



Police/School Board Protocol



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Contents

Introduction	2
Purpose of this document	2
Required elements for a local Police/School Board Protocol	
1. Signatories to the protocol	5
2. Statement of principles	6
3. Introduction	6
4. Role and mandate of Police Services	7
5. Role and mandate of School Boards	7
6. Definitions/explanations of terms	8
7. A coordinated approach to violence prevention	8
8. Occurrences requiring Police response	10
9. Information sharing and disclosure	11
10. School procedures for reporting to Police	14
11. Initial Police contact	14
12. School and Police investigation of incidents	15
13. Police interviews of students	18
14. Parallel investigations	21
15. Reporting of children suspected to be in need of protection	22
16. Investigations involving students with special education needs	22
17. Occurrences involving students under age 12	23
18. School board communication strategy	24
19. Protocol review process	24
20. Physical safety issues	24
21. Threat assessment and intervention	24
22. Emergency planning and threats to school safety	25
23. Training	25
Appendices	
Appendix A: Glossary	26
Appendix B: Notification flow charts	30
Appendix C: Lockdown procedures for elementary and secondary schools	33
Appendix D: Bomb threat procedures for elementary and secondary schools	40
Appendix E: Guide to Officers for Section 146 <i>Youth Criminal Justice Act</i> Statements	57

Introduction

It is the policy direction of the Ministry of Education and the Ministry of the Solicitor General (SolGen) 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 consistent, coordinated approach between school boards and police services across the province;
- to promote dialogue and the establishment and maintenance of effective relationships between schools and police based on cooperation and shared understandings; and,
- 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 (e.g., the *Education Act*, the *Child, Youth, and Family Services Act, 2017* (CYFSA), the *Criminal Code*, the *Youth Criminal Justice Act* (YCJA), the *Canadian Charter of Rights and Freedoms*, the *Human Rights Code* (HRC), *National Defence Act and Queen's Regulations and Orders for the Canadian Forces*) and by case law.

It is important for schools and police to respect the human rights of students under the HRC 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

Promoting the well-being of all students in Ontario schools is one of the key goals in the government's *Achieving Excellence: A Renewed Vision for Education* document. To help achieve this goal, all partners in education - students, parent(s)/guardian(s), school staff, and community organizations - must work together to create and sustain safe, accepting and healthy schools across the province.

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. An effective school-police partnership plays an important part in safeguarding these qualities and promoting a positive school climate.

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.

Keeping our schools safe 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, witnesses, and alleged perpetrators.

It is understood that the strategy can be effective only if decisions about school safety are informed by reliable data, including school climate and violent incident data. The data that schools collect on school climate can, for example, provide information on risk factors for violent or antisocial behaviour. Decisions should be made on the basis of assessments of priority, need, and risk that are as accurate as possible.

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 should be noted here that the school-police partnership is consistent with the findings of the Provincial Approach to Community Safety and Well-Being (the Provincial Approach), an initiative led by the SolGen. The ministry, in collaboration with its interministerial, policing and community partners is in the process of developing a Provincial Community Safety and Well-Being Planning Framework as part of the final phase of the initiative. The framework will promote a service delivery model that encourages multisectoral approaches and partnerships to respond to crime and complex social issues on a sustainable basis.

SolGen 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 police officers, in accordance with the local police/school board protocol, when responding to school-related occurrences. 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.

Because Académie La Pinède and École Élémentaire Catholique Marguerite-Bourgeois schools of the participating school boards are located at Canadian Forces Base Borden, Military Police Unit Borden is the responsible police service. The legal authorities that govern Military Police derive principally from the *National Defence Act* and Queen's Regulations and Orders for the Canadian Forces. Where applicable, other federal statutes may apply in relation to the disclosure of information that they hold or procedures which they must follow.

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:

- *Canadian Charter of Rights and Freedoms*;
- CYFSA;
- *Criminal Code*;
- *Education Act*;
- *Fire Protection and Prevention Act, 1997* (FPPA);
- *Freedom of Information and Protection of Privacy Act* (FIPPA);
- *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA);
- *Occupational Health and Safety Act* (OHSA);
- HRC;
- *Personal Health Information Protection Act, 2004* (PHIPA);
- *Community Safety and Policing Act, 2019* (SCPA);
- *Provincial Offences Act* (specifically Part VI, “Young Offenders”);
- *Victim’s Bill of Rights, 1995*; and,
- YCJA.

1. Signatories to the Protocol

**Frances Bagley, Director of Education
For the Simcoe Muskoka Catholic District
Board**

**John Dance, Director of Education
For the Simcoe County District School
Board**

**Nicole Molloy, Directrice de l'éducation
For the Conseil scolaire catholique MonAvenir**

**Martin Bertrand, Directeur de l'éducation
For the Conseil scolaire Viamonde**

**Rich Johnston, Chief
For the Barrie Police Service
Region**

**Karl Thomas, Chief Superintendent
For the Ontario Provincial Police, Central**

**Jerel (Jerry) Swamp, Chief
For the Rama Police Service**

**John Van Dyke, Chief
For the South Simcoe Police Service**

**Jeff Skye, Chief
For the Anishinabek Police Service**

2. Statement of Principles

The school boards and police partners recognize their respective responsibilities for the safety of students, staff and members of the school community:

- Police are responsible for the investigation of alleged criminal offences.
- The school boards are responsible for maintaining proper order and discipline in their schools and for ensuring the safety of staff, students and all members of the school community subject to each school boards' jurisdiction.
- Students and/or their parent(s)/guardian(s) 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 HRC; and,
- the need to support both rights and responsibilities.

3. Introduction

The school boards and police partners 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 outlines how the school boards and police partners 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 and protection of students, teachers, principals, staff, and volunteers in schools;
- encourage constructive, ongoing, adaptive, and responsive partnerships between police and the school community in areas such as violence prevention;
- reinforcing the importance of a coordinated and multifaceted approach on the part of schools and police in their interactions with parent(s)/guardian(s) and the community, in an effort to promote the well-being of students;
- facilitate appropriate sharing and disclosure of information in accordance with provincial privacy laws, including FIPPA and MFIPPA and *Education Act* and federal privacy laws, including *Privacy Act*, and *Access to Information Act*;
- 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. Police shall:

- engage and work proactively in partnership with school officials to ensure the effectiveness of this protocol;
- protect public safety and prevent crime;
- enforce the *YCJA*, the *Criminal Code*, and other federal, provincial, and municipal legislation and related regulations;
- uphold the duties legislated under section 82 of the *CSPA* or the regulations and orders made pursuant to section 156 of the *National Defence Act*, as applicable;
- assist victims of crime;
- conduct police and criminal investigations; and,
- 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 their statutory responsibility for the health and welfare of students and to maintain discipline in the school.

The Simcoe Muskoka Catholic District School Board, the Simcoe County District School Board, le Conseil scolaire de district catholique Centre-Sud, Conseil scolaire Viamonde, principals, teachers, and school staff related to safe and secure schools, shall:

- clearly explain the board's code of conduct to students and their families (including details such as the term *weapon*) and the potential reach of school discipline with respect to behaviours taking place outside of school that have a negative impact on the school climate;
- engage and work proactively in partnership with police officials to ensure the effectiveness of this protocol;
- ensure that all staff, including occasional, part-time, or itinerant teachers, have the means, training, and resources to implement the provisions of this protocol that may apply to them, including the ability to lock classroom doors during a lockdown (see Appendix B);
- 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 CYFSA (e.g., "duty to report");

- respect the board's code of conduct, as required by the *Education Act* (s. 302);
- ensure that resources (e.g., on drug awareness, on bullying prevention) are accessible to assist school staff in promoting a positive school environment with students and parent(s)/guardian(s);
- 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; and,
- and develop an effective mechanism for soliciting input from staff, students, parent(s)/guardian(s), parent involvement committees (PICs), school councils, Equity Advisory Committees (EAC), and Special Education Advisory Committees (SEACs) in the development of local protocols.

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. A coordinated approach to 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, parent(s)/guardian(s) and the school council, will develop a School Code of Conduct. Annually, in September, this School Code of Conduct will be distributed 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, parent(s)guardian(s) and the school community.

School boards and principals should develop, promote, and maintain strong partnerships with police and seek to benefit from their support in implementing the school's violence-prevention policies, particularly where those policies pertain to addressing 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 community based service providers to administer various crime prevention programs, including programs that focus on areas such as peer mediation or conflict resolution; programs that include referrals to appropriate community

resources (e.g., those providing counselling or mentoring services, drug awareness/education programs, or support for seeking employment or housing); and programs such as Crime Stopper

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 (e.g., 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 (e.g., 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;
- promoting positive mental health and reducing the stigma associated with mental health issues;
- proactively identifying students at risk and providing them with 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 parent(s)/guardian(s);
- being a positive adult role model for students;
- establishing positive relationships with children and youth;
- helping deliver educational sessions on crime and criminal justice issues;
- launching, leading, or being part of local planning tables that mobilize community members and agencies to participate in activities designed to address and reduce risk factors and to enhance protective factors for 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.

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.

8. Occurrences requiring Police response

The following incidents require mandatory reporting to police (for students under the age of 12, refer to section 17 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.

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;
- 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*, illegal and/or restricted drugs, including cannabis (unless individual has been authorized to use for medical purposes);
- possessing an illegal and/or restricted drug, including cannabis (unless the individual has been authorized to use for medical purposes);
- hate and/or bias-motivated occurrences*;
- gang-related occurrences*;
- extortion*
- non-consensual sharing of intimate images; and
- bomb threats

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, illegal and/or restricted drugs, including cannabis (unless the individual has been authorized to use for medical purposes);
- 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 16 below for further information on working with students with special education needs.) 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. With respect to occurrences involving weapons or drugs, school administration should turn over all weapons and/or drugs seized to police who will take responsibility for their removal and/or disposal.

9. Information sharing and disclosure

A number of different statutes deal with information sharing and disclosure. These include federal legislation (the *Criminal Code*, the YCJA) and provincial legislation (the MFIPPA, FIPPA, the *Education Act*, and the CYFSA). 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/legal guardian** or of the student, if the student is 16 or 17 years of age and has withdrawn from parental control (emancipated), or 18 years of age or older. In exigent circumstances, the police can access a student's OSR without warrant, under section 487.11 of the *Criminal Code*.

b) 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), 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), 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, 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), 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), 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.

In accordance with the OSR Guidelines, the principal shall ensure that no OSR discloses (a) the contravention or alleged contravention by a student of any statute or regulation to which the YCJA (formerly *Young Offenders Act*) or Part V- A of the *Provincial Offences Act* applies, or (b) the disposition of any proceedings brought under those statutes or regulations. If an entry in an OSR does disclose such information, the principal of the school in which the student is enrolled will ensure that the entry is altered appropriately or deleted from the OSR.

c) MFIPPA/FIPPA

This legislation regulates the collection and disclosure of personal information that is not related to the YCJA. Section 32(g) of the MFIPPA and section 42(g) of FIPPA provides for the disclosure of personal information to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. This is a discretionary release and in exercising their discretion the principal shall consider the following:

- is the information “OSR” information;
- has a nexus been established;
- is the information relevant to the investigation being undertaken; and/or,
- has the identity of the police officer been verified (name, badge, phone number)?

In all cases, disclosures of information shall be limited and narrow to fulfill the stated purpose. Principals shall consult with their Superintendent of Education with any questions regarding release of student personal information to law enforcement officials. Further, information security shall be considered when releasing personal information to law enforcement officials.

d) CYFSA

The CYFSA 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 125(1) states “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 may contact the Superintendent for advice before releasing information. This should be done immediately upon receiving the warrant.

If a principal is personally served with a subpoena requiring their testimony in a criminal case, they are obliged to comply with the subpoena, attend court, and produce any records or documents, including the original OSR, to the 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 shall bring the original records or documents, together with three photocopies, so the school board can request to retain the originals and provide the 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 MFIPPA and section 42(g) of FIPPA, 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/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*.

When to share information

Green Light	Yellow Light	Red Light
<p>Pursuant to freedom of information and privacy acts, relevant personal information CAN be shared under one or more of the following circumstances:</p> <ul style="list-style-type: none">▪ with written consent (except for the restrictions under YCJA, Section 125(6) below);▪ to avert or minimize imminent danger to the health and safety of any person;▪ to report a child who might need protection under the CYFSA (please refer to each School Board’s Duty to Report protocol);	<p>In any of the following circumstances, obtain more information and receive direction from a supervisor:</p> <ul style="list-style-type: none">▪ where consent is not provided or is refused, and there may be a health or safety issue for any individual or group(s);▪ when asked to share YCJA information from records, where there is	<p>Information can NEVER be shared under any of the following circumstances:</p> <ul style="list-style-type: none">▪ there is a legislative requirement barring disclosure▪ no consent is given and there is no need to

<ul style="list-style-type: none"> ▪ when asked about a report of criminal activity given to the police; ▪ by order of the court; ▪ to support rehabilitation of a young person under the YCJA (see below regarding YCJA); ▪ to ensure the safety of students and/or staff under the YCJA (see below, regarding YCJA); ▪ to cooperate with a police and/or child protection investigation; and/or, ▪ to protect a worker against the risk of workplace violence from a person with a history of violent behaviour. 	<p>a demand or request to produce information for a legal proceeding; and/or,</p> <ul style="list-style-type: none"> ▪ when a professional code of ethics may limit disclosure. 	<p>know or overriding health/safety concerns; and/or</p> <ul style="list-style-type: none"> ▪ consent is given but there is no need to know or no overriding health/safety concerns.
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10. 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 with the appropriate police service.

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

- 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?
- Who is involved (including names, dates of birth)?
- How many people are involved?
- When did the event take place?
- Provide any additional information and support that police will require, upon arrival, from school personnel
- Provide any pertinent details to police in regard to the procedures for reporting an imminent threat to the safety of students and/or staff (cross-reference the school's Emergency and Crisis Response Plan)

Reporting procedures must comply with the “duty to report” provisions under the CYFSA.

11. Initial Police contact

Under exigent circumstances, or if the principal is being investigated, a police 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 police 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, parent(s)/guardian(s) 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 school 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 school board of the staff member being apprehended.

12. 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*. For example, 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. Police need to be aware of this fact and should, when possible, 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 the 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 (e.g., 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. Unless other options have been exhausted, police services should not use the school as a place of convenience in which to interview or arrest students for matters that do not pertain 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, YCJA);
- right to counsel (s. 25, YCJA);
- right not to make a statement (s. 146, YCJA);
- protection of privacy (s. 110, YCJA), and,
- principal in loco parentis.

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”.

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. 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 their possessions in carrying out their duty to maintain order and discipline in the school.

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

- procedures to be followed in personal and premise searches, in accordance with the SolGen’ Guidelines LE-011 on search of premises and LE-012 on search of persons, and relevant federal legislation;
- roles and responsibilities of police and school personnel in conducting searches of persons or property;
- students are the continuing responsibility of the principal or designate even when police are on the premises;
- 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); and,
- any search by the police, shall be conducted in accordance with relevant federal and provincial legislation.

c) Detention and arrest

Where investigations result in detention 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. Police have legal grounds to demand entry into a school around issues such as weapon and drug searches, to arrest a person wanted for an indictable offence, or to save lives.
- 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 their rights.
- Subject to the YCJA, and in consultation with the police, the school will attempt to contact the student’s parent(s)/guardian(s) 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 parent(s)/guardian(s) of a charged or arrested student, for example:
 - the parent(s)/guardian(s) are the suspects of a crime about which the student is being interviewed; and/or,
 - contacting the parent(s)/guardian(s) could interfere with the police investigation.
- 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 police officer and the direction given.
- 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 parent(s)/guardian(s) 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 16 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/guardian’s home and business phone numbers on file, in accordance with section 32(g) of the MFIPPA and 42(g) of FIPPA, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation of law enforcement proceedings. Refer to section 9 of this protocol for further information.

d) Supports for victim(s)

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

Police officers shall remain at the scene until satisfied that there is no imminent threat to the victim(s) and that issues related to the victim's safety have been addressed.

The principal shall inform the parent(s)/guardian(s) of victim(s) 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 parent(s)/guardian(s) (*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 (e.g., public health units, community agencies, Help Phone lines).

Notice to victims and (when applicable) their parent(s)/guardian(s) of the services available to them and other considerations, such as:

- police services for victims;
- student support services of the local school board;
- services offered by other municipal, community, and social service agencies, including legal services;
- access to information; and,
- confidentiality of victim and witness identity (s. 111, *YCJA*)

Procedures for information sharing and community referrals shall be in keeping with current and relevant legislation governing confidentiality. In keeping with their duties of confidentiality and privacy protection, principals shall consider information security during disclosures of information to mitigate risk of privacy breaches.

13. 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:

- If the police wish to interview a student on school property, the police officers shall contact the principal of the school that the student is attending, to advise the school administration of the nature of the visit, and to request a meeting with the student.
- If the student who is being interviewed is under 18 years of age, the school will advise the student that their parent(s)/guardian(s) shall be contacted, by the school, prior to any interview with the police. At that time the parent(s)/guardian(s) shall be informed of the purpose of the police interview. The parent(s)/guardian(s) have the right to attend an interview of the student, provided the student agrees to their attendance (as per the *YCJA*).

- If the student aged 12 to 17 waives the right to have an adult present at the interview, the police and the principal consider the most appropriate location for conducting the interview and take steps to ensure that the student's rights are respected during the interview.
- If the student who is being interviewed is 18 years of age or older and therefore considered an adult, or if the student who is being interviewed is 16 or 17 years of age and has withdrawn from parental control, the school shall not contact the parent(s)/guardian(s) without the permission of the student.
- If the parent(s)/guardian(s) refuse to grant permission for the student to be interviewed by the police, the school administrator will request that the police conduct their investigation off school property.
- Once parent/guardian permission is granted, the school administrator shall provide the police with access to the student.
- If the student is a Crown ward or 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.

There may be times where the police will direct the school administrator **not** to contact the parent(s)/guardian(s), for example:

- The parent(s)/guardian(s) are the suspects of a crime about which the student is being interviewed; and/or,
- Contacting the parent(s)/guardian(s) could interfere with the police investigation.

The school administrator will follow police direction in this regard and will document the name and badge number of the police officer and the direction given.

- If the parent(s)/guardian(s) of the student under 18 years of age do not wish to attend the school, or the school is unable to contact the parent(s)/guardian(s) within a reasonable amount of time, the principal shall be present during any interview of the student held at the school, provided the student agrees to their attendance.
- If an adult student (18 years of age or older, or a 16- or 17-year-old student who has withdrawn from parental control) expresses the desire that they do not wish for their parent(s)/guardian(s) to be contacted, the principal or vice-principal shall offer to be present during any interview of the student held at the school.
- If a student expresses their right not to have the principal present, the school administrator will request the police to conduct their investigation off school property. The principal and the police will document the details.
- 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. The principal shall remain with the student during any interview held at the school. Refer to section 16 of this protocol for further information.
- A private room will be made available for such interviews to ensure confidentiality for students and/or parent(s)/guardian(s).
- 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 MFIPPA and 42(g) of FIPPA, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation of law enforcement proceedings. Refer to section 9 of this protocol for further information.

a) Notification of parent(s)/guardian(s)

Except in exigent circumstances, it is the principal's responsibility to contact parent(s)/guardian(s) of:

- victims who have been harmed as the result of an activity for which suspension or expulsion must be considered, unless, in the principal's opinion, notification of the parent(s)/guardian(s) would put the student at risk of being harmed by the parent(s)/guardian(s). If that is the case, the parent(s)/guardian(s) must not be contacted (*Education Act*, s. 300.3(3));
- students receiving a suspension (*Education Act*, s. 311);
- 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/guardian may be implicated;
 - if the student is 18 years of age or older (unless the student consents to or requests such contact or is incapable of providing consent); or,
 - 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).

If the CAS is involved, school and police officials should discuss and come to agreement with the CAS regarding the timing and procedure for notifying the parent(s)/guardian(s).

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

b) Preparation for interviews

When appropriate, the police and the principal may discuss procedures and considerations related to preparing for interviews that include the following:

- determining whether circumstances allow for the interview to be conducted at the student's home or another location rather than at school, in view of the stigma and the potential impact on the student;
- evaluating the need for specialized resources where a student is known to have mental health needs or special education needs (see section 16 below); or,
- determining the need for an interpreter (e.g., a language interpreter, an interpreter for a student who is deaf or hard of hearing) and/or for information to be provided in an alternative format (e.g., Braille for a student who is blind or has low vision).

A police officer, in preparing for an interview of a student, may consider the following:

- determining the methodology of the interview;
- deciding which police officer will take the lead in conducting the interview, if more than one police officer is interviewing; or,
- arranging for the audio/videotaping of interviews and statements, and meeting the requirement for police to inform the interviewee that the conversation is being recorded;

c) Conduct of interviews

In preparing for interviews, police officers may consider the following:

- the need for police officers to employ appropriate techniques when interviewing children and young persons;
- the requirement that police follow the Guide to Officers for Section 146 YCJA Statements (see Appendix C);
- the requirement that police 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;
- taking into account legal considerations respecting the admissibility of statements made to persons in authority (s. 146(2) of the YCJA);
- involving the local children's aid society in the interview process, which is recommended when an interview involves a child who may be in need of protection; and
- the requirement that an adult be present throughout the interview, except when the student can waive and has waived the right to have an adult present. Best efforts must be made to have the student's parent/guardian or another adult of the student's choice present. In circumstances when this cannot be done, the principal must attend the interview.

14. Parallel investigations

It is important for police and school staff to work cooperatively and understand each other's roles when a matter involves both a police investigation, and a mandated investigation under the *Education Act* relating to suspension/expulsion. Working cooperatively and sharing good communication, reduces the risk of jeopardizing an investigation and the subsequent judicial proceedings, while ensuring school administrators are able to meet their legislated responsibilities under the *Education Act*.

Police must understand a principal's legislated responsibility to conduct an investigation under the *Education Act*, and only in exceptional circumstances, should police advise school administrators against exercising their legislative responsibility to speak with students, regardless of whether they are an accused, victim, or witness.

When police conduct an investigation, and where policy allows, or specific protocols are in place for the sharing of information, police shall share information as permitted by Provincial and Federal legislation. Principals may make their own notes as to what a police officer has told them about a matter, for the purpose of addressing their obligations under the *Education Act*.

If a principal feels that they must re-interview a student for the purposes of the *Education Act* investigation, they may do so, but are encouraged to discuss the interview with the police prior to re-interviewing the student, to minimize the possibility of jeopardizing the police investigation and any subsequent prosecution. In serious matters, students should not be re-interviewed by the principal, without first discussing the matter with police.

Principals should be aware of the issue of re-victimization, in cases of sexual assault, or intimate partner violence and discuss with police, the need to re-interview victims in these matters. Principals should also be aware that creating multiple statements from one witness may subject that witness to a more difficult cross-examination in a criminal prosecution because of the multiple statements. Principals should also be aware that any contact they have with students, after a police investigation has been initiated, may place them in a position of becoming a witness in a criminal proceeding.

15. Reporting of children suspected to be in need of protection

The *CYFSA* 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 125(1) states that "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 need 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 need 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, Community, and Social Services (MCCSS), which is available at [Report child abuse and neglect | ontario.ca](http://www.ontario.ca/report-child-abuse-and-neglect).

16. 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 10 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 an 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; and,
- the need to ensure that the student's parent/guardian is contacted as soon as possible, except in exigent circumstances or where the police believe the parent/guardian 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.

17. Occurrences involving students under age 12

Where children under the age of 12 are involved, school boards are expected to use their discretion in applying the rules outlined in section 10 (above) for reporting incidents to the police. Children under 12 cannot be charged with an offence under the *Criminal Code*, *YCJA*, or the *Provincial Offences Act*, but police may take reports of incidents allegedly committed by students in this age group and may respond in an appropriate manner. Early intervention for children involved in such incidents is essential, and involving police and parent(s)/guardian(s) as early as possible may facilitate the provision of appropriate intervention and support. The principal is required to conduct an investigation of an incident for the purpose of school discipline – for example, where a recommendation for suspension or expulsion may be required – regardless of the age of the students involved.

Under the *YCJA*, a “young person” is any person from the age of 12 through 17. Although students under age 12 cannot be charged criminally, the police may still intervene to facilitate communication between the school and parent(s)/guardian(s). When a student under 12 years of age has seriously injured another person, or caused serious damage to another person's property, and the parental response to the child's behaviour or need for treatment is inappropriate, the matter should be referred to the Children's Aid Society as a child who may be in need of protection. The matter shall also be dealt with in accordance with the Protocol provisions dealing with Children Under 12 in Conflict with the Law.

The following considerations for responding to occurrences involving students under the age of 12, include:

- the requirement for the principal to notify the child's parent/guardian as soon as possible, except in exigent circumstances or where the police believe the parent/guardian may be implicated in the incident;
- the authority police have to take reports, make referrals to additional services (e.g., health/counselling), and conduct interviews;
- the duty to report children suspected to be in need of protection to the local children's aid society, under subsection 125(1) of the *CYFSA* (e.g., when there is evidence of

- abuse or neglect, or the risk thereof; when the child has committed serious acts and the child's parent(s)/guardian(s) are not accessing appropriate treatment); and
- the requirement to provide accommodations and/or modifications for students with special education needs, as outlined in their IEPs.

For further information, refer to the document *Reporting Child Abuse and Neglect*, developed by the Ministry of Community, and Social Services, which is available at: Report child abuse and neglect | ontario.ca

18. 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.

19. 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 and school boards, who should develop an effective mechanism for soliciting input from school staff, students, and parent(s)/guardian(s).

20. 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(s) (e.g., lighting, building design) and outdoor areas (e.g., landscaping). In all cases, final decisions about alterations to enhance the safety of students, staff, and teachers rest with the school boards, as does the responsibility to carry out any desired work.

21. Threat assessment and intervention

School safety and security is at the forefront of importance in our schools. There has been an increased need for a coordinated threat assessment and intervention processes with all community partners. Incidents of violence in schools are often preventable through early intervention in response to threats, 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 intervention.

A community protocol has been developed to address the threat assessment and intervention process. The school principal, or designate, will determine risk levels with incidents of threats or threatening behaviours. If there is imminent risk, police will be contacted. As part of a stage one site specific screening process, a determination will be made as to whether to proceed to a stage two of an investigation. Stage two involves a multi-disciplinary, and possible multi-agency, approach to gathering information and determining an intervention plan. This multi-disciplinary 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.

The school boards, police partners, and other community partners (e.g. mental health agencies, Youth Justice Probation Services, and other youth focused agencies), should facilitate timely interventions in situations where a threat has been made or an individual is engaging in worrisome behaviour that may pose a risk of violence. Multi-disciplinary teams are not a substitute for police threat assessment units. In addition, several larger police services, including the Ontario Provincial Police, have Threat Assessment Units. In those locations which do not have a multi-disciplinary team in place, schools may contact their local police service, who will assist in obtaining the required services from another police service.

22. Emergency planning and threats to school safety

Every school is required to develop an Emergency and Crisis Response Plan, which must include but is not limited to a (1) *lockdown** plan and procedures following a lockdown or similar emergency, and (2) a plan and procedures for dealing with bomb threats, in keeping with school board and ministry policies. School administrators and board staff should be involved in the development and monitoring of the Emergency and Crisis Response Plan, and the plan should be fully communicated to members of the school community, police services and the fire department. The Emergency and Crisis Response Plan is to be shared with the local police service and fire department in a meeting at the beginning of the school year. This meeting should also include an update of the local plan as well as planning for training and lockdown drills. The Lockdown and Bomb Threat Procedures are included in this document as Appendix C and D.

23. Training

School boards will provide joint training on the local police/school board protocol to their respective staff on an annual basis, including best efforts to include all staff (part-time, itinerant, and occasional staff). To improve collaboration between local police services and schools:

- training should be based upon effective/leading practices; and,
- where possible, the training should be delivered by police and school board personnel.

APPENDIX A: GLOSSARY

The purpose of this glossary is to explain some of the terms that are used in the present document or that may be used in local protocols. The definitions provided here relate only to usages in the context of this document and cannot be attributed to usages in any other document. Although some of the definitions are based on language used in the *Criminal Code of Canada*, they are not to be taken as the official legal definitions set out in the *Criminal Code of Canada*. For the actual legal definitions, please refer to the *Criminal Code of Canada*.

barricading: Creating a further barrier to a classroom or office that would obstruct the entry of an intruder, should the locked door be compromised. Barricading can be done by a number of means, including but not limited to adding a secondary locking mechanism or blocking the doorway with a large moveable object or with multiple smaller moveable objects. The barricade should be capable of being removed to allow exit from the room once the lockdown incident has been resolved.

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 their 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 their 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 their 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 their actions and provide sanctions outside of judicial proceedings. Some examples of sanctions include: substance abuse counselling, 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 (e.g., involving statements, words, gestures) motivated by hatred or bias towards an identifiable group (i.e., a group distinguished by colour, race, religion, gender, sexual orientation, or ethnic origin) that are publicly communicated and that are willfully intended to promote or incite bias or hatred against such a group.

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 ...*

Other factors

3. 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, cyberbullying 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.

non-consensual sharing of intimate images: Knowingly publishing, distributing, transmitting, selling, making available, or advertising an intimate image of another person while knowing that the person depicted in the image did not give their consent, or being reckless as to whether the person gave their consent. The term “intimate image” refers to a visual recording such as a photograph, film, or video recording of a person in which the person is nude or engaged in explicit sexual activity and which was created in circumstances that gave rise to a reasonable expectation of privacy.

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.

possession of drugs: Having a controlled substance (e.g., 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.

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.

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.

social networking site: Various internet-based forms of communication including, but not limited to: Facebook, Twitter., Instagram, SnapChat, Discord.

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.

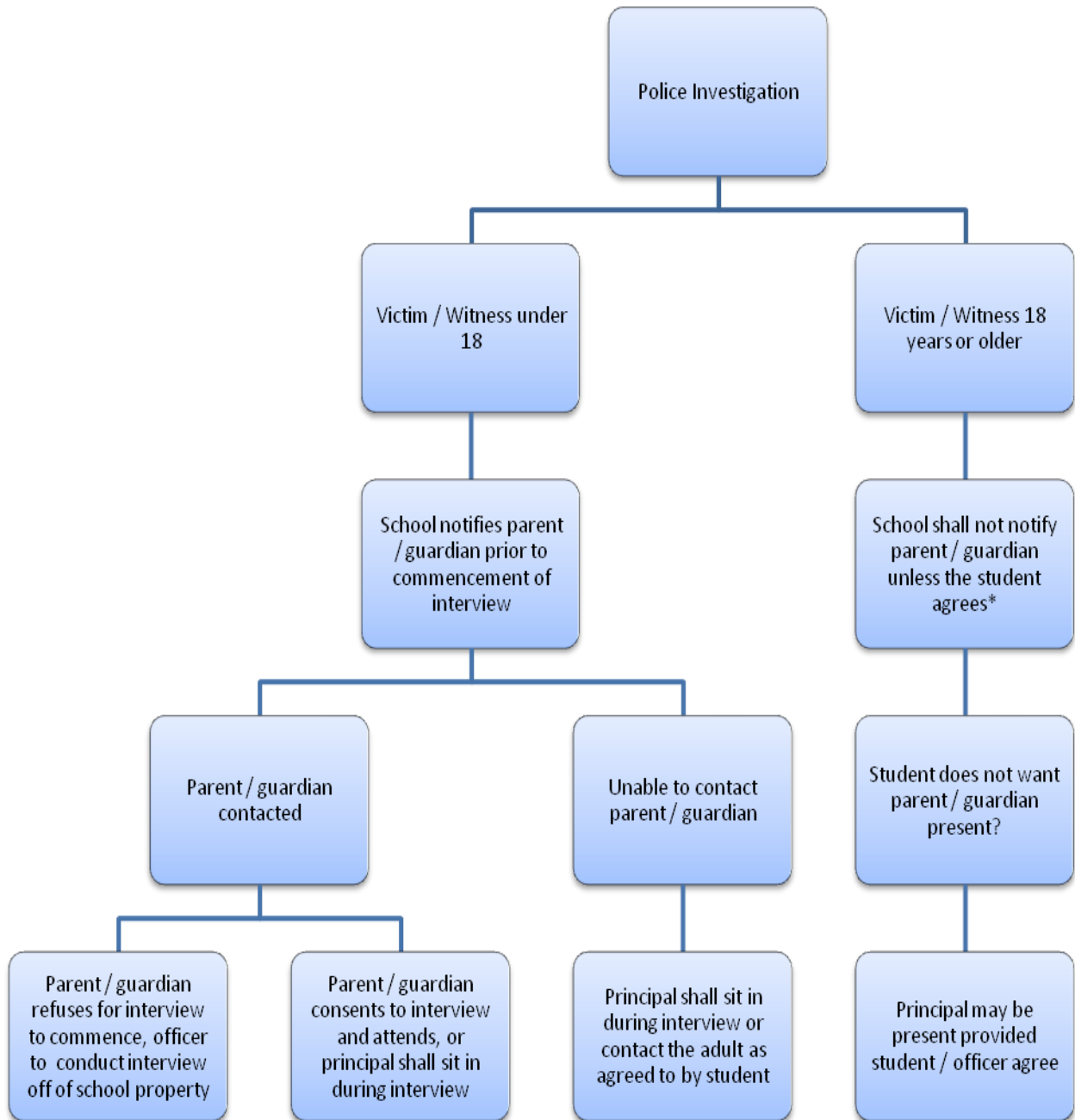
threats: Any statement, act, or communication, by any means, including electronic means, of an intent to cause harm, whether physical or emotional, to any person or thing, in circumstances where the person threatened believes or has grounds to believe the threat may be carried out.

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.

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.

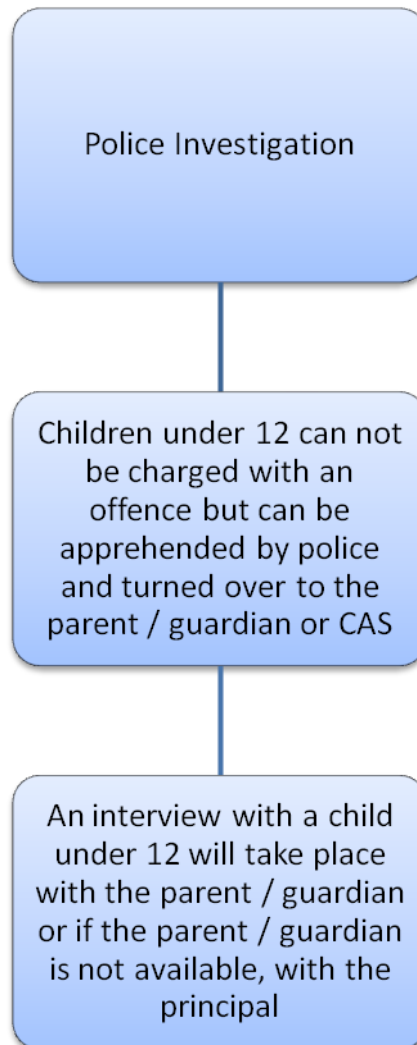
APPENDIX B: NOTIFICATION FLOW CHARTS

(a) Victims and Witnesses

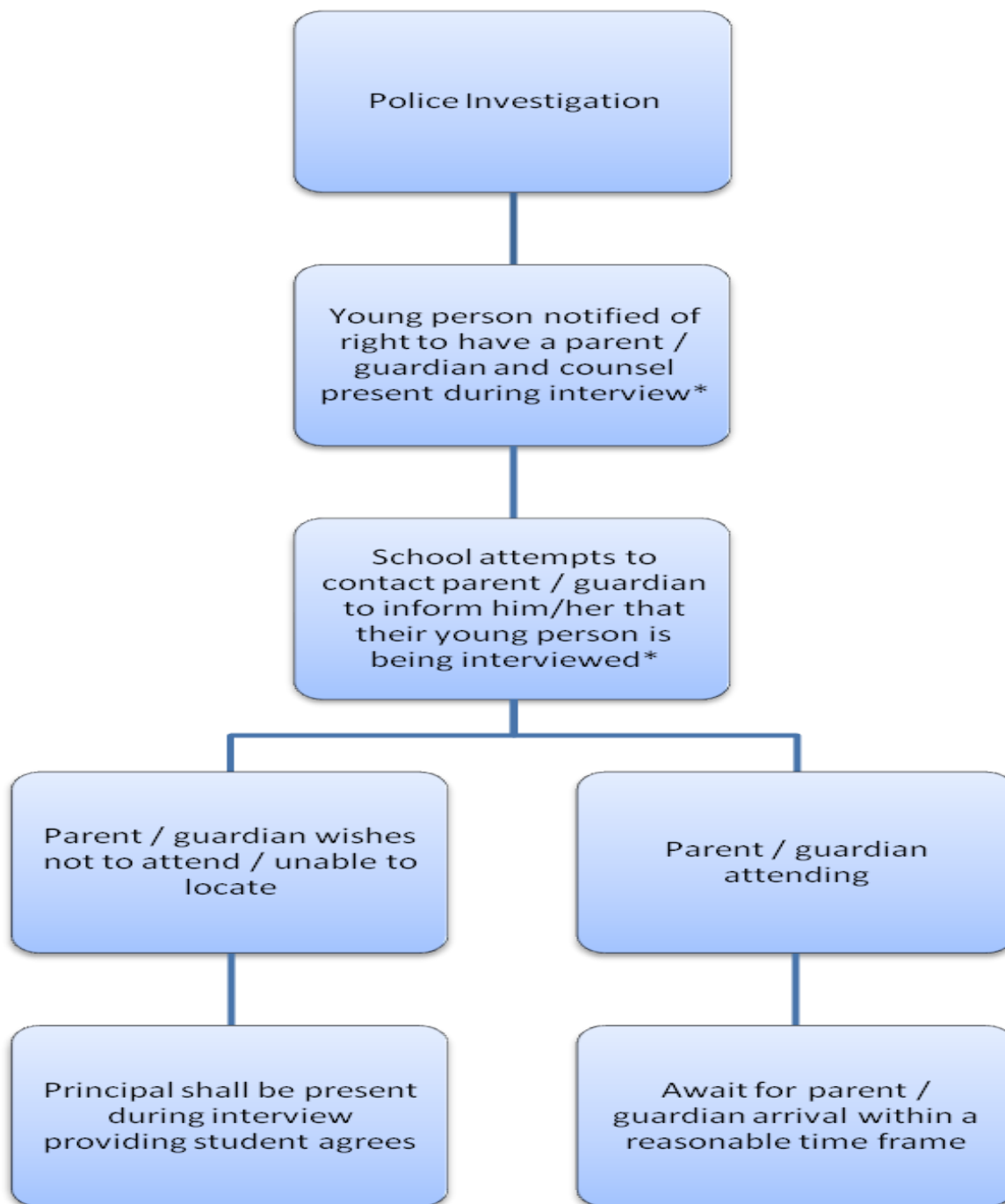


*For exceptions and further information, refer to Section 12, Interviewing Students Considered to be Witnesses or Victims

(b) Suspects under the age of 12



(c) Suspects 12 to 17 years



APPENDIX C: LOCKDOWN PROCEDURES FOR ELEMENTARY AND SECONDARY SCHOOLS

School Lockdown Protocols

1.0 INTRODUCTION

The possibility of a life-threatening situation occurring in a school is slight but has a significant impact if it occurs. The level of a school's preparedness to deal with such an incident will have a major impact on the outcome of such an event.

The purpose of the Emergency Lockdown Plan is to provide an effective and efficient response to a potential or actual life-threatening situation, in order to:

- protect students, staff and visitors from a threat, by locking down as quickly as possible;
- isolate a dangerous situation with the assistance of the police; and,
- facilitate an organized evacuation, when deemed safe and necessary by police.

This plan was created using the Lockdown Planning Guidelines set by the Ontario Association of Chiefs of Police (OACP), Ministry of Education (EDU), and SolGen. It is designed to have common application for all schools and police services across Ontario.

The Ontario Fire Marshall's (OFM) office was also involved in the development of these guidelines. The OFM falls under the authority of SolGen.

2.0 TERMINOLOGY

This plan pertains only to Lockdowns. Definitions of other emergency situations are provided for clarification, and to ensure that the term "lockdown" is not misused.

"Lockdown" should only be used when there is a major incident with potential life-threatening violence in relation to the school. The overuse or misuse of lockdowns will result in staff/students becoming desensitized with lockdowns not being taken seriously.

"Hold and Secure" should be used when the school must be secured due to an ongoing situation outside and not related to the school (e.g. a bank robbery nearby). 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, when it is necessary to keep all occupants within the school to protect them from the external hazard. Examples may include chemical spills, blackouts, explosions or extreme weather conditions.

"Police Officer" for the purpose of this document includes a police officer, Special Constable or School Resource Officer.

3.0 ROLES

3.1 School principal

The principal or designate is responsible for the over-all planning, the final content of the plan, scheduling of drills, inviting police, fire and paramedic services to participate in and being aware of planning and drills, the training of students, and for the overall safety of staff and students. In an actual incident (not a drill), the police are responsible for management of the threat and the

subsequent criminal investigation, however the principal or designate shall provide full cooperation with police.

3.2 School Staff

School staff has the overall responsibility for the safety and well-being of all students. The principal or designate has the additional responsibility of working closely with the police service. School staff should reinforce with students their responsibilities with respect to following directions during a crisis, and their duty to disclose any information they may have prior to or during a crisis situation.

3.3 Students

Students have a responsibility to be familiar with all aspects of the Lockdown Plan and to respond quickly to the direction of staff or designates during a crisis situation. Electronic devices are to be shut off unless speaking with 911 operators.

In addition, any student with information on or knowledge of the event, prior to or during a crisis situation must come forward with that information immediately. In almost every incident of major violence at a school, it was later learned that student(s) had prior knowledge of what was going to take place but failed to tell anyone. Students must be aware and prepared for the fact that they may be locked down for an extended period of time, and may be locked down without a teacher or adult in the room. As this is something that cannot be predicted, all students must be aware of this possibility, and be prepared to take on a leadership role if necessary.

3.4 Police

Police are responsible for responding to and investigating violent incidents as defined in this plan. Police will assume command and control of the response to and control of a violent incident, but will liaise and work closely with the school principal or designate and other emergency services throughout the process.

3.5 Parent(s)/guardian(s)

Parent(s) /guardian(s) must be aware of the existence of this Plan and should reinforce with their children, their responsibilities with respect to following directions during a crisis, and disclosing any information they may have prior to or during a crisis situation. They should also ensure that their contact information is kept up to date, so that they can easily be reached by staff in case of emergency. Parent(s)/guardian(s) are not to attend the scene or try to communicate with their child(ren).

3.6 Board

SCDSB staff needs to support, assist, and promote the school plan.

3.7 Co-located facilities

Co-located facilities (e.g. YMCA day-care) shall be involved in the planning and participate in activities related to the lockdown plan. They are to respond quickly to the direction of the principal/designate or police during a crisis situation.

4.0 PREPARATION AND PLANNING

4.1 Training

This plan will be of little value in a crisis if the plan is not exercised on a regular basis. The principal or designate shall hold a minimum of two drills per school year as per the mandatory Ministry of Education requirement. Additional training for staff is to take place in the form of a review of the plan

at staff meetings twice per year, in which police should be invited to attend the portion of the meetings that deals directly with lockdown procedures. The principal or designate is responsible for the scheduling and oversight of drills considering the unique needs of any student, and shall invite police, and where possible, invite Fire and paramedic services to participate. Due to the young age of elementary students, classroom teachers should be responsible for training their respective students (vs. an assembly-style session) on a semi-annual basis. Consideration could be given to conducting a “non-routine” drill, such as one that takes place during recess.

Assembly-style training may be appropriate for secondary students. Ideally, this will be conducted jointly by the principal or designate and a police officer, preferably a School Resource Officer, on a semi-annual basis.

A short debriefing should follow each drill to identify and record areas for improvement.

4.2 Communication

A checklist version of the Lockdown procedures shall be posted in each classroom beside the Fire Plan. Colour-coded floor plans, clearly identifying safe areas for lockdown, shall be posted in key designated areas, as indicated in the local lockdown plan.

Occasional staff shall be made aware of these procedures in the event they are present when a lockdown or drill is in effect.

Parent(s)/guardian(s) may be notified in advance about the lockdown drills but consideration may be given to releasing information on the month that a drill will take place rather than a specific date, so as not to deter from the realism of the drill.

Parent(s)/guardian(s) are encouraged to reinforce with their children the importance of understanding the procedures and following staff direction. This will also enable them to alleviate their children’s fears and concerns.

4.3 Classrooms and other secure areas

Where available and feasible, classrooms and other secure areas should have window coverings that allow the view to be closed off to an intruder. Intercom systems should also be regularly checked, and handheld devices charged. All staff, including occasional staff, part-time, or itinerant teachers must have the ability to lock their classroom doors and should always carry their school keys with them. All doors shall be in a locked position.

Before closing a locked door, staff should gather everyone in the immediate vicinity into their classroom or other secure area if it is safe to do so.

Classroom numbers should be clearly visible and all entrance doors to the school should be clearly posted as per site plans.

All planning should include a contingency plan where possible in the event a door or window is breached by the suspect.

4.4 Open Areas

Local plans should recognize that cafeterias, libraries, hallways and other open spaces are the most vulnerable areas of a school, making them the most likely location for a violent incident to occur. Extra diligence should be used when addressing these areas in the local plan.

5.0 PROCEDURES

5.1 Initiating Lockdown

Notify office. At the first indication of a major incident of school violence **secure the area** and immediately notify the administrator who will then announce a lockdown. Where feasible and safe to do so, the following information should be provided to the office:

- location and number of suspects;
- suspect moving or stationary;
- identity;
- description of physical appearance (clothing, build, etc.);
- description of weapons;
- possible motive or threats made; and,
 - **any known injuries and location of casualties.**

Announce lockdown. When information is received in the office of a situation requiring a lockdown, the person receiving that information will **immediately:**

- Activate lockdown notification as defined in the local plan; and,
- Activate the school's Public Address (PA) system (both interior and exterior) to announce the lockdown.

**Announce clearly and calmly on P.A. system:
"EMERGENCY/ EMERGENCY/ EMERGENCY INITIATE LOCKDOWN"**

The actual sequence and wording announcing a lockdown should be affixed on or near the microphone, so that it is clearly visible and can be read by the person announcing the lockdown. If the PA system has the capability of pre-recording messages, the lockdown message should be pre-recorded so it can be activated with the push of a button.

There should be no hesitation in announcing the lockdown and no delay for the purpose of checking with principal or designate.

Upon hearing the lockdown announcement, staff will immediately initiate the lockdown procedures in section 5.2.

Call 911. 911 shall be called immediately and be provided the following information, if known:

- identity of caller, the school name, and full address;
- description of situation (provide all known information);
- whether anyone is injured and the severity of the injuries; and,
- safest approach (routes/entrance) for police and where they will be met (if known).

Where feasible and safe to do so, **STAY ON THE LINE WITH THE 911 OPERATOR** and continue to provide information as requested.

5.2 Implementing Lockdown

- a) **Gather in closest secure area:** Before closing locked doors, staff should gather everyone in the hall, in the immediate vicinity into their classroom or other secure area, but only if it is safe to do so. Students must be informed that in the event of a lockdown, they shall report to the nearest secure area. Students must follow the directions of any staff member, not just their classroom teacher in a lockdown situation.

- b) **Secure room and take cover:** Once inside a secure area, staff and students should:
- stay away from doors and windows;
 - be aware of sight lines;
 - turn off lights;
 - close blinds or window coverings (with prepared material) if safe to do so;
 - take cover if available (get behind something solid);
 - teachers to take attendance, noting those who are absent and any additional students who have entered the room;
 - remain absolutely quiet ;
 - use intercom handsets quietly when required to communicate with command post (do not call unless absolutely necessary; wait for them to make contact);
 - turn cell phones off unless communicating with 911 operator; and,
 - consider barricading doors where possible, in addition to locking them.

Consideration should be given to develop strategies for helping students cope with an extended lockdown or “hold and secure” (for example access to necessary emergency medications for medical conditions such as anaphylaxis, diabetes, asthma, and epilepsy).

- c) **Portables:** Put desks in semi-circle, on side, facing outward. Lock doors and close and cover windows, if possible. Huddle in middle of circle.
- d) **Locked doors:** Do not open doors until Termination of Lockdown (see 6.0) occurs. If staff do not have a key, doors should be barricaded with large, heavy objects such as desks.
- e) **Washrooms:** Students need to evacuate washrooms if possible and get to a secure area. If this is not possible, a student may be required to remain in the washroom, locking the stall and taking their feet off the floor. In elementary schools, staff members will be designated to check washrooms. A designated staff member shall check washrooms **if it is safe to do so**.
- f) **Hallways:** Anyone in a hallway should go to the nearest secure area, unless it is safer to go outside via a closer, exterior door. If the latter route is chosen, proceed immediately to the evacuation site and remain there until further advised by principal/designate or police.
- g) **Gym/Cafeteria:** If the gym/cafeteria is being used for an assembly or a class, staff will attempt to secure the area. If this is not possible, evacuation may need to be considered. If students in the gym or cafeteria are unsupervised, they must attempt to secure or evacuate if necessary, in the same manner. If an evacuation is necessary, proceed to the evacuation site and remain there until instructed by the principal/designate or police.
- h) **Library:** Staff should follow directions for secure areas as outlined in section (a).
- i) **Outside grounds:** Those who are outside the school when a “Lockdown” is called shall not re-enter the school but proceed immediately to the evacuation site. Remain there until instructed by the principal/designate or police. Staff who are outside shall direct the evacuation. During a “Hold and Secure” if it is safe to do so, students and staff are to reenter the school building or portable.

6.0 FIRE ALARM

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**.

However, fire may occur intentionally or accidentally during a lockdown; therefore, staff and students must be prepared to respond to the most immediate threat. If an actual fire is identified, it must be reported immediately. This information will assist emergency response services in determining the most immediate threat and how to respond.

7.0 CONTROLLED EVACUATION

In the event of a prolonged situation, and/or one where the threat has been contained, a controlled evacuation may be arranged. Police will make the decision if this is a viable option and will direct the evacuation process.

Evacuation will normally be done on a room-by-room basis, with evacuees being escorted by the police to the evacuation location. Designated evacuation sites are for those who are outside the school when the lockdown is called, and for those whose best option is to evacuate from inside the school when a lockdown is called. In a police-controlled evacuation, students may or may not be taken to the evacuation site, depending on the circumstances.

If possible, the principal or designate will assign staff to supervise students and take attendance at the evacuation location. If students are released from that location to parent(s)/guardian(s), student departures should be documented by staff. A police officer should also be assigned to the evacuation location.

8.0 ENDING THE LOCKDOWN

The decision to end a lockdown shall only be made by police. In the event of a drill, this is the decision of the principal/designate.

The conclusion of the lockdown shall be communicated over the P.A. system. Those in secure areas should remain where they took cover until police or principal/designate come to the door. Staff may unlock the door once they have received the predetermined “all clear” sign to validate the messenger.

Best Practice – the all clear signal shall be given over the P.A. system by two persons, preferably one male and one female. Those waiting at the evacuation site will be contacted by staff or police.

9.0 COMMUNICATION WITH THE COMMUNITY

9.1 During a Lockdown

During a lockdown, staff and students shall not use cell phones or other devices to communicate with others outside of the school, unless to communicate with a 911 operator. This is to ensure that emergency communications with police are not disrupted.

Parent(s)/guardian(s), and others may contact the school or arrive on-site during a lockdown. If appropriate, during a lockdown, parents/guardians and others will be directed to the evacuation site where they will await further information. This will avoid impeding emergency response and/or placing themselves in danger.

9.2 After the Lockdown Ends

- a) Parent(s)/guardian(s) - Parent(s)/guardian(s) will be provided with information on how and when to collect their children, in keeping with school board procedures. Parent(s)/guardian(s) will receive further information as determined by the school board.
- b) Media - Police are responsible for addressing the media with respect to their response, and investigation of the incident. Police and school officials should consult and share media releases prior to releasing them, so that the information is consistent and comprehensive.

10.0 RECOVERY FOLLOWING A LOCKDOWN

10.1 Crisis Intervention

It is recognized that a lockdown situation can be a traumatic experience. The school/board shall provide appropriate crisis intervention in a timely manner to assist staff and students in recovering from the trauma of a lockdown.

10.2 Debriefing

The principal or designate and staff shall meet with police to review the school and police response to the occurrence, and to identify and amend procedures in need of improvement.

APPENDIX D: PROVINCIAL POLICY FOR DEVELOPING AND MAINTAINING BOMB THREAT 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. To enhance safety and security, it is important that schools have plans for responding to bomb threats. According to the RCMP, the overwhelming majority of reported bomb threats are unfounded, but some are not.¹ Care must be taken, therefore, to deal with each incident calmly and consistently. Anyone who spends 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 bomb threat.

The Ministry of Education, school boards, and police services from across the province continue to work in partnership to create safe school environments. This work includes planning and preparation in the event that a bomb threat is received, an explosive device is discovered, or an explosives incident takes place.

Many school boards have actively undertaken the process of establishing bomb threat response plans, with the support of their police services. However, until recently, such plans have not been a ministry requirement, nor has there been a consistent approach across the province with respect to bomb threat planning and explosives incident response. Plans and procedures reflecting the following policy must now be included in the school's Emergency and Crisis Response Plan, which must be appended to the protocols already developed by school boards and police services.

Given the dynamic, complex, and fluid nature of such incidents, continuous communication, assessment, and coordination by first responders and school administrators are of paramount importance in ensuring an effective response.

Purpose

The following policy is being provided to help elementary and secondary schools ensure that their bomb threat plans meet basic requirements, and to ensure an acceptable level of consistency across the province. Using these guidelines can help school staff and emergency services personnel work together to deal with bomb threat situations quickly and cautiously.

Mandatory Requirements

While much of what is provided below is termed "Effective Practices", the Ministry of Education, on the recommendation of the Ontario Association of Chiefs of Police, specifies two mandatory requirements, as follows:

1. All publicly funded school boards in Ontario must establish a bomb threat response policy to ensure the development and implementation of individual school plans.
2. Each board must ensure that its staff, students, and other partners are aware of their obligations/responsibilities within the individual school plans.

In developing bomb threat response plans, each elementary and secondary school should be

¹ Canadian Bomb Data Centre, "Developing a Response Plan", www.rcmp-grc.gc.ca/tops-opst/cbdc-ccdb/resp-interv-plan-eng.htm.

guided by the following policy.

Roles and Responsibilities

Clearly defined roles and responsibilities are critical in emergency situations. At a minimum, plans should include expectations with respect to staff, students, parent(s)/guardian(s), and police.

Effective Practices

principal - The principal is responsible for the overall development and final content of the individual school plan. The principal is also responsible for inviting police, fire, and paramedic services to participate in plan development and for making them aware of planning and drills; for the training of staff and students; and for the overall safety of staff and students. The principal (and, it is understood, his or her designate) must be completely familiar with the school's bomb threat plan and with the scope of the authority vested in, and the responsibilities associated with, the principal's position as defined in the plan.

During the initial stages of a bomb threat, the principal will be the authority responsible for the initial assessment and related decisions, including those regarding visual scans and evacuations. For ongoing incidents, the police are responsible for management of the threat and any subsequent criminal investigation. However, the principal will cooperate fully with police and strive to ensure that all staff and students do the same. During an incident, after the principal has been relocated to a place of safety, he or she should continue to exercise his or her duties, to the extent possible, in support of the emergency responders' management of the situation.

Staff - School staff, and in particular administrators, have the overall responsibility for the training, safety, and well-being of students. During a bomb threat incident, administrators also have the responsibility 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 bomb threat or explosives incident. Any student with information on or prior knowledge of anyone or anything that may be associated with or result in a bomb threat, the placement of a suspicious package/device, or an explosives incident must come forward with that information as soon as possible.

Parent(s)/guardian(s) - Parents and guardians must be informed of the existence of this plan. Parents can be encouraged to reinforce with their children the responsibilities students have with respect to following directions during an incident and disclosing any information they may have prior to or during an incident.

Police - Police are responsible for responding to and investigating bomb threats and explosives incidents. During any such incident, police will assume command and control of the response and investigation but will liaise and work closely with the principal and other emergency services throughout the process. The police must be notified of all bomb threat incidents, regardless of other actions taken by the schools. The criminal investigation of bomb threats by the police may lead to the apprehension of persons responsible. The investigation itself may also serve as a deterrent for future "copycat" incidents.

Paramedic Services - Medical Services personnel will provide urgent medical care in the event of an explosives incident.

Fire Department - The fire department can be present during bomb threat incidents in the

event that fire suppression operations are needed, and will provide fire suppression and rescue operations in explosives incidents. Further, the fire department (Assistants to the Fire Marshal) must report all explosions to the Office of the Fire Marshal and Emergency Management (OFMEM)² The OFMEM provides a 24-hour response for all explosions. The OFMEM is notified immediately of all fatal fires, explosions, and incidents causing injuries so that an OFMEM investigator can be assigned.

Floor Plans

Accurate, up-to-date floor plans are a key component of bomb threat and explosives incident response plans.

Effective Practices

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.

Floor plans should clearly identify entrances and exits as well as routes that staff and students are to take during an evacuation. Command post locations and off-site evacuation locations should be identified on posted or publicly circulated copies of the floor plans.

Floor plans should be available to all emergency service responders who may be involved in a search of the premises when they arrive on the scene.

Police should be provided with both hard copies and electronic copies of floor plans.

Rationale

It is vitally important that police have current, accurate information about the school layout and evacuation locations and that this information be available in electronic format as well as in hard copies that can be used in the event of computer malfunctions.

Identification of Rooms and Buildings, and Facilitation of Access

To assist police in responding to an incident, it is important to identify buildings, entrances, and all rooms within buildings and to ensure that facility master keys are up to date.

Effective Practices

In situations where more than one building exists on school grounds, each building should be clearly identified, on all sides, with a building identifier, such as a number. All portables should be clearly identified as well. All exterior doors should be clearly identified -for example, as Doors A, B, C, and so on. All rooms within the building should be clearly marked with room numbers. This site plan should be consistent with the fire safety plan that school boards are required to provide to the fire department for emergency fire response.

In addition, it is important to ensure that facility master keys are current and available for emergency service responders who may be involved in a search of the premises. It is particularly important that those elementary schools that have opted to lock their doors during

² See "Fire Marshal's Directive: 2015-002 – Reporting of Fires and Explosions Requiring Investigation:", at www.mcscs.jus.gov.on.ca/english/FireMarshal/Legislation/FireMarshalsDirectives/FM_directives.html.

the school day have a plan for making keys available to emergency services personnel.

Rationale

This preparation is vital for responding emergency personnel, as it allows them to identify the location of rooms and buildings that have been reported as potentially unsafe, and to identify safe access and/or evacuation routes. Ensuring that responders have access to all rooms and buildings for searches or other purposes is also critical.

Command Post

Each plan should designate primary, secondary, and off-site command post locations.

Effective Practices

Normally, the main office will be the primary command post location, with another area within the school identified as an alternate (secondary) command post location. The individual school plan should identify a third off-site command post location, to be used in the event that neither on-site command post location is available.

Information regarding command post locations should *not* be publicly circulated. This will help to ensure that the command posts do not become locations for the placement of explosive packages/devices or for secondary incidents.

Rationale

Having a dedicated command post provides a central location from which officials and emergency services can evaluate incidents and control the emergency response.

Facility Assessment and Physical Security

The careful assessment of a school facility and the development and implementation of sound security and planning measures may reduce the potential for bomb threats and explosives incidents. Local police services can be a useful resource when such assessments are conducted.

Effective Practices

Each school's bomb threat plan should detail proactive measures in a number of areas. In developing their plans, schools should:

- determine likely locations in and around the school for the placement of suspicious packages/devices;
- provide for controlled access to critical areas of all facilities (e.g., the main office, electrical rooms, mechanical rooms);
- consider the use of electronic surveillance or closed-circuit television ICCTVI. and, if such surveillance is adopted, post signage regarding its use;
- address ways to ensure that emergency exits are kept clear from obstructions;
- provide for the regular inspection of first aid and firefighting equipment;
- include, and provide for the regular review of, document-safeguarding procedures;
- assess whether interior/exterior and auxiliary lighting is adequate;

- develop an inspection procedure for all incoming packages; and
- consider other potential threats.

Rationale

The development and implementation of proactive strategies may deter bomb threat incidents and enhance/expedite agency response to actual incidents.

Bomb Threat Intake Procedures

According to the RCMP, most bomb threats are made over the telephone by anonymous callers.³ Some are received in the mail or by other means, but these methods are rare. In each case, the communication should be taken seriously. School staff in positions that make them most likely to receive bomb threats should be identified in school plans and should receive training in proper procedures.

Effective Practices

The person receiving a bomb threat by telephone should try to keep the caller on the line as long as possible and should record precise details of the call, especially the exact wording of the threat. However, the person should end the call if staying on the line puts them in harm's way or prevents them from initiating response procedures.

It is recommended that a checklist be made available to staff members who are most likely to receive a bomb threat. A sample "Bomb Threat Telephone Procedures" list is available through the RCMP Canadian Bomb Data Centre, at www.rcmp-grc.gc.ca/tops-opst/cbdc-ccdb/telephone-procedurc.pdf.

Staff should be trained to record precise information during a bomb threat call, including the following:

- the exact wording of the threat;
- the time and date of the call;
- the phone number or line on which the call was received;
- the caller's number, if shown on call display;
- whether the caller is male or female and the caller's approximate age;
- the exact location of the explosive device and the time of detonation, if that information is revealed by the caller;
- the type of explosive device and what it looks like (e.g., pipe bomb, truck bomb), if that information is revealed by the caller;
- any unique speech characteristics of the caller;
- any background noises (e.g., traffic, music, laughter);
- the condition or emotional state of the caller (e.g., whether the caller seems to be intoxicated, excited, angry);

³ Canadian Bomb Data Centre, "Developing a Response Plan", www.rcmp-grc.gc.ca/tops-opst/cbdc-ccdb/resp-interv-plan-eng.htm.

- the caller's name, if that information is revealed by the caller;
- whether the call taker recognizes the voice of the caller; and
- the time when the caller hangs up.

If possible, the call taker should attempt to notify the school principal during the telephone call. If not, the principal should be notified immediately after the call. All pertinent details of the call should immediately be relayed to the principal and documented.

Following the call, the call taker should immediately "lock-in" the phone number of the received call, if this feature is available through the local telephone provider. It is suggested that the "lock-in" process be posted at all phones that can receive incoming calls.

School plans should address who will contact the local police service and fire department and provide details about the bomb threat. It is recommended that, unless there are exigent circumstances, this should be done after the school principal has been provided with available information and after both the initial assessment (see the next section) and the decision whether or not to evacuate have been made.

With the proliferation of social networking and school use of Internet sites for external communication, plans should also address bomb threats that are received through electronic means. These procedures should address bomb threats received via external email, posted on electronic bulletin boards, or received by a staff member or student via text or other means. Procedures should include how to immediately isolate the received message, remove it from any external posting, and communicate the information to the school principal during and after school hours, including on weekends and holidays.

Rationale

The overall safety of all staff and students can be maximized -and the disruption of activities and atmosphere of anxiety minimized -if the employee who receives the bomb threat knows what procedures to follow.

Initial Assessment

One of the most challenging aspects of a bomb threat incident is the initial assessment of the threat and the accompanying decisions about whether to authorize a visual scan and/or an evacuation. Many bomb threats are hoaxes intended to disrupt school exams or daily classes. Hasty decisions to evacuate or to initiate a high-profile emergency response may encourage further incidents. However, the safety of students and staff is paramount during a bomb threat and therefore every threat must be assessed individually, based on known information.

These guidelines cannot prescribe when to conduct a safe, visual scan and/or when to evacuate during a bomb threat. Rather, presented below are areas of concern that should be assessed during an incident. Individual school plans should address these areas and expand on them as necessary, if other concerns are identified based on local circumstances.

Decisions regarding scans and evacuation are made after a thorough assessment of known information and are continually re-evaluated throughout a bomb threat incident.

Effective Practices

Plans should identify in detail the information that needs to be immediately assessed by the principal during the initial stages of a bomb threat. The initial assessment should be based on the following:

- the information recorded on the bomb threat checklist (see "Bomb Threat Intake Procedures", above);
- any other notes made by the call taker;
- activities taking place in the school at the time of the threat (e.g., examinations);
- whether a specific location for a bomb was stated or the entire school was threatened;
- whether the threat was specific to the current time or a future time/ date;
- any recent negative incidents involving a student, staff member, or anyone else connected with the school;
- whether there have been any other recent bomb threats or hoaxes;
- the likelihood of anyone having the opportunity to place a bomb in the stated location; and
- whether a suspicious device/package has been located.

Once the initial assessment has taken place and decisions have been made regarding a visual scan and/or evacuation, the police must be notified. Initial contact with the police may be made while the principal is conducting the assessment and making decisions. Although it is important to provide police with information beyond simply that a bomb threat has been received, initial contact should not be delayed.

The fire department should also be notified of the bomb threat. A predesignated phone number should be used, rather than 911, which is restricted to emergency calls to the police. When notifying the fire department, it is important to clarify that no explosion has occurred and that the police have been informed.

School plans should specify who will contact the police and fire department when a bomb threat is received. Police should be contacted in every incident of a "bomb threat", regardless of whether a decision has been made to conduct a partial or full evacuation, or not to evacuate.

Plans should include a list of information to be provided to the police, including the following:

- the information recorded on the bomb threat checklist (see "Bomb Threat Intake Procedures", above);
- activities taking place in the school at the time of the threat (e.g., examinations);
- the status of any evacuation that may be underway;
- the status of any safe, visual scan that may be underway; and
- the in-school contact person for the police, once they are on the scene.

Plans should include procedures for ongoing assessment during an incident. . Regardless of whether a partial or full evacuation is ongoing or no evacuation has been directed, whether a scan is underway, or whether police and fire department are responding to the incident, plans should include procedures for the continual assessment of the situation and for relaying

further information to update the principal. Specifically, the principal needs to be informed:

- if a suspicious package/device is located;
- of any interference with any type of evacuation that is underway; and
- if an explosives incident occurs.

Rationale

Having a comprehensive list of items to be assessed when a bomb threat is received provides decision makers with the best opportunity to evaluate and respond to the bomb threat, and to continually assess any additional information and take appropriate action.

Visual Scans

Every school's plan must detail procedures for safe, visual scans conducted by designated staff. When a threat has been made, a safe, visual scan can provide critical information to support decision making during the initial assessment.

Effective Practices

Designating Persons to Conduct Visual Scans

As part of the initial assessment, the principal may decide that a safe, visual scan of the school and/or classroom for suspicious devices or packages should be conducted. Every school plan should identify the staff member(s) who will conduct this visual inspection. It is imperative that scans be conducted by individuals who have detailed knowledge of the facilities and are familiar with students and fellow staff. Such individuals know what does and does not belong within the school and therefore are best suited to recognize suspicious devices/packages.

Responsibilities related to safe, visual scans are to be addressed as part of the planning process and not at the time of an actual incident.

Procedures

Principals should receive training to enable them to make sound decisions as to whether, and when, a safe, visual scan is appropriate. Local police services may be of assistance. The staff member(s) designated to conduct scans should be given basic information about conducting safe, visual scans.

Under no circumstances should a staff member conducting a visual scan touch a suspicious device or package. If a suspicious package or device is detected, the area must immediately be evacuated of staff and students and the package or device reported to the principal.

For threats to the entire facility, plans should identify and prioritize areas to be visually inspected. These areas include:

- the building exterior and parking lots;
- entrances;
- large gathering areas within the school (e.g., cafeterias, auditoriums);
- hallways, stairways, and elevators;

- washrooms;
- classrooms, the main office, and staff rooms; and
- service and mechanical rooms and spaces.

When prioritizing areas to be searched, consideration should be given to accessibility by a potential suspect, evacuation routes, evacuation locations, command posts, and staging areas for emergency services personnel. Local police services will be able to provide assistance with prioritizing the areas to be visually inspected.

School plans should identify a process for documenting areas that have been inspected.

Rationale

Having established plans for inspection and designated staff to conduct safe, visual scans helps ensure that scans are conducted in a timely, systematic, and thorough manner.

Procedures Following the Location of a Suspicious Device/Package

Every school plan must include procedures regarding actions to be taken if an explosive device or a suspicious device/package is located any time before emergency service responders arrive on the scene.

Effective Practices

When a suspicious package/device is located, appropriate procedures include the following:

- isolation/containment of the device/package, ensuring that it is not touched;
- immediate communication of the discovery to the principal and to police and the fire department; and
- immediate re-evaluation of any evacuation decisions in light of the discovery.

Regardless of whether the package/device has been delivered to the school or located during a visual scan or under other circumstances, it is imperative that the object is not touched or moved and that it is immediately contained. This direction applies even if the package had already been moved prior to being deemed suspicious.

The school principal should be notified immediately of the discovery of a suspicious package/device and of any action taken to that point.

Police should be notified or updated when confirmation is received regarding the precise location of the package/device. Once the police have been notified, fire department and paramedic services personnel should be contacted so that they will be nearby or on the scene in stand-by mode.

The school principal will work with emergency services personnel, which may include first responders, investigators, and bomb technicians, to evaluate the need to relocate evacuees and/or command posts.

Legitimate property may have been left behind in an evacuated area, so attempts should be

made to establish ownership of any suspicious device/ package. This should be done by making inquiries, not by handling the package/device.

Rationale

Ensuring that staff and students are acutely aware that suspicious devices/ packages must not be moved limits the possibility of an explosives incident. Containing and reporting a suspicious package/device, and immediately re-evaluating evacuation, notification, and search decisions, depending on the information received, reduces the risk of harm to staff and students.

Evacuation Procedures

Every school plan must detail procedures to facilitate a safe and effective partial or full evacuation of the facility. Plans should also detail the process to end any partial or full evacuation.

Although bomb threat drills and fire drills will involve evacuation plans that are similar in many ways, the two plans should be treated and practiced separately.

The decision to direct an evacuation should be made only after careful consideration of the risks. Because the most likely location for a bomb is in a common area, evacuation through common areas can increase risk.

Effective Practices

The notification process for both a partial and a full evacuation of each facility is to be included in each school plan. Staff should be aware of who is authorized to order evacuation of and re-entry to the facility. The notice to evacuate must be unambiguous, and the evacuation location(s) must be clearly understood. Fire alarms should not be used to signal an evacuation in response to a bomb threat, as this may cause confusion regarding the nature of the emergency. When announcing an evacuation, it is advisable to use clear, concise language rather than codes. Evacuations should be conducted in a quiet and systematic way, giving consideration to the threat location and students and staff most at risk.

Staff and students should be directed to quietly leave the location, proceed in a calm and orderly manner, and assemble in the designated evacuation location(s). Evacuees should be directed not to return to their lockers but to bring with them any personal belongings (e.g., bags, lunches, laptops) that are in the immediate area, if it is safe to do so. Removing these articles will assist the police with any subsequent search of the area, by decreasing the number of suspicious packages/devices.

Plans should address practices for ensuring that evacuation routes and alternate routes are clear from obstructions. Designated stairwells that are identified in the school plan should be used. Provisions should be in place to assist with the evacuation of physically challenged staff and students. Because of the risk of power failure, elevators should never be used for evacuation. If, however, stand-by power is provided to an elevator, consideration should be given to using that elevator for the evacuation of physically challenged staff and students.

Evacuation routes and locations should be inspected prior to, or immediately upon, the arrival of evacuees to ensure that a secondary explosive device has not been placed in these areas. At the evacuation location, attendance should be taken and all students and staff accounted

for. The command post is to be notified when the evacuation is complete. Students and staff should be directed to remain in the evacuation location and to refrain from the use of electronic communication devices.

Plans should include provisions for the care, control, and well-being of evacuated persons. The use of school buses should be considered to shelter staff and students during inclement weather.

Rationale

Clear and concise evacuation plans that are understood by staff and students help to ensure the safety of those being evacuated. Lack of planning may lead to panic and increase the potential risk to personal safety during an unorganized evacuation.

Re-entry Procedures

Each school plan must include procedures for ending evacuations and ensuring safe re-entry into the school. Plans should clearly indicate that the decision to end a partial or full evacuation shall be made by the school principal in consultation with the on-scene police incident commander.

Effective Practices

Plans should include procedures for announcing the end of a partial or full evacuation. Such procedures may vary by facility and depending on whether evacuees are at off-site locations. Plans may include a general announcement via the public address (PA) system by a designated authority, or may include a room-to-room visit from police and/or the principal, with some sort of identification process, so that evacuees know that whoever is giving them the all-clear is authorized to do so.

Rationale

There is a need to bring the same level of authority to ending a partial or full evacuation as to initiating one.

Procedures Following an Explosives Incident

Every plan must include procedures for dealing with an explosives incident that occurs within a school building or in the school yard. Explosives incidents may occur without warning or after a bomb threat has been received. Explosives incidents do not always require a full evacuation of the school. Under certain circumstances, and if it is determined that there is no fire, a partial evacuation of the building may be appropriate.

Plans for responding to an explosives incident should address the following:

- criteria for full or partial evacuation;
- considerations related to the provision of emergency care;
- considerations related to the notification of emergency services; and
- containment of the explosion scene.

Effective Practices

When an explosives incident occurs, the school principal should be notified immediately and informed of any action taken. Personnel designated in the plan should report to the command post location in order to carry out their duties, many of which will be taking place simultaneously.

The following items are considerations to be addressed as part of the response to an explosives incident and in plan development.

Evacuation Considerations

The area around the explosion scene should be immediately evacuated, and evacuees should be directed to a designated evacuation location. Emergency first aid should be provided to any persons injured in the explosives incident. Information regarding injuries should be communicated to the command post. Attendance should be taken and a list of any missing staff or students should be communicated to the command post.

It should be determined whether an evacuation of the entire site is necessary, or whether a partial evacuation of the area around the explosives incident will suffice. A fire resulting from the incident can make staying in the building unsafe, so partial evacuation should be considered only if it is certain that no fire has started. The school principal shall work with emergency services personnel to evaluate the need to relocate evacuees and/or command posts.

As staff and students are evacuating, they should continue to follow proper evacuation procedures. They should be asked to keep their eyes open for unusual packages, and, where possible, staff who are designated to conduct visual scans should visually inspect the areas that are being evacuated and areas along the evacuation route. If a suspicious package/device is noticed, it should be reported to emergency responders immediately on arrival at the evacuation location.

Emergency Services Notification

The fire department, paramedic services, and police should be called immediately. An explosives incident can often result in the spread of fire and smoke.

Containment of the Explosion Scene

Once the area has been evacuated, staff and students should not re-enter an explosion scene. Not only may additional packages/devices be present, but the area will be subject to a substantial crime scene investigation and therefore should not be disturbed.

Communications

Having primary and secondary communication systems allows for accurate transmission of information between officials, staff, students, and emergency services personnel.

Effective Practices

Plans should specify designated primary and secondary communication systems, with provisions for internal communication with staff and students and external communication

with emergency services personnel. The external communication plan should have provisions for communication with parent(s)/guardian(s)/other stakeholders during extended incidents and after incidents.

In most cases, intercoms and telephones will be used as primary communication systems. Radios and walkie-talkies are *not* recommended as secondary systems, given that radio signals may detonate sensitive explosive devices. Runners, loud hailers, or other methods should be used for secondary communication systems. Local police services should be consulted regarding the use of cell phones, and staff and students should be educated about how such devices can be used in the event of an incident.

The protocol should emphasize the importance of reminding all responders of the danger of using radio communication in a bomb threat situation.

Rationale

Accurate and timely transmission of pertinent information is imperative for making informed decisions during an incident and for ensuring the safety of all persons during evacuations or an emergency response.

Child Care and Other Facility Occupants

Many schools have licensed child care centres and/or other tenants and community groups using school premises, sometimes outside regular school hours. These organizations or individuals must be taken into consideration when planning and when conducting training and drills, and they must be informed of the need to follow school board procedures.

Effective Practices

It is important that principals make best efforts to ensure that the appropriate staff from organizations who share school facilities are included in the development and implementation of procedures, and that these organizations participate, whenever possible, in relevant 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. During planning, consideration should be given to after-school programs, night school, sports programs, and so on.

Outside of School Buildings

Procedures must address the notification of, and the actions to be taken by, staff and students who are outside the school building(s) when a bomb threat is received, a suspicious device/package is located, or an explosives incident occurs. Staff and students need to be aware of where they should go in the event of such an incident.

Effective Practices

Staff and students who are outside the school buildings should never re-enter the school unless they are in close proximity to an identified threat location and have been directed to do so.

Although notification of those who are outside the school building(s) is important, the use of an exterior PA system may not be the best option, as it may cause panic and/or bring unnecessary attention from members of the community. The use of a personal messenger to identify the off-site evacuation location(s) is recommended. Once at the location, staff and students shall remain at that location until further advised by the principal or police. Plans should include the taking of attendance at the off-site evacuation location(s).

Training

Plans should address initial and ongoing training of all staff as well as students and, where possible, visitors to the school.

Mandatory Requirement (Ministry of Education)

Each board must ensure that its staff, students, and other stakeholders are aware of their obligations/responsibilities within the individual school plans.

Effective Practices

Orientation for new staff should include mandatory training in bomb threat responses. Schools should establish a method to conduct bomb threat review training for all staff during each school year. Such training should be conducted as early in the school year as possible.

Schools should consider holding assemblies to train secondary students on bomb threat procedures as well as explosives incident procedures, and related evacuation plans. 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 and accommodations outlined in their Individual Education Plans.

In many situations, it may be impractical to try to provide training to school visitors. In other cases, however, when the visitor is in the school over an extended period, as in the case of a service provider, it is necessary to inform the visitor of the school's bomb threat procedures and explosives incident evacuation procedures.

Where possible, it is advantageous to have police partners present to assist with the training of staff and students. Fire department and paramedic services personnel should also 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. As with fire drills, drills and education related to evacuation following a bomb threat or explosives incident can help maintain order in the event of an incident. Such drills can be held as part of a school's emergency evacuation drills.

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. Schools should consider including fire department and paramedic services personnel during drills, so they become familiar with the school's bomb threat procedures. Staff, students, child care workers, and community partners or other visitors who may be in the school should be given some warning of an impending drill. When developing plans, consideration should be given as to whether or not to notify parents in advance. Plans should include procedures for alerting neighbouring schools of drills, especially if fire and paramedic services personnel have been invited to participate.

A short debriefing should be held after all drills to identify areas for improvement. Many boards have established a tracking system to record drill dates.

Rationale

When emergency plans are practised regularly through drills, staff and students are aware of how to respond properly in a potential emergency, and their safety is enhanced.

Media

Plans shall include provisions for dealing with media in the event of an incident.

Effective Practices

Police are responsible for addressing media with respect to any criminal incident and the police response to the incident. Principals/board personnel are responsible for dealing with media on issues pertaining to staff and student safety. It is strongly advised that media personnel from the police department, school boards, the fire department, and paramedic services share press releases prior to their release to the media, so that all officials are aware of what the other agencies are saying. A spirit of cooperation is highly recommended, and school officials, police, and other services are encouraged to work closely with each other on media issues.

Rationale

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

Communication with Parent(s)/guardian(s) and the Community

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

Effective Practices

Consider sending a newsletter to each home at the beginning of the school year to inform parents of bomb threat and explosives incident 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. Given the dynamic, complex, and fluid nature of these incidents, communication with parents around the importance of procedures is vital. Information for parents may be presented in newsletters, on school or board websites, or at an evening session on bomb threat plans. 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 an evacuation is called.

In all incidents resulting in an evacuation 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 thereafter.

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 know that plans are in place to respond to bomb threats and explosives incidents. 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 an Incident

Plans should include provisions related to recovery after an incident involving a bomb threat, a suspicious package/device, and an explosion.

Effective Practices

Recovery procedures will differ significantly, depending on the nature of the incident. A debriefing should occur in some situations following the receipt of a bomb threat or following the location of a suspicious device/ package. A debriefing should always take place following an explosives incident. The nature and severity of the incident will dictate who should be included in the debriefing.

When a bomb threat or a suspicious package/device is found to be a hoax, controlled communication, including communication relating to any debriefing conducted to evaluate actions, is important so that further incidents are not encouraged.

In serious situations following the location of a suspicious package/device or an explosives incident, the board's trauma response plan will normally be initiated. In all cases, communication with students and parents is vital.

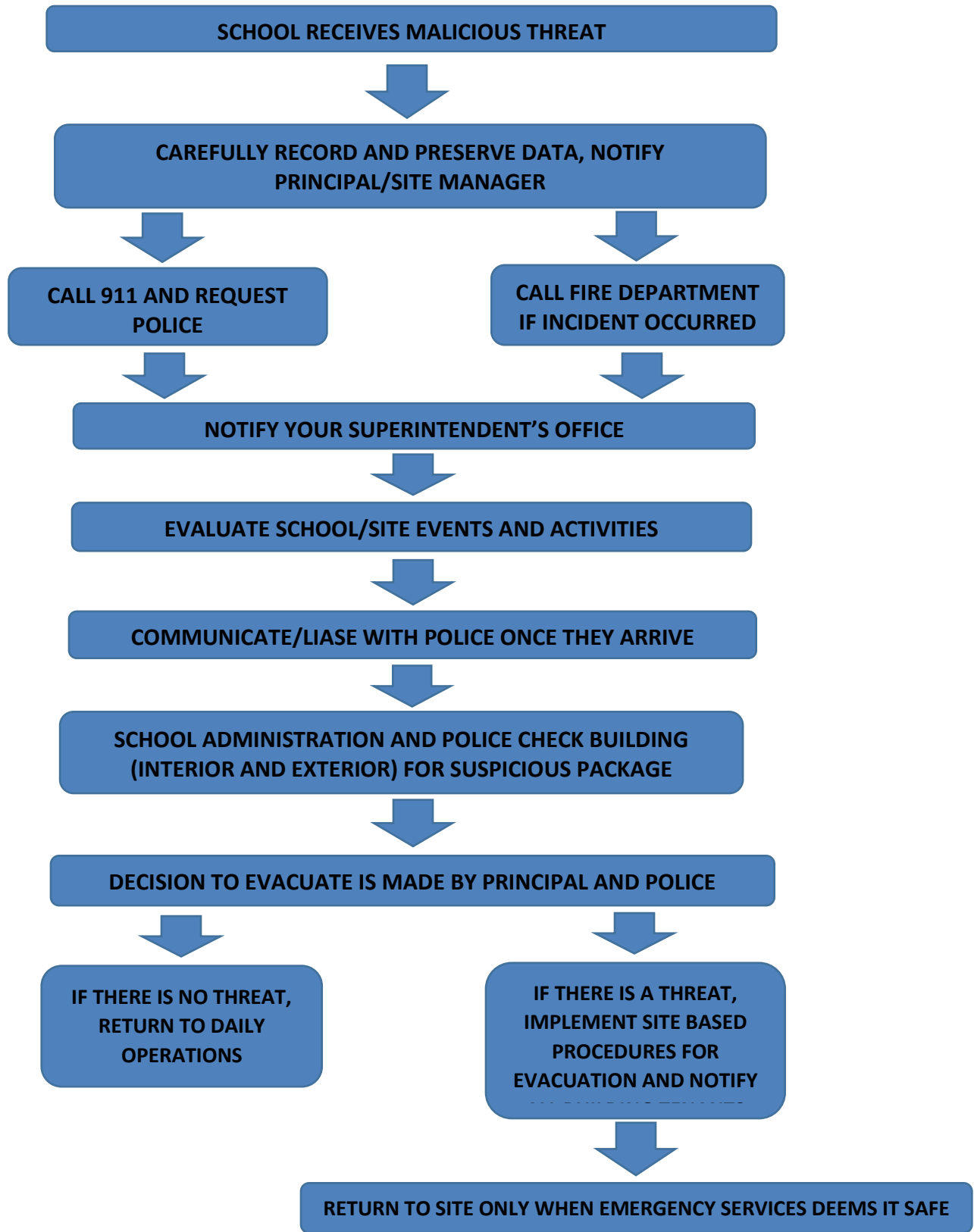
Plan Review

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 each year when the plan was reviewed.

BOMB THREAT FLOWCHART:



APPENDIX E: GUIDE TO OFFICERS FOR SECTION 146 YOUTH CRIMINAL JUSTICE ACT STATEMENTS

Guide to Officers for Section 146 Youth *Criminal Justice Act* Statements

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 their 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 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?"

Statement of a Young Person

Youth Criminal Justice Act , **Section 146**

1. Statement Recording Method

Audiotape (No.____)	Written	DVD (No.____)	Videotape (No.____)
Police Service:		Police Case ID:	
Occurrence No:			
Date:	Location:	Start Time:	Time Completed:
Interviewing Officer(s):			
Name of Young Person:			Date of Birth:
Address:			
Name:	Parent(s)	Adult Relative	Other Adult
_____		_____	
Address:		Phone Number:	
You are charged with:		You may be charged with:	

2. Do you understand the charge(s)?

Reply:

If at any time you do not understand anything, tell me and I will explain it to you. Do you understand?

Reply:

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.

Not Applicable _____(officer's initials)
 Yes

Warning Read:

Do you understand? Yes No

3b. 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 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.

Not Applicable _____ (officer's initials)
Yes

Warning Read:

Do you understand? Yes No

Statement of a Young Person

4a. You have the right to talk to a lawyer in private without delay. Do you understand?

Reply:

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?

Reply:

c. If you are charged with an offence, you may apply to Ontario Legal Aid for legal assistance. Do you understand?

Reply:

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?

Reply:

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 anyone of them here. Do you understand?

Reply:

f. Do you want to talk to a lawyer?

Reply:

g. Do you want to talk to one or both of your parent(s)/guardian(s)?

Reply:

h. If your parent(s) are not available, do you want to talk to an adult relative?

Reply:

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

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?

Reply: _____

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?

Reply: _____

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 another appropriate adult, and have that person here with you. Do you understand?

Reply: _____

6. **WAIVER OF RIGHTS**

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 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 anyone of them, with me during this interview. These rights have been explained to me and I understand them.

I choose not to talk with any of these people.

Signature of Young Person

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

Signature of Young Person

Witness

Time

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

Address: _____ Phone Number: _____

7. **CAUTION**

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

Reply: _____

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?

Reply: _____

Statement of a Young Person

8. SECONDARY CAUTION

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?

Reply: _____

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

Reply: _____

Do you wish to make a statement?

Reply: _____

Signature of Young Person: _____ Time Completed: _____

Witnesses: (1) _____ _____ Signature (2) _____ _____ Signature
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