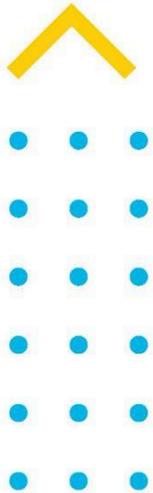


Police-School Board Protocol Halton Region



2024

The Halton Regional Police-School Board Protocol between the Halton Regional Police Service, the Halton Catholic District School Board, the Halton District School Board, the Conseil Scolaire Viamonde and the Conseil Scolaire Catholique MonAvenir.



This document has been revised to reflect the 2015 Ministry updates regarding Bomb Threat Procedures, Lockdown procedure, mandatory Police reporting, and updates on threat awareness and management.

The numbering sequence is similar to the Provincial Guideline document for future updates. It also reinforces the importance of implementing violence-prevention strategies to create and maintain safe and healthy schools.

Through mutual respectful partnerships, joint goals and objectives can be achieved while sharing information judiciously with the goal of enhancing school and public safety.

Source: Provincial Model for a Local Police/School Board Protocol – Ministry of Community Safety and Correctional Services September 2015

Signatories to the Protocol



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1. Purpose of this Document

Safe, inclusive, and equitable school environments foster and support learning and the ongoing development of respect, responsibility, civility, and other positive behaviours and characteristics.

Police play a vital role in supporting and enhancing the efforts of schools, parents/guardians and other community partners to ensure that schools and their-communities are safe places for all to learn, play and work. Police are essential partners in the prevention of crime and violence and in helping children and youth to stay safe.

In order to achieve this, the partners to this protocol recognize the importance of contributing to a school environment free of discrimination and harassment based on Ontario Human Rights Code protected grounds including, but not limited to race, ethnicity, religion and disability. Partners to this protocol commit to upholding the principles of the Ontario Human Rights Code and equity in all its practices.

Partners to this protocol also acknowledge the importance of building assets and relationships with our students. It is further understood that the more assets young people have, the less likely they are to engage in a wide range of high-risk behaviours, and the more likely they are to thrive. Safe, inclusive, and equitable school environments provide increased opportunities to support positive youth development.

This protocol enables Police and school board personnel to share a common understanding of each partner's roles and responsibilities, as well as agreed-upon procedures and clearly delineated decision-making authority. This understanding depends on 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 unwavering commitment to human rights and equity
- An understanding of, and commitment to, human rights and a recognition that students and their families have a right to choose where they source information from and that these decisions will be based on a multitude of personal factors that will be respected

- An understanding of all forms of racism and anti racism, including anti black racism and the disproportionate impact of surveillance and systemic inequities on marginalized youth and families
- 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 effective and timely response to incidents when they occur – one that respects the rights of victims and witnesses, as well as those of the person alleged to have committed an offence (i.e., identify specific supports and resources)

This protocol includes the twenty-two elements and mandatory requirements in the 2015 Provincial Model - Police/School Board Protocol as directed by the Ministry of Education and the Ministry of the Solicitor General.

The following legislation has also been considered in the development of this protocol:

- *Canadian Charter of Rights and Freedoms*
- *Ontario Human Rights Code*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- *Freedom of Information and Protection of Privacy Act (FIPPA)*
- *Child, Youth and Family Services Act (CYFSA)*
- *Personal Health Information Protection Act, 2004*
- *Education Act*
- *Youth Criminal Justice Act (YCJA)*
- *Criminal Code*
- *Police Services Act*
- *Provincial Offences Act (specifically Part VI, "Young Persons").*
- *The Accepting Schools Act*
- *Progressive Discipline and Safety in Schools Act*
- *Ontario's Equity and Inclusive Education Strategy*
- *Victims Bill of Rights*
- *Occupational Health and Safety Act*
- *Fire Protection and Prevention Act*

The following are key areas of changes or updates from the Previous 2021 version.

[4.1 HRPS Regional Diversion Unit and Youth Engagement Team](#)

[8.1 Mandatory Reporting to Police](#)

[9.10 Police and School Board Notification Pertaining to Fatalities/Tragic Events](#)

[12 School and Police Investigations](#)

[12.6 Seizure of Weapons or Other Evidence](#)

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[21 Emergency Planning and Threats to School Safety](#)

Appendix "C" Anti Sex Trafficking Halton Regional Protocol

Appendix "K" SAIG

Appendix "L" ARTO / VTRA Screening Tool

2. Statement of Principles

- Safe, caring, inclusive, and equitable school environments foster and support learning, academic achievement, sense of belonging, and the ongoing development of respect, responsibility, civility, and other positive behaviours and characteristics
- Students, teachers, Principals/Vice-Principals, school support personnel, parents/ guardians, public health practitioners, Police and other members of the community play an essential role in the development and maintenance of safe, caring and equitable schools, and in the healthy development of all children and youth
- Police exercise a vital role in supporting and enhancing the efforts of schools and their communities to be safe places in which to learn, play and to work, and are essential partners in the prevention of crime and violence
- A common understanding of each partner's roles and responsibilities, as well as agreed-upon procedures and clearly delineated decision-making authority, is necessary for all parties to promote a culture of human rights and equity, respect, and civility in the school environment. A shared understanding will ensure that the obligations and requirements of both the education and Police systems are met
- Sharing and disclosure of information when necessary for prevention of risk to the safety of the public must be in accordance with privacy laws, including the *Freedom of Information and Protection of Privacy Act (FIPPA)*

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

- All partners respect the fundamental rights of students, parents, teachers, staff and Police pertaining to disability, race, creed, ethnic origin, and other protected grounds of discrimination under the *Ontario Human Rights Code*
- All parties recognize the need to support both rights and responsibilities

3. Introduction

It is the policy direction of the Ministry of Education and the Ministry of the Solicitor General that Police Services and School Boards establish and follow a protocol for the investigation of school-related occurrences.

This document has been prepared for the following reasons:

- to assist in the greater safety and protection of students, teachers, Principals/Vice-Principals, staff, parent(s)/guardian(s), and volunteers in schools
- to encourage constructive, ongoing, adaptive, and responsive partnerships between Police and the school community
- to promote joint consultation and partnerships between Police Services and School Boards on maintaining safe school environments
- to facilitate appropriate sharing and disclosure of information in accordance with privacy laws, including *Freedom of Information and Protection of Privacy Act (FIPPA)*, and *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- to ensure an equitable and consistent approach is followed by the Halton School Boards, Halton Regional Police Service, and the Halton Children's Aid Society
- to ensure that the obligations and requirements of the education system, Police system and Children's Aid Society are met
- to promote dialogue and the establishment of effective relationships between School Boards, schools, Police and Children's Aid Society in Halton Region based on cooperation and shared understandings
- to address unique factors and/or considerations that may affect individual jurisdictions and to allow partners to negotiate service-delivery arrangements accordingly.

This document includes common principles upon which all Police/School Board protocols must be based, and includes the key elements such protocols must

include, as per the direction of the Ministry of Education and the Ministry of the Solicitor General.

4. Role and Mandate of Police Services

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

Police Services personnel are responsible for:

- engaging and working proactively in partnership with school officials to ensure the effectiveness of this protocol
- protecting public safety and preventing crime
- enforcing the *Youth Criminal Justice Act*, the *Criminal Code*, and other federal, provincial, and municipal legislation and related regulations
- upholding the duties legislated under section 42 of the *Police Services Act*
- assisting victims of crime
- conducting Police and criminal investigations
- assisting in the development of young people's understanding of good citizenship
- promoting and fostering the prevention and reduction of crime or antisocial behaviour, both against and committed by young people
- providing information on community safety issues
- develop opportunities to build positive relationships with youth
- working in partnership with other government and community-based organizations to support positive youth development
- to ensure a consistent approach in the way in which Police respond to school related occurrences
- to facilitate appropriate and lawful sharing and disclosure of information, specifically including release conditions related to students charged with a criminal offence where conditions may impact the school environment
- to provide an effective and timely response to incidents when they occur that respects the rights of victims and witnesses

4.1 HRPS Regional Diversion Unit and Youth Engagement Team

Halton Police maintain a robust approach to supporting youth in the Halton Region

- Regional Diversion Unit - pursuant to the YCJA, all youth who commit a criminal offence that qualifies for diversion will be managed via the Regional Diversion Unit, following a referral from the HRPS investigating officer. The

basis for a referral requires a full criminal investigation and the establishment of grounds which would support the laying of a criminal charge - prior to a decision being made pertaining to the youth's suitability for admission to the Diversion program. Youth deemed suitable are admitted to the program on a voluntary basis and enter a diversion contract which must be adhered to and completed to the satisfaction of the Diversion Officer. Youth who do not complete the diversion contract will be summoned to attend Court to answer to the original offence.

- Police/School interactions - Youth admitted to the Diversion program will be subject to an 'in-clearance' interview. A component of this process will involve Halton Police obtaining waivers to confirm youth participation at school. Officers attending schools to request information from school authorities must be in possession of the waiver and provide a copy of the same upon request.
- Youth Engagement Team - In 2022, Halton Police created the Youth Engagement Team whose primary focus is to engage and support youth in two streams:
 - Youth in conflict with the criminal justice system, aka Diversion. Each diversion youth is assigned a youth engagement officer for the duration of the contract. The officer's role is to support and motivate the youth, introduce community connections on a case by case basis and otherwise support the youth in successfully completing the diversion contract; and
 - Youth identified as 'at risk' who may benefit from pro-social interaction with an officer in a positive environment. Participation of 'at risk' youth is voluntary. The objective of this program is to support and assist youth to address challenges and identify avenues to increase individual youth wellbeing both short and long term.

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

In order to support safe, caring and secure schools, school boards, principals, teachers, school staff and community partners shall:

- clearly explain the Board's Code of Conduct to the school community regarding discipline with respect to behaviours taking place at school and outside of school that have a *negative impact on school climate*
- engage and work proactively in partnership with Police officials to ensure the effectiveness of this protocol
- ensuring 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 their classroom doors during a lockdown (see Appendix D)
- comply with the requirements related to the duties of Principals/Vice-Principals, teachers, all employees and transportation providers under the *Education Act* and regulations
- consider the roles and responsibilities of the Principal/Vice-Principal in conducting investigations of incidents for which *suspension* or *expulsion* must be considered under the *Education Act*, including the responsibility to take mitigating and other factors into account, as set out in Ontario Regulation 472/07, *Behavior, Discipline and Safety of Pupils*. Note that provincial schools must also take into account provisions for dismissals under Regulation 296, *Ontario Schools for the Blind and the Deaf*
- comply with the requirements legislated under the *Child, Youth and Family Services Act* (e.g. "duty to report")
- respect the Board's Code of Conduct, as required by the *Education Act*
- ensure that resources (e.g. on drug awareness, bullying prevention and intervention) are accessible to assist school staff in promoting a positive school environment with students and parents
- develop policies on how to respond to crises, including the development of a communications plan
- ensure that appropriate prevention and intervention strategies are available
- provide staff with opportunities to acquire the skills necessary to promote safe, caring, equitable, and inclusive school environment
- develop an effective mechanism to communicate this protocol to staff, students, parents, parent involvement committees (PICs), school councils, and Special Education Advisory Committees (SEACs)

There is a coordinated and multi-faceted approach on the part of schools, school boards and Police in an effort to promote positive behaviour and prevent

school violence. School boards and Principals/Vice-Principals will develop, promote, and maintain strong partnerships with Police and seek to benefit from their support in the implementation of the school's violence prevention policies, particularly where those policies pertain to addressing the risk factors associated with antisocial, gang-related or criminal behaviour.

Schools will work in partnership with community agencies to develop frameworks and administer programs such as peer mediation, mentoring, drug awareness and education, conflict resolution, Crime Stoppers, bullying prevention and intervention, and restorative practice. In a co-operative relationship, Police will also offer support in a consulting role, to assist school personnel in determining appropriate action when dealing with allegations. Working from a crime prevention perspective, Police will play an important role in the school community, which presents extensive opportunities for employing the strategy of Community Safety and Well-being.

6. Definitions / Explanations of Terms

A glossary of terms has been developed to create a common understanding. See Appendix A of this Protocol document.

7. A Coordinated Approach to Violence Prevention

- 7.1. The School Boards and the Police will implement a coordinated and multifaceted approach to promote positive behaviour and prevent school violence.
- 7.2. The Board's Safe Schools liaison representatives will take the lead in working with the designated HRPS Police Liaison of the Regional Community Mobilization Bureau and other Community Mobilization Officers as required in establishing effective and efficient programs to prevent school violence.
- 7.3. School Board Superintendents, Principals, and Police liaison contacts shall maintain strong partnerships to seek mutual support in implementing violence prevention policies and strategies. These strategies should address the risk factors associated with antisocial, gang related and criminal behaviours.
- 7.4. Police will work in partnership with schools and other community-based service providers to administer various crime prevention programs including programs that focus on areas such as peer mediation or conflict resolution. School-based Crime Stoppers programs are also encouraged.

7.5. Aligning with the Community Safety and Well-being model, Police liaison officers need to work with school senior staff members (Principals and Vice-Principals) on preventing victimization and violence through social development.

8. Occurrences Requiring Police Response

8.1. Mandatory Reporting to Police

All of the below occurrences must be reported through the Police Communication Centre at 905-825-4777 Ext. 5125 or 911 for Emergency Response. Further, mandatory Police reporting does not mean that Police will lay charges in every situation.

*Schools must obtain an occurrence number when reporting to HRPS at time of call. HRPS Communications members shall provide the occurrence number to any school board employee requesting police assistance.

The following occurrences and/or infractions require mandatory reporting to Police when such occurrences and/or infractions happen at school, during school-related activities in or outside the school, or in other circumstances if the incident has a negative impact on school climate (but see also Sections [15](#) and [16](#)):

- All deaths
- Threats to school safety (threat of a violent incident)
- Possessing a weapon
- Using a weapon to cause or to threaten bodily harm to another person
- Committing Physical assault on another person that causes bodily harm requiring treatment by a medical practitioner
- Committing Sexual assault and Sexual Based Offences
- Intimate partner violence
- Trafficking in weapons or in illegal drugs
- Human trafficking (including sex trafficking)
- Committing Robbery
- Supplying or trafficking of any illegal drug, cannabis or alcohol by any student (under the age of 19)
- Possession of any illegal drug, cannabis (legal) in excess of 5 grams, or any substance which is not readily identifiable

(Exception: cannabis in possession of authorised medical cannabis user) **See definitions of illegal and legal drugs for additional information at Appendix A**

- Criminal harassment
- Bullying and Cyber-Bullying (as defined by PPM 144 and local Board policies)
- Extremist behaviour
- Gang-related occurrences
- Extortion
- Possession of an explosive device (Fire Department also to be called by school staff)
- Arson (Fire Department also to be called by school staff)
- Reckless or dangerous use of a motor vehicle on school property
- Possession and electronic distribution of sexually explicit images of children (under the age of 18)
- Missing vulnerable child regardless of age, whose location is unknown, and where there is a degree of concern with regard to their safety or wellbeing
- Bomb Threats
- Non-consensual sharing of intimate images
- Uttering a threat to cause death and/or to inflict serious bodily harm on another person, including threats made on social networking sites, or through instant messaging, text messaging, e-mail, etc.. (Consider the nature of the threat as it may be related to one of the mandatory offences, and therefore, must be reported. Activation of the Halton Community VTRA Protocol is mandatory.)
- Hate and/or bias motivated behaviour or actions, including acts of violence, vandalism or damage that would generally constitute a criminal offence, *but not incidents attributed to behaviour, immaturity, insensitivity or passing comments that are best addressed via education and school discipline.*

For students aged 11 years and under, board level consultation is encouraged to determine age appropriate behaviour that should be considered when determining if reporting to police and / or CAS is required.

8.2. Reporting a Vulnerable Missing Child

In all circumstances where a vulnerable child is discovered missing from school, the Police will be contacted immediately. The Principal or Vice-Principal shall assign a knowledgeable staff member the responsibility of completing the Missing Vulnerable Student questionnaire (See Appendix B of this Protocol Document) and providing Police with information about the missing child.

An electronic copy of the questionnaire is available to all partners. A physical description, clothing description, and a photograph (electronic if possible) are important to assist Police in seeking the support of the community and the media.

8.3. Discretionary Reporting to Police

Police response may also be needed in connection with the following types of incidents (and see also Sections [15](#) and [16](#)):

- Physical Assault
- Hate and/or bias-motivated occurrences based on a person's race, sex, age, colour, nationality, ethnic origin, language, religion, sexual orientation, mental or physical disability, etc.
- Committing an act of vandalism to school or school property (unless hate-related)
- Possession of alcohol
- Possession of cannabis in small quantities (5 grams or less) unless authorised medical cannabis user **See definition of legal drugs for additional information at Appendix A**
- Being under the influence of any drug or alcohol, unless authorised medical cannabis users. **Consumption based concerns should be assessed based on items located in possession of student**
- Trespassing incidents

Principals/Vice-Principals shall consider mitigating and other factors when deciding whether to call Police in discretionary situations. It is expected that all other school-related occurrences not specified in the protocol will be dealt with by the Principal/Vice-Principal on a case-by-case basis and that Police will be notified at the Principal's/Vice-Principal's discretion.

Both the Police and school administration/school staff may be involved in Restorative Practices, as appropriate. It is vitally important that, when appropriate, Restorative Practices be considered in order to increase the likelihood of repairing the harm that has been caused. When criminal charges are anticipated or laid, Restorative Practices will not occur without prior consultation with the investigating officer.

8.4. Police Notification to Schools of Police Activity

All schools known to Police (including the respective Boards of Education Communications Office) shall receive all appropriate notifications involving Police activity in their area that may impact the safety and well-being of staff and students in their school's area. It is the responsibility of all private schools to notify Police to ensure that they are known to Police and thereby able to receive this communication.

9. Information Sharing and Disclosure

A number of different statutes deal with information sharing and disclosure. These include federal legislation (the Criminal Code, the Youth Criminal Justice Act) and provincial legislation (the Municipal Freedom of Information and Protection of Privacy Act, the Freedom of Information and Protection of Privacy Act, the Education Act, and the Child, Youth and Family Services Act). In situations where federal and provincial laws are in conflict with each other, the federal law takes precedence.

Halton Region school boards, police service, mental health agencies, Youth Justice Services, and other youth-focused agencies work together to facilitate timely intervention in situations where a threat has been made or an individual is engaging in worrisome behaviour. To facilitate the sharing of information and ensure compliance with freedom of information legislation, school boards' notices of the collection of personal information should indicate that disclosure may occur for purposes of law enforcement, health, safety or discipline.

9.1. Youth Criminal Justice Act (YCJA)

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

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

The following subsections of Part 6 are of particular relevance for Police/School board protocols:

- Subsection 110(1), which states that no person shall publish the name of the young person or any information that would identify the young person as a young person dealt with under the YCJA
- subsection 111(1), which states that, “No person shall publish the name of a child or young person, or any other information related to a child or a young person, if it would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person”
- subsection 118, which states that no person shall be given access to a record and no information in the record shall be given to any person, where to do so would identify the young person as being dealt with under the YCJA;
- subsection 125(1), which states that “[a] peace officer may disclose to any person any information in a record kept under section 114 (court records) or 115 (Police records) that it is necessary to disclose in the conduct of the investigation of an offence”;
- Subsection 125(6), which permits a provincial director, youth worker, peace officer, or any other person engaged in the provision of services to young persons to disclose to a representative of a school board or school any information kept in a record under sections 114 to 116 of the YCJA if the disclosure is necessary:
 - To ensure compliance by the young person with an authorization under section 91 or an order of the youth justice court;
 - to ensure the safety of staff, students, or other persons;
 - or
 - to facilitate the rehabilitation of the young person.

9.2. Freedom of Information and Protection of Privacy

These pieces of legislation regulate the collection and disclosure of personal information that is not related to the YCJA Subsection 32(g) of MFIPPA and subsection 42(g) of FIPPA expressly permit a school board or provincial school to disclose confidential information to the Police to aid in an investigation undertaken with a view to where a law enforcement proceeding is likely to result.

9.3. Personal Information Protection and Electronic Documents Act

Under federal legislation, i.e. clauses 7(3) (c) and (c.1) of the *Personal Information Protection and Electronic Documents Act* (PIPEDA), personal information can be disclosed without knowledge or consent if the disclosure is:

- required to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with rules of court relating to the production of records;
- made to a government institution or part of a government institution that has made a request for the information, identified its lawful authority to obtain the information and indicated that:
 - it suspects that the information relates to national security, the defence of Canada or the conduct of international affairs,
 - the disclosure is requested for the purpose of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or gathering intelligence for the purpose of enforcing any such law, or
 - the disclosure is requested for the purpose of administering any law of Canada or a province.

Note that the above legislative sections extend to personal information in a student's Ontario Student Record. For further details, refer to section 4 of the *Ontario Student Record Guideline* available on-line at:

<http://www.edu.gov.on.ca/eng/document/curricul/osr/osr.html>

9.4. The Ontario Student Record

The Ontario Student Record (OSR) is privileged information and for the use of supervisory officers, the Principal/Vice-Principal and teachers of a school for the improvement of instruction of a student. Disclosure of its contents to the Police may be made in the following circumstances: (i) with the written permission of the parent or guardian of the student; (ii) where the student is an adult, with the written permission of the student; (iii) through a search warrant requiring the surrender of an OSR to the Police or through a subpoena or appropriate court order.

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

In exigent circumstances, the Police can access a student's OSR without a warrant, under section 487.11 of the *Criminal Code*. Privacy laws permit the disclosure of personal information in compelling circumstances. Examples cited include, but are not limited to, concerns arising about a possible suicide attempt; concerns about a student's mental state and the possible risk of significant harm to the public; and concerns that a student may harm themselves or others.

9.5. Information and Privacy Commissioner of Ontario

Some useful resources for school Principals include:

Privacy and Access to Information in Ontario Schools, A Guide for Educators:

https://www.ipc.on.ca/wp-content/uploads/2019/01/fs-edu-privacy_access-guide-for-educators.pdf

9.6. Children and Youth Unit, Ontario Ombudsman's Office (Ernest C. Drury School for the Deaf and Trillium Demonstration School)

In 2018, the Ontario Ombudsman assumed certain responsibilities of the now defunct Office for the Provincial Advocate for Children and Youth related to pupils of Provincial and Demonstration Schools.

The Ontario Ombudsman is appointed under the *Ombudsman Act* as an independent and impartial Officer of the Ontario Legislature, with jurisdiction over 1,000 public sector bodies including ministries, agencies, commissions, municipalities, and school boards. The Ombudsman's role is to review and investigate complaints about government services.

The Children and Youth Unit of the Ombudsman has the authority to handle complaints and conduct investigations into any matter concerning a child or young person with respect to services provided by **children's aid societies**, residential licensees such as **foster homes** and **group homes, youth justice facilities** and **secure treatment programs**.

*Service providers, families, and community members may also contact the Ombudsman with complaints about ODSP, OSAP, OHIP, Ontario Works, Service Ontario, the **Provincial** and **Demonstration Schools**, and French Language Services.*

Contact Information

Ombudsman Office Mainline: 416 586 3300 or 1 800 263 1830

Email: info@ombudsman.on.ca

TTY: 1 866 411 4211

Ombudsman Ontario Child and Youth Unit: 416 325 5669 or 1 800 263 2841

Email cy-ej@ombudsman.on.ca

Website: <https://www.ombudsman.on.ca/home>

9.7. Child, Youth and Family Services Act (CYFSA)

All school personnel and Police are required and have an ongoing duty to report children who are suspected to be in need of protection to the Children's Aid Society (CAS) as per School Board guidelines as directed by subsection 125(1) of the CYFSA.

This provision applies as well to information that is confidential or privileged (except under solicitor/client privilege) and there is no liability against a person who reports unless the reporting was done maliciously or without reasonable grounds.

9.8. Students with Release or Probation Conditions

In cases of students who are registered at a school that are on probation, or who have been released from Police custody or

released on bail with conditions that are relevant to the school environment, school Principals shall be informed of such conditions especially as they relate to the potential safety of staff and students. This includes school attendance and orders to “not associate” with certain students at the school.

All student release/probation requests received by HRPS, or generated by HRPS shall be routed to the District CMB Sergeant for vetting, to ensure policy compliance and to complete the ‘Release of Youth Information to Educators’ form (ref form HRPS OPS-014C) attached at Appendix I. The form will be signed and sent electronically to the RCMB Staff manager for approval and sharing with the appropriate Safe Schools Superintendent or designate.

Note: The sharing of information with school boards is not the responsibility of school liaison officers. Any concerns or complaints regarding this direction shall be reported to the RCMB manager.

9.9. Use of Video Cameras and Evidence for Police

The Halton Regional Police Service shall use a standardized form approved by the Board(s) to obtain video evidence for each occurrence. The form will be completed and sent to each respective Board’s Information Officer or other designated authority.

The video footage form is located at Appendix J

Note that in exigent circumstances, School staff may provide copies of video images to Police. Exigent circumstances include, but are not limited to, missing vulnerable students and situations involving the threat of violence.

9.10. Police and School Board Notification Pertaining to Fatalities/Tragic Events

The Halton Regional Police Service and School Boards shall communicate and align resources to respond to complex community incidents pertaining to fatalities and tragic events. (i.e., video footage requests, grief counselling, information

requests to support notifications and/or responding in the school environment)

This information will be communicated via the Halton Police - RCMB Manager or designate and School Board Safe Schools Superintendent or designate.

10. School Procedures for Reporting to Police

In emergency circumstances, any school board personnel should immediately report to Police directly via ** 9-1-1 ** Principal/Manager permission is not required.

In non-emergency situations that require Police involvement, school staff should report the matter to the school Principal/Vice-Principal, who will initiate Police contact.

The following telephone numbers are available for non-emergency situations:

- **Halton Regional Police (905) 825-4777 Ext. 5155
(905) 878-5511
TTY 1-800-990-8199**

When notifying the Police of an incident, the caller should be prepared to provide the following information (additional details may also be required):

- Where and what is happening?
- Is anyone injured and what are the injuries?
- Who and where is the caller?
- Are there any weapons involved? What type? Where are the weapons now and who has them?
- Who is involved (including names, dates of birth if available)?
- How many people are involved?
- When did the event take place?

**Schools shall obtain an occurrence number when reporting to HRPS at time of call. HRPS Communications members shall provide the occurrence number to any school board employee requesting police assistance.*

11. Initial Police Contact

The Police officer who responds to a report of a school-related incident is responsible for obtaining and thoroughly documenting information on the incident.

Except in exigent circumstances, the officer is normally required to take the following steps:

- Report to the Principal/Vice-Principal (or designate), providing proper identification;
- Explain the purpose of the visit, and plan with the Principal/Vice-Principal on how to proceed
- Contact, or make arrangements with the Principal/Vice-Principal (or designate) to contact, parents/guardians of students under the age of 18
- Consider alternatives that limit the disruption to the school day
- Obtain information from the Principal/Vice-Principal (or designate) about the student (e.g., regarding accommodation of special needs or barriers to communication) before making contact with the student

Where a Principal or Vice-Principal is under investigation, Police shall contact the RCMB manager to facilitate school board notification.

12. School and Police Investigations

In exigent circumstances, upon arrival Police may advise Principals/Vice-Principals against exercising their legislated responsibility to speak with students, regardless of whether they are an accused, victim or witness.

During all investigations, school staff shall refer to their Board policies and procedures. Police and school staff will also ensure adherence to [The Victim's Bill of Rights](#).

All parent(s)/guardian(s) and children retain the right to directly contact police in any circumstance, whether reporting a new or previous occurrence.

While it is important that the Principal/Vice-Principal not do anything to prejudice the Police investigation, it is also important that the Police recognize and respect the obligations of Principals and Vice-Principals under the *Education Act*. Under section 310(1) of that Act, a Principal shall suspend for the infractions listed, and may recommend expulsion to the Discipline Committee of the school board. Principals have a legislated responsibility under the *Education Act* to conduct investigations related to suspensions and expulsions. These

investigations require that Principals interview the involved students and/or staff.

The school board's decision regarding expulsion of a student must be made within twenty school days from the date of the student's suspension. **When possible, the Police will share information with the Principal or Vice-Principal that may be relevant to that decision.**

In the event that school staff are taking a statement while conducting an internal investigation and determine that ANY criminal offence (e.g., sexual assault, attempt murder, weapons offences, drug trafficking, robbery) has been committed, they shall discontinue the statement and notify Police immediately, ensure the involved students are separated, and refrain from further statements. Any statement(s) taken shall then be turned over to Police for purposes of an investigation, if requested through the schools boards process. Principals and Vice-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.

If a student is under 18 years of age, parents/guardians must be notified that Police have been contacted unless directed otherwise by Police.

There are situations, for example, sexual assault investigations, where Police may ask Principals and Vice-Principals not to interview or re-interview victims, suspects or witnesses. When Police conduct an investigation, they can generally provide a verbal account of the investigation to the Principal/Vice-Principal. Consultation and communication with the investigating officer must occur before the Principal proceeds with an interview following a criminal matter. This is strictly for the purpose of school discipline and/or expulsion.

Principals and Vice-Principals may make notes regarding the information and use those notes as part of their investigation. Principals and Vice-Principals who interview students who are part of a criminal investigation, however, may become witnesses in court proceedings. Notes taken by the Principal during interviews with students may be subpoenaed.

Prior to interviewing students previously interviewed by Police, the Principal/Vice-Principal (or designate) will first discuss their intention to interview involved students and staff with the Police. This will minimize the possibility of jeopardizing a Police investigation or subsequent court proceedings.

If further clarification is required, school staff should consult with their respective Safe Schools staff and/or superintendent.

Police investigations should be undertaken in accordance with the Halton Regional Police Criminal Investigation Management Plan (HRPS Policy # INV-021) and, where required, with the *Ontario Major Case Management Manual*.

The Principal or Vice-Principal shall 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 and Principals/Vice-Principals will work together to ensure that the requirements of the Education Act are fulfilled, and that the integrity of criminal investigations are maintained.

The Police shall endeavour to work within these logistical considerations in order to minimize disruption to the school.

All cases involving the investigation of a member of the school staff shall be assigned to an officer(s) who is not the School Liaison Officer.

12.1. Legal Rights

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

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

12.2. Search and Seizure (General)

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

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 or Vice-Principal who has reasonable grounds to do so, may conduct a search of a student or their possessions in carrying out his or her duties to maintain order and discipline in the school.

At the commencement of each school term, Principals shall provide notice of the right and authority of the school to search school property such as lockers, desks, etc., without notice to or permission of any person in accordance with school board policies and procedures.

Personal property such as knapsacks, purses, etc., may become subject to search in accordance with School Board policies and procedures.

Police officers have the legal authority to enter and search a school without a warrant under exigent circumstances including, but not limited to:

- weapons and/or explosives searches
- to prevent the commission of a criminal offence
- to arrest a person wanted for a criminal offence
- the pursuit of a suspect
- to save lives

Police have legal authority (through statute and/or common law) to search individuals, including students for various reasons pre- and post-arrest.

Principals and Vice-Principals will conduct searches under the authority of the Education Act in accordance with School Board policies and procedures. If the Principal/Vice-Principal has reason to believe there is a safety risk to the Principal/Vice-Principal or others, the Police may be called to attend to ensure the safety of all parties. Unless circumstances merit, **Police cannot take part in the school’s search, nor shall Police provide any direction to the Principal or Vice-Principal in relation to the school’s search.**

Note: In all circumstances, Principals and Vice-Principals should avoid any physical contact with students while conducting searches of their property. It is recommended that a Principal/Vice-Principal have an adult witness present when searching a student's personal belongings. Utmost care should be exercised to ensure that evidence is not contaminated and that the person conducting the search is not exposed to unnecessary risk.

12.3. Searches of Student's Personal Belongings

If the school Principal suspects or the student reveals that he/she is in possession of a weapon or if you have concerns for your personal safety or the safety of the school community, STOP your investigation and IMMEDIATELY CONTACT THE POLICE

All searches should be conducted in a manner where the student's privacy and dignity are taken into consideration and where the student is given every opportunity to comply with the search.

All searches should be conducted in a secure location, e.g., a Principal's office.

Principals are advised to protect themselves with personal protective equipment (PPE) appropriate to conducting a search including nitrile gloves.

The student should be asked if he/she has any materials that can cause harm to themselves or someone else in their possession

- provide student with examples such as sharp objects and/or illegal drugs
- ask student to provide the location of any such objects and/or illegal drugs

The student should be asked to place their bag on a desk or flat surface and then step away, so contents are out of reach. The Principal should carefully remove the contents of the bag. Open compartments, zippers, etc., for visual inspection. Inspect deeper areas with the assistance of an object such as a ruler or pen and a flashlight such as the one on a cell phone.

When conducting personal searches, Principals should take care not to physically touch the student during the course of a search. Ask the

student to turn out pockets, roll up pants, lower socks, and remove their shoes. Outerwear such as coats should be removed and similarly searched.

If the search reveals that the student is in possession of a weapon, a significant quantity of cannabis, and/or illegal drugs, STOP your investigation, secure the evidence, and immediately contact the police

Ensure you immediately clean all surfaces that have come into contact with the contents of the student's bag.

Police will continue to have discretion with respect to laying charges or diversion/extrajudicial measures.

Any drug paraphernalia that is not part of a criminal proceeding can be destroyed and disposed of by the school staff.

12.4. Searches of Personal Electronic Devices

Except in circumstances where imminent danger exists, school staff are not to access a student's personal electronic device. If it is believed that something potentially criminal exists on the device, it should be seized and secured, and the Police called immediately.

12.5. Seizure of Illegal or Restricted Drugs

Do not show or pass drugs to other people. The drugs should be kept in the original container/bag and handled minimally as they may be considered for forensic identification.

Note the date, time, who you removed the drug from (if known), and any other details you think pertinent to the investigation. Secure the drugs in a locked vault, safe, or secure cabinet where access is limited.

Contact Police regarding the seizure and ensure you have made notes pertaining to the seizure. It will be logged as a service call and the Police response time may vary according to the Halton School Liaison Officer's or service member's ability to respond.

As noted above, **any drug paraphernalia that is not part of a criminal proceeding can be destroyed and disposed of by school administration.**

12.6. Seizure of Weapons or Other Evidence

Any weapons or evidence of illegal activity other than drugs, found, located or seized by a Principal or Vice-Principal on, or around school property must be minimally handled.

- Do not show or pass the weapon or evidence to other people. These items can be secured until the Police can attend and take possession of the items.
- If the weapon is a firearm or a suspected explosive device, it must not be handled, and Police must be called immediately.
- In the event an item is seized a receipt (i.e., written record of what was seized, signed by all parties present) will be issued by the school employee conducting the seizure to the person who was in possession of the item seized.

12.7. Detainment and Arrest

In all instances, the Police will, in the interest of school safety and morale, consider alternatives to making an arrest on school property. In exigent circumstances, where it is necessary to arrest a student during school hours, the Police will attempt to conduct the arrest in a manner that is least disruptive to school routines.

When a student is arrested on school property, during school hours, the Police will contact the Principal/Vice-Principal or designate to arrange access to the student in a private location, where possible. There may be certain circumstances where this may not be feasible given the nature of the crime, or when the safety of the staff and/or students is jeopardized. In those cases, access to the student *shall* not be denied.

When making an arrest, Police officers shall:

- **Identify themselves as Police officers**
- **Inform the person that they are under arrest**
- **Inform the person of the reason for the arrest**

- **Take physical control of the person**
- **Inform the person of the right to counsel, including the existence and availability of Duty Counsel and free legal advice (Legal Aid)**
- **Ensure that the person understands their right to counsel**
- **Search the person**
- **Place the person in handcuffs using the approved manner**

Where investigations result in detainment or arrest, the Police and the Principal/Vice-Principal or designate should pay particular attention to the following procedures and responsibilities:

- Procedures to be followed in the detainment and/or arrest of suspects, in accordance with the Ministry of the Solicitor General Adequacy Standard LE-005 on arrest and the Youth Criminal Justice Act
- Roles and responsibilities of Police and school personnel in the event of a suspect being arrested or detained on school property
- Legal grounds for Police to demand entry (e.g., for weapon and drug searches, to arrest a person wanted for an indictable offence, or to save lives), and
- Requirements to be followed under the Youth Criminal Justice Act when a young person is arrested and detained, including who is responsible for discharging specific obligations (e.g., the notification of parents under s. 26 of the Act)

12.8. YCJA Youth Rights

Rights to Counsel

S. 25(1): A young person has the right to retain and instruct counsel without delay, and to exercise that right personally, at any stage of proceedings against the young person and before and during any consideration of whether, instead of starting or continuing judicial proceedings against the young person under this Act, to use an extrajudicial sanction to deal with the young person.

Arresting officers to advise young person of right to counsel

S. 25(2): Every young person who is arrested or detained shall, on being arrested or detained, be advised without delay by the arresting

officer or the officer in charge, as the case may be, of the right to retain and instruct counsel, and be given an opportunity to obtain counsel

The Principal/Vice-Principal (or designate) shall attempt to contact the parent(s)/guardian(s) to inform them that their child has been arrested by the Police, unless directed otherwise by Police. (See notes below)

If the Principal/Vice-Principal (or designate) is unable to contact the parent(s)/guardian(s) within a reasonable amount of time, the Principal or Vice-Principal shall request that the Police take the student in custody to the Police station to obtain a statement.

If the student in custody is removed from the school, the Principal/Vice-Principal (or designate) shall notify the parent(s)/guardian(s) as soon as possible.

In exigent circumstances where Police need to interview a student suspect, the role of the school administrator (or designated) is to continue efforts to notify parent(s)/guardian(s). This does not however change the role of the Police in conducting their investigation.

It is the role of the Police on arrest, in accordance with Halton Regional Police Service Policies and Procedures, to do the following:

- Contact the parent(s) or legal guardian(s) to advise them that an arrest has occurred, and a charge may follow
- Ensure the student is informed of their rights, cautioned and placed under arrest
- Principal/Vice-Principal shall consult with the Superintendent of Schools or the Superintendent responsible for Safe Schools regarding the appropriate disciplinary action to be taken on behalf of the School Board.

Note: Students 18 years of age and older are considered to be adults. The Principal/Vice-Principal (or designate) shall not contact the parent(s) or guardian(s) of an adult student.

Note: The Principal/Vice-Principal (or designate) shall not contact the parent(s) or guardian(s) of students who are 16 or 17 years of age and

who have withdrawn from parental control, without the student's permission.

Note: Witness statements in exigent circumstances and police indicate that the interview needs to be held at the school (and parents cannot be reached), the Principal/Vice-Principal (or designate) will continue to reach out to parent(s)/guardian(s) and be present for the interview.

12.9. Arrest and/or Detention-Off School Property during School Hours

If an arrest or detention occurs off-school property during school hours, the arresting officer shall notify the school Principal or Vice-Principal or designate as soon as possible during school hours.

12.10. Supports for Victims

Where appropriate, Police shall contact Victim Services to provide support and assistance to victims.

School staff shall refer to their Board policies and procedures, where available, regarding the appropriate support to victims and others involved who have been harmed as a result of an activity for which suspension or expulsion must be considered.

The following link provides a list of contact information for youth support organisations in Halton region:

<https://www.halton.ca/For-Residents/Youth/Youth-Services-in-Halton>

12.11. Student Interactions: Sexual Based Offences

This Protocol provides guidance to Principals and Vice-Principals when dealing with allegations of sexual based offences between students. Sexual based offences range from kissing to sexual intercourse.

Consent to sexual activity¹

The age of consent is the age at which a young person can legally agree to sexual activity. Age of consent laws apply to all forms of sexual activity, ranging from kissing and fondling to sexual intercourse.

All sexual activity without consent is a criminal offence, regardless of age².

These are serious offences that carry serious penalties, including mandatory minimum penalties.

Canada's age of consent

The age of consent to sexual activity is **16 years**. In some cases, the age of consent is higher (for example, when there is a relationship of trust, authority or dependency). In other words, a person must be at least 16 years old to be able to legally agree to sexual activity.

Some sexual activity with consent is also a criminal offence, based on age.

A 16 or 17 year old cannot consent to sexual activity if:

- their sexual partner is in position of trust or authority towards them, for example their teacher or coach
- the young person is dependent on their sexual partner, for example for care or support
- the relationship between the young person and their sexual partner is exploitative

The following factors may be taken into account when determining whether a relationship is exploitative of the young person:

- the young person's age
- the age difference between the young person and their partner
- how the relationship developed (for example, quickly, secretly, or over the internet)
- whether the partner may have controlled or influenced the young person

¹

<https://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html#:~:text=Canada's%20age%20of%20consent,legally%20agree%20to%20sexual%20activity>

²

<https://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html#:~:text=Canada's%20age%20of%20consent,legally%20agree%20to%20sexual%20activity>

Close in age exceptions

A 14 or 15 year old can consent to sexual activity as long as the partner is **less than five years older** and there is no relationship of trust, authority or dependency or any other exploitation of the young person. This means that if the partner is 5 years or older than the 14 or 15 year old, any sexual activity is a criminal offence.

There is also a "close in age" exception for 12 and 13 year olds. A 12 or 13 year old can consent to sexual activity with a partner as long as the partner is less than two years older and there is no relationship of trust, authority or dependency or any other exploitation of the young person. This means that if the partner is 2 years or older than the 12 or 13 year old, any sexual activity is a criminal offence and cannot consent.

Any child 11 years or under cannot legally consent to sexual activity in any circumstance.

Sexual offences

The Criminal Code protects all Canadians from sexual abuse and exploitation. For example, it protects everyone, including children, against:

- sexual assault
- sexual assault with a weapon
- aggravated sexual assault
- voyeurism
- trafficking in persons
- non-consensual distribution of intimate images

In the event a victim over the age of 12 (who has the ability to legally consent), but does not wish to report to police, refer the victim to the SAIG (pg. 7) and document providing the SAIG to the student.

In all cases of sexual offences where consent cannot be given, the Principal (or designate) shall immediately contact the Police - ages 12 and over.

For students aged 11 years and under, board level consultation is encouraged to determine age appropriate behaviour that should be considered when determining if reporting to police and / or CAS is required.

Sex Trafficking - Halton School Boards have a regional protocol for reporting and responding to allegations of sex trafficking. ³

See Appendix A for detailed definitions.

12.12. Investigating Sexual Assault and sexual based offences
All Halton residents have access to additional support for victims of sexual based offences. 'An Information Guide for all Victims/Survivors of Sexual Assault (SAIG)' outlines the response of the Halton Regional Police to all allegations of sexual assault and sexual offences. (See appendix K)⁴

Sexual based offences are complex and various legislative directions and best practices do not currently speak to a consistent level of guidance in terms of child and parent/guardian rights.

Sexual based complaints are handled differently when reported to Police, regulated health practitioners and other school board staff

Youth victims of a sexual based offence have certain rights. However, how their disclosure is handled, will vary in terms of who the child chooses to disclose their experience to. While not intended to be exhaustive, a child victim has the following options:

1. Report to Police: All disclosures of sexual based offences are handled by Police via a victim-centric lens - meaning the victim determines what is 'best for them'. The first point of contact is a civilian member of Victim Services. Victims retain the right to decide level of cooperation including whether to provide a statement to police, participate in a sexual assault evidence kit, whether parents/guardians are notified and whether charges are pursued

³ <https://docs.google.com/document/d/1BkiZP-ja7o7qKLD77y2WFHHONLHgwFh5/edit>

⁴

https://www.haltonpolice.ca/en/services-and-reporting/resources/Documents/Sexual_Assault_Information_Guide_2021.pdf

2. Report to School: Students need to understand that reporting to school authorities will result in a different response than if reported to police. Always make the student aware that you may be obliged to disclose any information regarding illegal activity with the police and a child protection agency. School employees include: Principal, Vice-Principal, office staff, Custodian, Guidance Counsellor, Teachers and Educational Assistants, Child and Youth Workers (excluding board staff who are regulated health practitioners - see #3)
 - a. School notification to POLICE: YES (Mandatory) - School will report to Police to allow for Police process to be explained, victim rights and options per paragraph #1
 - b. School notification to PARENT: *Schools shall follow Board policy on notification of parent(s)/guardian, and will be focused on the welfare of the student not necessarily the details of the disclosure or the causality of the behaviour.*
3. Report to Regulated Health Practitioner: This group includes psychologists, psychiatrists, behaviour analysts, social workers and others who are not constrained by Board level directives. The child rights will follow current standards as set by the Ontario Regulated Health Practitioners Regulations, unless otherwise required by law and the Education Act is such a law.

When sexual assault occurs with same age peers and has been disclosed to a Regulated Health Practitioner they are to required to maintain confidentiality unless student gives consent to share information (verbal or written). There are a few exceptions to this statement:

- There is a concern that the survivor is at risk to themselves or others (exigent, severe and imminent). Consultation with the Manager is strongly advised.
- There is a concern that the alleged perpetrator is in the school and will cause a risk to the survivor and other students (real, severe and imminent). Consultation with the Manager is strongly advised.
- That the student is under the age of 12 and has shared that they have been sexually assaulted by a peer, Regulated Health Practitioners should advise survivors' parents, administration and share concerns with the Children's Aid Society.

To reinforce the above guidance, as part of their initial inquiries school administrators are encouraged to clarify two areas of concern:

- Did the child consent to the alleged contact
- Was the child in a position to consent to the alleged contact

It is always recommended that students are encouraged and supported to involve their parents, however, it is possible to accommodate a student's wishes that asks that the disclosure not be shared with their parents/guardians. Please note: This is dependent on the circumstances of the alleged sexual assault. If the student was sexually assaulted by another student, s.300.3 requires disclosure to the complainant's parent unless the complainant is at risk of harm, which is a higher threshold than not consenting to disclosure. In the event the student does not wish their parents to be notified in order to act in the best interest of the child, report the situation to CAS under the CYFSA and follow Board process to support the student. Document the child's wishes (consent) as per Board procedures.

Following Police investigation or if child declines to proceed with police action / involvement / investigation

- School Board still has obligation to ensure safe environment within the school
- School Board shall conduct local investigation for this purpose
- Information gleaned from School Board investigation - or any School Board created / controlled doc - is ONLY available to police via judicial authorization

Any concerns regarding children's rights will be addressed through the appropriate directives which shall include consultations with Board specific personnel in order to ensure best practice & decision making in terms of the welfare of the child involved. For example, Safe Schools Superintendent and/or designate, School Superintendent, other Board departments, HRPS - Detective Sergeant, Child and Sexual Assault Bureau (CASA) or RCMB Manager (Police School Liaison Officer).

13. Police Interviews of Students

Except in exigent circumstances, when the Police interview students on school premises the following procedures will be followed in relation to Police interviews of students:

- Police must consult with the Principal or Vice-Principal to consider alternatives for conducting interviews at a location other than the school
- **Police will act in a manner that respects the dignity of the student and minimizes disruption to the school when it is necessary to interview, search, or arrest a student at school during school hours**
- Police are required to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses. Any person who may have information related to the incident may be interviewed by Police

- **If an interview is to take place on school premises, the Principal/Vice-Principal (or designate) must make best efforts to contact parents/guardians as soon as possible before the interview, and document such attempts**
- **Where the parent/guardian refuses the request for an interview to commence at school, Police will conduct the interview off of school property**
- **A parent/guardian, third-party adult, or the Principal/Vice-Principal (or designate) if no alternative is available, must be present when students under the age of 18 are being interviewed at school (see next point). If the Police and the CAS are conducting the investigation jointly, then there is no requirement for the Principal or Vice-Principal to be present**
- Where a student aged 12 to 17 waives the right to have an adult present at the interview, the Police and the Principal/Vice-Principal (or designate) must consider the most appropriate location for conducting the interview, and take steps to ensure that the student's rights are respected during the interview
- School personnel shall assist Police in making the required preparations (e.g., securing a quiet room and establishing a time for the interview)
- When taking statements from accused youth, Police will follow the *Guide to Officers for Section 146 Youth Criminal Justice Act Statements*
- If a Principal/Vice-Principal (or designate) is present, with the consent of the victim and/or parents/guardians, they can take notes for their own investigation during the interview. However, they may be required to disclose those notes and appear in court as a witness
- **During and at the conclusion of a Police investigation, the investigating officer will update the Principal or designate as to the results of the Police investigation. Where charges are deemed inappropriate the officer will consult with the Principal or designate to determine the optimum resolution**

13.1. Notification of Parents

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

- Victims who have been harmed as the result of an activity for which suspension or expulsion must be considered, unless, in the opinion of the Principal/Vice-Principal (or designate),

notification of the parents would put the student at risk of being harmed by the parents. If that is the case, the parents must not be contacted (*Education Act*, 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 or Vice-Principal is otherwise directed by Police because of exigent circumstances or where the Police believe the parent may be implicated
 - If the student is 18 years of age or older (unless the student consents 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 Children's Aid Society (CAS) is involved, CAS and Police officials shall discuss and come to an agreement with the Principal or Vice-Principal regarding the timing and procedure for notifying the parents. In subsequent actions, CAS, Police and the Principal or Vice-Principal will continue to communicate about the investigation when permitted by law.

Unless otherwise directed by Police, the Principal or Vice-Principal shall notify the parents/legal guardians of the student, in a timely manner, if the student is removed from school property.

When the Police remove students from school property for further investigation, the Police shall confirm, with the Principal or Vice-Principal, the time and date of the notification to the parents/legal guardians of such students.

The onus is on the Police to advise the Principal or Vice-Principal (or designate) if notification of the parents would endanger the student or the investigation. The parents should 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.

If a student is detained or arrested, the Police will notify his or her parents unless the student is 18 years of age or older. The parents

should 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 he or she may contact another adult person.

13.2. Preparation for Interviews

If the Police have a need to question a student on school property, the Police officer shall contact the Principal/Vice-Principal (or designate) of the school in which the student is registered to advise the school officials of the nature of the visit and request a meeting with the student.

The Principal/Vice-Principal (or designate) will assist the Police by providing a private location to minimize disruption to the school and prevent embarrassment where possible.

When preparing for interviews of students, the Police, in consultation with the Principal/Vice-Principal or designate, shall:

- Determine the best location for the interview. **If the incident is not related to the school and will have no impact on school safety and is not exigent in nature, the Police should not conduct interviews at the school**
- Evaluate the need for specialized resources where a student is known to have mental health needs or special education needs (see [section 15](#) below)
- Determine 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)

13.3. Conduct during Interviews

When conducting interviews of students:

- Police shall employ appropriate techniques for interviewing children, young persons, and students with special education needs
- Police shall follow guidance pertaining to *Section 146 Youth Criminal Justice Act Statements*

- Police shall 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:
 - During Police interviews with students, an adult must be present throughout the interview, except when the student can waive and has waived the right to have an adult present. Best efforts must be made to have the student's parent(s)/guardian or another adult of the student's choice present
 - Involve the local Children's Aid Society (CAS) in the interview process when an interview involves a child who may be in need of protection.

14. Reporting of Children in Need of Protection

If the alleged offender is not deemed to have been in a care-giving role to the victim, the investigation then falls within the Police mandate only. The applicable Children's Aid Society will, however, be notified if the alleged offender has access to any children. *In the case of a child who behaves in a sexual manner involving another child, the Principal/Vice-Principal (or designate) must notify/consult with the Police who will notify CAS if warranted.*

All phone calls should be directed to applicable CAS as it is the centralized screening unit for general inquiries of alleged abuse.

All school personnel and Police are required and have an ongoing duty to report children who are suspected to be in need of protection to the Children's Aid Society (CAS) as directed pursuant to *CYFSA s.125*. Reports will be made in accordance with the law and with existing school board/CAS protocols and Police/CAS protocols.

14.1. Who Must Report

Section 125(1) of the *Child, Youth and Family Services Act* places an expectation that a person who performs professional or official duties with respect to children must report a child in need of protection. All school personnel have the duty to report when there are reasonable grounds to suspect that a child has suffered, or there is a risk that a child is likely to suffer abuse or neglect.

14.2. Ongoing Duty to Report

Section 125(2) of the *Child, Youth and Family Services Act* states that the duty to report is an ongoing obligation. If a person has made a previous report about a child and has additional reasonable grounds to suspect that a child is or may be in need of protection, that person must make a further report to the Children's Aid Society.

14.3. Duty to Report Directly

Section 125(3) of the *Child, Youth and Family Services Act* states that the person who has the reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to the Children's Aid Society. The person must not rely on anyone else to report on his or her behalf. Often members of the public tell School Board employees that they believe or suspect that a child may be abused, but don't want to make the call to CAS themselves. The professional must advise the person of the duty to report and if not satisfied that a report has been made, the employee must make the call to CAS.

14.4. Failure to Report

Every person who performs professional or official duties with respect to children may be guilty of an offence if they contravene the *Child, Youth and Family Services Act*, subsections 125(5) or (6) by not reporting a suspicion, and the information on which it was based was obtained in the course of his or her professional duties.

Failure to report is an offence under the *Child, Youth and Family Services Act*. Any professional who fails to report their suspicion of a child who is or may be in need of protection is liable on conviction to a fine up to \$5000.00. The decision to charge for failure to report shall be made by the Police or the Children's Aid Society, upon receipt of the information related to a failure to report.

15. Investigations and Students with Special Needs

Principals and Vice-Principals have a duty to ensure that all members of the school community are able to work and learn in a safe, caring and equitable environment. However, in investigations that involve a student known to have special education needs, additional considerations and accommodations, where possible, must be taken into account by school personnel and Police.

If an investigation involves a person known to have special education needs and/or who may require alternative means of communications, the Principal or Vice-Principal making the initial contact with Police shall identify those considerations to the Police. Special education needs shall be taken into account by the Police in the course of the investigation including, but not limited to, the conducting of interviews, the decision whether to notify a parent or guardian, and the determination of whether to lay charges.

The additional considerations to be taken into account when an investigation involves a student (or students) 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 exceptionalities.
- The requirement to accommodate the student, especially when interviewing is necessary. Every attempt should be made to provide specialized supports/resources, as needed, for the student during an investigation.
- The need to ensure that the student's parent is contacted as soon as possible, except in exigent circumstances or where the Police believe the parent may be implicated in the incident.

In cases involving students with special education needs, the Principal or Vice-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.

16. Occurrences Involving Students under Age 12

Where a child under the age of 12 is the respondent, Principals and Vice-Principals are expected to use their discretion in applying the rules outlined in section 8 for reporting incidents to the Police (i.e., Mandatory and Discretionary calls to the Police).

The *Education Act* does not differentiate by age. Children under 12 cannot be charged with an offence under the *Criminal Code*, *Youth Criminal Justice Act*, 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. Despite a child not being of the age of legal responsibility (12+) often young suspects learn violent behaviour as a result of being previously victimized themselves. Police are in a unique position to examine the circumstances of the offence, the needs of the victim and also the needs of the aggressor / suspect child to ensure appropriate wrap-around supports are provided - with the intent of ensuring the suspect child does not repeat the behaviour again.

For students aged 11 years and under, board level consultation is encouraged to determine age appropriate behaviour that should be considered when determining if reporting to police and / or CAS is required.⁵

The following occurrences noted in section 8.1 are subject to reporting to Police please refer to section 8.1 for further guidance.

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

The Principal/Vice-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, and may contact Police as per policy of the board.

The Principal/Vice-Principal will ensure that the student's parent is contacted as soon as possible, except in exigent circumstances or where the Police believe the parent may be implicated in the incident.

⁵ Child, Youth and Family Services Act, s.74(2)(l) as supporting an alternate to police notification.

When an incident involves a child under 12, Police have the authority to take reports, make referrals, conduct interviews and apprehend the child under the *Child, Youth and Family Services Act (CYFSA)*.

17. School Board Communication Strategy

School boards and Police services will develop a communication plan to promote knowledge and understanding of the contents of the protocol as well as consistency in its application. Each partner will be responsible for communicating and implementing this protocol document annually within its own organization.

18. Protocol Review Process

The parties to the protocol will monitor the implementation and conduct a review of the protocol every two (2) years or sooner, if required. The HRPS will initiate and facilitate this bi-annual review process in odd-numbered years (2021, 2023 etc...)

19. Physical Safety Issues

Principals and Vice-Principals who identify a facilities safety issue should consult with the appropriate school superintendent or equivalent.

When requested, Police services may work in cooperation with local school boards and local schools depending on available resources, to assess the physical safety of the school premises, including the building and outdoor areas (e.g., lighting, building design, landscaping). In all cases, final decisions about alterations rest with the School Board, as only the Board has the responsibility to carry out any desired work.

20. Threat Management / Awareness Services

Incidents of violence in schools are often preventable through early intervention in response to threatening behaviour, or non-threatening but worrisome behaviour that may pose a risk of violence.

Recognizing the importance of a coordinated and multifaceted approach on the part of the school board and Police, all parties commit to working together in an effort to promote positive behaviour and prevent school violence.

20.1. School Board Violence Prevention

Each school board will commit to developing its own policy and strategies that help prevent violence.

This may include, but is not limited to:

- Establishing and maintaining the multi-sectoral Violence Threat Risk Assessment (VTRA) Protocol
- Use of restorative practices in schools to enhance safety and create a caring environment
- Establishment of positive school climates in an effort to create a culture of inclusion and prevent bullying
- Help for students to develop social skills, including conflict-resolution skills
- Building positive assets to support positive youth development
- Expanding the knowledge base of positive assets to parents and other caregivers
- Proactively identifying students at risk and giving them extra support
- Use of 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
- Encouraging students to return to the school community after involvement with the criminal justice system, and supporting them in the process
- Suspension and Expulsion Section 306 and 310 of the Education Act as defined by school board process
- Exclusion of Students Education Act 265(m) subject to appeal to the Board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would, in the principal's judgement, be detrimental to the physical and or mental well-being of the pupils

20.2. Police Services Violence Prevention

Police will develop strategies that can help to prevent violence in schools

This may include, but is not limited to:

- Establishing and maintaining the multi-sectoral Violence Threat Risk Assessment (VTRA) Protocol
- Use of restorative justice conferences as an extrajudicial measure
- Development of positive partnerships with all members of the school community, including parents
- Positive adult role model for students
- Establishment of positive relationships with children and youth
- Referrals based on the best interest of the students
- Delivering “opt-in” educational sessions on crime and criminal justice issues
- Participating in an integrated, multi-agency team that can respond to children and youth at risk of conflict with the law (e.g., Halton Situation Table)
- Facilitation of communication and cooperation with school officials, Youth Justice Probation Services, other Police officers, courts, other social services
- Support for students as they return to the school community after involvement with the criminal justice system

20.3. Violence Threat Risk Assessment (VTRA)TM

It is recognized by all contributing organizations that incidents of violence in schools are often preventable through early intervention in response to threatening behaviour, or non-threatening but worrisome behaviour. Taking steps to identify at-risk students through early and ongoing assessment and intervention strategies may reduce the need for disciplinary action and Police interventions.

The Police School Board protocol recognizes the VTRA process is a North American wide standard that provides a consistent response as a ‘trauma-informed and multi-stakeholder practice, as it relates to violence prevention and intervention’.

The Halton Violence Threat Risk Assessment Protocol shall be used by all schools boards as a means of preventing and managing situations that could otherwise negatively affect the safety of students and/or school staff. The collaborative response of HRPS and the involved

school board will follow the defined VTRA pathway to engage with VTRA community partners.

The multidisciplinary consultation team will determine if the “Threat” meets the threshold required in order to proceed with a VTRA. Lower levels of threats not meeting this threshold will follow school board policies to address the situation. (appendix L VTRA/ ARTO - screening guide)

20.4. Cooperation to prevent School Violence

Police services and school boards recognize the need to work together in schools in order to prevent school violence

This commitment to working in partnership is:

- Outlined in each School Board’s Safe Schools policy
- Required through risk and/or threat assessment services with the Halton Regional Police Service

Note: VTRA Documents exist under a separate Protocol and are not included within the Police/School Board Protocol document

21. Emergency Planning and Threats to School Safety

Every school is expected to develop an Emergency and Crisis Response Plan, in keeping with the School Board and Ministry policies. The response plan must include, but may not be limited to:

- Plans and procedures to be followed in response to a security situation that warrants the implementation of a lockdown, hold and secure, or shelter in place or similar type process;
- A plan and procedure for dealing with threats (bomb, fire, gas leak or other concern which places the safety of building occupants at risk) that warrant an evacuation of the property.

Principals must ensure that all Board staff and volunteers understand the complexities and terminology differences (i.e., lockdown, hold and secure) to ensure appropriate response in the case of an emergency.

Teachers, staff, parents and students 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, Fire and EMS.

Appendix D will yield (at a Board level) a template for the essential elements of a Provincial Lockdown Policy along with best practices coordinated through the policy and procedures of the HRPS.

Appendix E will yield (at a Board level) a template for the essential elements of a Provincial Bomb Threat policy along with best practices coordinated through the policy and procedures of the HRPS.

Each school Principal can review the applicable appendix and create their detailed school plan from the templates provided. Although the responsibility for individual School Crisis Response plans rests with the Principal of each school, consultation with Police, Fire, EMS, and/or senior Board staff are encouraged when questions arise.

21.1. Lockdown Plan and Procedures

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

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

Mandatory Requirements

The Ministry of Education and the Ministry of the Solicitor General mandates that:

- All publicly funded school boards in Ontario must establish a lockdown policy to ensure the development and implementation of individual school plans.

- A minimum of two lockdown drills must occur each school year and a record of these shall be maintained.

Note: See Appendix D of this Protocol Document for further Procedures, Responsibilities and associated Checklists.

21.2. Bomb Threat Plan and Procedures

All schools must have plans in place to address a bomb threat, a suspicious package or explosive device found on or in relation to school property. This response plan should also address steps to follow in case of an explosive incident.

According to the RCMP, the overwhelming majority of reported bomb threats are unfounded - but some are not.⁶ Similar to other drills, staff and students must be trained how to respond to any of the above described scenarios. Bomb threat / evacuation drills should not be confused with other types of emergency procedures (i.e., Hold and Secure, Lockdown).

Mandatory Requirements

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"*

Note: See Appendix E of this Protocol Document for further Procedures, Responsibilities and associated Checklists.

Police take the lead role in coordinating efforts to counteract bomb threats.

Police will involve other emergency responders, Explosive Disposal Unit, Fire Department, EMS, and Public Health Department as necessary.

⁶ Ibid Pg 45

22. Training

This Protocol shall be reviewed annually with all appropriate School Board staff as determined by each board.

The School Boards and Police services will provide training on the local Police/School Board Protocol to their respective staff on an annual basis.

Understanding of the protocol and the processes outlined to be followed is critical. The method of delivery and training will be determined by each School Board. A training record shall be maintained.

To improve collaboration between local Police and schools:

- Training will be based upon effective / leading practices; and
- Where possible, the training should be delivered jointly by Police and school board personnel

23. Process for Reporting Failure to Follow Protocol

School: Contact the Board representative responsible for Safe Schools

Police: Contact the Commander or Staff Sergeant of the Regional Community Mobilization Bureau

Questions about the Police – School Board Protocol or its implementation should be directed to the appropriate authorities as identified above