent with the expectations outlined in their Individual Education Plans. Where possible, it is advantageous to have police partners present during training, and to assist with the training of staff and students. Information for parents may be presented in newsletters, school or board websites, or an evening session on lockdown plans. Fire and EMS personnel should be invited to training sessions.

Rationale

People can be expected to respond properly under stressful and emergent circumstances when properly trained.

Drills:

Fire drills have long been accepted as an important and effective tool in preparing staff and students for procedures to be followed in the event a fire breaks out in a school. Equally important is the practicing of lockdown drills in preparation for a major incident of school violence.

Mandatory Requirements (Ministry of Education):

Each school shall conduct a minimum of two lockdown drills during each school year.

Effective Practices

School personnel should work cooperatively with police partners on drills. The principal is responsible for setting the date of drills and overseeing the drill, with police support/assistance. Consider including fire and EMS personnel during drills, so they become familiar with lockdown plans. Staff, students, and parents should be given some warning of an impending drill. Procedures should include a plan to alert neighbouring schools of lockdown drills, especially if fire and EMS personnel have been invited to participate. A short debriefing should be included after all drills to identify areas for improvement. Many boards have established a tracking system to record drill dates, thereby ensuring accountability and compliance.

Rationale

In order for staff and students to respond properly, plans must be practiced to ensure complacency is avoided.

Media:

Plans shall include provisions for dealing with media.

Effective Practices

Police are responsible for addressing media with respect to the criminal incident involved and police response to an incident. Principals/board personnel are responsible for dealing with media on issues of staff and student safety. It is strongly advised that media personnel from police and school boards share press releases prior to their release to the media, so that both police and school officials are aware of what the other is saying. A spirit of cooperation is highly recommended in terms of police and school officials working closely on media issues.

Rationale

Coordinated and consistent messaging from all partners is essential in maintaining public confidence.

Communication with Parents/Guardians/Community:

Communication with parents, guardians, and the community in general is important so as to ensure a good understanding of lockdown procedures, without instilling fear.

Effective Practices

Consider sending a newsletter to each home at the beginning of the school year to inform parents of lockdown procedures and to encourage parents to reinforce with their children the importance of understanding the procedures and following staff direction.

Parents need to be informed of where they should proceed in the event of an actual incident involving a lockdown. Communication with parents around the importance of lockdowns is vital. Parents should be informed of what is expected should they arrive at school during a drill, or if they are present within the school when a lockdown is called.

In all instances of a lockdown that was not a drill, it is recommended that a communication to parents be sent home with each student at the conclusion of the school day or as soon as possible. Parents should be encouraged to ensure that their contact information is kept up to date so they can easily be reached by staff in the event of an emergency.

Rationale

Parents need to see lockdown drills as essential elements to prevent injury, and good communication is required to eliminate fears and concerns.

Parents play a key role in ensuring students' cooperation and participation in drills.

School Recovery Following a Lockdown:

Plans should include provisions to address the aftermath of a school lockdown.

Effective Practices

A debriefing should occur in all situations following a lockdown. The nature and severity of the incident will dictate who should be included in the debriefing.

In serious situations where injuries or loss of life occurs, the board's trauma response plan will normally be initiated.

In all cases, communication with parents is vital.

Plan Review:

Each school plan, as well as the board plan, shall be thoroughly reviewed annually.

Effective Practices

A page should be included within the plan that allows for documentation of when the plan was reviewed and who reviewed it, along with a signature area. Where boards develop a web-based application to record when drills have been completed, a separate page could be created to allow for the recording on the website of the date the plan was reviewed annually.

Appendix C:

Guide to Officers for Section 146 Youth Criminal Justice Act Statements

Guide pour les Agents:

Déclarations en Vertu De l'article 146

De La Loi Sur Le Système de Justice

Pénale Pour les Adolescents

- Il est impératif que l'adolescent comprenne bien tout ce qui lui est dit et expliqué.
- Il ne faut pas se contenter de lire la formule à l'adolescent et de lui demander s'il ou elle comprend.
- Une approche objective et personnalisée, qui tient compte du niveau intellectuel et de toute autre caractéristique personnelle de l'adolescent, est nécessaire lorsqu'on procède à une entrevue.
- Avant de poser l'une ou l'autre des questions figurant dans la formule de déclaration, vous devez vous faire une idée du niveau de compréhension de l'adolescent afin de déterminer le langage approprié à utiliser pour lui expliquer ses droits. L'enregistrement de ce contact initial avec l'adolescent pour évaluer sa compréhension aura force probante.
- À cette fin, vous devez vous renseigner sur le niveau d'éducation de l'adolescent, sur ses aptitudes langagières et l'étendue de son vocabulaire, sur sa capacité à comprendre ainsi que sur son état émotionnel.
- Pour cela, il n'y a pas d'autre moyen que d'engager une conversation avec l'adolescent. La liste ci-dessous, même si elle n'est pas exhaustive, pourra vous guider pour mener cette conversation:

La Cour d'appel de l'Ontario a souligné l'importance d'enregistrer sur bande vidéo toute déclaration d'une personne inculpée. Ceci est d'autant plus important lorsqu'on envisage d'inculper un adolescent ou d'enregistrer sa déclaration et qu'il faut lui expliquer clairement les éléments d'information prévus par l'article 146 **en des termes adaptés à son âge et à sa compréhension.**

Le meilleur moyen de prouver que vous avez adapté vos explications à l'âge et au niveau de compréhension de l'adolescent en question est de procéder à un enregistrement sur bande vidéo.

- Quel âge avez-vous? En quelle classe êtes-vous?
 - Où allez-vous à l'école?
 - Avez-vous une difficulté d'apprentissage?
 - Êtes-vous dans une classe d'éducation spéciale?
 - Avez-vous déjà été arrêté dans le passé?
 - Avez-vous déjà fait une déclaration à un agent de police dans le passé?
- Lorsque vous aurez réussi à vous faire une idée suffisante du niveau de compréhension de l'adolescent, vous serez en mesure d'adapter votre explication des dispositions de l'article 146 à ses aptitudes.
 - Même si rien ne vous oblige à demander à l'adolescent de vous réexpliquer ses droits, dans certains cas, cette technique vous permettra de vous assurer que vos explications étaient à la fois appropriées et suffisantes.
 - Un moyen simple et approprié de déterminer si l'adolescent a bien compris est de lui demander « Pouvez-vous expliquer dans vos propres mots ce que ceci signifie pour vous? »
- » The Ontario Court of Appeal has emphasized the importance of recording any statement of an accused person on video.

This is even more important when contemplating charges against or taking the statement of a young person where the informational components of Section 146 must be explained to the young person **in language appropriate to the particular young person's age and understanding.**

The best way to demonstrate that you have tailored your explanation to the age and understanding of the particular young person is by way of video.

- It is imperative that the young person clearly understands everything that is being said and explained to him/her.
- It is insufficient to simply read the form to the young person and ask if he/she understands.
- An individualized, objective approach that takes into account the level of sophistication and other personal characteristics relevant to the young person's understanding is required when conducting the interview.
- Prior to asking any of the questions set out in the statement form, you are required to acquire some insight into the level of understanding of the young person you are interviewing in order to determine the appropriate language to use in explaining his/her rights. It would be of evidentiary value to record this initial interaction with the youth while gauging their level of understanding.
- This requirement involves learning something about the young person's level of education, language and vocabulary skills, ability to comprehend and emotional state.
- This requirement can only be achieved by engaging the young person in conversation. Consideration should be given to the following non-exhaustive list of questions:
 - How old are you?
 - What grade are you in?
 - What school do you attend?
 - Do you have a learning disability?
 - Are you in a special education class?
 - Have you been arrested before?
 - Have you given a statement to a police officer before?
- Once you have acquired the necessary insight into the young person's level of understanding you will be in a position to tailor your explanation of the Section 146 requirements to the capabilities of the particular young person you are interviewing.
- While you are not required to have the young person "explain back" their rights, in some instances, this may well demonstrate that your explanations were both appropriate and sufficient.
- A simple and appropriate way to determine whether the young person understands is to ask, "What does this mean to you in your own words?"

1. Statement Recording Method:

DVD (No. _____)
Videotape (No. _____)
Audiotape (No. _____)
Written
Police Service:
Occurrence No:
Police Case ID:

Date:
Location:
Start Time:
Time Completed:

Méthode d'enregistrement de la déclaration :

DVD (No. _____)
Bande vidéo (No. _____)
Bande vidéo (No. _____)
Par écrit
Service de police :
No. D'incident :
Référence du dossier de police :

Date :
Lieu :
Heure (début) :
Heure (fin) :

Interviewing Officer(s):
Name of Young Person:
Date of Birth:
Address:
Name:
Parents
- Adult Relative
- Other Adult
Address:
Phone Number:

You are charged with:

You may be charged with:

2. Do you understand the charge(s)?
If at any time you do not understand anything, tell me and I will explain it to you. Do you understand?

- 3a. **THIS SECTION APPLIES ONLY TO YOUTHS WHO ARE 14 YEARS OF AGE OR OLDER AT THE TIME OF THE ALLEGED OFFENCE AND THE OFFENCE IS 1ST OR 2ND DEGREE MURDER, ATTEMPT MURDER, MANSLAUGHTER OR AGGRAVATED SEXUAL ASSAULT.**

As you are 14 years old, or older, and you are charged with , if you are found guilty, the Crown will ask the court to give you an adult sentence. The most severe adult sentence is life in prison. It is up to the court to decide whether you will be sentenced as a young person or an adult.

THIS SECTION APPLIES TO YOUTHS WHO ARE 14 YEARS OF AGE OR OLDER AT THE TIME OF THE ALLEGED OFFENCE AND THE OFFENCE IS ONE FOR WHICH AN ADULT IS LIABLE TO IMPRISONMENT FOR MORE THAN TWO YEARS.

As you are 14 years old, or older, if you are found guilty, the Crown may

Agent(s) procédant à l'entrevue :
Nom de l'adolescent(e) :
Date de naissance :
Adresse :
Nom :
Père ou mère
- Autre parent adulte
- Autre adulte approprié
Adresse :
Numéro de téléphone :

Vous êtes accusé(e) de:

Vous pourriez être accusé(e) de:

Comprenez-vous la(les) accusation(s)?
Si, à un moment quelconque, vous ne comprenez pas quelque chose, dites-le-moi et je vous l'expliquerai. Comprenez-vous?

CETTE SECTION NE S'APPLIQUE QU'AUX ADOLESCENTS ÂGÉS D'AU MOINS 14 ANS AU MOMENT DE L'INFRACTION PRÉSUMÉE ET LORSQUE CETTE INFRACTION EST UN MEURTRE AU 1^{er} OU 2^e DEGRÉ, UNE TENTATIVE DE MEURTRE, UN HOMICIDE INVOLONTAIRE COUPABLE OU UNE AGRESSION SEXUELLE GRAVE.

Comme vous avez 14 ans ou plus et que vous êtes accusé(e) de, si vous êtes reconnu(e) coupable, la Couronne demandera au tribunal de prononcer contre vous une peine applicable aux adultes. La peine la plus sévère applicable aux adultes est l'emprisonnement à perpétuité. Il appartient au tribunal de choisir entre une peine spécifique applicable aux adolescents et une peine applicable aux adultes.

CETTE SECTION NE S'APPLIQUE QU'AUX ADOLESCENTS ÂGÉS D'AU MOINS 14 ANS AU MOMENT DE L'INFRACTION PRÉSUMÉE ET LORSQU'IL S'AGIT D'UNE INFRACTION POUR LAQUELLE UN ADULTE SERAIT PASSIBLE D'UNE PEINE D'EMPRISONNEMENT DE PLUS DE DEUX ANS.

Comme vous avez 14 ans ou plus, la Couronne demandera au tribunal de

ask the court to give you an adult sentence. The most severe adult sentence is life in prison. It is up to the court to decide whether you will be sentenced as a young person or an adult.

Statement of a Young Person

Youth Criminal Justice Act, Section 146

Not Applicable (officer's initials)

— —
Warning Read: Yes

Reply

Reply

Do you understand? Yes No

- 4a. You have the right to talk to a lawyer in private without delay. Do you understand?
- b. You can also get immediate legal advice from a free Legal Aid Lawyer by calling 1-800-561-2561 or 1-800-265-0451. Do you understand?
- c. If you are charged with an offence, you may apply to Ontario Legal Aid for legal assistance. Do you understand?
- d. You also have the right to speak, without delay and in private, to a parent, or in the absence of a parent, an adult relative or in the absence of an adult relative another appropriate adult whom you feel may assist you. Do you understand?
- e. If you make a statement to the police, the police must have the person(s) you spoke with here while you make a statement unless you do not want them or any one of them here. Do you understand?
- f. Do you want to talk to a lawyer?
- g. Do you want to talk to one or both of your parents?
- h. If your parent(s) are not available, do you want to talk to an adult relative?

prononcer une peine applicable aux adultes. La peine la plus sévère applicable aux adultes est un emprisonnement à vie. Il appartient au tribunal de choisir entre une peine spécifique applicable aux adolescents et une peine applicable aux adultes.

Déclaration d'un Adolescent

Loi Sur le Système de Justice Pénale Pour les Adolescents, Article 146

Ne s'applique pas (initiales de l'agent)

— —
Avertissement lu : Oui

Réponse:

Réponse:

Comprenez-vous? Oui Non

- Vous avez le droit de parler sans délai à un avocat en privé. Comprenez-vous?
- Vous pouvez aussi obtenir gratuitement l'assistance immédiate d'un avocat de l'aide juridique en appelant le 1-800-561-2561 ou le 1-800-265-0451. Comprenez-vous?
- Si vous êtes accusé(e) d'une infraction, vous pouvez faire une demande d'aide juridique auprès d'Aide juridique Ontario. Comprenez-vous?
- Vous avez le droit de parler, sans délai et en privé, soit à votre père ou votre mère soit, en l'absence de votre père ou de votre mère, à un parent adulte, soit, en l'absence d'un parent adulte, à tout autre adulte approprié qui, selon vous, pourrait vous aider. Comprenez-vous?
- Si vous faites une déclaration à la police, celle-ci a le devoir de faire en sorte que la ou les personnes auxquelles vous avez parlé soient présentes au moment où vous faites votre déclaration, à moins que vous préfériez le faire sans qu'elles soient présentes. Comprenez-vous?
- Voulez-vous parler à un avocat?
- Voulez-vous parler à votre père, votre mère ou aux deux?
- Si votre père ou votre mère ne sont pas disponibles, voulez-vous parler à un autre parent adulte?

- i. If an adult relative is not available, do you want to talk to another appropriate adult?

Not Applicable (officer's initials)

Do you understand? Yes No

--

Warning Read: Yes

Reply

Reply

Reply

Reply

Reply

Reply

Reply

Reply

Reply

Statement of a Young Person

5. **IF THE YOUNG PERSON INDICATES THAT HE/SHE WISHES TO SPEAK TO ANY OF THE ABOVE PERSONS, THE OFFICER CONDUCTING THE INTERVIEW MUST NOW FACILITATE THOSE CONVERSATIONS.**

Do you wish to make a statement?

If yes, the police must have the people you spoke with here while you make a statement, unless you do not want them or any one of them here. Do you understand?

If you decide to make a statement, you can stop at any time. You can also at any time talk to a lawyer and a parent, adult relative or an appropriate adult, and have that person here with you. Do you understand?

I have been given the opportunity to obtain immediate free advice from a Legal Aid Lawyer and the opportunity to talk to a lawyer and my parent(s); or, in the absence of a parent, an adult relative; or, in the absence of a parent or adult relative, another

Si aucun parent n'est disponible, voulez-vous parler à un autre adulte approprié?

Ne s'applique pas (initiales de l'agent)

Comprenez-vous? Oui Non

--

Avertissement lu : Oui

Réponse:

Réponse:

Réponse:

Réponse:

Réponse:

Réponse:

Réponse:

Réponse:

Réponse:

Déclaration d'un Adolescent

- SI L'ADOLESCENT [E] INDIQUE QU'IL OU ELLE SOUHAITE PARLER À L'UNE DES PERSONNES INDIQUÉES CI-DESSUS L'AGENT QUI PROCÈDE À L'INTERROGATION DOIT ALORS PRENDRE LES DISPOSITIONS NÉCESSAIRES POUR FACILITER CES CONVERSATIONS.**

Souhaitez-vous faire une déclaration?

Dans l'affirmative, la police doit faire en sorte que les personnes auxquelles vous avez parlé soient présentes au moment de votre déclaration, à moins que vous préfériez le faire sans qu'elles soient présentes. Comprenez-vous?

Si vous décidez de faire une déclaration, vous pouvez vous arrêter à tout moment. Vous pouvez aussi à tout moment parler à un avocat ainsi qu'à votre père ou votre mère, à un adulte parent ou à un autre adulte, et demander que cette personne soit présente ici avec vous. Comprenez-vous?

J'ai eu la possibilité d'obtenir des conseils gratuits et immédiats d'un avocat de l'aide juridique et la possibilité de parler à mon avocat ainsi qu'à soit mon père ou à ma mère, soit, en l'absence de mon père et de ma mère, à un parent adulte, soit, en l'absence de mon père, de ma mère ou

appropriate adult. I have been informed that the police must have the people with whom I have just spoken present when making a statement unless I do not want them, or any one of them, with me during this interview. These rights have been explained to me and I understand them.

6. I choose not to talk with any of these people.

Signature of Young Person

7. I do not want any of them here with me during this interview.

Signature of Young Person

Name of Person Present: _
Parent(s) _Adult Relative _
Other Appropriate Adult:

Address: Phone Number:

You do not have to say anything about the charge(s) unless you want to. Do you understand?

I also have to tell you that whatever you do say will be recorded in writing or on audio or video and may be given in evidence against you in court. Do you understand?

WAIVER OF RIGHTS CAUTION

Reply
Reply
Reply

Statement of a Young Person

Witness
Time

8. If you have spoken to any other police officer or if anyone else has spoken to you in connection with this matter, I want it clearly understood that I do not want it to influence you in making a statement. Do you understand?

d'un parent adulte, à un autre adulte approprié. J'ai été avisé(e) que la police est tenue de faire en sorte que les personnes avec lesquelles je viens juste de parler soient présentes au moment où je fais ma déclaration, à moins que je préfère faire cette déclaration sans qu'elles soient présentes. Ces droits m'ont été expliqués et je les comprends.

Je choisis de ne parler à aucune des ces personnes.

Signature de l'adolescent(e)

Je ne veux pas que ces personnes soient présents pendant mon interrogation.

Signature de l'adolescent(e)

Nom de la personne présente :_
Père et/ou mère _Parent adulte _
Autre adulte approprié :

Adresse : Numéro de téléphone :

Vous n'êtes pas tenu(e) de dire quoi que ce soit à propos de(s) accusation(s), à moins que vous ne souhaitiez le faire. Comprenez-vous?

Je dois aussi vous avertir que tout ce que vous direz sera enregistré par écrit, sur bande audio ou sur bande video et pourra être présenté en preuve dans les poursuites intentées contre vous. Comprenez-vous?

RENONCIATION À DES DROITS MISE EN GARDE

Réponse:
Réponse:
Réponse:

Déclaration d'un Adolescent

Témoin
Heure

Signature of Young Person:

Time Completed:

Witnesses:

SECONDARY CAUTION

(1)

(2)

Signature :

Statement of a Young Person

You are reminded that you do not have to say anything about this charge unless you want to. Do you understand?

Reply

Reply

Do you wish to make a statement?

Reply

Signature de l'adolescent(e) :

Heure de la déclaration :

Témoins :

AVERTISSEMENT SECONDAIRE

Déclaration d'un Adolescent

Si vous avez parlé à un autre agent de police ou si quelqu'un d'autre vous a parlé à propos de la même affaire, je tiens à ce que vous compreniez bien que cela ne doit pas vous influencer à faire une déclaration. Comprenez-vous?

Réponse:

Réponse:

Je vous rappelle que vous n'êtes pas obligé(e) de dire quoi que ce soit à propos de(s) accusation(s), à moins que vous ne souhaitiez le faire. Comprenez-vous?

Souhaitez-vous faire une déclaration?

Réponse:

Appendix D: Victim Services/Agencies - Where to Call for Help

Emergency Response

Police/Ambulance 911

Crisis Support For Women

Women's Centre, Grey Bruce
Owen Sound (24hr) 1-800-265-3722

Women's House of Bruce County
Kincardine (24 hr) 1-800-265-3026

Victim Assistance Program

Owen Sound (24 hr) 1-888-577-3111

Kids Help Phone (24 hr) 1-800-668-6868

Sexual Assault Centre of Grey and Bruce

Help Line (24 hr) 1-800-720-7411

Sexual Assault Care Centre
Owen Sound (8:30 – 4:30) 519-376-2121 (ext. 2458)

Sexual Health Clinic
Owen Sound (8:30 – 4:30) 1-800-263-3456

Crisis Intervention Team

Owen Sound (ask for Crisis Team) 519-376-2121 (24 hr)

Addiction Support

Choices (Drug and Alcohol Counseling for Youth)
Owen Sound 1-800-265-3133 or 519-371-5487

Cape Croker First Nation
Addiction Awareness Centre 519-534-3710

Saugeen Drug and Alcohol 519-797-2882

Distress Line (3pm to 7am) 1-888-525-0552

Cont'd....

Child Abuse – Children’s Aid Society

Owen Sound

1-800-263-0806 or 519-376-7893

Walkerton

1-800-461-1993 or 519-881-1822

Counseling

Keystone Child, Youth & Family Services

Owen Sound

1-800-567-2384 or 519-371-4773

Walkerton

519-881-0110

Central Grey Bruce Mental Health Counseling

Hanover and area

519-364-7788

Bruce Shoreline Family Centre

Southampton and area

519-797-2880

North Bruce Mental Health Counseling

Warton and area

519-534-4388

North Grey Primary Mental Health Counseling

Owen Sound and area

519-371-8850

South Grey Primary Mental Health Counseling

Markdale

519-986-3030

Men’s Program: Ending Woman Abuse

Owen Sound

519-372-2720

Health Information

Bruce-Grey-Owen Sound Health Unit

(Birth Control, AIDS & other STDs, Nutrition, Stress, etc.)

Owen Sound

519-376-9420 or 1-800-263-3456

Southampton

519-797-2010

Walkerton

519-881-1920

Appendix E: Hicks Morley – “Supreme Court Speaks on School Searches”

SCHOOL BOARD

SUPREME COURT SPEAKS ON SCHOOL SEARCHES

On April 25th the Supreme Court of Canada issued a much anticipated decision concerning a sniffer dog search of a high school that led to drug related charges against a student. A 6-3 majority of the Court held that the police violated the student’s Charter right to be free from unreasonable search and seizure and held that the evidence of drug possession found by the police should be excluded from use at trial. The decision, called *R. v. A.M.*, is significant because it establishes a standard for police searches on school premises. It does not directly speak to a school board’s own power to conduct searches of individual students or school premises.

THE M.R.M. CASE

Before discussing *A.M.*, we will review the Supreme Court of Canada’s leading case on school board searches. In 1997, in a case called “*M.R.M.*,” the Supreme Court recognized that teachers and principals must be able to react quickly to problems that arise in schools and, hence, should have greater search powers than those enjoyed by the police.

In *M.R.M.*, a junior high school vice-principal received information from several students that “*M.R.M.*” was selling drugs on school property and also received specific information from one of the student informants that *M.R.M.* would be carrying drugs to a school dance. When *M.R.M.* arrived at the dance, the vice-principal called the RCMP, asked *M.R.M.* to come to his office and then searched him in the presence of the RCMP officer. *M.R.M.* turned out his pockets and pulled up his pant legs, and the vice-principal found a bag of marijuana hidden in *M.R.M.*’s sock. He was then arrested and charged with possession of a narcotic.

The trial judge excluded the evidence which had been found in the search because the vice-principal had violated *M*’s right to be secure against “unreasonable search and seizure” as granted by section 8 of the Canadian Charter of Rights and Freedoms. This finding was ultimately overturned by the Supreme Court. In disposing of the case, the Supreme Court established the following rule (in our words) for “body searches” of students:

A school official who acts within the authority granted by the relevant education statute can search a student without a warrant when he or she has reasonable grounds to believe that a school rule has been or is being violated, and that evidence of the violation will be found in the location or on the person of the student searched.

The Court also said that courts should generally defer to the judgement of teachers and principals in determining whether there was enough evidence of wrongdoing to justify a search. It said that a body search could be justified by:

- information received from one student considered to be credible;
- information received from more than one student;
- a teacher’s or principal’s own observations; or
- any combination of these pieces of information which are considered to be credible.

THE A.M. CASE

The facts in *A.M.* are very different than those in *M.R.M.* In *A.M.*, a principal extended an open invitation to police to come onto school property and conduct sniffer dog searches. On the day in question, the police called the principal and received permission to enter the school. Students were told to remain in their classrooms while the police conducted the search. While searching a gymnasium, a sniffer dog identified “*A.M.*’s” backpack. The police opened it and found narcotics and drug paraphernalia. *A.M.* was arrested and charged with possession for the purpose of trafficking.

Cont’d....

At trial, the principal admitted that he did not have any reason to believe that drugs would be found in the gymnasium. He could only testify to a general suspicion that drugs would likely be found somewhere in the school.

Five of the nine judges in the A.M. decision held that police can perform sniffer dog searches of schools without a warrant based on a “reasonable suspicion” but that the police did not meet this standard in conducting the search that led them to A.M.’s backpack. A reasonable suspicion exists when some objective evidence has led the police to believe that a targeted person has possibly engaged in criminal activity or that a “group of people closely linked in proximity” has possibly engaged in criminal activity. The problem in A.M. was that there was only general speculation about the presence of drugs in the entire school.

Importantly, A.M. establishes a standard for searches of school premises conducted by the police. The majority made a point of affirming the general principle from M.R.M. – that in matters of school discipline, a broad measure of discretion and flexibility will be afforded to school authorities. The majority also held that this principle did not apply in A.M. because the search was conducted by the police on their own initiative.

CONCLUSION

A.M. was not resolved in a manner that significantly alters or speaks to the law regarding searches conducted by school boards themselves. When police search schools using sniffer dogs or conduct similar “premises” searches, it is now clear they must meet the reasonable suspicion standard. Searches conducted by school boards themselves continue to be subject to different rules. School boards should only conduct body searches of students in compliance with the rules established by the Supreme Court in M.R.M. Regarding other searches by school boards – locker searches, for example – school boards arguably have significantly greater latitude to conduct such searches than police.

School boards should appreciate, however, that the right to be free from unreasonable search and seizure that is guaranteed by section 8 is conditioned on the level of privacy expected by an individual. Therefore, in order to ensure their searches are lawful, school boards should establish and publish policies that clearly communicate the searches that principals may conduct and the conditions that principals will abide by in conducting searches. And while a school board’s power of search is broad, we suggest that any school policy that permits routine or generalized suspicion searches be approached with caution based on input from legal counsel.

For more information on the issue of school searches, information and privacy or safe schools please contact your regular Hicks Morley lawyer or Dan Michaluk (416-864-7253, Toronto), Delores Barbini (416-864-7303, Toronto), George Vuicic (613-549-6353, Ottawa), Rusty McLay (519-883-3105, Waterloo), Marg Szilassy (519-433-7515, London) or Kees Kort (613-549-6353, Kingston).





POLICE/SCHOOL PROTOCOL



Conseil scolaire de district des écoles
catholiques du Sud-Ouest



Revised June 2011



CHILDREN'S AID SOCIETY
OF THE COUNTY OF BRUCE

Special thanks to the
Region of Peel Local Police and local School Board
and the
Region of Chatham-Kent/Sarnia/OPP and local School Boards
for the sharing of their templates for this plan

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Introduction

It is the policy direction of the Ministry of Education and the Ministry of Community Safety and Correctional Services that school boards and police services establish and follow a protocol for the investigation of school-related occurrences.

This document has been prepared for the following reasons:

- to ensure a coordinated approach among school boards and police services;
- to promote dialogue and the establishment of effective relationships between schools and police based on cooperation and shared understandings;
- to address unique factors and/or considerations that may affect individual jurisdictions, and negotiate service-delivery arrangements accordingly.

This document outlines the common principles, the varied resources, and certain obligations and procedures that are required by provincial and federal legislation (i.e. the *Education Act*, the *Child and Family Services Act*, the *Criminal Code*, the *Youth Criminal Justice Act*, the *Canadian Charter of Rights and Freedoms*, and the *Ontario Human Rights Code*) and by case law.

It is important for schools and police to respect the human rights of students under the *Ontario Human Rights Code* (the *Code*) in the context of this document. For more information, see www.ohrc.on.ca.

Note to readers: A glossary of terms is provided in Appendix A of this document. An asterisk following an italicized word or phrase at its first use in the text of the document signals that a definition of that word or phrase is provided in the glossary.

Purpose of This Document

Ontarians believe that schools must be safe, inclusive, and equitable places for learning and teaching. A safe, inclusive, and equitable school environment fosters and supports learning and the ongoing development of respect, responsibility, civility and other positive behaviours and characteristics.

At the root of effective school-police partnerships is a common understanding of each partner's roles and responsibilities, as well as agreed-upon procedures and clearly delineated decision-making authority. Providing the best possible education for students in a safe school community is a shared responsibility, which requires a commitment to collaboration, cooperation, and effective communication.

Making our schools safer requires a comprehensive strategy that includes the following elements:

- opportunities for staff to acquire the knowledge, skills, and attitudes necessary to maintain a school environment in which conflict and differences can be addressed in a manner characterized by respect and civility;
- implementation of strategies for the prevention of violent and/or antisocial behaviour, and use of intervention and supports for those who are at risk of, or have already engaged in, violent or antisocial behaviour;
- an understanding of, and commitment to, human rights principles; and
- an effective and timely response to incidents when they occur – one that respects the rights of victims and witnesses, as well as those of the alleged perpetrators.

Police play a vital role in supporting and enhancing the efforts of schools and their communities to be safe places in which to learn and to work. In addition to responding to and investigating school-related incidents, police are essential partners in the prevention of crime and violence.

It is the policy direction of the Ministry of Education and the Ministry of Community Safety and Correctional Services that school boards and police services work together to develop police/school board protocols so that both partners have a clear understanding of the respective roles, procedures, and decision-making authority of both police and school personnel as they relate to school safety.

The Ministry of Community Safety and Correctional Services' guideline LE-044 on Youth Crime indicates that every police service's procedures on the investigation of offences committed by young persons should include the steps to be taken by officers, in accordance with the local police/school board protocol, when responding to school-related occurrences. The guideline also states that every chief of police, and the Commissioner of the Ontario Provincial Police (OPP) should work, where possible, with local school boards to develop programs for safe schools. Every chief of police and the OPP Commissioner should consider the need for a multi-agency strategy to prevent or counter the activities of youth gangs in the community, including working, where possible, with school boards, municipalities, youth and other community organizations, business, and the Crown.

In the development of this police/school board protocol, the school boards and police services have considered all relevant legislation, including, but not limited to, the:

- Youth Criminal Justice Act,
- Criminal Code,
- Police Services Act,
- Canadian Charter of Rights and Freedoms,
- Ontario Human Rights Code,
- Provincial Offences Act (specifically Part VI, "Young Offenders"),
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA),
- Freedom of Information and Protection of Privacy Act (FIPPA),
- Child and Family Services Act,
- Personal Health Information Protection Act, 2004,
- Education Act / Safe Schools, and
- Equity and Inclusive Education Policy.

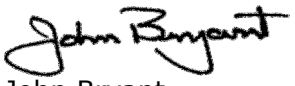


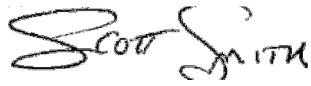










Required Elements for a Local Police/School Board Protocol

1. Signatories to the Protocol

This document represents the clarification of our respective roles and responsibilities, and defines the need for maintaining open lines of communication.

We the undersigned support the principles and protocol set out in this document.

Dated at Chesley this 15th of June 2011.

Bluewater District School Board  John Bryant Director of Education	Grey County O.P.P.  Bob Mahlberg Inspector
Bruce-Grey Catholic District School Board  Bruce MacPherson Director of Education	South Bruce O.P.P.  R. Scott Smith Inspector
Conseil scolaire de district des écoles catholiques du Sud-Ouest  Mme Janine Griffore Directrice générale	Hanover Police Service  Tracy David Chief
Bruce Peninsula O.P.P.  Wayne D. Thompson Staff Sgt.	Owen Sound Police Service  William Sornberger Chief
Collingwood/The Blue Mountains O.P.P.  John Trude Inspector	West Grey Police Service  Rene Berger Chief
Cape Croker First Nation Police  Sgt. Robert King Supervisor	Saugeen Shores Police Services  Dan Rivett Chief
Children's Aid Society for Owen Sound and The County of Grey  Phyllis Lovell Executive Director	Bruce County Children's Aid Society  Phyllis Lovell Executive Director

Statement of Principles

The Bruce-Grey Catholic District School Board, Bluewater District School Board, and Le Conseil scolaire de district des écoles catholiques du Sud-Ouest shall herewith be known as the School Boards.

Bruce Peninsula O.P.P., Collingwood/The Blue Mountains O.P.P., Grey County O.P.P., South Bruce O.P.P., Hanover Police Services, Owen Sound Police Services, West Grey Police Services, Saugeen Shores Police Services and Cape Croker First Nation Police herewith be known as the Local Police.

School Principal or designate, herewith be known as the Principal.

The Bruce-Grey Catholic District School Board, Bluewater District School Board, and Le Conseil scolaire de district des écoles catholiques du Sud-Ouest and the Local Police recognize their respective responsibilities for the safety of students, staff and members of the school community:

- Police have responsibility for the investigation of alleged criminal offences;
- the School Boards have the responsibility for maintaining proper order and discipline in their schools and for ensuring the safety and well-being of staff, students and all members of the school community where subject to the School Boards' jurisdiction;
- students and/or their parents/guardians are free to seek Police involvement in incidents that fall outside the categories covered in this Protocol or in cases where the school does not involve the police.

The guiding principles upon which the terms of this agreement are based and which are relevant to the jurisdiction, include:

- the need to have a clear understanding of police and school responsibilities;
- the need to promote respect and civility in the school environment;
- the need to respect the fundamental rights of students, teachers, and staff pertaining to disability, race, creed, ethnic origin, and other prohibited grounds of discrimination under the *Ontario Human Rights Code*; and
- the need to support both rights and responsibilities.

3. Introduction

The School Boards and the Local Police believe that students, staff and members of the school community have the right to learn and work in a safe and positive learning environment.

To that end, this Protocol between the School Boards and the Local Police outlines how the School Boards and Police will co-operate with each other in their dealings with students and police-related investigations. Further, this Protocol outlines the respective roles and responsibilities of the School Boards and the Police for maintaining safe environments in schools, responding to incidents, and maintaining open lines of communication, all in accordance with applicable law.

The purpose of this protocol is to:

- assist in the greater safety, protection and well-being of students, teachers, principals, staff, and volunteers in schools;
- encourage constructive, ongoing, adaptive, and responsive partnerships between police and the school community;
- facilitate appropriate sharing and disclosure of information in accordance with privacy laws, including FIPPA and MFIPPA;

- promote joint consultation and partnerships between school boards and police services on maintaining a safe school environment;
- ensure that the obligations and requirements of both the education and police systems are met; and
- ensure an equitable and consistent approach across a school board's jurisdiction in the way police and schools respond to a school-related occurrence.

4. Role and Mandate of Police Services

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

The Local Police:

- engage and work proactively in partnership with school officials to ensure the effectiveness of this protocol;
- protect public safety and prevent crime;
- enforce the *Youth Criminal Justice Act*, the *Criminal Code*, and other federal, provincial, and municipal legislation and related regulations;
- uphold the duties legislated under section 42 of the *Police Services Act*;
- assist victims of crime;
- conduct police and criminal investigations;
- assist in the development of young people's understanding of good citizenship;
- promote and foster the prevention and reduction of crime, both against and committed by young people;
- provide information on community safety issues;
- divert young people away from crime and antisocial behaviour; and
- work 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.

The principal will have a role consistent with his or her statutory responsibility for the health and welfare of students and to maintain discipline in the school.

The School Boards, principals, teachers, and school staff related to safe and secure schools, shall:

- clearly explain the board's code of conduct to the school community, and the potential reach of school discipline with respect to behaviours taking place outside of school that have a negative impact on school climate;
- engage and work proactively in partnership with police officials to ensure the effectiveness of this protocol;
- comply with the requirements related to the duties of principals and teachers under the *Education Act* and regulations;
- consider the roles and responsibilities of the principal in conducting investigations of incidents for which suspension or expulsion under the *Education Act*, including the responsibility to take mitigating and other factors into account, as set out in Ontario Regulation 472/07;
- comply with the requirements legislated under the *Child and Family Services Act* (e.g., "duty to report");

- respect the board's code of conduct, as required by the *Education Act* (s. 302);
- ensure that resources (i.e. on drug awareness, on bullying prevention) are accessible to assist school staff in promoting a positive school environment with students and parents;
- develop policies on how to respond to crises, including the development of a communications plan;
- ensure that appropriate prevention and intervention strategies are available; and,
- provide staff with opportunities to acquire the skills necessary to promote safe, equitable, and inclusive school environments.

6. Definitions/Explanations of Terms

A glossary is provided, outlining definitions of terms that are important to assist those who will be administering local protocols, as Appendix A.

7. Occurrences Requiring Police Response

It is the duty of the principal to maintain proper order and discipline in the school. The following reporting guidelines should be followed by the principal or designate.

The following incidents require mandatory reporting to police (for students under the age of 12, refer to section 15 below). Note that mandatory police reporting does not mean that police will lay charges in every situation; however, for the incidents listed, police *must* be notified. The incidents listed 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.

It is expected that all other school-related occurrences not specified in the protocol will be dealt with by the principal on a case-by-case basis, and that police will be notified at the principal's discretion.

Mandatory Notification of Police

The police must be notified of the following types of incidents:

- all deaths;
- physical assault causing bodily harm requiring medical attention;
- threat where victim perceives imminent danger;
- sexual assault*;
- robbery*;
- criminal harassment*;
- relationship-based violence*;
- possessing a weapon, including possessing a firearm;
- using a weapon to cause or to threaten bodily harm to another person;
- trafficking* in weapons or in illegal drugs;
- possessing an illegal drug;
- hate and/or bias-motivated occurrences*;
- bomb threat;
- gang-related occurrences*; and
- extortion*.

Discretionary Notification of Police

Principals may notify police of the following types of incidents:

- giving alcohol to a minor;
- being under the influence of alcohol or illegal drugs;
- physical assault;
- threats* of serious physical injury, including threats made on social networking sites or through instant messaging, text messaging, e-mail, and so on;
- incidents of bullying;
- incidents of vandalism; and
- trespassing incidents.

Principals should consider mitigating and other factors when deciding whether to call the police in these discretionary situations. (For students with special education needs, school boards should identify circumstances where a police response is neither necessary nor appropriate. Refer to section 14 below for further information on dealing with students with special education needs.)

8. Information Sharing and Disclosure

A number of different statutes deal with information sharing and disclosure. These include federal legislation (the *Criminal Code*, the *Youth Criminal Justice Act*) and provincial legislation (the *Municipal Freedom of Information and Protection of Privacy Act*, the *Education Act*, and the *Child and Family Services Act*). In situations where 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) and other student records, by warrant or subpoena, or with the written consent of a parent or of the student, if the student is 18 years of age or older, or if the student is 16 or 17 years of age and has withdrawn from parental care.

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 under which confidential information may be shared.

The following subsections of Part 6 are of particular relevance for police/school board protocols:

- subsection 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;
- subsection 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";
- subsection 118, which states that no person shall be given access to a record 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;

- subsection 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”;
- subsection 125(6), which permits a provincial director, youth worker, peace officer, or any other person engaged in the provision of services to young persons to disclose to a representative of a school board or school any information kept in a record under sections 114 to 116 of the YCJA 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;
 - to ensure the safety of staff, students, or other persons; or
 - to facilitate the rehabilitation of the young person.

c) Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

This legislation regulates the collection and disclosure of personal information that is not related to the YCJA. As part of the local protocol, police services and school boards should develop a policy for the disclosure of personal information in situations under subsection 32(g) of the MFIPPA (i.e. “*to aid an investigation undertaken with a view to a law enforcement proceeding ...*”).

Further information regarding the release of students’ personal information can be found in the Office of the Information and Privacy Commissioner’s *Guide to Ontario Legislation Covering the Release of Students’ Personal Information*, at www.ipc.on.ca/english/Resources/Discussion-Papers/Discussion-Papers-Summary/?id=495

d) Child and Family Services Act (CFSA)

The *Child and Family Services Act* mandates that anyone who has reasonable grounds to suspect that a child is or likely will be a child in need of protection must report these suspicions to the Children's Aid Society. Section 72(1) - “*Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect (a need for protection), the person shall forthwith report the suspicion and the information on which it is based to a society*”.

e) Release of School Information by Warrant or Subpoena

In criminal matters, if a school Principal is served with a warrant requesting an OSR or other records, the Principal is obliged to comply with the warrant and will provide a copy of the OSR contents and other records as specified. The Principal should contact the Superintendent for guidance before releasing information. This should be done immediately upon receiving the warrant.

If a Principal is personally served with a subpoena requiring his/her testimony in a criminal case, he/she is obliged to comply with the subpoena, attend court, and produce any records or documents, including the original O.S.R., to court as specified in the subpoena. In the event that a record or document is ordered by the court to be entered into evidence, the Principal should bring the original records or documents, plus three copies, in order that the School Board can request to retain the originals and provide copies to the court.

f) Other Release of School Information to Police

In the absence of a warrant or court order, Principals should seek direction from their Superintendent before releasing any information.

If the Police are conducting an investigation for the purpose of law enforcement proceedings, the school Principal shall, upon the request of Police and pursuant to section

32(g) of the Municipal Freedom of Information and Protection of Privacy Act, release general information to the Police officer including, but not limited to the following:

- name, address and phone number of the student or staff member;
- name, address and phone numbers of the parent or guardian of the student.

In exigent circumstances, the police can access a student's OSR without a warrant, under section 487.1.1 of the *Criminal Code*.

9. School Procedures for Reporting to Police

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

In non-emergency situations that require police involvement, school staff should report the matter to the school principal or designate, who will initiate police contact. The following telephone numbers are available for non-emergency situations:

• Bruce Peninsula Ontario Provincial Police:	1-888-310-1122
• Collingwood/The Blue Mountains Ontario Provincial Police:	1-888-310-1122
• Grey County Ontario Provincial Police:	1-888-310-1122
• South Bruce Ontario Provincial Police:	1-888-310-1122
• Hanover Police Service:	519-364-2411 ext. 0
• Owen Sound Police Service:	519-376-1234 ext. 0
• West Grey Police Service:	519-364-2411 ext. 0
• Saugeen Shores Police Services:	519-832-2500
• Cape Croker First Nation Police:	519-534-1233

When notifying the police of an incident, the caller should be prepared to provide the following information. Additional details may also be required:

- where and what is happening?
- is anyone injured and what are the injuries?
- who and where is the caller?
- are there any weapons involved? What type? Where are the weapons now and who has them? and,
- who is involved (including names, dates of birth)? How many people are involved?;
- when did the event take place?
- emergency or medical required?

Refer to Appendix B regarding school lockdown procedures.

Reporting procedures must comply with the "duty to report" provisions under the *Child and Family Services Act*.

10. Initial Police Contact

Under exigent circumstances, or if the principal is being investigated, the officer is not required to follow the procedures set out below.

The police officer who responds to a report of a school-related incident is responsible for obtaining and thoroughly documenting information on the incident. The officer is normally required to take the following steps:

- report to the principal, providing proper identification;
- explain the purpose of the visit, and plan with the principal on how to proceed;
- consider alternatives that limit the disruption to the school day;
- obtain information from the principal about the student (e.g., regarding accommodation needs or barriers to communication) before making contact with the student; and
- contact, or make arrangements with the principal to contact, parents of students under the age of 18 (see section 12(a) below).

From time to time, it may become necessary and/or unavoidable to interview or apprehend a staff member on school property. If this occurs it is the intent of the Board to proceed as sensitively and unobtrusively as possible while co-operating with the police. The police may not always be able to discuss or disclose circumstances involving the investigation (including apprehension). Where feasible, the police should attempt to contact a supervisor or senior executive of the Board of the staff member being apprehended.

11. School and Police Investigations of Incidents

While it is important that the principal not do anything to prejudice the police investigation, it is also important that the police recognize and respect the principal's obligations under the *Education Act*. Under the Act, a school board's decision regarding expulsion of a student must be made within twenty school days from the date when the student was suspended. When possible, the police will share information with the principal that may be relevant to that decision.

Upon notifying Police of an incident, school staff shall separate the involved students and refrain from taking written statements. In the event that school staff are taking a statement while conducting an internal investigation and determine that a criminal offence has been committed, they shall discontinue the statement and notify Police immediately.

Any statement(s) taken shall then be turned over to Police for purposes of an investigation if requested.

Police investigations should be undertaken in accordance with the local police service's criminal investigation management plan and, where required, with the *Ontario Major Case Management Manual*.

The principal will inform police of any logistical information about the school (i.e. the hours of the school day and class rotation schedules) that may be relevant to the investigation process.

Police services will endeavour to work within these logistical considerations in order to minimize the disruption to the school.

a) Legal Rights

In the investigation of school-related incidents where a young person is a suspect, particular attention should be given by the principal and police to procedures that are consistent with the following provisions:

- parental notification upon arrest (s. 26, *Youth Criminal Justice Act*);
- right to counsel (s. 25, *Youth Criminal Justice Act*);
- right not to make a statement (s. 146, *Youth Criminal Justice Act*); and
- protection of privacy (s. 110, *Youth Criminal Justice Act*).

b) Search and Seizure

The Canadian Charter of Rights and Freedoms (Section 8) states that *"Everyone has the right to be secure against unreasonable search and seizure"*.

Where investigations involve search and seizure, the police and the principal should pay particular attention to the following procedures and responsibilities:

- it is the responsibility of the Principal or Vice-Principal to advise the students at the beginning of the school year that desks and lockers are school property and there is no expectation of privacy on the part of the students; therefore, a search of such property is permissible by the school administrator. In this case, the Principal or the Vice-Principal is acting under the authority of the *Education Act* to maintain proper order and discipline in the school, and not as an agent of the Police. It is advisable for the Administrator to have another person present to conduct any search. The Supreme Court of Canada in *R. v. M.R.M.* (1998) and the Ontario Court of Appeal in *R. v. J.M.G.* (1986) have stated that a Principal, who has reasonable grounds to do so, may conduct a search of a student or his/her possessions in carrying out his or her duties to maintain order and discipline in the school.
- any search by the police, shall be conducted in accordance with relevant federal and provincial legislation.
- the police will notify the principal before conducting searches on school premises. (Under some exigent circumstances, police may execute a search without a warrant and without notice to the principal).

Refer to Appendix E – Article: HicksMorley – "Supreme Court Speaks on School Searches"

c) Detainment and Arrest

Where investigations result in detainment and/or arrest, the police and the principal should pay particular attention to the following procedures and responsibilities. When possible, non-school related incidents resulting in the arrest of a student shall take place away from school property.

If the Police wish to arrest or charge a student on school property, the Police officer shall contact the Principal of the school that the student is attending and advise of the nature of the visit and to request a meeting with the student. In the case of "fresh pursuit", the Police may not be able to advise the school administrator immediately of the reason for their actions but will advise the school administrator at the first opportunity of any students charged or arrested.

If the student who is being arrested or charged by the Police is under 18 years of age, the Police shall inform that student about the nature of the charges and his/her rights. Subject to the Youth Criminal Justice Act, and in consultation with the Police, the school will attempt to contact the student's parents/guardians to inform them that their child is being arrested or charged by the Police. There may be times when the Police will direct the school administrator **not** to contact the parents/guardians of a charged or arrested student, for example:

- i) the parents/guardians are the suspects of a crime about which the student is being interviewed and/or;
- ii) contacting the parents/guardians could interfere with the Police investigation.
- iii) in such cases, the Police determine the proper course of action. The school administrator will follow Police direction in this regard and will document the name and badge number of the officer and the direction given. The Principal shall notify the Supervisory Officer.

If a student is a Crown ward or a ward of the Children's Aid Society, the legal guardian is the Children's Aid Society and shall be contacted in the same way as a parent/guardian.

If the student who is being arrested or charged by the Police is 18 years of age or older, and therefore an adult, (or a 16 or 17 year old who has withdrawn from parental control), the school shall not contact the parents/guardians without the permission of the student.

It is the responsibility of the school to communicate to the Police officer if any student has a learning disability or other exceptionality that may impede the student from expressing or understanding written/oral communication. Refer to section 14 of this protocol for further information.

If the student is not in attendance at school on that day, the school shall inform the Police officer of the student's date of birth, address, phone number, and the parent's/guardian's home and business phone numbers on file, in accordance with section 32(g) of the Municipal Freedom of Information and Protection of Privacy Act, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation with a view to a law enforcement proceeding is likely to result. Refer to section 8 of this protocol for further information.

d) Supports for Victims

It is important that police and/or the principal be aware of the procedures and responsibilities with respect to providing support for victims, according to their own agency-specific guidelines.

The principal shall inform the parents of victims who have been harmed as a result of an activity for which suspension or expulsion must be considered unless, in the principal's opinion, doing so would put the victim at risk of harm from the parents (*Education Act*, s. 300.3(1), O.Reg. 472/07), and Bill 157.

All board employees who work directly with students are expected to support all students, including those who disclose or report such incidents, by providing them with contact information about professional supports (i.e. public health units, community agencies, Help Phone lines). Advising victims of the services available shall be a shared responsibility between police and school administrators.

Procedures for information sharing and community referrals shall be in keeping with current and relevant legislation governing confidentiality.

Appendix D lists the available agencies for the support of victims.

12. Police Interviews of Students

It is the responsibility of police to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses.

The Police, in the course of an investigation, may need to interview students. If the school encounters an incident which necessitates the involvement of the Police, the Principal shall request the Police attend at the school.

The following procedure will be used when students are being interviewed:

Notification of Parents

The following procedures are to be followed, except in exigent circumstances, when the police interview students on school premises.

Police

- a) must advise a student, under the age of 18, that he/she may request his/her parent/legal guardian to be in attendance during the police interview
- b) are to act in a manner that respects the dignity of the student and minimizes disruption to the school when it is necessary to interview, search, or arrest a student at school during school hours
- c) if the student is deemed a suspect, the police will explain to the young person his/her rights, specifically the right to speak to a lawyer.

Police /Children's Aid Society (C.A.S.) for Owen Sound and The County of Grey/Bruce County Children's Aid Society

- If C.A.S. is involved, school and police officials should discuss and come to an agreement regarding the timing and procedure for notifying the parents.
- Police will consult with the C.A.S. when there is a duty to report, as outlined under the *Child & Family Service Act*.

Principal

Students under the Age of 18

➤ except in exigent circumstances, it is the principal's responsibility to contact parents of:

- a) victims who have been harmed as a result of an activity for which suspension or expulsion must be considered, unless, in the principal's opinion, notification of the parents would put the student at risk of being harmed by the parents.
If that is the case, the parents must not be contacted (*Education Act*, s300.3(3) www.e-laws.gov.on.ca)
- b) students receiving a suspension (*Education Act*, S. 311 www.e-laws.gov.on.ca)
- c) all other students being interviewed by police during an investigation, except:
 - if the principal is otherwise directed by police because of exigent circumstances, or where the police believe the parent may be implicated
 - if the student is 16 or 17 years of age and has withdrawn from parental control (unless the student consents to or requests such contact or is incapable of providing consent)
- d) the principal will attempt to inform the parent of any student who will be interviewed by the police and give the parent the opportunity to attend at the location of the interview. This applies to students under the age of 18 (except where the student is the victim of abuse and the alleged offender is a family member or primary care-giver or the contact may jeopardize further investigation or safety of the student)
- e) a parent/legal guardian, third-party adult, or the principal, if no alternative is available, must be present when students under the age of 18 are being interviewed at school
- f) in cases where a student aged 12 to 17 is to be interviewed at the school and waives the right to have an adult present at the interview, and the police and the principal consider the school the most appropriate location for conducting the interview, steps will be taken to ensure that the student's rights are respected during the interview
- g) when the parent cannot be reached or be present, at the request of the student, the principal or suitable designate, may act as an observer/advocate for the student; and
- h) where the principal is not able to contact the parent(s)/guardian(s), the principal will record his/her attempts to make such contact

Students over the Age of 18

The parent/legal guardian should not be called if the student is 18 years of age or older, unless the student gives his/her consent or makes the request him/herself or is incapable of providing consent for medical or other reasons.

Preparations for Interviews

Police will employ appropriate techniques when interviewing children and young persons and are required to follow the Guide to Officers for Section 146 *Youth Criminal Justice Act* <http://laws.justice.gc.ca> Statements.

Police are required to provide, upon arrest or detention, a legal caution and notification of the right to counsel, where there are reasonable grounds to believe that the student being interviewed has been involved in the commission of a criminal offence. As well, the police will take into account the legal considerations respecting the admissibility of statements made to persons in authority (S. 146(2) of the *Youth Criminal Justice Act* <http://laws.justice.gc.ca>)

It is recognized that the norm for interviews by police will be conducted outside the school.

However:

- interviews may be conducted on school premises
- police will attempt to notify the school principal or designate when interviews are to be conducted on school premises
- police should consult with the principal to consider alternatives for conducting interviews at a location other than the school
- interview procedures will vary depending on the circumstances and will be conducted at the discretion of the police
- if police interviews are conducted on school premises during school hours, the principal/designate will cooperate with police to provide equipment, facilities, information, staff and logistical support as required

Additional Principal Responsibilities:

- principal shall follow police direction and document the name and badge number of the officer and the directions given by police
- principal to communicate to the police if any student has a learning disability or other exceptionality, who has the need for specialized resources, that may impede the student from expressing or understanding written/oral communication; where a student is known to have a behavioural, cognitive, mental health, physical or learning disability.
- principal shall remain with the student during any interview held at the school
- if student is not in attendance at school on that day, the principal shall inform police of the student's date of birth, address, phone number and the parent's/guardian's home and business phone numbers on file, in accordance with section 32(g) of the Municipal Freedom of Information and Protection of Privacy Act, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

13. Reporting of Children Suspected to Be in Need of Protection

The *Child and Family Services Act* mandates that anyone who has reasonable grounds to suspect that a child is or likely will be a child in need of protection must report these suspicions to the Children's Aid Society. Section 72(1)-"*Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect (a need for protection), the person shall forthwith report the suspicion and the information on which it is based to a society*".

In cases where a child is suspected to be in need of protection, the principal shall notify the appropriate Children's Aid Society, in accordance with the protocol established by the school board.

When police are advised of a matter where a child is suspected to be in need of protection, the police will conduct an investigation in accordance with the protocol established with the appropriate Children's Aid Society.

For additional information, refer to the document *Reporting Child Abuse and Neglect*, developed by the Ministry of Children and Youth Services, which is available at www.children.gov.on.ca/htdocs/English/topics/childrensaid/reportingabuse/index.aspx.

14. Investigations Involving Students with Special Education Needs

School administrators have a duty to ensure that all members of the school community are able to work and learn in a safe and positive environment, they are obliged to report incidents to police as outlined in section 7 of this document. However, in investigations that involve a student known to have special education needs, additional considerations must be taken into account by school personnel and police.

Additional considerations are to be taken into account when an investigation involves a student known to have special education needs, who may be identified as having exceptionality in any of the following categories: behaviour, communication, intellectual, physical, or multiple.

Such considerations include:

- the responsibility of the school to communicate to the police that a student is known to have special education needs or communication difficulties;
- the requirement to accommodate the student, especially when interviewing is necessary. Every attempt should be made to provide specialized supports / resources, as needed, for the student during an investigation;
- the need to ensure that the student's parent is contacted as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident.

In cases involving students with special education needs, the principal should review the student's Individual Education Plan (IEP) and other relevant student records in order to identify whether further intervention strategies and/or resources are required for the student. These may include the development of and/or revisions to a behaviour management plan or a safety plan.

15. Occurrences Involving Students Under Age 12

The Principal is required to notify the child's parent as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident.

Children under 12 years of age cannot be charged with an offence under the *Criminal Code* <http://laws.justice.gc.ca>, *Youth Criminal Justice Act* <http://laws.justice.gc.ca>, or the *Provincial Offences Act* www.e-laws.gov.on.ca, but police have authority to:

- take reports of incidents allegedly committed by students in this age group
- make referrals to additional services for the student (Health, counselling)
- conduct interviews
- report to the local children's aid society under subsection 72 (1) of the Child and Family Services Act www.e-laws.gov.on.ca when there is evidence of abuse or neglect, or the risk thereof; when the child has committed serious acts and the child's parents are not accessing appropriate treatment.

Police shall refer to relevant police procedures/protocols, and local police service policies.

The Principal is required to conduct an investigation of an incident for the purpose of school discipline where a recommendation for suspension or expulsion may be required regardless of the age of the students involved. The Principal is required to provide accommodations and/or modifications for students with special education needs, as outlined in their Individual Education Plan (IEP).

The Principal shall refer to appropriate board regulations and procedures, in addition to this protocol, and may at any time consult with a Supervisory Officer.

16. School Board Communication Strategy

Develop a communication plan to promote knowledge and understanding of the contents of the protocol as well as consistency in its application. Key targets of the communication strategy are students and their families, who need to be aware of the range of situations in which police may be called (including any criminal activity involving students that takes place away from school, if that activity has a negative impact on school climate). Communications materials should use plain language, and should be available in multiple languages and accessible formats, as appropriate.

17. Protocol Review Process

A review of the local protocol shall be conducted every two years or sooner if required.

The review is conducted by the police, school boards and Child Protective Agencies, who should develop an effective mechanism for soliciting input from school staff, students, and parents.

18. School/Police Role in Violence Prevention

Staff and students, under the leadership of Principals and Vice-Principals, will design activities to promote a positive atmosphere and pride in the school, including the development of strategies to improve individual self-esteem and the encouragement of student participation in co-curricular activities. School staff and student representatives will encourage participation in activities that will promote an image of their school as having a safe environment.

Principals, in co-operation with students, staff, parents/guardians and the school council, will develop a School Code of Conduct. Annually, in September, this School Code of Conduct will be made available to students and parents/guardians.

Schools will promote learning environments that are safe, orderly, nurturing, positive and respectful. Such learning environments are to be peaceful and welcoming for all authorized individuals. Principals will encourage staff to be highly visible in the school and to engage in positive interactions with students, parents/guardians and the school community. The Police will continue to pursue proactive crime prevention through the School Liaison Program.

Signatories will reinforce the importance of a coordinated and multifaceted approach on the part of the school board and police in an effort to promote positive behaviour and prevent school violence. Outline the role of local police services in the school community, and

identify additional supports that police are prepared to offer, with respect to implementing violence-prevention policies in schools.

School boards and principals should develop, promote, and maintain strong partnerships with police and seek to benefit from their support in the implementation of the school's violence-prevention policies, particularly where those policies pertain to addressing the risk factors associated with antisocial, gang-related, or criminal behaviour. In a closely cooperative relationship, police may also offer support in a consulting role, to assist school personnel in determining appropriate action when dealing with violent behaviour and to explain the procedures for police investigations.

Police work in partnership with schools and other community agencies to administer crime-prevention programs that focus on areas such as peer mediation, conflict resolution, referral to appropriate community resources (i.e. those providing counseling or mentoring services, drug awareness and education programs, or support for seeking employment or housing), and Crime Stoppers. Working from a crime-prevention perspective, police can play an important role in the school community, which presents extensive opportunities for employing the strategy of "crime prevention through social development" (CPSD). CPSD involves preventing and reducing crime by identifying and addressing the risk factors associated with crime and victimization. Police use proactive measures that focus on the factors that precipitate the onset of criminal and antisocial behaviour.

CPSD recognizes that the intersection of multiple and complex social, economic, health, and environmental factors may lead to criminality. CPSD involves long-term, sustainable, multi-agency, integrated actions that deal with the risk factors (i.e. mental health issues, certain types of behavioural issues, involvement in the criminal justice system, victimization/abuse) that can start a young person on the path to crime, and build protective factors (i.e. strong adult role models, enhanced self-esteem, effective personal coping skills and strategies) that may mitigate those risks.

Strategies that schools can use to help prevent violence include:

- helping students develop social skills, including conflict-resolution skills;
- proactively identifying students at risk and giving them extra support;
- using progressive discipline to teach and encourage appropriate behaviour in the school;
- viewing each student as an integral and contributing member of the school community;
- demonstrating, by example and leadership, that students' human rights are to be respected; and
- encouraging students to return to the school community after involvement with the criminal justice system, and supporting them in the process.

Strategies that police can use to help prevent violence in schools include:

- developing positive partnerships with all members of the school community, including parents;
- being visible within the school community;
- being a positive adult role model for students;
- establishing positive relationships with children and youth;
- making referrals based on the best interest of the students;
- helping deliver educational sessions on crime and criminal justice issues;
- being part of an integrated, multi-agency team that can respond to children and youth at risk of conflict with the law;
- facilitating communication and cooperation with school officials, Youth Justice Probation Services, other police officers, courts, and other social services; and
- supporting students as they return to the school community after involvement with the criminal justice system.

In developing the protocol, school boards and police services should refer to, and ensure alignment with, related ministry, board, and police policies on violence prevention.

The local police/school board protocol is one component of a broader partnership between schools and other essential community partners, including mental health providers, health care professionals, and children's aid societies that is dedicated to violence prevention in Ontario schools.

19. Physical Safety Issues

When requested, police services may work in cooperation with local schools to assess the physical safety of the school premises, including the building and outdoor areas. In all cases, final decisions about alterations rest with the school board, as does the responsibility to carry out any desired work.

20. Establishing Risk-Assessment Services

Incidents of violence in schools are often preventable through early intervention in response to threatening behaviour, or non-threatening but worrisome behaviour. Taking steps to identify at-risk students through early and ongoing assessment and intervention strategies may reduce the need for disciplinary action and police interventions. A multi-agency approach to threat/risk assessment can be a highly effective means of preventing and managing situations that could otherwise negatively affect the safety of students and/or school staff.

School boards, along with police and other community partners (i.e. mental health agencies, Youth Justice Probation Services, and other youth focused agencies), are encouraged to develop procedures and protocols to facilitate timely intervention in situations where a threat has been made or an individual is engaging in worrisome behaviour. Having such a process in place provides for the sharing of information and makes a collective and timely response possible.

21. Emergency Planning and Threats to School Safety

In keeping with school board and ministry policies, every school shall have and communicate an Emergency and Crisis Response Plan, which must include but is not limited to a lockdown plan and procedures following a lockdown or other emergency.

Refer to Appendix B Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario.

22. Training

The school boards and police services will provide joint training on this local police/school board protocol to their respective staff on an annual basis. Training will be based on effective/leading practices and will be delivered as considered appropriate to staffing requirements.

23. Dealing with the Media

Whenever a serious incident occurs in a school or is school-related and the local police propose to issue a press release that includes reference to a school board or a school, the police will consult with the appropriate director of education or designate in advance, where possible.

Bluewater District School Board	1-800-661-7509 519-363-2014
Bruce Grey Catholic District School Board	1-877-471-8121 519-364-0605
Conseil scolaire de district des écoles catholiques du Sud-Ouest	1-800-407-2338
London Office	1-519-673-1035

APPENDIX A: GLOSSARY

These definitions are provided as a general guide. Applicable legislation should be referenced for specific legal definitions. Online access to statutes is available through:

- www.e-laws.gov.on.ca
- <http://laws.justice.gc.ca/en/notice/index.html?redirect=%2Fen%2F>
- <http://www.napra.ca/pdfs/fedleg/cdsa.pdf>

Assault: A person commits an assault when (a) without the consent of another person, he/she applies force intentionally to that other person, directly or indirectly; (b) attempts or threatens, by an act or gesture, to apply force to another person, if he/she has, or causes that other person to believe upon reasonable grounds that he/she has present ability to effect his/her purpose; (c) while openly wearing or carrying a weapon or an imitation thereof, he/she accosts or impedes another person.

Bodily Harm: Refers to injury resulting from assault that is more than transient or trifling in nature

Bomb: An explosive device fused to detonate under specified conditions.

Bullying – Ministry and Board Definition: “Bullying is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and / or harm to another person’s body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance.”

Causing Disturbance: In or near a public place, by fighting, screaming, shouting, swearing, singing or using insulting or obscene language; by being drunk; or by impeding other persons.

Child A child means a person who is, or in the absence of evidence to the contrary, appears to be less than 12 years of age

Criminal harassment: Criminal harassment occurs when: (1) a person repeatedly follows an individual from place to place or repeatedly communicates, directly or indirectly, by any means (including electronic means), with an individual, or watches the home or place of work of an individual, or engages in threatening conduct directed at a person or a member of that person’s family; and (2) the victim of the criminal harassment is caused to reasonably, in the circumstances, fear for his or her safety.

Exigent circumstances: Urgent, pressing, and/or emergency circumstances. Exigent circumstances usually exist when immediate action is required for the safety of the police or others. Such circumstances may include a bomb threat, a person possessing or using a weapon, or a fire on school property.

Expulsion: The removal of a student from his or her school or from all schools of the board. Students expelled only from their school are assigned to another school of the board. Students expelled from all schools of the board must be offered a program for expelled students. Activities for which expulsion must be considered are found in section 310(1) of the *Education Act*. An example is using a weapon to cause or to threaten bodily harm.

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 his or her alleged criminal behaviour, in a timely manner, outside the formal youth justice system. The formal system would include charging the individual and going through the court process. Extra-judicial measures hold a youth accountable for his or her actions and provide sanctions outside of judicial proceedings. Some examples of sanctions include substance abuse counseling, volunteer work, repair of or compensation for damaged or stolen property, and a letter of apology.

Gang-related occurrences: Incidents involving a group, consisting of three or more persons, however organized, having as one of its main purposes the commission or facilitation of a criminal offence in which any or all of the members engage.

Hate and/or bias-motivated occurrences: Incidents (i.e. 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.

Lockdown: A procedure used in response to a major incident or threat of violence within the school, or in relation to the school. (See Appendix B for details.)

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 required by the *Education Act* and as set out in Ontario Regulation 472/07 (quoted below):

2. *For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following mitigating factors shall be taken into account:*

- 1. the pupil does not have the ability to control his or her behaviour*
- 2. the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour*
- 3. the pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person ...*

3. Other factors *For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:*

- 1. the pupil's history*
- 2. whether a progressive discipline approach has been used with the pupil*
- 3. whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment*
- 4. how the suspension or expulsion would affect the pupil's ongoing education*
- 5. the age of the pupil*
- 6. in the case of a pupil for whom an individual education plan has been developed,*
 - i. whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,*
 - ii. whether appropriate individualized accommodation has been provided, and*
 - iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.*

Negative impact on school climate: A possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school. Actions or behaviours that occur outside school may still have a negative impact on school climate. For example, cyber bullying often occurs outside school, but if it targets individual students and causes them to be afraid to come to school, it is having a negative impact on school climate.

Parent/legal guardian: A person legally entrusted with the care of, and managing the property and rights of, another person, usually a child/youth who is under the age of 18. For the purposes of Part XIII of the *Education Act*, students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are considered to be adults.

Police: For the purpose of this protocol, means the police detachments as listed in this protocol.

Possession of drugs: Having a controlled substance (i.e. a drug or narcotic, as set out in the *Controlled Drugs and Substances Act*) in one's personal possession or possessing it jointly with others, including knowingly possessing an illegal drug elsewhere.

Principal / Principal Designate: Teacher or appointed by a board to perform in respect of a school the duties of a principal under the *Education Act* and its regulations. For the purpose of this protocol, also includes a person designated by the principal.

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 Board: Means a district school board or a school authority, and for the purpose of this protocol, means the Boards as included as participants in this protocol.

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 pressured into doing something he or she doesn't want to do.

Suspension: The removal of a student from his or her school and all school-related activities for a minimum of one school day to a maximum of twenty school days. Activities for which suspension must be considered are found in subsection 306(1) of the *Education Act*. An example is possessing alcohol or illegal drugs.

Theft: The illegal or unauthorized removal of another person's property without his/her consent.

Threats: Any statement, act, or communication, by any means, including electronic means, of intent to cause harm, whether physical or emotional, to any person or thing, in circumstances where the person threatened believes or has grounds to believe the threat may be carried out.

Trafficking: Assisting in any manner with the distributing of a controlled drug or substance, as set out in the *Controlled Drugs and Substances Act*, or with the distributing of weapons.

Trafficking: Assisting in any manner with the distributing of a controlled drug or substance, as set out in the *Controlled Drugs and Substances Act*, or with the distributing of weapons.

Vandalism (Mischief): The wilful or malicious damage, defacement, or destruction of (school board) buildings, grounds, equipment, or property as well as staff and student property.

Weapon: Any article designed as a weapon, or used or intended to be used for the purpose of threatening, intimidating, or injuring a person. All firearms, including replica firearms and imitation firearms, are always considered weapons.

Young Person: Means a person who is, or, in the absence of evidence to the contrary, appears to be 12 years of age or older, but less than 18 years of age.

Appendix B: Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario

Introduction

Staff, students, and visitors in Ontario's schools have the right to learn, work, and be present in a safe and secure environment. However, the possibility of a major incident of violence is a reality that cannot be overlooked.

Everyone who spends any amount of time in an Ontario school on a regular basis needs to know how to protect themselves, and how to protect students, in the event of a major incident or threat of school violence. Publicly funded schools in Ontario are committed to providing and maintaining a safe school environment. Much has been accomplished around the issue of safe schools since the introduction of the Provincial Model for a Local Police/School Board Protocol in 2000, and more recently with the passage of Bill 212, which amended the safe schools provisions of the *Education Act*, in February 2007. The Ministry of Education and school boards and police from across the province continue to work in partnership to create safe school environments, and to prepare plans to be used in the event of a major incident of school violence. Many boards have actively undertaken the process of establishing lockdown plans with the support of their police service. However this has not previously been a ministry requirement, nor has there been a consistent approach across the province with respect to lockdown planning. The following policy should accompany the protocols already developed.

Purpose

Based on lockdown procedures that have already been established in many Ontario schools, the following policy is being provided to help elementary and secondary schools ensure their lockdown plans meet basic requirements, and to ensure a degree of consistency across the province. While much of what is provided will be termed "Effective Practices", there are two key elements which the Ontario Association of Chiefs of Police (OACP) is recommending as mandatory requirements by the Ministry of Education.

The Ministry of Education and the Ministry of Community Safety and Correctional Services acknowledge the work of the Ontario Association of Chiefs of Police (OACP) Lockdown Procedure Working Group and thank the members and OACP for their work in preparing these guidelines.

Mandatory Requirements

1. All publicly funded school boards in Ontario must establish a lockdown policy to ensure the development and implementation of individual school plans.
2. A minimum of two lockdown drills must occur each school year.

In developing lockdown plans, each elementary and secondary school should consider the following policy:

When to Lock Down /Terminology to Be Used

Terminology is very important. Plans should clearly identify when "lockdown" versus other terminology is to be utilized. Terminology used to order a lockdown should be plain language, clear, and leave no room for misunderstanding as to what is expected. No secret passwords should be used.

“Lockdown” should be used *only* when there is a major incident or threat of school violence within the school, or in relation to the school. The overuse or misuse of “lockdown” will result in staff/students becoming desensitized and not taking lockdowns seriously.

“Hold and Secure” should be used when it is desirable to secure the school due to an ongoing situation outside and not related to the school (i.e. if a bank robbery occurs near a school but not on school property). In this situation, the school continues to function normally, with the exterior doors being locked until such time as the situation near the school is resolved.

“Shelter in Place” should be used for an environmental or weather-related situation, where it is necessary to keep all occupants within the school to protect them from an external situation. Examples may include chemical spills, blackouts, explosions, or extreme weather conditions.

Boards must use the above terminology in developing local plans, in an effort to ensure consistency across the province. This policy focuses primarily on “Lockdowns”.

Rationale

The use of common language across the province allows for easy integration when staff, students, and emergency service personnel are transferred from one jurisdiction to another.

Roles and Responsibilities:

Clearly defined roles, responsibilities, and expectations are critical in emergency situations.

At a minimum, plans should include expectations with respect to staff, students, parents, and police. The lockdown policy should address issues such as accessibility and communications for students with special education needs.

Effective Practices:

Principal – The principal is responsible for overall planning; the final content of the plan; scheduling drills; inviting police, fire, and emergency medical services (EMS) to participate in and be aware of planning and drills; training students; and the overall safety of staff and students. In an actual incident (not a drill), the police are responsible for management of the threat and subsequent criminal investigation; however, the principal shall provide full cooperation with police.

Staff – School staff, and in particular administrators, have the overall responsibility for the training, safety, and well-being of students. Administrators during a violent incident have additional responsibilities in terms of working closely with police.

Students – Students have a responsibility to be familiar with the plan and to respond quickly to the direction of staff during a crisis situation. Any student with information on or prior knowledge of an individual or a potential situation that may result in a violent incident must come forward with that information as soon as possible. This is also the case during an incident.

Police – Police are responsible for responding to and investigating violent incidents. During a violent incident, police will assume command and control of the response and investigation but will liaise and work closely with school administration and other emergency services throughout the process.

Parents/Guardians – Parents and guardians must be informed of the existence of this plan and should reinforce with their children students’ responsibilities with respect to following directions during a crisis and disclosing any information they may have prior to or during a crisis situation.

Floor Plans:

Accurate floor plans are a key component of lockdown plans and are important from both a planning and a response standpoint.

Effective Practices

Consideration should be given to colour coding floor plans using three colours, such as red, green, and blue. Red indicates danger areas of the school that cannot be locked down safely, with green identifying areas where staff and students are to proceed to safely lock down. Blue areas identify command post locations, which will be utilized by police depending on the nature of the incident.

Normally, the main office will be a command post location, with another area within the school identified as an alternate command post location. A third off-site command post location should be identified within the individual school plan in the event that neither on-site command post location is available.

Off-site evacuation locations should also be identified and included with copies of the floor plans.

Floor plans should be posted throughout the school, at least in every classroom and at every entry point to the school. In multi-level buildings, it is suggested that only the floor plans relevant to a specific level be posted on that level.

Hard copies of floor plans, and electronic copies, if possible, should be provided to police.

Rationale

It is vitally important that police have current, accurate information about the school layout and that this information is available in both electronic and hard copy formats in the event of computer malfunctions.

Identification of Buildings, Exterior Doors, Classrooms:

To assist police in responding to a major incident or threat of violence, buildings, entrances, and all rooms within buildings need to be clearly identified.

Effective Practices

In situations where more than one building exists on school grounds, each building should be clearly identified on all sides of the building with a building identifier, such as a number. All portables shall be clearly identified as well. All exterior doors shall be clearly identified, such as doors A, B, C, etc. All rooms within the building should be clearly marked with room numbers.

Rationale

This information is essential to identify the location of buildings and identify safe access routes for responding emergency personnel.

Initiating Lockdown:

Plans should emphasize the importance of locking down as quickly as possible. At the first indication of a major incident of school violence, notification must go to the main office and the lockdown must commence immediately.

Effective Practices

All staff (especially those working in the main office) should be trained that, when information is received in the office of a situation requiring a lockdown, whoever receives that information will immediately activate the school's public address (PA) system, inside and outside, announcing the lockdown. There should be no hesitation in announcing the lockdown, and the decision to call the lockdown should be made immediately by whoever receives the call to the office, and should not be delayed for the purpose of checking with administration before announcing a lockdown. Boards should consider both auditory (PA) and visual notification systems inside and outside the school to announce a lockdown. For the safety of hearing-impaired individuals and in situations where noise levels in open areas such as cafeterias, and outside the school, may prevent staff and students from hearing a PA announcement, consideration should be given to the use of strobe lights or other visual indicators, in addition to the PA system.

It is recommended that the actual wording announcing a lockdown be affixed on or near the microphone, so that it is clearly visible and can be read by the person announcing the lockdown.

Rationale

In emergent stressful circumstances, even the most composed individuals may have difficulty remembering exact words. By pre-printing the announcement and practicing it, the person delivering the message can ensure that the content is delivered accurately.

Classroom/Other Secure Area – Procedures During Lockdown:

Plans should provide detailed procedures to be used when locking down a classroom or other secure areas.

Effective Practices

It is recommended that, before locking a door, staff should gather everyone in the immediate vicinity into their classroom or other secure area, but only if it is safe to do so. Once inside a secure area, staff and students should:

- stay away from doors and windows;
- turn off lights;
- close blinds;
- be aware of sight lines;
- if there is a window in the classroom door, consider covering the window;
- take cover if available (get behind something solid);
- remain absolutely quiet;
- take attendance (to be done by teachers);
- not use cell phones unless it is necessary to communicate regarding the incident. Cell phones should be shut off or put on vibrate.

Rationale

The goal is to make the classroom appear vacant.

Portables:

Plans must address how to effectively and safely lock down a school portable.

Effective Practices

Plans must recognize unique issues with portables. Due to thin wall construction, it is recommended that desks be tipped onto their sides with desktops facing out, and all desks placed in a circle, with students/staff gathered within the circle, down on the floor below the top edge of the desk.

Rationale

The desktops will act as an additional barrier to a round from a firearm which may have penetrated a portable wall.

Washrooms: Procedures During Lockdown:

Plans should address what staff/students should do if they are in a washroom when a lockdown is called.

Effective Practices

As washrooms cannot be locked, and therefore should be identified during planning as a danger (red) area in the event of a lockdown, students need to evacuate washrooms if at all possible and get to an area that can safely be locked down (green).

For elementary schools, it is recommended that plans designate adults who normally work in close proximity to student washrooms to check the washroom(s) prior to locking down themselves, if it safe to do so. After gathering students in the immediate vicinity of their classroom door into their classroom, they would quickly check both male and female washrooms to which they have been assigned in the planning phase, and take any students found in the washrooms into their classrooms to lock down.

For secondary schools, it is recommended that training include an explanation to students that they are responsible for getting out of the washrooms immediately upon hearing a lockdown announced, and getting to the nearest classroom or other area that is identified as a safe (green) area.

As a last resort, staff or students trapped in a washroom should attempt to somehow secure the bathroom door, enter a stall, lock the door, and climb on top of the toilet.

Rationale

Plans need to indicate that staff and students should be moved from washrooms into classrooms but not if it means moving into immediate danger. In those instances, staff and students should remain in the washroom and attempt to make the washroom appear vacant.

Open Areas – Procedures During Lockdown:

Plans should recognize that open areas, including cafeterias, libraries, and hallways, are the most vulnerable areas of a school, making them the most likely location for a shooting, and the most difficult areas to quickly and effectively secure.

Effective Practices

Considerable time and attention need to be given to open areas during the planning phase. All possible options should be considered to best address these highly vulnerable areas, including the possibility of evacuating to the exterior of the school. This may be the best option if these areas are adjacent to exterior walls and have doors leading to the outside. It is very important during staff and student training that everyone understand what to do and where to go in the event that a lockdown is called when they are in an open area.

Rationale

Consider having various options in the event that the first option is not available.

Child Care and Other Facility Occupants:

As many schools have licensed child care centres or other tenants and community groups using school premises, those organizations or individuals must be taken into consideration at all stages.

Effective Practices

It is important that principals ensure the appropriate staff from organizations sharing facilities is included in the development and implementation of lockdown procedures and that these organizations participate in aspects of planning, training, and drills.

Rationale

Due to proximity issues, the need to be prepared is as important for other occupants as it is for staff and students of schools.

Outside of School Buildings When a Lockdown Is Called:

Procedures must address where staff and students outside the school should go in the event of a lockdown. These procedures should also address how people who are outside the school building will know where the evacuation sites are located.

Effective Practices

In order to ensure that those who are outside school buildings are aware that the school is locking down, the PA system must be capable of being activated outside the school. Consideration should also be given to including an exterior visual indicator (i.e. strobe lights) that can be used to indicate that a lockdown has been called. Those who are outside the school when a lockdown is called shall not re-enter the school, but shall proceed immediately to pre-determined off-site evacuation location(s). Once at the location, staff and students shall remain in that location until further advised by administration or police. Plans should include the taking of attendance at the off-site evacuation location(s). Neighbouring schools may not be the best option as off-site evacuation locations, as they too may lock down once they become aware of an incident at a nearby school.

Note: When a "Hold and Secure" situation occurs and staff and students are outside the building, they should re-enter the building prior to the exterior doors being locked.

Controlled Evacuation:

In the event of a prolonged situation, or a situation where the threat has been contained (i.e. a barricaded individual), plans should include provisions for a controlled evacuation of the areas of the school not in the vicinity of the contained area.

Effective Practices

Police will make the decision as to whether a controlled evacuation of a school under lockdown is a viable option, and will direct the evacuation process. This will normally be done on a room-by-room basis, with evacuees being escorted by police to the evacuation location.

Fire Alarms:

Plans should address the issue of how to deal with fire alarm activation after a school has gone into lockdown.

Effective Practices

In the event that a fire alarm is pulled once a lockdown has been called, staff and students shall not respond as they normally would to a fire alarm, but shall remain locked down, if it is safe to do so. Staff and students must always be aware of other dangers such as fire, and be prepared to respond accordingly in order to ensure their own safety.

Rationale

There is a desire not to create a situation where staff and students run into danger when responding to a fire alarm. At the same time, staff and students should not ignore the fact that fire may occur intentionally or otherwise during a lockdown and that there is a need to respond to the most immediate threat.

Procedures to End a Lockdown:

Plans should include how a lockdown will be terminated.

Effective Practices

Plans to conclude a lockdown will vary by location. Procedures may include a general announcement via the PA system by the principal, or a room-to-room visit from police/school administration, with some sort of an identification process, so that the occupants of a locked room know that whoever is giving them the all-clear is in fact authentic. Local plans should include procedures for ending lockdowns at off-site evacuation locations. In all cases where police have responded, plans should clearly indicate that the decision to end a lockdown shall be made only after approval of the on-scene police incident commander.

Rationale

There is a need to include the same level of authenticity to ending a lockdown as to initiating one.

Training:

Plans should address initial and ongoing training of staff, students, and visitors to the school.

Effective Practices

Orientation for new teachers should include mandatory lockdown training. Schools should establish a method to conduct lockdown review training for all staff during each school year. Schools should consider assemblies to train secondary students on lockdown procedures. Due to the young age of some elementary students, it is suggested that classroom teachers be responsible for training students at the elementary level. Any training provided to

students with special education needs should be consistent with the expectations outlined in their Individual Education Plans. Where possible, it is advantageous to have police partners present during training, and to assist with the training of staff and students. Information for parents may be presented in newsletters, school or board websites, or an evening session on lockdown plans. Fire and EMS personnel should be invited to training sessions.

Rationale

People can be expected to respond properly under stressful and emergent circumstances when properly trained.

Drills:

Fire drills have long been accepted as an important and effective tool in preparing staff and students for procedures to be followed in the event a fire breaks out in a school. Equally important is the practicing of lockdown drills in preparation for a major incident of school violence.

Mandatory Requirements (Ministry of Education):

Each school shall conduct a minimum of two lockdown drills during each school year.

Effective Practices

School personnel should work cooperatively with police partners on drills. The principal is responsible for setting the date of drills and overseeing the drill, with police support/assistance. Consider including fire and EMS personnel during drills, so they become familiar with lockdown plans. Staff, students, and parents should be given some warning of an impending drill. Procedures should include a plan to alert neighbouring schools of lockdown drills, especially if fire and EMS personnel have been invited to participate. A short debriefing should be included after all drills to identify areas for improvement. Many boards have established a tracking system to record drill dates, thereby ensuring accountability and compliance.

Rationale

In order for staff and students to respond properly, plans must be practiced to ensure complacency is avoided.

Media:

Plans shall include provisions for dealing with media.

Effective Practices

Police are responsible for addressing media with respect to the criminal incident involved and police response to an incident. Principals/board personnel are responsible for dealing with media on issues of staff and student safety. It is strongly advised that media personnel from police and school boards share press releases prior to their release to the media, so that both police and school officials are aware of what the other is saying. A spirit of cooperation is highly recommended in terms of police and school officials working closely on media issues.

Rationale

Coordinated and consistent messaging from all partners is essential in maintaining public confidence.

Communication with Parents/Guardians/Community:

Communication with parents, guardians, and the community in general is important so as to ensure a good understanding of lockdown procedures, without instilling fear.

Effective Practices

Consider sending a newsletter to each home at the beginning of the school year to inform parents of lockdown procedures and to encourage parents to reinforce with their children the importance of understanding the procedures and following staff direction.

Parents need to be informed of where they should proceed in the event of an actual incident involving a lockdown. Communication with parents around the importance of lockdowns is vital. Parents should be informed of what is expected should they arrive at school during a drill, or if they are present within the school when a lockdown is called.

In all instances of a lockdown that was not a drill, it is recommended that a communication to parents be sent home with each student at the conclusion of the school day or as soon as possible. Parents should be encouraged to ensure that their contact information is kept up to date so they can easily be reached by staff in the event of an emergency.

Rationale

Parents need to see lockdown drills as essential elements to prevent injury, and good communication is required to eliminate fears and concerns.

Parents play a key role in ensuring students' cooperation and participation in drills.

School Recovery Following a Lockdown:

Plans should include provisions to address the aftermath of a school lockdown.

Effective Practices

A debriefing should occur in all situations following a lockdown. The nature and severity of the incident will dictate who should be included in the debriefing.

In serious situations where injuries or loss of life occurs, the board's trauma response plan will normally be initiated.

In all cases, communication with parents is vital.

Plan Review:

Each school plan, as well as the board plan, shall be thoroughly reviewed annually.

Effective Practices

A page should be included within the plan that allows for documentation of when the plan was reviewed and who reviewed it, along with a signature area. Where boards develop a web-based application to record when drills have been completed, a separate page could be created to allow for the recording on the website of the date the plan was reviewed annually.

Appendix C:

Guide to Officers for Section 146 Youth Criminal Justice Act Statements

Guide pour les Agents:

Déclarations en Vertu De l'article 146

De La Loi Sur Le Système de Justice

Pénale Pour les Adolescents

- Il est impératif que l'adolescent comprenne bien tout ce qui lui est dit et expliqué.
- Il ne faut pas se contenter de lire la formule à l'adolescent et de lui demander s'il ou elle comprend.
- Une approche objective et personnalisée, qui tient compte du niveau intellectuel et de toute autre caractéristique personnelle de l'adolescent, est nécessaire lorsqu'on procède à une entrevue.
- Avant de poser l'une ou l'autre des questions figurant dans la formule de déclaration, vous devez vous faire une idée du niveau de compréhension de l'adolescent afin de déterminer le langage approprié à utiliser pour lui expliquer ses droits. L'enregistrement de ce contact initial avec l'adolescent pour évaluer sa compréhension aura force probante.
- À cette fin, vous devez vous renseigner sur le niveau d'éducation de l'adolescent, sur ses aptitudes langagières et l'étendue de son vocabulaire, sur sa capacité à comprendre ainsi que sur son état émotionnel.
- Pour cela, il n'y a pas d'autre moyen que d'engager une conversation avec l'adolescent. La liste ci-dessous, même si elle n'est pas exhaustive, pourra vous guider pour mener cette conversation:

La Cour d'appel de l'Ontario a souligné l'importance d'enregistrer sur bande vidéo toute déclaration d'une personne inculpée. Ceci est d'autant plus important lorsqu'on envisage d'inculper un adolescent ou d'enregistrer sa déclaration et qu'il faut lui expliquer clairement les éléments d'information prévus par l'article 146 **en des termes adaptés à son âge et à sa compréhension.**

Le meilleur moyen de prouver que vous avez adapté vos explications à l'âge et au niveau de compréhension de l'adolescent en question est de procéder à un enregistrement sur bande vidéo.

- Quel âge avez-vous? En quelle classe êtes-vous?
 - Où allez-vous à l'école?
 - Avez-vous une difficulté d'apprentissage?
 - Êtes-vous dans une classe d'éducation spéciale?
 - Avez-vous déjà été arrêté dans le passé?
 - Avez-vous déjà fait une déclaration à un agent de police dans le passé?
- Lorsque vous aurez réussi à vous faire une idée suffisante du niveau de compréhension de l'adolescent, vous serez en mesure d'adapter votre explication des dispositions de l'article 146 à ses aptitudes.
 - Même si rien ne vous oblige à demander à l'adolescent de vous réexpliquer ses droits, dans certains cas, cette technique vous permettra de vous assurer que vos explications étaient à la fois appropriées et suffisantes.
 - Un moyen simple et approprié de déterminer si l'adolescent a bien compris est de lui demander « Pouvez-vous expliquer dans vos propres mots ce que ceci signifie pour vous? »
- » The Ontario Court of Appeal has emphasized the importance of recording any statement of an accused person on video.

This is even more important when contemplating charges against or taking the statement of a young person where the informational components of Section 146 must be explained to the young person **in language appropriate to the particular young person's age and understanding.**

The best way to demonstrate that you have tailored your explanation to the age and understanding of the particular young person is by way of video.

- It is imperative that the young person clearly understands everything that is being said and explained to him/her.
- It is insufficient to simply read the form to the young person and ask if he/she understands.
- An individualized, objective approach that takes into account the level of sophistication and other personal characteristics relevant to the young person's understanding is required when conducting the interview.
- Prior to asking any of the questions set out in the statement form, you are required to acquire some insight into the level of understanding of the young person you are interviewing in order to determine the appropriate language to use in explaining his/her rights. It would be of evidentiary value to record this initial interaction with the youth while gauging their level of understanding.
- This requirement involves learning something about the young person's level of education, language and vocabulary skills, ability to comprehend and emotional state.
- This requirement can only be achieved by engaging the young person in conversation. Consideration should be given to the following non-exhaustive list of questions:
 - How old are you?
 - What grade are you in?
 - What school do you attend?
 - Do you have a learning disability?
 - Are you in a special education class?
 - Have you been arrested before?
 - Have you given a statement to a police officer before?
- Once you have acquired the necessary insight into the young person's level of understanding you will be in a position to tailor your explanation of the Section 146 requirements to the capabilities of the particular young person you are interviewing.
- While you are not required to have the young person "explain back" their rights, in some instances, this may well demonstrate that your explanations were both appropriate and sufficient.
- A simple and appropriate way to determine whether the young person understands is to ask, "What does this mean to you in your own words?"

1. Statement Recording Method:

DVD (No. _____)
Videotape (No. _____)
Audiotape (No. _____)
Written
Police Service:
Occurrence No:
Police Case ID:

Date:
Location:
Start Time:
Time Completed:

Méthode d'enregistrement de la déclaration :

DVD (No. _____)
Bande vidéo (No. _____)
Bande vidéo (No. _____)
Par écrit
Service de police :
No. D'incident :
Référence du dossier de police :

Date :
Lieu :
Heure (début) :
Heure (fin) :

Interviewing Officer(s):
Name of Young Person:
Date of Birth:
Address:
Name:
Parents
- Adult Relative
- Other Adult
Address:
Phone Number:

You are charged with:

You may be charged with:

2. Do you understand the charge(s)?
If at any time you do not understand anything, tell me and I will explain it to you. Do you understand?

- 3a. **THIS SECTION APPLIES ONLY TO YOUTHS WHO ARE 14 YEARS OF AGE OR OLDER AT THE TIME OF THE ALLEGED OFFENCE AND THE OFFENCE IS 1ST OR 2ND DEGREE MURDER, ATTEMPT MURDER, MANSLAUGHTER OR AGGRAVATED SEXUAL ASSAULT.**

As you are 14 years old, or older, and you are charged with , if you are found guilty, the Crown will ask the court to give you an adult sentence. The most severe adult sentence is life in prison. It is up to the court to decide whether you will be sentenced as a young person or an adult.

THIS SECTION APPLIES TO YOUTHS WHO ARE 14 YEARS OF AGE OR OLDER AT THE TIME OF THE ALLEGED OFFENCE AND THE OFFENCE IS ONE FOR WHICH AN ADULT IS LIABLE TO IMPRISONMENT FOR MORE THAN TWO YEARS.

As you are 14 years old, or older, if you are found guilty, the Crown may

Agent(s) procédant à l'entrevue :
Nom de l'adolescent(e) :
Date de naissance :
Adresse :
Nom :
Père ou mère
- Autre parent adulte
- Autre adulte approprié
Adresse :
Numéro de téléphone :

Vous êtes accusé(e) de:

Vous pourriez être accusé(e) de:

Comprenez-vous la(les) accusation(s)?
Si, à un moment quelconque, vous ne comprenez pas quelque chose, dites-le-moi et je vous l'expliquerai. Comprenez-vous?

CETTE SECTION NE S'APPLIQUE QU'AUX ADOLESCENTS ÂGÉS D'AU MOINS 14 ANS AU MOMENT DE L'INFRACTION PRÉSUMÉE ET LORSQUE CETTE INFRACTION EST UN MEURTRE AU 1^{er} OU 2^e DEGRÉ, UNE TENTATIVE DE MEURTRE, UN HOMICIDE INVOLONTAIRE COUPABLE OU UNE AGRESSION SEXUELLE GRAVE.

Comme vous avez 14 ans ou plus et que vous êtes accusé(e) de, si vous êtes reconnu(e) coupable, la Couronne demandera au tribunal de prononcer contre vous une peine applicable aux adultes. La peine la plus sévère applicable aux adultes est l'emprisonnement à perpétuité. Il appartient au tribunal de choisir entre une peine spécifique applicable aux adolescents et une peine applicable aux adultes.

CETTE SECTION NE S'APPLIQUE QU'AUX ADOLESCENTS ÂGÉS D'AU MOINS 14 ANS AU MOMENT DE L'INFRACTION PRÉSUMÉE ET LORSQU'IL S'AGIT D'UNE INFRACTION POUR LAQUELLE UN ADULTE SERAIT PASSIBLE D'UNE PEINE D'EMPRISONNEMENT DE PLUS DE DEUX ANS.

Comme vous avez 14 ans ou plus, la Couronne demandera au tribunal de

ask the court to give you an adult sentence. The most severe adult sentence is life in prison. It is up to the court to decide whether you will be sentenced as a young person or an adult.

Statement of a Young Person

Youth Criminal Justice Act, Section 146

Not Applicable (officer's initials)

— —

Warning Read: Yes

Reply

Reply

Do you understand? Yes No

- 4a. You have the right to talk to a lawyer in private without delay. Do you understand?
- b. You can also get immediate legal advice from a free Legal Aid Lawyer by calling 1-800-561-2561 or 1-800-265-0451. Do you understand?
- c. If you are charged with an offence, you may apply to Ontario Legal Aid for legal assistance. Do you understand?
- d. You also have the right to speak, without delay and in private, to a parent, or in the absence of a parent, an adult relative or in the absence of an adult relative another appropriate adult whom you feel may assist you. Do you understand?
- e. If you make a statement to the police, the police must have the person(s) you spoke with here while you make a statement unless you do not want them or any one of them here. Do you understand?
- f. Do you want to talk to a lawyer?
- g. Do you want to talk to one or both of your parents?
- h. If your parent(s) are not available, do you want to talk to an adult relative?

prononcer une peine applicable aux adultes. La peine la plus sévère applicable aux adultes est un emprisonnement à vie. Il appartient au tribunal de choisir entre une peine spécifique applicable aux adolescents et une peine applicable aux adultes.

Déclaration d'un Adolescent

Loi Sur le Système de Justice Pénale Pour les Adolescents, Article 146

Ne s'applique pas (initiales de l'agent)

— —

Avertissement lu : Oui

Réponse:

Réponse:

Comprenez-vous? Oui Non

- Vous avez le droit de parler sans délai à un avocat en privé. Comprenez-vous?
- Vous pouvez aussi obtenir gratuitement l'assistance immédiate d'un avocat de l'aide juridique en appelant le 1-800-561-2561 ou le 1-800-265-0451. Comprenez-vous?
- Si vous êtes accusé(e) d'une infraction, vous pouvez faire une demande d'aide juridique auprès d'Aide juridique Ontario. Comprenez-vous?
- Vous avez le droit de parler, sans délai et en privé, soit à votre père ou votre mère soit, en l'absence de votre père ou de votre mère, à un parent adulte, soit, en l'absence d'un parent adulte, à tout autre adulte approprié qui, selon vous, pourrait vous aider. Comprenez-vous?
- Si vous faites une déclaration à la police, celle-ci a le devoir de faire en sorte que la ou les personnes auxquelles vous avez parlé soient présentes au moment où vous faites votre déclaration, à moins que vous préfériez le faire sans qu'elles soient présentes. Comprenez-vous?
- Voulez-vous parler à un avocat?
- Voulez-vous parler à votre père, votre mère ou aux deux?
- Si votre père ou votre mère ne sont pas disponibles, voulez-vous parler à un autre parent adulte?

- i. If an adult relative is not available, do you want to talk to another appropriate adult?

Not Applicable (officer's initials)

Do you understand? Yes No

--

Warning Read: Yes

Reply

Reply

Reply

Reply

Reply

Reply

Reply

Reply

Reply

Statement of a Young Person

5. **IF THE YOUNG PERSON INDICATES THAT HE/SHE WISHES TO SPEAK TO ANY OF THE ABOVE PERSONS, THE OFFICER CONDUCTING THE INTERVIEW MUST NOW FACILITATE THOSE CONVERSATIONS.**

Do you wish to make a statement?

If yes, the police must have the people you spoke with here while you make a statement, unless you do not want them or any one of them here. Do you understand?

If you decide to make a statement, you can stop at any time. You can also at any time talk to a lawyer and a parent, adult relative or an appropriate adult, and have that person here with you. Do you understand?

I have been given the opportunity to obtain immediate free advice from a Legal Aid Lawyer and the opportunity to talk to a lawyer and my parent(s); or, in the absence of a parent, an adult relative; or, in the absence of a parent or adult relative, another

Si aucun parent n'est disponible, voulez-vous parler à un autre adulte approprié?

Ne s'applique pas (initiales de l'agent)

Comprenez-vous? Oui Non

--

Avertissement lu : Oui

Réponse:

Réponse:

Réponse:

Réponse:

Réponse:

Réponse:

Réponse:

Réponse:

Réponse:

Déclaration d'un Adolescent

- SI L'ADOLESCENT [E] INDIQUE QU'IL OU ELLE SOUHAITE PARLER À L'UNE DES PERSONNES INDIQUÉES CI-DESSUS L'AGENT QUI PROCÈDE À L'INTERROGATION DOIT ALORS PRENDRE LES DISPOSITIONS NÉCESSAIRES POUR FACILITER CES CONVERSATIONS.**

Souhaitez-vous faire une déclaration?

Dans l'affirmative, la police doit faire en sorte que les personnes auxquelles vous avez parlé soient présentes au moment de votre déclaration, à moins que vous préfériez le faire sans qu'elles soient présentes. Comprenez-vous?

Si vous décidez de faire une déclaration, vous pouvez vous arrêter à tout moment. Vous pouvez aussi à tout moment parler à un avocat ainsi qu'à votre père ou votre mère, à un adulte parent ou à un autre adulte, et demander que cette personne soit présente ici avec vous. Comprenez-vous?

J'ai eu la possibilité d'obtenir des conseils gratuits et immédiats d'un avocat de l'aide juridique et la possibilité de parler à mon avocat ainsi qu'à soit mon père ou à ma mère, soit, en l'absence de mon père et de ma mère, à un parent adulte, soit, en l'absence de mon père, de ma mère ou

appropriate adult. I have been informed that the police must have the people with whom I have just spoken present when making a statement unless I do not want them, or any one of them, with me during this interview. These rights have been explained to me and I understand them.

6. I choose not to talk with any of these people.

Signature of Young Person

7. I do not want any of them here with me during this interview.

Signature of Young Person

Name of Person Present: _
Parent(s) _Adult Relative _
Other Appropriate Adult:

Address: Phone Number:

You do not have to say anything about the charge(s) unless you want to. Do you understand?

I also have to tell you that whatever you do say will be recorded in writing or on audio or video and may be given in evidence against you in court. Do you understand?

WAIVER OF RIGHTS CAUTION

Reply
Reply
Reply

Statement of a Young Person

Witness
Time

8. If you have spoken to any other police officer or if anyone else has spoken to you in connection with this matter, I want it clearly understood that I do not want it to influence you in making a statement. Do you understand?

d'un parent adulte, à un autre adulte approprié. J'ai été avisé(e) que la police est tenue de faire en sorte que les personnes avec lesquelles je viens juste de parler soient présentes au moment où je fais ma déclaration, à moins que je préfère faire cette déclaration sans qu'elles soient présentes. Ces droits m'ont été expliqués et je les comprends.

Je choisis de ne parler à aucune des ces personnes.

Signature de l'adolescent(e)

Je ne veux pas que ces personnes soient présents pendant mon interrogation.

Signature de l'adolescent(e)

Nom de la personne présente : _
Père et/ou mère _Parent adulte _
Autre adulte approprié :

Adresse : Numéro de téléphone :

Vous n'êtes pas tenu(e) de dire quoi que ce soit à propos de(s) accusation(s), à moins que vous ne souhaitiez le faire. Comprenez-vous?

Je dois aussi vous avertir que tout ce que vous direz sera enregistré par écrit, sur bande audio ou sur bande video et pourra être présenté en preuve dans les poursuites intentées contre vous. Comprenez-vous?

RENONCIATION À DES DROITS MISE EN GARDE

Réponse:
Réponse:
Réponse:

Déclaration d'un Adolescent

Témoin
Heure

Signature of Young Person:

Time Completed:

Witnesses:

SECONDARY CAUTION

(1)

(2)

Signature :

Statement of a Young Person

You are reminded that you do not have to say anything about this charge unless you want to. Do you understand?

Reply

Reply

Do you wish to make a statement?

Reply

Signature de l'adolescent(e) :

Heure de la déclaration :

Témoins :

AVERTISSEMENT SECONDAIRE

Déclaration d'un Adolescent

Si vous avez parlé à un autre agent de police ou si quelqu'un d'autre vous a parlé à propos de la même affaire, je tiens à ce que vous compreniez bien que cela ne doit pas vous influencer à faire une déclaration. Comprenez-vous?

Réponse:

Réponse:

Je vous rappelle que vous n'êtes pas obligé(e) de dire quoi que ce soit à propos de(s) accusation(s), à moins que vous ne souhaitiez le faire. Comprenez-vous?

Souhaitez-vous faire une déclaration?

Réponse:

Appendix D: Victim Services/Agencies - Where to Call for Help

Emergency Response

Police/Ambulance 911

Crisis Support For Women

Women's Centre, Grey Bruce
Owen Sound (24hr) 1-800-265-3722

Women's House of Bruce County
Kincardine (24 hr) 1-800-265-3026

Victim Assistance Program

Owen Sound (24 hr) 1-888-577-3111

Kids Help Phone (24 hr) 1-800-668-6868

Sexual Assault Centre of Grey and Bruce

Help Line (24 hr) 1-800-720-7411

Sexual Assault Care Centre
Owen Sound (8:30 – 4:30) 519-376-2121 (ext. 2458)

Sexual Health Clinic
Owen Sound (8:30 – 4:30) 1-800-263-3456

Crisis Intervention Team

Owen Sound (ask for Crisis Team) 519-376-2121 (24 hr)

Addiction Support

Choices (Drug and Alcohol Counseling for Youth)
Owen Sound 1-800-265-3133 or 519-371-5487

Cape Croker First Nation
Addiction Awareness Centre 519-534-3710

Saugeen Drug and Alcohol 519-797-2882

Distress Line (3pm to 7am) 1-888-525-0552

Cont'd....

Child Abuse – Children’s Aid Society

Owen Sound

1-800-263-0806 or 519-376-7893

Walkerton

1-800-461-1993 or 519-881-1822

Counseling

Keystone Child, Youth & Family Services

Owen Sound

1-800-567-2384 or 519-371-4773

Walkerton

519-881-0110

Central Grey Bruce Mental Health Counseling

Hanover and area

519-364-7788

Bruce Shoreline Family Centre

Southampton and area

519-797-2880

North Bruce Mental Health Counseling

Warton and area

519-534-4388

North Grey Primary Mental Health Counseling

Owen Sound and area

519-371-8850

South Grey Primary Mental Health Counseling

Markdale

519-986-3030

Men’s Program: Ending Woman Abuse

Owen Sound

519-372-2720

Health Information

Bruce-Grey-Owen Sound Health Unit

(Birth Control, AIDS & other STDs, Nutrition, Stress, etc.)

Owen Sound

519-376-9420 or 1-800-263-3456

Southampton

519-797-2010

Walkerton

519-881-1920

Appendix E: Hicks Morley – “Supreme Court Speaks on School Searches”

SCHOOL BOARD

SUPREME COURT SPEAKS ON SCHOOL SEARCHES

On April 25th the Supreme Court of Canada issued a much anticipated decision concerning a sniffer dog search of a high school that led to drug related charges against a student. A 6-3 majority of the Court held that the police violated the student’s Charter right to be free from unreasonable search and seizure and held that the evidence of drug possession found by the police should be excluded from use at trial. The decision, called *R. v. A.M.*, is significant because it establishes a standard for police searches on school premises. It does not directly speak to a school board’s own power to conduct searches of individual students or school premises.

THE M.R.M. CASE

Before discussing *A.M.*, we will review the Supreme Court of Canada’s leading case on school board searches. In 1997, in a case called “*M.R.M.*,” the Supreme Court recognized that teachers and principals must be able to react quickly to problems that arise in schools and, hence, should have greater search powers than those enjoyed by the police.

In *M.R.M.*, a junior high school vice-principal received information from several students that “*M.R.M.*” was selling drugs on school property and also received specific information from one of the student informants that *M.R.M.* would be carrying drugs to a school dance. When *M.R.M.* arrived at the dance, the vice-principal called the RCMP, asked *M.R.M.* to come to his office and then searched him in the presence of the RCMP officer. *M.R.M.* turned out his pockets and pulled up his pant legs, and the vice-principal found a bag of marijuana hidden in *M.R.M.*’s sock. He was then arrested and charged with possession of a narcotic.

The trial judge excluded the evidence which had been found in the search because the vice-principal had violated *M*’s right to be secure against “unreasonable search and seizure” as granted by section 8 of the Canadian Charter of Rights and Freedoms. This finding was ultimately overturned by the Supreme Court. In disposing of the case, the Supreme Court established the following rule (in our words) for “body searches” of students:

A school official who acts within the authority granted by the relevant education statute can search a student without a warrant when he or she has reasonable grounds to believe that a school rule has been or is being violated, and that evidence of the violation will be found in the location or on the person of the student searched.

The Court also said that courts should generally defer to the judgement of teachers and principals in determining whether there was enough evidence of wrongdoing to justify a search. It said that a body search could be justified by:

- information received from one student considered to be credible;
- information received from more than one student;
- a teacher’s or principal’s own observations; or
- any combination of these pieces of information which are considered to be credible.

THE A.M. CASE

The facts in *A.M.* are very different than those in *M.R.M.* In *A.M.*, a principal extended an open invitation to police to come onto school property and conduct sniffer dog searches. On the day in question, the police called the principal and received permission to enter the school. Students were told to remain in their classrooms while the police conducted the search. While searching a gymnasium, a sniffer dog identified “*A.M.*’s” backpack. The police opened it and found narcotics and drug paraphernalia. *A.M.* was arrested and charged with possession for the purpose of trafficking.

Cont’d....

At trial, the principal admitted that he did not have any reason to believe that drugs would be found in the gymnasium. He could only testify to a general suspicion that drugs would likely be found somewhere in the school.

Five of the nine judges in the A.M. decision held that police can perform sniffer dog searches of schools without a warrant based on a “reasonable suspicion” but that the police did not meet this standard in conducting the search that led them to A.M.’s backpack. A reasonable suspicion exists when some objective evidence has led the police to believe that a targeted person has possibly engaged in criminal activity or that a “group of people closely linked in proximity” has possibly engaged in criminal activity. The problem in A.M. was that there was only general speculation about the presence of drugs in the entire school.

Importantly, A.M. establishes a standard for searches of school premises conducted by the police. The majority made a point of affirming the general principle from M.R.M. – that in matters of school discipline, a broad measure of discretion and flexibility will be afforded to school authorities. The majority also held that this principle did not apply in A.M. because the search was conducted by the police on their own initiative.

CONCLUSION

A.M. was not resolved in a manner that significantly alters or speaks to the law regarding searches conducted by school boards themselves. When police search schools using sniffer dogs or conduct similar “premises” searches, it is now clear they must meet the reasonable suspicion standard. Searches conducted by school boards themselves continue to be subject to different rules. School boards should only conduct body searches of students in compliance with the rules established by the Supreme Court in M.R.M. Regarding other searches by school boards – locker searches, for example – school boards arguably have significantly greater latitude to conduct such searches than police.

School boards should appreciate, however, that the right to be free from unreasonable search and seizure that is guaranteed by section 8 is conditioned on the level of privacy expected by an individual. Therefore, in order to ensure their searches are lawful, school boards should establish and publish policies that clearly communicate the searches that principals may conduct and the conditions that principals will abide by in conducting searches. And while a school board’s power of search is broad, we suggest that any school policy that permits routine or generalized suspicion searches be approached with caution based on input from legal counsel.

For more information on the issue of school searches, information and privacy or safe schools please contact your regular Hicks Morley lawyer or Dan Michaluk (416-864-7253, Toronto), Delores Barbini (416-864-7303, Toronto), George Vuicic (613-549-6353, Ottawa), Rusty McLay (519-883-3105, Waterloo), Marg Szilassy (519-433-7515, London) or Kees Kort (613-549-6353, Kingston).

