

# POLICE AND SCHOOL BOARD RESPONSE PROTOCOL

Ontario Provincial Police  
(Kenora, Dryden, Red Lake, Sioux Lookout, Atikokan, Pickle Lake,  
Ignace, Upsala, and Fort Frances Detachments)  
Treaty Three Police Service  
Nishnawbe-Aski Police Service



AND

Kenora Catholic District School Board  
Kewatin-Patricia District School Board  
The Northwest Catholic District School Board  
Rainy River District School Board  
Conseil Scolaire de District Catholique des Aurores Boréales



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# **POLICE AND SCHOOL BOARD RESPONSE PROTOCOL**

## **PURPOSE OF THE PROTOCOL**

The Kenora Catholic, Keewatin-Patricia, The Northwest Catholic District School Board, the Rainy River District School Board and the Conseil Scolaire de District Catholique des Aurores Boréales, in partnership with the Ontario Provincial Police – Kenora, Dryden, Red Lake, Sioux Lookout, Atikokan, Pickle Lake, Ignace, Upsala, and Fort Frances detachments, Treaty Three and Nishnawbe-Aski Police believe that students, staff and members of the school community have the right to learn and work in a safe and positive learning environment. The schools, police and community are jointly participating in a number of co-operative programs to establish and maintain this positive, safe learning environment.

Police play a vital role in supporting and enhancing the efforts of schools and their communities to be safer places in which to learn and work. In addition to responding to and investigating school related incidents, police are essential partners in the prevention of crime and violence. At the root of effective school-police partnerships is a common understanding of each partner's roles and responsibilities. Other reasons for this protocol include consistency of approach, promotion of dialogue and effective relationships between schools and police.

Promoting the well-being of all students in Ontario schools is one of the key goals in the government's renewed vision for education. To help achieve this goal, all partners in education – students, parents, school staff, and community organizations – must work together to create and sustain safe, accepting, and healthy schools across the province.

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

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

SIGNATORIES TO THE PROTOCOL

An agreement between the Kenora Catholic District School Board, Keewatin-Patricia District School Board, The Northwest Catholic District School Board, Rainy River District School Board, Conseil Scolaire de District Catholique des Aurores Boréales, Ontario Provincial Police, Treaty Three Police Service, and Nishnawbe-Aski Police Service.



Nicole Kurtz, Director of Education  
Kenora Catholic District School Board

November 10, 2022

Date



Christy Radbourne, Director of Education  
Keewatin-Patricia District School Board

November 10, 2022

Date



Jackie Robinson, Director of Education  
The Northwest Catholic District School Board

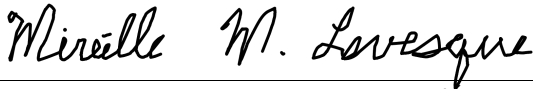
November 17, 2022

Date



Heather Campbell, Director of Education  
Rainy River District School Board

Date



Mireille Major-Levesque, Directrice de l'Éducation  
Conseil Scolaire de District Catholique des Aurores Boréales

November 29, 2022

Date

**Bryan MacKillop BJ** Digitally signed by Bryan  
(M) MacKillop BJ (M)  
Date: 2023.01.16 14:16:23 -05'00'

Bryan MacKillop, Chief Superintendent  
Ontario Provincial Police

January 16, 2023

Date



Kai Liu, Chief of Police  
Treaty Three Police Service

January 16, 2023

Date



Roland Morrison, Chief of Police  
Nishnawbe-Aski Police Service

February 16, 2023

Date

## 1. STATEMENT OF PRINCIPLES

The guiding principles upon which the terms of this agreement are based are:

- the need for students, staff and all members of the school community to be protected from serious incidents, including incidents of violence, during the regular school day and during school sponsored events;
- the need to have a clear understanding of police and school responsibilities;
- the need to promote respect and civility in the school environment;
- the need to respect the fundamental rights of students, teachers, and staff pertaining to disability, race, creed, ethnic origin, gender, gender identity, gender expression, sexual orientation and other prohibited grounds of discrimination under the *Ontario Human Rights Code*; and
- the need to support both rights and responsibilities.

### **Policing in Ontario: Six Principles**

Ontario is the first province in Canada to have a Declaration of Principles written into its statutes. With these principles, Ontario's police are committed to:

1. Ensuring the safety and security of all people and property in Ontario.
2. Safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Ontario Human Rights Code*.
3. Working closely with the communities they serve.
4. Respecting victims of crime and working to understand their needs.
5. Being sensitive to the diverse, multiracial, and multicultural character of Ontario society.
6. Ensuring that police services are representative of the communities they serve.

## 2. INTRODUCTION

The Kenora Catholic District School Board, Keewatin-Patricia District School Board, the Northwest Catholic District School Board, the Rainy River District School Board and the Conseil Scolaire de District Catholique des Aurores Boréales, schools must be safe, caring, inclusive, and equitable places for learning and teaching. A safe, inclusive, and equitable school environment fosters and supports learning and the ongoing development of respect, responsibility, civility, and other positive behaviours and characteristics.

The purpose of this document is to establish a protocol between the Police Services in the Kenora, and Rainy River District and the above-mentioned school boards.

The purposes of and/or the rationale for this protocol are:

- assisting in the greater safety and protection of students, teachers, principals, staff, and volunteers in schools;
- encouraging constructive, ongoing, adaptive, and responsive partnerships between police and the school community such as violence prevention;
- reinforcing the importance of a coordinated and multifaceted approach on the part of schools and police in their interactions with parents and the community, to promote the well-being of students;
- facilitating appropriate sharing and disclosure of information in accordance with privacy laws, including *FIPPA* and *MFIPPA*;
- promoting joint consultation and partnerships between school boards and police services on maintaining a safe school environment;
- ensuring that the obligations and requirements of both the education and police systems are met; and
- ensuring an equitable and consistent approach across a school board's jurisdiction in the way police and schools respond to a school-related occurrence.

### 3. ROLE AND MANDATE OF POLICE SERVICES

**In cases of exigent circumstances, police will assume primary responsibility as may be necessary to ensure school safety. The principal will continue to have a role consistent with their statutory responsibility for the health and welfare of students and members of the school community, and to maintain proper order and discipline in the school.**

The specific roles and responsibilities of the local police service related to young people and the school community, will include:

- 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 and municipal by-laws;
- 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, both against and committed by young people;
- providing information on community safety issues;

- diverting young people away from crime and antisocial behaviour; and
- working in partnership with other government and community-based organizations to support positive youth development.

#### 4. ROLE AND MANDATE OF SCHOOL BOARDS

**In cases of exigent circumstances, the police will assume primary responsibility as may be necessary to ensure school safety.** The Principal will continue to have a role consistent with their statutory responsibility for the health and welfare of students and to maintain discipline in the school.

The specific roles and responsibilities of the school board, principals, teachers, and school staff related to safe and secure schools, will include:

- clearly explaining the board’s code of conduct to students and their families including details such as the definition of the term *weapon* and the potential reach of school discipline with respect to behaviours taking place outside of school that have a *negative impact on school climate*;
- engaging and working 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 B);
- complying with the requirements related to the duties of principals and teachers under the *Education Act* and regulations;
- roles and responsibilities of the 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 (see the glossary entry for “mitigating and other factors” in Appendix A);
- complying with the requirements legislated under the *Child and Family Services Act* (e.g., “duty to report”);
- respecting the board’s code of conduct, as required by the *Education Act* (s. 302);
- ensuring that resources (e.g., on drug awareness, on bullying prevention) are accessible to assist school staff in promoting a positive school environment with students and parents;
- developing policies on how to respond to crises, including the development of a communications plan;
- ensuring that appropriate prevention and intervention strategies are available;
- providing staff with opportunities to acquire the skills necessary to promote safe, equitable, and inclusive school environments; and
- developing an effective mechanism for soliciting input from staff, students’ parents, parent involvement committees (PICs), school councils, and Special Education Advisory Committees (SEACs) in the development of local protocols.

## 5. DEFINITIONS/EXPLANATIONS OF TERMS

The police services and school boards have identified a glossary of terms that provides definitions of terms that are important to assist those who will be administering local protocols. This practice will help maintain consistency among interrelated policies and protocols. The glossary is located in Appendix A of this document.

## 6. A COORDINATED APPROACH TO VIOLENCE PREVENTION

A coordinated and multifaceted approach on the part of the school boards and police promotes positive behaviour and prevents school violence.

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

Police work in partnership with 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; programs that include referrals to appropriate community resources (e.g., those providing counselling or mentoring services, drug awareness/ education programs, or support for seeking employment or housing); and programs such as Crime Stoppers.

Working from a crime-prevention perspective, police can play an important role in the school community, which presents extensive opportunities for employing the strategy of "crime prevention through social development" (CPSD). CPSD involves preventing and reducing crime by identifying and addressing the risk factors associated with crime and victimization. Police use proactive measures that focus on the factors that precipitate the onset of criminal and antisocial behaviour.

CPSD recognizes that the intersection of multiple and complex social, economic, health, and environmental factors may lead to criminality.

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

Strategies that schools can use to help prevent violence include:

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

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

- developing positive partnerships with all members of the school community, including parents;
- being visible within the school community;



- being a positive adult role model for students;
- establishing positive relationships with children and youth;
- making referrals based on the best interest of the students;
- helping deliver educational sessions on crime and criminal justice issues;
- launching, leading, or being part of local planning tables that mobilize community members and agencies to participate in activities designed to address and reduce risk factors and to enhance protective factors for youth at risk of conflict with the law;
- facilitating communication and cooperation with school officials, Youth Justice Probation Services, other police officers, courts, and other social services; and
- supporting students as they return to the school community after involvement with the criminal justice system.

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

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

## 7. OCCURRENCES REQUIRING POLICE RESPONSE

The protocol outlines the types of incidents that require mandatory reporting to police and those for which reporting is discretionary. The following incidents require mandatory reporting to police (for students under the age of 12, refer to section 15 of the Police and School Board Response Protocol). Note that mandatory police reporting does not mean that police will lay charges in every situation; however, for the incidents listed, police *must* be notified. The incidents listed include those that happen at school, during school-related activities in or outside school, or in other circumstances if the incident has a negative impact on school climate.

### ***Mandatory Notification of Police***

At a minimum, the police must be notified of the following types of incidents:

- all deaths;
- bomb threats;
- criminal harassment;
- extortion;
- gang-related occurrences;
- hate and/or bias-motivated occurrences;
- non-consensual sharing of intimate images;
- intentionally summoning emergency services without cause
- physical assault causing bodily harm requiring treatment by a medical practitioner;
- possessing an illegal drug;
- relationship-based violence;
- human trafficking or suspicion of human trafficking;
- robbery;
- sexual assault;
- trafficking in weapons or in illegal drugs;
- possession of a weapon, including, but not limited to firearms;
- using a weapon to cause or to threaten bodily harm to another person.

## ***Discretionary Notification of Police***

Principals should consider mitigating and other factors when deciding whether to call the police in these discretionary situations. It is expected that all other school-related occurrences not specified in the protocol will be dealt with by the principal on a case-by-case basis, and that police will be notified at the principal's discretion. For students with special education needs, school boards should identify circumstances where a police response is neither necessary nor appropriate. Refer to section 14 of this document for further information on dealing with students with special education needs.

Police response may also be needed in connection with the following types of incidents:

- giving alcohol or cannabis to a minor;
- be in possession of, or be under the influence of alcohol, cannabis (unless the individual has been authorized to use cannabis for medical purposes), and illegal drugs;
- threats of serious physical injury, including threats made on social networking sites or through instant messaging, text messaging, e-mail, and so on;
- bullying;
- intimidation
- incidents of vandalism
- trespassing incident
- assault not requiring medical attention;
- illegal/inappropriate use of the Board/school computer network/computer resources;
- any other incident where conduct is so refractory that the Principal, in conjunction with the Supervisory Officer, deems that expulsion is necessary.

## **8. INFORMATION SHARING AND DISCLOSURE**

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

### **a) *Criminal Code***

The police can access a student's Ontario Student Record (OSR) by warrant or subpoena, or with the written consent of a *parent* or legal guardian (s) of the student, or of the student, if the student is 18 years of age or older, or 16 or 17 years of age and withdrawn from parental control. In exigent circumstances, the police can access a student's OSR without a warrant, under section 487.11 of the *Criminal Code*.

### **b) *Youth Criminal Justice Act (YCJA)***

The *YCJA* sets out the procedural requirements for 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 are of particular relevance for the police/school board protocols:**

- subsection 110(1), which states that no person shall publish the name of the young person or any information that would identify the young person as a young person dealt with under the *YCJA*;

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

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

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

Further information regarding the release of students’ personal information can be found in the Office of the Information and Privacy Commissioner’s *Guide to Ontario Legislation Covering the Release of Students’ Personal Information*, at [www.ipc.on.ca/english/Resources/Discussion-Papers/Discussion-Papers Summary/?id=495](http://www.ipc.on.ca/english/Resources/Discussion-Papers/Discussion-Papers%20Summary/?id=495)

The Ontario Student Record (OSR) is privileged for the information and use of supervisory officers and the 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: with the written permission of the parent or guardian of the student, or where the student is an adult, with the written permission of the student; through a search warrant requiring the surrender of an OSR to the police; or through a subpoena or appropriate court order.

The Privacy Commissioner for Ontario has released a *Practice Tool for Exercising Discretion – Emergency Disclosure of Personal Information by Universities, Colleges and other Educational Institutions*. It is important to note that privacy laws in Ontario 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.

### **d) *Reporting Children in Need of Protection***

We all share a responsibility to protect children from harm. This includes situations where children are abused or neglected. Ontario’s *Child, Youth and Family Services Act, 2017 (CYFSA)* provides for protection for children. Section 125 of the *CYFSA* states that the public, including professionals who work

with children, must promptly report any suspicions that a child is or may be in need of protection to a children's aid society (society). The *CYFSA* defines the phrase "child in need of protection" and explains what must be reported to a society. It includes physical, sexual and emotional abuse, neglect, and risk of harm. The *Youth Criminal Justice Act* [in s.35] also outlines the authority to refer a young person to a child and welfare agency to determine whether the youth is in need of child welfare services.

**e) *Child, Youth and Family Services Act (CYFSA 2017)***

Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall immediately report the suspicion and the information on which it is based to a society:

1. The child has suffered physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
  - i. failure to adequately care for, provide for, supervise or protect the child, or
  - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.
2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
  - i. failure to adequately care for, provide for, supervise or protect the child, or
  - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.
3. The child has been sexually abused or sexually exploited by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual abuse or sexual exploitation and fails to protect the child.
4. There is a risk that the child is likely to be sexually abused or sexually exploited.
5. The child requires treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide the treatment or access to the treatment, or, where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, the treatment on the child's behalf.
6. The child has suffered emotional harm, demonstrated by serious,
  - i. anxiety,
  - ii. depression,
  - iii. withdrawal,
  - iv. self-destructive or aggressive behaviour, or
  - v. delayed development,

and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.

7. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
8. There is a risk that the child is likely to suffer emotional harm and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to prevent the harm.

9. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide the treatment or access to the treatment, or where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
10. The child's parent has died or is unavailable to exercise custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.
11. The child is younger than 12 and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to treatment.
12. The child is younger than 12 and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately.

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. SCHOOL PROCEDURES FOR REPORTING TO POLICE**

In an emergency requiring police, ambulance or fire services, school staff will immediately call 911.

In a non-emergency situation, school staff will consult with the principal or designate before police are contacted and notify respective Superintendent. Parents should be advised, and the police contacted accordingly.

### **i. Incidents of Concern (See Section 7 for mandatory reporting)**

**The following occurrences shall require police involvement:**

- all deaths;
- bomb threats;
- criminal harassment;
- extortion;
- gang-related occurrences;
- hate and/or bias-motivated occurrences;
- non-consensual sharing of intimate images;
- intentionally summoning emergency services without cause
- physical assault causing bodily harm requiring treatment by a medical practitioner;
- possession of an illegal drug;
- relationship-based violence;

- robbery;
- sexual assault;
- suspicion of human trafficking
- trafficking in weapons or in illegal drugs;
- possession of a weapon, including, but not limited to firearms;
- using a weapon to cause or to threaten bodily harm to another person.

**The following occurrences may require police involvement:**

- giving alcohol or cannabis to a minor;
- be in possession of, or be under the influence of alcohol, cannabis (unless the individual has been authorized to use cannabis for medical purposes), and illegal drugs;
- threats of serious physical injury, including threats made on social networking sites or through instant messaging, text messaging, e-mail, and so on;
- bullying;
- intimidation;
- incidents of vandalism; and
- trespassing incident.

It is expected that all other school related occurrences not specified above shall be dealt with at the discretion of the Principal on a case-by-case basis.

**ii. Investigating and Reporting a Serious Violent Incident**

Serious violent incidents occurring at the school will be addressed by the school administration and the police.

**Role of School**

- a. All instances of serious violent behaviour between students, staff members or non-students shall be investigated by the Principal.
- b. The Principal shall call the police.
- c. The Principal should contact the parents/guardians of the student directly involved. If the student is 18 years of age or older, or 16 or 17 years of age and withdrawn from parental control, contact with the parents/guardians will only be with the consent of the student. If the student is under the age of 12, the principal may consider referring the student to Child and Family Services. The *Youth Criminal Justice Act* [in s.35] also outlines the authority to refer a young person to a child and welfare agency to determine whether the youth is in need of child welfare services.
- d. If a staff member is involved, the Principal will recommend that the staff member notify his/her union/federation representative.
- e. The school investigation should include documenting observations of any physical evidence (cuts, bruises, torn clothing, written threats, etc.) and documenting interviews with any witnesses. If any physical evidence is seized, the evidence shall be secured and the number of people who handle it limited.

- f. After the occurrence of a serious violent incident leading to a suspension/expulsion or report to police, a Violent Incident Report Form must be completed by the Principal, and filed in the Ontario Student Record. The procedure can be found in the appendix in the Safe Schools Policy.
- g. Disciplinary procedures for a student involved in a serious violent incident, which could include counseling, suspension, alternative education placement or expulsion, will be applied as outlined in the Code of Conduct policy.
- h. Disciplinary measures for a staff member alleged to be the perpetrator in a serious violent incident shall be handled according to the Code of Conduct policy.
- i. Where the individual is a student of another school, disciplinary measures could include counseling, suspension, or initiating expulsion proceedings in accordance with Board policy and the *Education Act*.
- j. A copy of all reports related to the school's investigation should be kept on file.

### Role of the Police

- a. The police, upon request of the Principal, staff member, student or parents/guardians, may conduct an investigation of any serious violent incident.
- b. The police will advise the complainant(s), as appropriate, of the outcome of their investigation.

The police, in the course of an investigation, may need to speak to students who are potential witnesses, victims or suspects, or have knowledge of some criminal activity. If the school encounters a problem which necessitates the involvement of the police, the Principal shall request police attend at the school. The following procedure will be used when students are being interviewed as witnesses, victims or suspects.

Note: Remember *Youth Criminal Justice Act* disclosure concerns re: offences committed or alleged to be committed by a young offender.

- a. If the police wish to question a student on school property, the police officers shall contact the Principal of the school that the student is attending, to advise the school administration of the nature of the visit, and to request a meeting with the student.
- b. Under the *Youth Criminal Justice Act* a “young offender” is any person from the age of 12 through 17. Although students under age 12 cannot be charged criminally, the police may still intervene to facilitate communication between the school and parents/guardians. When a student under 12 years of age has killed or seriously injured another person, or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent/legal guardian does not provide or refuses or is unavailable or unable to consent to, those services or treatment then the matter should be referred to Child and Family Services as a child who may be in need of protection.

If the student who is being questioned is 12-17 years of age, the school will advise the student that their parents/guardians shall be contacted, by the school, prior to any interview with the police, subject to the notes below. **At that time the parents/legal guardians shall be advised that their child is being interviewed as a witness, as a victim or as a suspect.** If the student who is being questioned is 18 years of age or older, or 16 or 17 years of age and withdrawn from parental control and therefore considered an adult, the school shall not contact the parents/legal guardians without the permission of the student.

**Note:** If the parents/legal guardians refuse to grant permission for the student to be interviewed by the police, the school administrator will request that the police conduct their investigation off school property.

**Note:** If the student is a crown ward or ward of Child and Family Services, the legal guardian is considered to be Child and Family Services. The *Youth Criminal Justice Act* [in s.35] also outlines the authority to refer a young person to a child and welfare agency to determine whether the youth is in need of child welfare services.

**Note:** There may be times of exceptional circumstances where the parents/legal guardians should not be contacted, e.g., the parents/legal guardians are the suspects of a crime about which the student is being interviewed and to contact the parents/legal guardians could interfere with the police investigation. In such cases, it is the responsibility of the police to determine the proper course of action.

- c. If the parents/guardians of the student under 18 years of age do not wish to attend the school or the school is unable to contact the parents/legal guardians, within a reasonable amount of time, or the adult student (18 years or older, or 16 or 17 years of age and withdrawn from parental control) expresses the desire that they do not wish their parents/legal guardians contacted, the Principal shall request that the interview be delayed until contact is made or request that the interview take place outside of the school.

**Note:** In exceptional circumstances if the student expresses their right not to have the Principal present, the school administrator will request the police to conduct their investigation off school property. The Principal and the police will document this request.

- d. It is the responsibility of the school to communicate to the police officer if any student has a learning disability or other exceptionality that may impede the student from expressing or understanding written/oral communication. The police have contingency plans to address these types of situations. The Principal shall request that the interview be delayed until parental contact is made. It is preferred that the interview takes place in the presence of the parent.
- e. A private room may be made available for such interviews to ensure confidentiality for students and parents/guardians.
- f. If the student is not in attendance at school on that day, the school shall inform the police officer of the student's proper date of birth, address, phone number, and the parent's/guardian's home and business phone numbers, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation of law enforcement proceedings.

## **Police Access to School Records**

The *Education Act* has specific provisions governing control and access to the Ontario Student Record (O.S.R.). The O.S.R. and other records such as attendance reports, suspension records, incident reports, etc., may be the subject of a warrant or subpoena.

In civil matters a court may issue an order to produce certain records, and in those situations the Principal shall produce a copy of the OSR or other records in accordance with the court order.

In criminal matters, if a school Principal is served with a warrant requesting an OSR or other records, the Principal is obliged to comply with the warrant and will provide a copy of the OSR contents and other records as specified.



If a Principal is personally served with a subpoena requiring his/her testimony in a criminal case, he/she is obliged to comply with the subpoena, attend court, and, if requested, produce the original OSR to the court, but request that a copy be entered into evidence. A Principal should produce three copies for the court and other records if required.

If the police are conducting an investigation for the purpose of law enforcement proceedings, the school Principal, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, shall release “general information” (such as the name, address and phone numbers of a student or staff) to the law enforcement official.

## **Trespass**

Under the *Trespass to Property Act* and the *Ontario Code of Conduct, Regulation 474-00, Access to School Premises*, a District School Board has all the right of an “occupier” to maintain control over the school premises, which is broadly defined to include the school building, playground, gymnasium, offices and parking area, etc.

Regulation 474-00 states that:

The following persons are permitted access to school property during hours of operation:

- Pupils enrolled in the school;
- Parents or guardians of such pupils;
- Persons employed or retained by the board;
- Persons on school property for lawful purposes.

The following persons are permitted conditional access to school property, provided they are there for a specific purpose:

- Persons invited to attend an event, class or meeting;
- Persons invited by the Principal, Vice-Principal, or someone else authorized by board policy to do so.

The following persons are prohibited access to school property:

The Principal or designate will notify the local OPP and provide names of individuals who are prohibited access to school(s) property. The OPP **may** assist with the delivery of the formal notification.

- Anyone whose presence, in the Principal’s judgement, is detrimental to the safety or well-being of a person on the premises;
- Any person who fails to report their presence in the manner specified by the school or board.

## **Drugs, Alcohol and Tobacco**

The illegal possession, distribution, or use of drugs, alcohol, e-cigarettes, cannabis or tobacco by students is not permitted on school premises.

### Role of the School

- a. The schools will endeavour through their curriculum to discourage the prohibited use of drugs, alcohol, e-cigarettes, recreational cannabis, and tobacco and to educate students of the resulting harmful effects.
- b. The schools will support the *Smoke Free Ontario Act, 2017* and *Cannabis Act, 2017*.

- c. Trafficking in drugs, and possession are extremely serious offences and will be considered in a recommendation for expulsion from school, considering mitigating circumstances.
- d. Students and parents/legal guardians should be made aware of rehabilitative counselling services to overcome drug and alcohol problems.
- e. In the event students are suspected of being in possession of any drugs or alcohol, reference should be made to **section 11 (b) of this Protocol governing Search and Seizure**.

#### Role of Police

- a. The Police will conduct the appropriate interviewing and investigation in accordance with **sections 10 and 11 of this Protocol**.

### **Vandalism**

Vandalism, which in *The Criminal Code of Canada* is referred to as mischief, is any willful damage to school property. Vandalism is a crime.

The District School Boards and police recognize that immediacy in contacting the police regarding any vandalism complaint will assist in the investigation and preservation of evidence. However, in the event of minor vandalism, it is left to the discretion of the Principal to handle it internally through disciplinary action and/or securing compensation for damage.

- a. It is the responsibility of the school Principal to immediately upon discovery report all major acts of vandalism or mischief to the police to investigate.
- b. It is the responsibility of the school Principal to advise the appropriate Superintendent and other personnel of major incidents of school vandalism so that the building can be properly secured.
- c. If possible, the school Principal shall provide the investigating officer with a written financial costing of the damage in order to seek restitution. Alternatively, this information shall be provided to the police or Crown Attorney's Office as soon as available.
- d. When dealing with alleged offenders under age 12 (the legal age of accountability) involved in causing damage to school property, the Principal may contact the police for assistance in conducting the investigation. The Principal may also inform the parents/guardians, suspend the student involved and arrange with the parents/guardians/student for restitution for the damage caused. If the vandalism is extensive and repeated, the principal may contact Child and Family services to report a child in need of protection. The *Youth Criminal Justice Act* [in s.35] also outlines the authority to refer a young person to a child and welfare agency to determine whether the youth is in need of child welfare services.

### **Immediate Emergencies**

**If there is a crisis in the school the police shall be contacted in accordance with the school emergency plans. Schools will follow all legislative requirements under the *Education Act and Regulations*, Ontario Regulation 472/07, PPM 128, 144, 145 and PPM 119.**

## Weapons

### Definition of a Weapon

- a. The term “weapon” has broad meaning. It includes everything from legally-restricted weapons (like firearms) to commonplace objects like penknives, baseball bats and even a pencil. Individual circumstances or the particular use of an object will dictate whether an object is viewed as a weapon or not.
- b. *The Criminal Code of Canada* defines “weapon” as follows:
  - anything used, or intended for use in causing death or injury to persons whether designed for that purpose or not, or
  - anything used or intended for use for the purpose of threatening or intimidating any person.
- c. Essentially, a restricted weapon is a firearm requiring a permit for use of possession. It includes handguns, rifles with barrels of less than 18” or less than 26” overall, and full-automatic weapons.

Prohibited weapons are miscellaneous devices banned by *The Criminal Code of Canada*. No one may use or have these in their possession. Included are gas discharge devices (e.g., mace), nunchaku sticks, throwing stars, electronic “zappers”, brass knuckles, silencers, and switchblade knives.

### Possession of a Weapon by Students

- a. When a student is found to be in possession of an “object” on school property or at a school function, which in the Principal’s opinion is a “weapon” as defined in this protocol, the Principal shall ask the student to hand over the object if it is safe to do so. If the student refuses to relinquish the weapon, the police shall be called.
- b. If the Principal determines that it would not be prudent to return the object/weapon to the student, the Principal may return it to the student’s parents/guardians after appropriate communication with them. In addition, the Principal may take appropriate disciplinary action.
- c. If the object is a restricted or prohibited weapon, including a firearm, it must be turned over to the police and the Principal shall take appropriate disciplinary action.
- d. Principals may deny entry to school-sponsored activities to anyone, including students, whom they know to have a history of violence or who have been found in possession of any weapon.

### Possession of a Weapon by Persons other than Students

- a. Where a person who is not a student is found to be in possession of a weapon on school property or at a school function, the Principal shall make every effort to ensure the safety of students and staff and call the police for assistance.
- b. The Principal, if it is safe to do so, has the authority to request any person to leave the property under appropriate circumstances in accordance with the *Education Act* and the *Trespass to Property Act*.

## Use of a Weapon by Students

- a. When a student has used a weapon the school Principal shall do the following:
  - Contact the police, and if necessary other emergency services (i.e., fire, ambulance).
  - Communicate with the student's parents/legal guardians if the student is under the age of 18.
  - Contact the appropriate supervisory officer.
  - Immediately suspend the student and investigate a possible expulsion
- b. Any student who uses a weapon on school property or at a school function may be charged after a police investigation.
- c. Principals may deny entry to school-sponsored activities to anyone, including students, whom they know to have a history of violence or who have used any weapon.

## **Bomb Threats**

### **SEE APPENDIX C FOR DOCUMENTATION OF BOMB THREAT**

**The Principal in consultation with local police and Director of Education or Designate shall determine appropriate measures to be undertaken based on information documented on initial assessment of bomb threat.**

1. The direction of the police or fire department supersedes the Board policy.

Most bomb threats are made by telephone to places of employment. When you are prepared for such a call, you can respond in a calm manner, ask for specific information about the bomb and listen for some identifying characteristics of the caller. While on the telephone, you may be able to initiate a trace of the telephone number of the caller, providing vital information about the caller's whereabouts.

2. Search Procedures:

The police may carry out a search of the school and may direct that the following procedures should be used.

If it is determined by the police that it is safe to conduct a search, the following procedures may apply. The search will be conducted at the direction of the police.

As a routine procedure, staff should inspect their own work areas daily and make note of anything unusual or out of place.

Employees of a building, office or area are generally aware of the contents and, as such, are more likely to recognize any suspicious item. Any item that is not immediately recognized should be considered suspect until proven otherwise.

The searchers should be occupants who are familiar with the areas and designated by the person responsible for the building or area or by police.

- a) The police will select a control point with suitable communications facilities available. This is normally the office. A map of the school shall be available to verify areas checked. A file for this purpose will be established.
- b) Search the selected control point before use.
- c) Allot areas to be searched using the following guidelines:  
(CAUTION – DO NOT TOUCH ANY SUSPECT ITEM)
  - i. areas accessible to the public and entrances or exits should be visually searched first;
  - ii. occupants do a visual search of their own working areas and areas they are familiar with;
  - iii. instruct searchers to report any suspect item immediately and record its description, size, shape, etc., and exact location on floor plan;
  - iv. do not stop if suspect item is found – more than one device may be present – the obvious item may be a hoax – continue to search until the entire area is covered;
  - v. instruct searchers to report to the control point after each search area is completed for additional area to be searched;
  - vi. continue to search until all areas are covered.

Note: Evacuation may be temporary pending the search of the building. It is not an automatic dismissal of students.

3. The decision to return to the school will be made by the police.
4. Follow-up meeting with police should take place to create a plan for subsequent bomb threats.
5. At the Principal's discretion, counselling may be provided for staff and students.

## **Abduction**

If an abduction or suspected abduction has taken/is taking place, the staff member will inform the Principal who in turn will contact the police.

The following information will be shared, if available:

- Location of incident;
- Whether it is in progress or when it occurred;
- Victim's name if known and description;
- Suspect's name if known and description;
- Vehicle description;
  - direction of travel
  - license plate
- The action by the suspects or victim that made it appear to be an abduction.

The Principal and staff member will remain at the scene until the police arrive.

## **Armed Person**

If an armed person is present on the school premises, the police will be contacted.

The following information will be shared, if available:

- Location of incident;
- Type of weapon;
  - rifle
  - shotgun
  - pistol
  - caliber if known
  - knife
  - other
- Whether a weapon was used, i.e.: fired or brandished;
- Where the suspect is now; if gone, method and direction of escape;
- Vehicle description;
- Direction of travel;
- License plate;
- Whether there is any danger to caller;

The Principal will provide direction in consultation with the police.

## **Hostage**

If a hostage situation is present on the school premises, the police will be contacted.

The following information will be shared, if available:

- Where this is occurring, specific room or floor;
- The type of weapons involved;
- The number of hostages and if any are injured;
- The number of suspects and whether they are known to you;
- Whether the suspect is violent or has threatened violence;
- Whether there are vehicles involved;
  - description
  - license numbers.

## **Attempted Suicide**

If an attempted suicide is suspected, the staff member will contact the Principal who will, in turn, contact the police.

The following information will be shared, if available:

- Where is this occurring;
- The types of weapons involved;
- Whether the attempt is in progress or just threatened;
- How the attempt is being made? i.e., pills, knife;

- Name and description of person;
- Whether there is someone close to them available;
- Whether there have been previous incidents.

## Assaults

*The Criminal Code of Canada* defines assault in the following manner:

- a. the application of force intentionally to another person, directly or indirectly, without the consent of that other person, or
- b. to attempt or threaten, by an act or a gesture, to apply force to another person, when you have, or cause another person to believe upon reasonable grounds that you have, the present ability to effect such a purpose, or
- c. while openly wearing or carrying a weapon or an imitation thereof, you accost or impede another person or being.

Acts of assault on or by students, and on or by members of staff will not be tolerated.

There is often little to distinguish fighting from assault. School procedures, and consequences in dealing with fighting may thus be similar to those for assault. Also, threatening, under *The Criminal Code of Canada*, is a form of assault. School procedures and consequences in dealing with threatening may thus be similar to those for assault.

With respect to sexual assaults, reference should be made to the Board's Safe Schools Policy.

## Role of the School

- a. All instances of assault and fighting will be investigated by the Principal. Depending on the nature, extent and seriousness of the incident, it will be left to the discretion of the Principal as to whether or not their respective Superintendent and the police are contacted.
- b. In an assault, the Principal shall notify the superintendent of all allegations that a staff member has been involved.
- c. The Principal should contact the parents/guardians of any student directly involved in any assault or fighting. If the student is 18 years of age or older, or 16 or 17 years of age and withdrawn from parental control, contact with the parents/legal guardians will only be made with the consent of the student.
- d. The school investigation should include documenting observations of any physical evidence (e.g., cuts, bruises, torn clothing, etc.) and documenting interviews with any witnesses. If any physical evidence is seized, secure the evidence and limit the number of people who handle it.
- e. After the occurrence of a serious violent incident leading to a suspension/expulsion or report to police, a Violent Incident Report Form must be completed by the Principal and filed in the Ontario Student Record.
- f. Disciplinary procedures for a student which could include counselling, suspension, alternative education placement or expulsion, will be applied as warranted.
- g. Disciplinary measures for a staff member, alleged to be the perpetrator in an assault, shall be handled according to Board policy.

- h. Where an injury to a student has occurred, the appropriate Board insurance form must be completed.
- i. If a staff member is involved and has received any injury, the Principal shall investigate the occurrence and document for submission to the Human Resources department.
- j. If a staff member is involved, the Principal will recommend that the staff member notify his/her union/federation representative.
- k. Where the individual is a student of another school, disciplinary measures could include counselling, suspension, or initiating expulsion proceedings at the discretion of that student's Principal.
- l. A copy of all reports related to the school's investigation should be kept on file.

### Role of Police

- a. The police, upon the request of the Principal, staff member, student or parents/guardians shall conduct an investigation of any allegations that an assault has occurred.
- b. The police will advise the complainant(s), as appropriate, of the outcome of this investigation.

### **Gang Activities**

The District School Boards and police have a joint interest in wanting to identify gang-related activities in order to prevent the initial formation of gangs or the continuation of gangs. Some youths join or stay in gangs due to the companionship, protection, and excitement that they provide, or in response to peer pressure. Once a member of a gang, they are generally afraid to leave for fear of retaliation.

### Role of the School

- a. Teachers should watch for and report to their Principal any early warning signs of a youth's involvement in a gang, such as change in dress and/or behaviour.
- b. Staff should be made aware that some indicators of gang membership are the use of certain graffiti or insignia, similar dress and/or hairstyle, bandannas, choice of colours, use of unique language or hand signals.
- c. In order to maintain the moral tone of the school, the Board will support Principals enforcing a dress code prohibiting the wearing of clothing or display of symbols that incite hatred or biases or identifies a student with gang involvement.
- d. The Principal may bring these same concerns to the attention of the student's parents/guardians by way of a personal letter, phone call and/or interview.
- e. The Principal may suggest counselling programs to assist the student(s).
- f. Depending on the nature and severity of the circumstances, an alternative placement for the student may be considered in order to remove the student from the influence of the gang.
- g. If the Principal suspects or is informed that gang-related illegal activities are occurring on school premises or within the neighbourhood of the school, the Principal shall report the matter



to the police in order to seek assistance in the investigation of the matter and the disbanding of the gang.

### Role of Police

- a. The police monitor gang-related activities and can offer assistance to schools facing problems with gang-related activities.

### **Possession/Use of Firecrackers or Fireworks**

Fireworks cannot be sold, or given or possessed by any person under age 18.

In the interest of preserving safety and avoiding any injuries to staff or student, no person shall possess, sell, offer for sale, give or distribute, or set off any firecrackers or fireworks on school premises, or at any school sponsored event.

In the event any person is found to have used or is in possession of firecrackers or fireworks while on school premises or at a school sponsored event, the Principal may take any of the following steps he/she deems appropriate in the circumstances:

- a. The items shall be confiscated and safely disposed of in accordance with police instructions.
- b. Disciplinary action may be imposed by way of a suspension.
- c. The parents/legal guardians shall be contacted, and the police may be contacted.

### **10. INITIAL POLICE CONTACT**

A police officer who responds to a report of a school-related incident is required to follow the following procedures. *Under exigent circumstances, or if the Principal is being investigated*, the officer is not required to follow the procedures set out below.

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

- report to the principal, providing proper identification;
- explain the purpose of the visit, and plan with the Principal on how to proceed;
- consider alternatives that limit the disruption to the school day;
- obtain information from the principal about the student (e.g., regarding accommodation needs or barriers to communication) before making contact with the student; and
- contact, or make arrangements with the Principal to contact, parents of students under the age of 18 (see section below).
- where the Principal is under investigation, the investigating police officer shall contact the Director of Education or designate to determine the best course of action in conducting the investigation.

## 11. SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS

While it is important that the Principal not do anything to prejudice the police investigation, it is also important that the police recognize and respect the Principal's obligations under the *Education Act (Act)*. For example, under the *Act*, a school board's decision regarding expulsion of a student must be made within twenty (20) school days from the date when the student was suspended. Police need to be aware of this fact and should, when possible, share with the Principal information that may be relevant to that decision. In addition, protocols should refer to the need for police and schools to cooperate, whenever possible, regarding their investigations.

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

The Principal will inform police of any logistical information about the school (e.g., the hours of the school day and class rotation schedules) that may be relevant to the investigation process. Police services will endeavour to work within these logistical considerations in order to minimize the disruption to the school. Unless other options have been exhausted, police services should not use the school as a place of convenience in which to interview or arrest students for matters that do not pertain to the school.

Principals have a legislated responsibility under the *Education Act* to conduct investigations related to suspensions and expulsions. These investigations require that Principals interview involved students and/or staff.

Police and Principals will work together to ensure that the requirements of the *Education Act* are fulfilled and that the integrity of criminal investigations are maintained in appropriate circumstances.

In serious matters, when a police investigation has commenced, students shall not be interviewed by the Principal without the Principal first discussing the matter with police.

If police direct the principal to halt the school investigation, the principal should follow this direction and document the date, time, police officer information and direction given.

There are situations, for example, sexual assault investigations, where police may ask Principals not to interview or re-interview victims, suspects or witnesses. This will minimize the possibility of jeopardizing a police investigation or subsequent court proceedings.

When police conduct an investigation, they can generally provide a verbal account of the investigation to the principal. Principals may make notes regarding the information and use those notes as part of their investigation.

### a) Legal Rights

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

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

During a police investigation at a school, it is the responsibility of the police to explain to a young person their rights in a manner that enables him or her to understand those rights.

## b) Search and Seizure

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

- procedures to be followed in personal and premise searches, in accordance with the *Ministry of Community Safety and Correctional Services' Guidelines LE-011* on search of premises, and LE-012 on search of persons, and relevant federal legislation;
- roles and responsibilities of police and school personnel in conducting searches of persons or property;
- the requirement that police notify the Principal before conducting searches on school premises. (Under some exigent circumstances, police may execute a search without a warrant and without notice to the Principal.); and
- the continuing responsibility of the Principal for students even when police are on school premises.

The *Canadian Charter of Rights and Freedoms* states that “Everyone has the right to be secure against unreasonable search or seizure”. The Supreme Court of Canada in *R. vs. M.R.M.* (1998) and the Ontario Court of Appeal *R. vs. J.M.G.* (1986) have stated that a Principal, who has reasonable grounds to do so, may conduct a search of a student or their possessions in carrying out their duties to maintain order and discipline in the school under the guideline of the Search and Seizure policy.

It is the responsibility of the Principal to advise the students at the beginning of the school year that desks and lockers are school property and there is no expectation of privacy; therefore, a search of such property is permissible by the school administration. In this case the Principal is acting as an agent of the Board and not as an agent of the police. However, it may be advisable that the student be present when the locker or desk is being opened to avoid allegations that the administration planted something or took something from the locker or desk.

A Principal has the duty to carry out an investigation to establish the nature and extent of the offence, but when it becomes apparent that an offence has been committed, the police shall be notified. However, in the case of minor offences, it will be left to the discretion of the Principal as to whether or not the Police and/or the appropriate Superintendent are contacted.

## c) Detention and Arrest

Where investigations result in detention and/or arrest, the police and the Principal should pay particular attention to the following procedures and responsibilities:

- police procedures to be followed in the detention and/or arrest of suspects, in accordance with the *Ministry of Community Safety and Correctional Services' Guideline 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/legal guardians under s. 26 of the Act).

When making an arrest, police officers shall

- identify themselves as a police officer;
- 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 the Right to Counsel;
- search the person; and
- place the person in handcuffs using the approved manner.
- Please note that staff are authorized by law to enforce the law, where necessary, provided that the staff member acts on “reasonable grounds, [is] justified in doing what he/she is required to do and in using as much force as necessary for that purpose” (s.25(1) *Criminal Code*)
- Examples include breaking up of a fight or detaining a student in the possession of an illegal substance.

On occasion the police may have to charge or arrest a student and subsequently may wish to interview that student. The following procedure will be used when students are being interviewed as charged or arrested individuals:

- a. If the police wish to charge or arrest a student on school property, the police officer shall, where possible, contact the Principal of the school that the student is attending to request a meeting with the student. In the case of “fresh pursuit”, the police may not be able to immediately advise the school administration of the reason for their actions.
- b. Under the *Youth Criminal Justice Act* a “young offender” is any person from the age of 12 through 17. Although students under age 12 cannot be charged criminally, the police may still intervene to facilitate communication between the school and parents/legal guardians. When a student under 12 years of age has seriously injured another person or caused serious damage to another person’s property, and the parental response to a child’s behaviour or need for treatment is inappropriate, the matter should be referred to Child and Family Services as a child who may be in need of protection.

If the student, who is being charged or arrested by the police, is 12 - 17 years of age, it is the responsibility of the police to act in accordance with any legal requirements. Once the student is charged/arrested, the *Youth Criminal Justice Act* governs. Notifications must be as required by the *Youth Criminal Justice Act*. If the student is removed from school, the Principal will notify the parents/legal guardians as soon as possible.

**Note:** If a student is a crown ward or a ward of Child and Family Services, the legal guardian is considered to be Child and Family Services. The *Youth Criminal Justice Act* [in s.35] also outlines the authority to refer a young person to a child and welfare agency to determine whether the youth is in need of child welfare services.

**Note:** There may be times of exceptional circumstances when the parents/legal guardians of a charged or arrested student should not be contacted. e.g., the parents/legal guardians are party to the offence and to contact them immediately could interfere with the police investigation. In such cases, it is the responsibility of the police to determine the proper course of action.

- c. If the student, who is being questioned by the police is 18 years of age or older, or 16 or 17 years of age and withdrawn from parental control and therefore an adult, the school shall not contact the parent/guardians without the permission of the student. If the adult student expresses the desire that they do not wish their parents/guardians contacted, the Principal shall request that the interview occur off of school property.

**Note:** In exceptional circumstances, if the student expresses their right not to have the Principal present, the school administrator will request that the police conduct their investigation off school property. The Principal and the police will document this request.

- d. It is the responsibility of the school to communicate to the police officer if any student has a learning disability or other exceptionality that may impede the student from expressing or understanding written/oral communication. The police have contingency plans to address these types of situations. The Principal shall request that the interview occur in the presence of the parents.
- e. A private room will be made available for such interviews to ensure confidentiality for students and parents/guardians.
- f. If the student is not in attendance at school on that day, the school shall inform the police officer of the student's proper date of birth, address, phone number, and the parents'/legal guardians' home and business phone numbers, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation of law enforcement proceedings.

#### **d) Supports for Victims**

It is important that police and the Principal be aware of the following procedures and responsibilities with respect to providing support for victims:

- procedures consistent with the *Ministry of Community Safety and Correctional Services' Guideline VA-001* on victims' assistance;
- roles and responsibilities of police and school personnel, such as: - the requirement that police officers remain at the scene until satisfied that there is no imminent threat to the victim and that issues related to the victim's safety have been addressed; – the obligation that the Principal inform the parents of victims who have been harmed as a result of an activity for which suspension or expulsion must be considered unless, in the Principal's opinion, doing so would put the victim at risk of harm from the parents (*Education Act*, s. 300.3(1) and O.Reg. 472/07); and – the requirement that all board employees who work directly with students are expected to support all students, including those who disclose or report such incidents, by providing them with contact information about professional supports (e.g., public health units, community-based service providers, agencies, Help Phone lines);

- notice to victims and (when applicable) their parents of the services available to them and other considerations, such as:
  - police services for victims;
  - student support services of the local school board;
  - services offered by other municipal, community, and social service agencies, including legal services;
  - access to information; and
  - confidentiality of victim and witness identity (s. 111, *Youth Criminal Justice Act*);

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

School staff shall refer to their board's policies and procedures regarding support to victims and others involved who have been harmed as a result of an activity for which suspension or expulsion must be considered.

## 12. POLICE INTERVIEWS OF STUDENTS

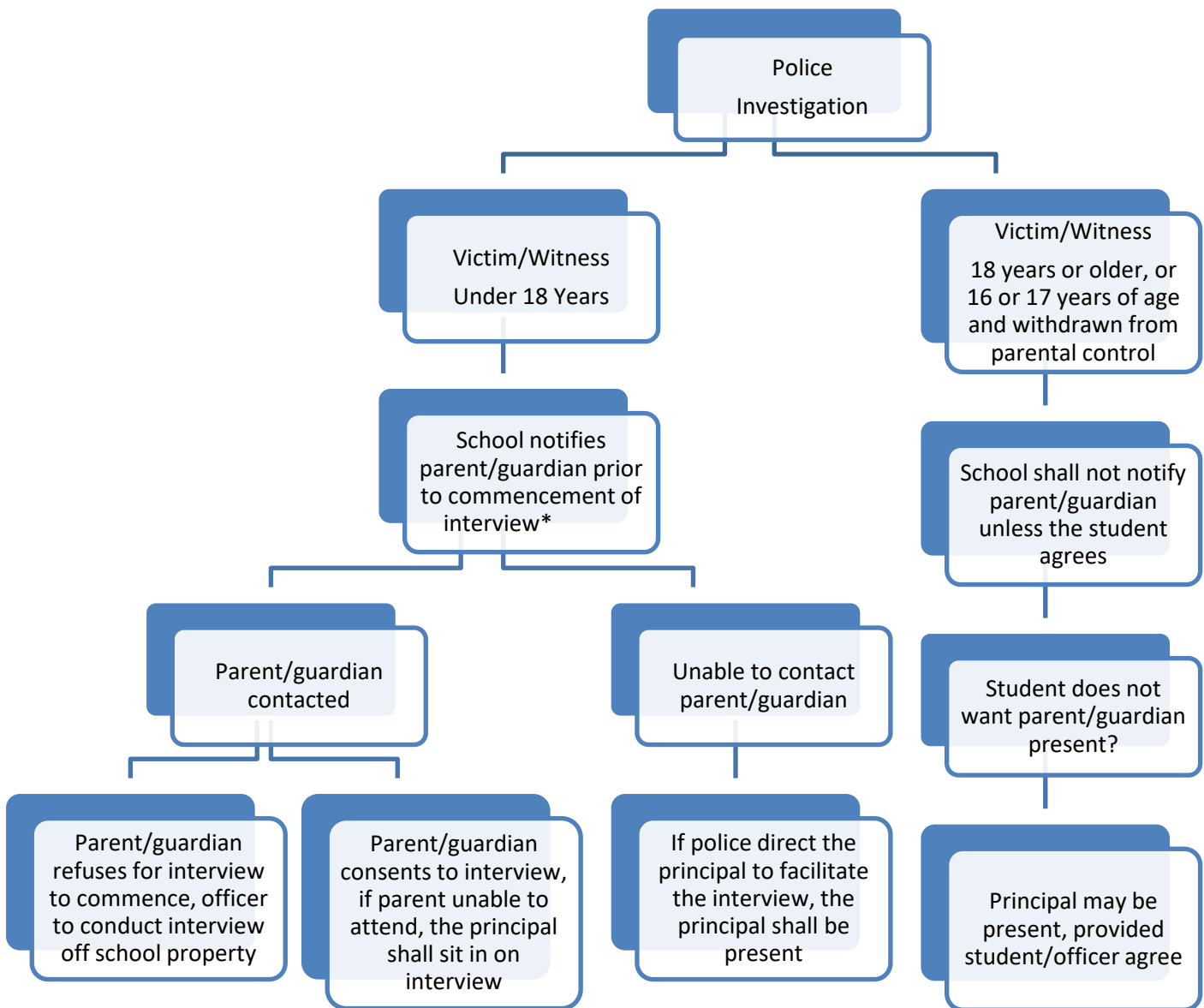
Wherever possible, police will conduct interviews off school property. **Except in exigent circumstances\***, when the police interview students on school premises the following procedures will be followed in relation to police interviews of students.

General procedures, requirements, and considerations related to police interviews of students include the following:

- the need for the Principal to make best efforts to contact parents as soon as possible before the interview (see also section 12(b), "Notification of Parents", below);
- the requirement that a parent/legal guardian, third-party adult, or the Principal, if no alternative is available, be present when students under the age of 18 are being interviewed at school;
- the requirement, in cases where a student aged 12 to 17 waives the right to have an adult present at the interview, that the police and the Principal consider the most appropriate location for conducting the interview and take steps to ensure that the student's rights are respected during the interview;
- factors to consider in determining the most appropriate time and place to conduct a student interview;
- the responsibility of police to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses;
- procedures for police to follow in requesting permission to conduct interviews on school premises;
- procedures for including the local children's aid society (CAS) in a joint interview if the child is suspected to be in need of protection;
- roles and responsibilities of police in interviewing students, as set out in the local police service's procedures for interviewing witnesses, victims, and suspects;
- the need for school personnel to assist police in making the required preparations (e.g., securing a quiet room and establishing a time for the interview);

- the need for police to consult with the Principal to consider alternatives for conducting interviews at a location other than the school; and
- the need for police to act in a manner that respects the dignity of the student and minimizes disruption to the school when it is necessary to interview, search, or arrest a student at school during school hours.

**a. Victims and Witnesses**



\*For exceptions and further information, see section 12(e) Conduct of Interviews.

## b. Notification of Parents/Legal Guardians

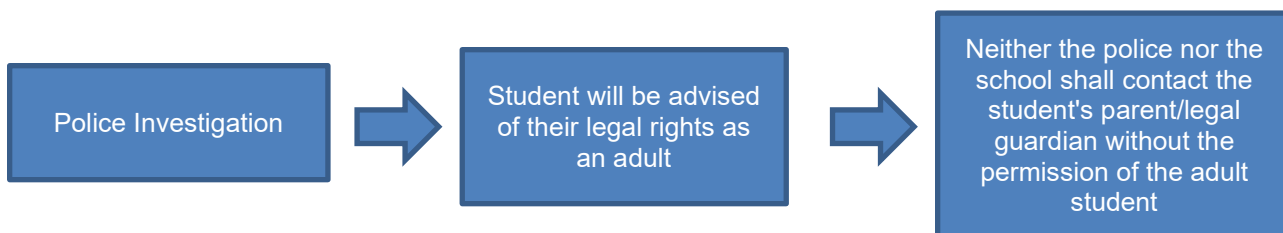
Except in exigent circumstances, it is the Principal's responsibility to contact parents/legal guardians of:

- victims who have been harmed as the result of an activity for which suspension or expulsion must be considered, unless, in the principal's opinion, notification of the 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 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).

When child welfare agencies are involved, school and police officials should discuss and come to agreement with the respective agency regarding the timing and procedure for notifying the parents. (Refer to Joint Protocol for Student Achievement, 2018)

If a student is detained or arrested, the police will notify their parents unless the student is 18 years of age or older, or 16 or 17 years of age and withdrawn from parental control. 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.

## c. Student 18 Years and Older, or 16 or 17 years of age and withdrawn from parental control



## d. Preparation for Interviews

Procedures and considerations related to preparing for interviews include the following:

- determining whether circumstances allow for the interview to be conducted at the student's home or another location rather than at school, in view of the stigma and the potential impact on the student;
- evaluating the need for specialized resources where a student is known to have mental health needs or special education needs (**see section 14**);
- determining the methodology of the interview;



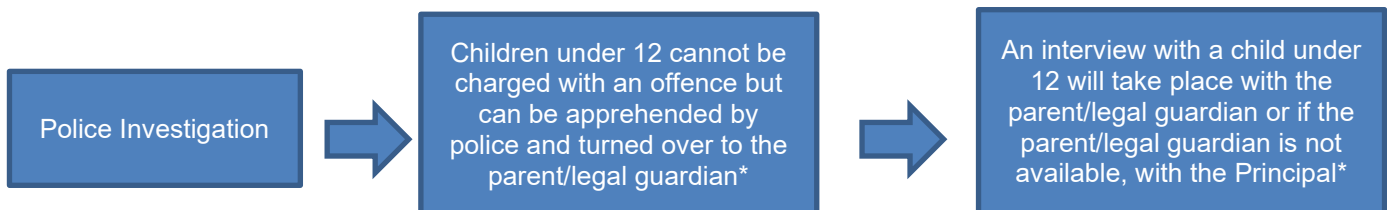
- deciding which officer will take the lead in conducting the interview, if more than one officer is interviewing;
- arranging for the audio/videotaping of interviews and statements, and meeting the requirement for police to inform the interviewee that the conversation is being recorded; and
- determining the need for an interpreter (e.g., a language interpreter, an interpreter for a student who is deaf or hard of hearing) and/or for information to be provided in an alternative format (e.g., Braille for a student who is blind or has low vision).

**e. Conduct of Interviews**

Procedures and considerations related to conducting interviews include the following:

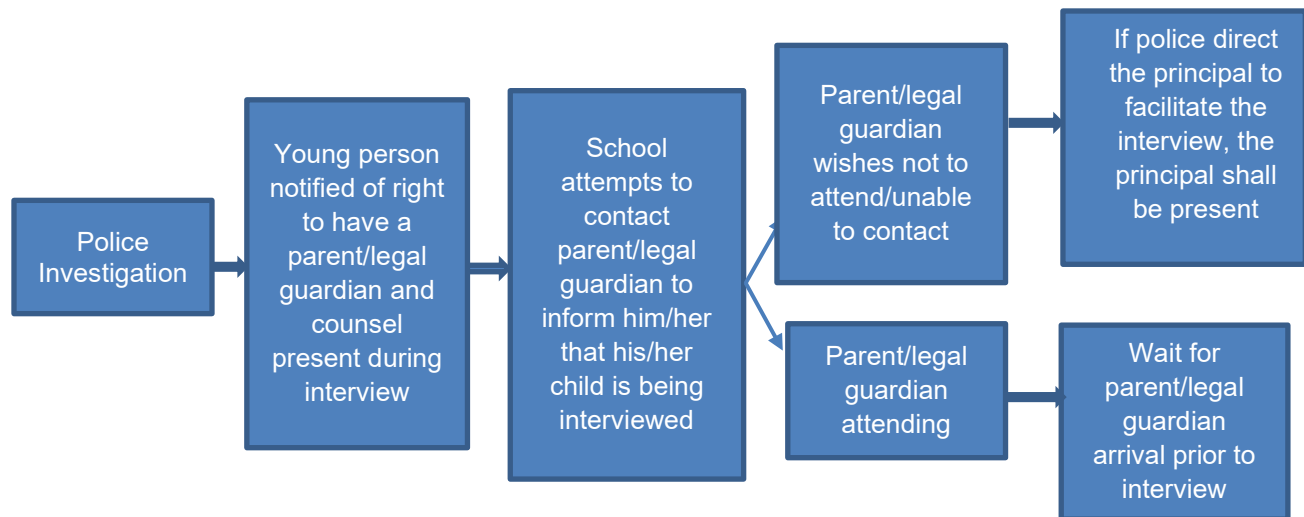
- the need for police officers to employ appropriate techniques when interviewing children and young persons;
- the requirement that police follow the *Guide to Officers for Section 146 Youth Criminal Justice Act Statements* (see Appendix D, Page 57.)
- the requirement that police provide, upon arrest or detention, a legal caution and notification of the right to counsel where there are reasonable grounds to believe that the student being interviewed has been involved in the commission of a criminal offence;
- taking into account legal considerations respecting the admissibility of statements made to persons in authority (s. 146(2) of the *Youth Criminal Justice Act*);
- involving the local children’s aid society in the interview process, which is recommended when an interview involves a child who may be in need of protection; and
- the requirement that an adult be present throughout the interview, except when the student can waive and has waived the right to have an adult present.
- for students under the age of 18, best efforts must be made to have the student’s parent(s) or another adult of the student’s choice present. In the case where the parent consents to the interview but does not/is unable to attend, the Principal should document that consent was given and the Principal must attend the interview. In cases where the school is unable to contact the parent/guardian, if directed by police to facilitate the interview, the principal shall be present.

**f. Suspects Under the Age of 12**



\* For exceptions and further information, see section 12(e) Conduct of Interviews.

## g. Suspects 12 – 17 Years



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

Teachers and Principals have a duty to report children in need of protection to a children's aid society. Teachers and Principals who have reasonable grounds to suspect the abuse or neglect of a child shall forthwith report the suspicion and the information on which it is based to a society.

The duty to report applies to any child who is, or appears to be, under the age of 16 years. On January 1, 2018, Ontario raised the age of protection from 16 to 18. A professional, or member of the public, who is concerned that a 16- or 17-year-old is or may be in need of protection may, but is not required to, make a report to a society and the society is required to assess the reported information. [CYFSA, s. 125(4)]

For additional information, refer to the document "Reporting Child Abuse and Neglect: It's Your Duty Your responsibilities under the *Child, Youth and Family Services Act, 2017*", which is available at

[http://www.children.gov.on.ca/htdocs/English/documents/childrensaid/reportingchildabuseandneglect\\_E](http://www.children.gov.on.ca/htdocs/English/documents/childrensaid/reportingchildabuseandneglect_E)

#### What are "reasonable grounds to suspect?"

It is not necessary for you to be certain a child is or may be in need of protection to make a report to a society. "Reasonable grounds" refers to the information that an average person, using normal and honest judgment, would need in order to decide to report.

#### Professionals Affected

Professionals and officials have the same duty as the rest of the public to report their suspicion that a child is or may be in need of protection. However, the CYFSA recognizes that people working closely with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions. Any professional or official who fails to report a suspicion is liable on conviction to a fine of up to \$5,000, if they obtained the information in the course of their professional or official duties. Reporting is not mandatory in the case of 16- and 17- year-olds and the offence/penalty provisions don't apply. [CYFSA s.125 (5), (8), (9)]

Teachers, early childhood educators, school principals, social workers, counsellors, youth and recreation workers, education assistants, and operator or employee of a childcare centres or provider of licensed childcare have a duty to report. Although the information reported may be confidential or

privileged, and no action for making the report shall be made against you for reporting (unless you act maliciously or without reasonable grounds for the suspicion).

### **What will the children's aid society do?**

The society will investigate the information. The society has the responsibility and authority to investigate allegations and to protect children. The society may involve the police and other community agencies. All societies provide emergency service 24 hours a day, seven days a week.

A children's aid society worker may, as part of the investigation and plan to protect the child, involve the police and other community agencies.

### **How to Contact a Children's Aid Society**

Check the telephone directory for the office closest to you. In some communities, the children's aid society is known as "family and children's services". The emergency pages in most Ontario telephone directories have the number to call to report to a children's aid society.

All the children's aid societies/family and children's services have emergency service 24 hours a day, so that you can call anytime.

### ***How do I contact a CAS or get more information?***

You can find your local CAS in your local telephone listings or, where available, by dialing 411. In some communities, the CAS is known as "family and children's services" or "child and family services". You can also find information about all of Ontario's CASs at [www.oacas.org](http://www.oacas.org), the web site of the Ontario Association of Children's Aid Societies. Anyone who has a reasonable suspicion that a child is or may be in need of protection must contact a CAS immediately. If you think the matter is urgent and you cannot reach the CAS, call your local police.

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

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

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, additional considerations should be taken into account. Such considerations include:

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

In cases involving students with special education needs, the Principal should review the student's Individual Education Plan (IEP) and other relevant student records in order to identify whether further

intervention strategies and/or resources are required for the student. These may include the development of and/or revisions to a behaviour management plan or a safety plan.

## 15. OCCURRENCES INVOLVING STUDENTS UNDER AGE 12

Where children under the age of 12 are involved, school boards are expected to use their discretion in applying the rules outlined in section 7 (above) for reporting incidents to the police. 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.

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

Principals have the discretion to conduct investigations for the purpose of maintaining school discipline – for example, where a recommendation for suspension or expulsion may be required – regardless of the age of the students involved.

The procedures and considerations for responding to occurrences involving students under the age of 12, are:

- the requirement to notify the child’s parent as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident;
- the authority police have to take reports, make referrals to additional services (e.g., health/counselling), and conduct interviews;
- the circumstances under which there is a duty to report children suspected to be in need of protection to the local children’s aid society, under subsection 72(1) of the *Child and Family Services Act* (e.g., when there is evidence of abuse or neglect, or the risk thereof; when the child has committed serious acts and the child’s parents are not accessing appropriate treatment); and
- the requirement to provide accommodations and/or modifications for students with special education needs, as outlined in their IEPs.

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

The Ontario Court of Appeal has emphasized the importance of recording any statement of an accused person on video. This is even more important when contemplating charges against or taking the statement of a young person where the informational components of Section 146 must be explained to the young person in language appropriate to the particular young person’s age and understanding.

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

- It is imperative that the young person clearly understands everything that is being said and explained to him/her.
- It is insufficient to simply read the form to the young person and ask if he/she understands.
- An individualized, objective approach that takes into account the level of sophistication and other personal characteristics relevant to the young person’s understanding is required when conducting the interview.

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

What does this mean to you in your own words?"

Please refer to Appendix D.

## **16. SCHOOL BOARD COMMUNICATION STRATEGY**

The Police and School Board Response Protocol will be posted on the Board's website for community stakeholder access. In addition, school Principals will ensure that the first school newsletter in September will inform parents or legal guardian(s) of children attending the school that access to the Protocol can be found on the Board's website or a hard copy can be viewed at the child(ren)'s respective school.

The Board will develop a communication plan to promote knowledge, understanding, and consistent application of the contents of the Protocol.

Students and their families need to be aware of the range of situations in which police may be called (including any criminal activity involving students that takes place away from school, if that activity has a negative impact on school climate).

## **17. PROTOCOL REVIEW PROCESS**

School Boards are required to conduct a review of the local protocol every two (2) years, or sooner if required.

The review is conducted by the police and school board, soliciting input from school staff, students, and parents and will follow board procedures for stakeholder input.

## **18. PHYSICAL SAFETY ISSUES**

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

## **19. RISK-ASSESSMENT SERVICES**

Individual School Boards are responsible for developing or contacting local police services to obtain training in risk assessment for employees of the Board.

Individual School Boards identify the need for and value of early intervention and threat management/awareness services and determine the services available in the local community.

Incidents of violence in schools are often preventable through early intervention in response to threatening behaviour, or non-threatening but worrisome behaviour. Taking steps to identify at-risk students through early and ongoing assessment and intervention strategies may reduce the need for disciplinary action and police interventions.

A multi/disciplinary/multi-agency approach to threat/risk assessment can be a highly effective means of preventing and managing situations that could otherwise negatively affect the safety of students and/or school staff.

School Boards will review Threat Risk Management assessment protocols to support staff on necessary procedures and protocols

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

Various police services, including the Ontario Provincial Police, have Threat Assessment Units which will work with school board staff in threat assessment training sessions.

## **20. EMERGENCY PLANNING AND THREATS TO SCHOOL SAFETY**

In keeping with school board and ministry policies, every school of the Board is expected to develop an Emergency Response Plan, which must include but is not limited to a

- a) lockdown plan and procedures following a lockdown or other emergency,
- b) plan and procedures for dealing with bomb threats
- c) ensure de-briefing with local emergency stakeholders is embedded in each emergency plan event

Teachers, staff, parents, and students shall be involved in the development and monitoring of the Emergency Response Plan. The plan will be fully communicated to members of the school community and police services as per board policy or legislation. Mechanisms for sharing the Emergency Response Plan with police services will be done as per board policy and current legislation. The plans must be appended to this Protocol as Appendix BX (Lockdowns) and Appendix CX (Bomb Threat Response).

The *Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario*, originally issued in June 2009 by the Ministry of Education and the Ministry of Community Safety and Correctional Services, specifies two mandatory components, as follows:

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

The *Provincial Policy for Developing and Maintaining Bomb Threat Response Procedures for Elementary and Secondary Schools in Ontario* is included in this document as Appendix C. It specifies two 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 stakeholders are aware of their obligations/responsibilities within the individual school plans.

## **21. SCHOOL BOARD LOCKDOWN PROCEDURES**

Each school will enter their Lockdown Plan and maps as Appendix B.

Each school will enter their Bomb Threat Response Plans and maps as Appendix C.

## **22. TRAINING**

The school board and police services shall provide joint training on the Police and School Board Response Protocol to their respective staff on an annual basis.

Training should be based upon effective/leading practices; and where possible, the training should be delivered in collaboration with police and school board personnel.

School Boards and police services are required to provide training on the Police and School Board Response Protocol to their respective staff on an annual basis. Best efforts should be made to include all staff, including part-time, itinerant, and occasional staff, in this training. Resources such as DVDs and other methods may be used for training.

# APPENDIX A

## GLOSSARY

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

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

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

**Bomb Threat:** Is any conveyance of a message that is designed to warn and/or alarm people to an impending detonation of an explosive or incendiary device to cause damage, death, or injuries, whether or not such a device actually exists.

**Cannabis:** Means a cannabis plant. This may be any part of a cannabis plant or phytocannabinoids produced by, or found in, cannabis, regardless of whether that part has been processed or not. This includes any substance or mixture of substances that contains the cannabis plant or the phytocannabinoid produced by, or found in, cannabis.

**C.A.S.:** Kenora-Rainy River Districts Child & Family Services, Anishinaabe Abinooji Family Services, Tikinagan Child & Family Services and Weechi-it-te-win Family Services

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

**Evacuation:** May be the full or partial clearing of all persons of a facility. In cases of where a suspicious package or device is found the facility should be evacuated immediately using pre-designated evacuation routes modified to avoid the area of the suspicious device where possible. For example, a briefcase sized bomb would require a minimum safe distance of 46 meters inside a building and 564 meters outside of a building. The latter distance (564m) must be considered when designating exterior collection areas and or staging areas.

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

**Expulsion:** The removal of a student from their school or from all schools of the board. Students expelled only from their school are assigned to another school of the board. Students expelled from all schools of the board must be offered a program for expelled students. Activities for which expulsion must be



considered are found in section 310(1) of the *Education Act*. An example is using a weapon to cause or to threaten bodily harm.

**Extortion:** The use of threats, intimidation, or violence towards a person to obtain something of value from that person or someone else, or to cause that person or someone else to do something.

**Extra-Judicial Measures:** Measures used by police to hold a young person accountable for their alleged criminal behaviour, in a timely manner, outside the formal youth justice system. The formal system would include charging the individual and going through the court process. Extra-judicial measures hold a youth accountable for their actions and provide sanctions outside of judicial proceedings. Some examples of sanctions include substance abuse counselling, volunteer work, repair of or compensation for damaged or stolen property, and a letter of apology.

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

**Hate - and/or Bias-Motivated Occurrences:** Incidents (e.g., involving statements, words, gestures) motivated by hatred or bias towards an identifiable group (i.e., a group distinguished by colour, race, religion, gender, sexual orientation, or ethnic origin) that are publicly communicated and that are willfully intended to promote or incite bias or hatred against such a group.

**Hold and Secure:** All movement in and out of the school is restricted and external doors are locked. However, movement within the school is not restricted as the external danger near the school poses no immediate threat to students or staff unless they leave the building.

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

**Medical Cannabis User:** means a person who is authorized to possess cannabis for the person's own medical purposes in accordance with applicable federal law and will be authorized to possess cannabis for medical purposes in accordance with applicable federal law with Part 14 of the *Cannabis Regulation* (Canada) or in accordance with a court order, (s. 300(1)).

**Mitigating and Other Factors:** Circumstances that must be considered by the board and school administrators in situations involving suspension and/or expulsion of a student, as required by the *Education Act* and as set out in Ontario Regulation 472/07 (quoted below):

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

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

### **Other factors**

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

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

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

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

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

**Police Explosive Technician (P.E.T.):** A police officer who has the knowledge, skills and abilities required for the position.

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

**Principal:** Refers to Principal, Vice-Principal and/or Designate.

**Relationship-Based Violence:** Any behaviour or action that is used to scare, harm, threaten, control, intimidate, or injure another person within an intimate relationship. The behaviour or action can be physical, sexual, or emotional, and it may comprise a single act of violence, regardless of the level of physical injury, or a number of acts forming a pattern of abuse through the use of assaultive and controlling behaviour.

**Restricted Drugs** are any controlled substance listed under the *Controlled Drugs and Substances Act*.

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

**Sexual Assault:** Any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control

over the victim. In some cases, no overt physical force is used – instead, the victim may be threatened with words or pressured into doing something he or she doesn't want to do.

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

**Suspension:** The removal of a student from their school and all school-related activities for a minimum of one school day to a maximum of twenty school days. Activities for which suspension may be considered are found in subsection 306(1) of the *Education Act*. An example is possessing alcohol, cannabis (unless the individual has been authorized to use cannabis for medical purposes), and/or illegal drugs;

**Suspicious Substances:** Includes any chemical or biological substance that is found in circumstances that are suspicious. An example would be a white powder substance contained inside a piece of mail.

**Theft (abbreviated):** Anyone who fraudulently and without colour of right, takes or converts to their use or the use of another person, anything with intent to (a) deprive the owner of the thing.

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

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

**Visual Scan:** Includes staff of a school facility simply looking for a suspicious device(s) or package(s). The Bomb Threat Response Plan should specify what each staff member is responsible for viewing. The check may involve looking in cabinets and closets but under no circumstances should staff ever touch a suspicious device or package. The finding of any suspicious device or package should be reported immediately to the principal or designate.

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

## **APPENDIX B**

### **EACH SCHOOL WILL ENTER THEIR LOCKDOWN PROCEDURES AND MAPS HERE SFS - Pages 24 -28 of EPP**

**PAGES 28 TO 39 OF “THE PROVINCIAL POLICY FOR DEVELOPING AND MAINTAINING  
LOCKDOWN PROCEDURES FOR ELEMENTARY AND SECONDARY SCHOOLS IN ONTARIO “  
OUTLINE THE MANDATORY REQUIREMENTS IN ALL PUBLICLY FUNDED SCHOOLS IN  
ONTARIO. THIS PUBLICATION IS AVAILABLE ON THE MINISTRY OF EDUCATION’S WEBSITE,**

**[WWW.EDU.GOV.ON.CA/ENG/DOCUMENT/BROCHURE/PROTOCOL/PROTOCOL.HTML](http://WWW.EDU.GOV.ON.CA/ENG/DOCUMENT/BROCHURE/PROTOCOL/PROTOCOL.HTML)**

## APPENDIX C

### **Appendix C – consists of the following:**

- Appendix C1 - INITIAL ASSESSMENT OF BOMB THREAT
- Appendix C2 - INDIVIDUAL SCHOOL PLAN FOR BOMB THREAT CHECKLIST
- Appendix C3 - BOMB THREAT INTAKE CHECKLIST
- Appendix C4 - RESPONSE TRACKING
- Appendix C5 - RESPONSE TRACKING
- Appendix C6 - INCIDENT LOG NOTES
- Appendix C7 - POST INCIDENT BOMB THREAT TRACKING REPORT

# APPENDIX C1

## BOMB THREATS

### Initial Assessment of Bomb Threat

Principal or designate shall review the following:

Principal or Designate shall review the following:

- a. Have police/senior admin been contacted?
- b. Did caller indicate date and or time of detonation>
- c. Did the caller have knowledge of the building?
- d. Did the caller give a reason for the bomb threat?
- e. Did the caller give the location of the device?
- f. Are there any activities (exams, concerts, sports events, musicals, or assemblies taking place?
- g. Has there been recent negative incidents with students/staff or others connected to the board site?
- h. Have there been any other bomb threats or hoaxes?
- i. Has a suspicious device or package been identified/located?

Yes	No

**The Principal in consultation with local police and Director of Education or Designate shall determine appropriate measures to be undertaken based on information documented on initial assessment of bomb threat.**

**Actions taken may include;**

- a. Visual Scan - Appendix C4
  - Procedures for conducting safe visual scans
  - Principal should engage on-site staff (ie. custodian if available and or designate) to ensure that sound safety decisions are made as a result of the visual scan
  - No staff member conducting visual scan to touch a suspicious object
  - Evacuate immediate area if suspicious package/device found and report to principal
  - Entire facility threat, prioritize areas and consider routes, command post, staging areas, etc., accessible by potential suspect
- b. Partial Evacuation - Appendix C5
- c. Full Evacuation - Appendix C5OPP

## APPENDIX C2

### INDIVIDUAL SCHOOL PLAN FOR BOMB THREAT CHECKLIST:

Bomb Threat Intake Form readily available to all office staff Yes  No

Electronic copy and /or hard copy locations: \_\_\_\_\_

Initial Threat Assessment Form Readily available with Response Tracking and Actions Log Yes  No

Locations of above forms: \_\_\_\_\_

Entire Plan Location: \_\_\_\_\_

Primary Command Post Location: \_\_\_\_\_

Secondary Command Post Location: \_\_\_\_\_

Where are school camera system monitors located: \_\_\_\_\_

Alternate Police Liaison area and Master-Key/access card hand-off location \_\_\_\_\_

Name exact area (i.e.: door number or north/south/east/west/ configuration: \_\_\_\_\_

Who is responsible for authorizing evacuation? \_\_\_\_\_

Who can terminate evacuation and return students to class, following consultation with the police?  
\_\_\_\_\_

Primary assembly area: \_\_\_\_\_

Secondary assembly area: \_\_\_\_\_

Staff assigned to monitor evacuation: \_\_\_\_\_

Staff assigned to monitor assembly location: \_\_\_\_\_

Training has been completed with all staff on (Date): \_\_\_\_\_

Training has been completed with community partners and others who share the site (i.e.: daycare, etc.): \_\_\_\_\_

Parents/guardians have been informed of Bomb Threat Response Plan Yes  No

Method: \_\_\_\_\_

Students have been informed on Bomb Threat Response Plan Yes  No

Method: \_\_\_\_\_

## APPENDIX C3

### BOMB THREAT INTAKE CHECKLIST

The following guide will help you record the details of a bomb threat made by telephone.

**When a bomb threat is received:**

1. Listen.
2. Be calm and courteous.
3. Do not interrupt the caller.
4. Obtain as much information as possible.
5. Initiate call trace action (if available) while the call is ongoing.
6. Using a pre-arranged signal, notify your supervisor while the call is still ongoing. Your supervisor should contact the local police service.
7. Complete the form provided below and give it to your supervisor.

**Call trace (if applicable, obtain this information prior to a bomb threat):**

- Steps to take:
- Call trace number to dial:

**Details of the bomb threat to be recorded:**

- Date:
- Time (include a.m. or p.m.):
- Duration of call:
- Exact wording of threat:

**Questions to ask:**

- What time will the bomb explode?
- Where is it?
- What does it look like?
- Where are you calling from?
- Why did you place the bomb?
- What is your name?

**Identifying characteristics of the caller:**

<b>Sex:</b>	Male	Female	Not sure	
<b>Estimated age (specify):</b>				
<b>Accent:</b>	English	French	Other -	
<b>Voice:</b>	Loud	Soft	Other -	
<b>Speech:</b>	Fast	Slow	Other -	
<b>Diction:</b>	Good	Nasal	Lisp	Other
<b>Manner:</b>	Emotional	Calm	Vulgar	Other
<b>Background noise: (specify)</b>				
<b>Voice was familiar: (specify)</b>				
<b>Caller was familiar with the area: (specify)</b>				



**APPENDIX C4**

**RESPONSE TRACKING**

<b>VISUAL SCAN ONLY</b>	<input type="checkbox"/>
-------------------------	--------------------------

**School Announcement Made:      Yes  No**

<b>Area Scanned:</b>	<b>Staff Assigned:</b>	<b>Results:</b>	<b>Time Completed</b>

## APPENDIX C5

### RESPONSE TRACKING

<b>PARTIAL EVACUATION ONLY</b>	<input type="checkbox"/>	Evacuation Routes checked	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>FULL EVACUATION</b>	<input type="checkbox"/>	School Announcement Made	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Collection Location Safe	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Description of area to be evacuated:

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Evacuation route (Describe):

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Area(s) Evacuated	Staff Assigned	Collection Point	Time	Parents Notified	
				Y	N
				Y	N
				Y	N
				Y	N
				Y	N
				Y	N

Media Release issued in conjunction with Police, board and other Emergency Services.

School Media  
Liaison/Spokesperson: \_\_\_\_\_

Board Media Liaison/Spokesperson: \_\_\_\_\_

Police Media Liaison/Spokesperson: \_\_\_\_\_

Police On-scene Commander: \_\_\_\_\_

Fire On-scene Commander: \_\_\_\_\_

EMS On-scene Commander: \_\_\_\_\_

## APPENDIX C6

### INCIDENT LOG NOTES

Action Taken	Person Assigned	Time Assigned	Time Completed	Misc.:

## APPENDIX C7

# POST INCIDENT BOMB THREAT TRACKING REPORT

## BOMB THREAT

### A. Nature of Incident

- a. Who received call? \_\_\_\_\_
- b. Where was the call received? \_\_\_\_\_
- c. What was the telephone number of the line to which the call was made? \_\_\_\_\_
- d. What was the date and time of call? \_\_\_\_\_
- e. What did the caller say, and what was the response of the receiver, if any? \_\_\_\_\_
- f. Was caller male or female? \_\_\_\_\_
- g. Were there any unusual speech characteristics of the caller such as a lisp, accent, dialect, etc.? \_\_\_\_\_

### B. Action taken

- a. Who was notified immediately after call was received? \_\_\_\_\_
- b. What was the time of evacuation, if applicable? \_\_\_\_\_  
What search techniques were employed? \_\_\_\_\_
- c. What time did personnel re-enter the building, if there was an evacuation? \_\_\_\_\_

## BOMB DISCOVERY

### A. Nature of Incident

- a. How was the bomb discovered? \_\_\_\_\_
- b. Where was the bomb discovered? \_\_\_\_\_
- c. Who discovered the bomb? \_\_\_\_\_
- d. What was the date and time of discovery? \_\_\_\_\_
- e. Was it established that only one bomb existed? \_\_\_\_\_
- f. What was the description of the device? \_\_\_\_\_

## APPENDIX D

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

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

The Ontario Court of Appeal has emphasized the importance of recording any statement of an accused person on video. This is even more important when contemplating charges against or taking the statement of a young person where the informational components of Section 146 must be explained to the young person **in language appropriate to the particular young person's age and understanding**. The best way to demonstrate that you have tailored your explanation to the age and understanding of the particular young person is by way of video.

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

APPENDIX D

**Statement of a Young Person**

*Youth Criminal Justice Act, Section 146*

1. Statement Recording Method

Audiotape (No.) \_\_\_\_\_  Written  DVD (No.) \_\_\_\_\_  Videotape (No.) \_\_\_\_\_

Police Service: \_\_\_\_\_ Police Case ID: \_\_\_\_\_

Occurrence No: \_\_\_\_\_

Date: \_\_\_\_\_ Location: \_\_\_\_\_ Start Time: \_\_\_\_\_ Time Completed: \_\_\_\_\_

Interviewing Officer(s): \_\_\_\_\_

Name of Young Person: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

Name:  Parent(s)  Adult Relative  Other Adult

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

You are charged with:

You may be charged with:

2. Do you understand the charge(s)?

Reply: \_\_\_\_\_

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

Reply: \_\_\_\_\_

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

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

Not Applicable  \_\_\_\_\_ (officer's initials) \_\_\_\_\_ Warning Read  YES

Do you understand  YES  No

3b. **THIS SECTION APPLIES TO YOUTHS WHO ARE 14 YEARS OF AGE OR OLDER AT THE TIME OF THE ALLEGED OFFENCE AND THE OFFENCE IS ONE FOR WHICH AN ADULT IS LIABLE TO IMPRISONMENT FOR MORE THAN TWO YEARS.**

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

Not Applicable  \_\_\_\_\_ (officer's initials) \_\_\_\_\_ Warning Read  YES

Do you understand  YES  No

## APPENDIX D

### Statement of a Young Person

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

*Reply:*

---

- b. You can also get immediate legal advice from a free Legal Aid Lawyer by calling 1-800-561-2561 or 1-800-265-0451.

Do you understand?

*Reply:*

---

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

Do you understand?

*Reply:*

---

- d. You also have the right to speak, without delay and in private, to a parent, or in the absence of a parent, an adult relative, or in the absence of an adult relative, another appropriate adult whom you feel may assist you.

Do you understand?

*Reply:*

---

- e. If you make a statement to the police, the police must have the person(s) you spoke with here while you make a statement, unless you do not want them or any one of them here.

Do you understand?

*Reply:*

---

- f. Do you want to talk to a lawyer?

*Reply:*

---

- g. Do you want to talk to one or both of your parents?

*Reply:*

---

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

*Reply:*

---

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

*Reply:*

---

APPENDIX D

Statement of a Young Person

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

Do you wish to make a statement?

Reply: \_\_\_\_\_

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

Reply: \_\_\_\_\_

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

Reply: \_\_\_\_\_

6. WAIVER OF RIGHTS

I have been given the opportunity to obtain immediate free advice from a Legal Aid Lawyer and the opportunity to talk to a lawyer and my parent(s); or, in the absence of a parent, an adult relative; or, in the absence of a parent or adult relative, another appropriate adult. I have been informed that the police must have the people with whom I have just spoken present when making a statement unless I do not want them, or any one of them, with me during this interview. These rights have been explained to me and I understand them.

I choose not to talk with any of these people.

\_\_\_\_\_  
Signature of Young Person

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

\_\_\_\_\_  
Signature of Young Person

\_\_\_\_\_  
Witness Time

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

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

7. CAUTION

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

Reply: \_\_\_\_\_

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

Reply: \_\_\_\_\_



APPENDIX D

Statement of a Young Person

8. **SECONDARY CAUTION**

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

Do you understand?

Reply: \_\_\_\_\_

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

Do you understand?

Reply: \_\_\_\_\_

Do you wish to make a statement?

Reply: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Young Person: \_\_\_\_\_

Time Completed: \_\_\_\_\_

Witnesses:

(1) \_\_\_\_\_

\_\_\_\_\_  
Signature

(2) \_\_\_\_\_

\_\_\_\_\_  
Signature

## **APPENDIX E**

### **Cannabis Information for Educators**

#### **Rules for minimum age**

The *Cannabis Act* sets a minimum age of 19 to use, buy, possess and cultivate cannabis in Ontario. This is the same as the minimum age for tobacco and alcohol sales. Even though recreational cannabis will be legal for adults, 19 and older, it will still be prohibited in schools.

#### **Current practice in schools**

A positive school climate and a safe learning and teaching environment are essential for student success. All existing rules against recreational cannabis use remain in effect. For instance, suspension will still be considered for a student possessing cannabis depending on the results of the principal's investigation.

Student well-being is very important. Educators need to identify potential child and youth mental health and addictions issues and intervene through existing mental health referrals and supports. It means teaching the Health and Physical Education Curriculum and working collaboratively with community partners to prevent and/or delay cannabis use among youth, promote healthy decision-making, and ensure student safety.

#### **Suspensions and expulsions**

Possession of cannabis, unless the student is a medical cannabis user, cannabis, will not be permitted while in schools or at school-related activities. Suspension will still be considered for a student possessing cannabis. Medical cannabis users will be authorized to possess cannabis for medical purposes in accordance with applicable federal law with Part 14 of the *Cannabis Regulation (Canada)* or in accordance with a court order, (s. 300(1)).

Suspension will be required, and expulsion may be considered, if a student gives cannabis to a minor. Where a principal's investigation determines a student has provided cannabis to a minor, the student must be suspended up to 20 school days and police are notified. The principal will consult a superintendent to determine whether to recommend to the board that the student be expelled.

Before suspending or expelling a student, the principal must consider the individual circumstances of that student and must specifically take into account mitigating factors, Plans of Care, and other factors.

#### **Resources for Parents/Guardians:**

Cannabis: What Parents/Guardians and Caregivers Need to Know

Cannabis Talk Kits: Know How to Talk with Your Teen, Talking to Teens About Drug Use

Health effects of cannabis on the brain and body ([www.canada.ca/cannabis](http://www.canada.ca/cannabis))