

**MOOSE FACTORY ISLAND
DISTRICT SCHOOL AREA BOARD**

ADMINISTRATIVE PROCEDURE NO. 390	
Effective	
Revision Date	

POLICE / SCHOOL BOARD PROTOCOL

PURPOSE

Ministry Directive:

It is the policy direction of the Ministry of Education and the Ministry of Community Safety and Correctional Services that school boards and police services establish and follow a protocol for the investigation of school-related occurrences. The Provincial Model for a Local Police/School Board Protocol 2015 has been prepared for the following reasons:

- to ensure a consistent approach in the local protocols developed by school boards and police services across the province;
- to promote dialogue and the establishment and maintenance of effective relationships between schools and police based on cooperation and shared understandings; and
- to address unique factors and/or considerations that may affect individual jurisdictions and service-delivery arrangements.

[Provincial Model for a Local Police/School Board Protocol 2015, p. 3]

Compliance with Board Values:

This Police /School Board Protocol outlines the guiding principles and the obligations and procedures that are required by provincial and federal legislation. It also supports the policy and procedural directives of the Moose Factory Island District School Area Board. [See the Board References section at the end of this Protocol.]

PROCEDURES—REQUIRED ELEMENTS

1. Signatories to the Protocol

1.1. This protocol is an agreement between:

- Moose Factory Island District School Area Board;
- Nishnawbe-Aski Police Services; and
- Ontario Provincial Police—North East Region

[See Appendix C for names and titles of the signatories.]

[Note: Words or phrases marked with an asterisk (*) are defined in Appendix A.]

2. Statement of Guiding Principles

2.1. Guiding principles for the development of this protocol are as follows:

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

[Provincial Model for a Local Police/School Board Protocol 2015, p. 7]

2.2. Moose Factory Island District School Area Board recognizes that everyone has a role to play in creating a positive school climate* and in preventing inappropriate behaviour, such as bullying, discrimination, criminal harassment*, and violence. Board policy is supported with administrative procedures specific to emergency situations, student and staff safety, the school code of conduct, progressive discipline, bullying prevention and intervention, suspensions, and expulsions.

[Board Policy GOV-08 Learning and Working Environment: Safe Schools and related policies and procedures are noted in the References section.]

3. Introduction

3.1. At the root of effective school/police partnerships is a common understanding of each partner's roles and responsibilities, as well as agreed-upon procedures and clearly delineated decision-making authority.

3.2. Creating a safe school requires a comprehensive strategy that includes the following elements:

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

[Provincial Model for a Local Police/School Board Protocol 2015, p. 4]

4. Role and Mandate of Police Services

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

- 4.1. Police play a vital role in supporting and enhancing the efforts of the school and its community to be a safe place in which to learn and to work. In addition to responding to and investigating school-related incidents, police are essential partners in the prevention of crime and violence.
- 4.2. The Ministry of Community Safety and Correctional Services guideline LE-044 on Youth Crime indicates that every police service's procedures on the investigation of offences committed by young persons should include the steps to be taken by officers, in accordance with the local police/school board protocol, when responding to school-related occurrences.
- 4.3. It is essential for the school and police to respect the human rights of students under the *Ontario Human Rights Code*.
- 4.4. The role of the police services within the Moose Factory Island District School Area Board is to:
- engage and work proactively in partnership with school officials to ensure the effectiveness of this protocol;
 - protect public safety and prevent crime;
 - enforce the *Youth Criminal Justice Act*, the *Criminal Code of Canada*, and other federal, provincial, and municipal legislation and related regulations;
 - uphold the duties legislated under section 42 of the *Police Services Act*;
 - assist victims of crime;
 - conduct police and criminal investigations;
 - assist in the development of young people's understanding of good citizenship;
 - promote and foster the prevention and reduction of crime, both against and committed by young people;
 - provide information on community safety issues;
 - divert young people away from crime and antisocial behaviour; and
 - work in partnership with other government and community-based organizations to support positive youth development.
- [Subsection 4.4 is from the Provincial Model for a Local Police/School Board Protocol 2015, p. 8]

5. The Role and Mandate of the School Board

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

- 5.1. The principal will have a role consistent with his or her statutory responsibility for the health and welfare of students and to maintain discipline in the school.
- 5.2. The principal must be aware that the criminal process is separate from school discipline. The principal must conduct an independent investigation or inquiry into a student's alleged misconduct pursuant to the *Education Act*. Information provided by the police may be used to support the principal's investigation and conclusions but, except in exceptional circumstances, the principal should not rely exclusively on the police reports in order to determine a school disciplinary consequence for the alleged student conduct.

5.3. The principal will comply with the following administrative procedures related to his or her role and responsibilities in maintaining discipline and 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 Behaviour, Discipline and Safety of Pupils.

- Administrative Procedure 368 Student Discipline and Supervision
- Administrative Procedure 376 Progressive Discipline
- Administrative Procedure 377 Student Discipline: Bullying
- Administrative Procedure 378 Student Discipline: Suspension
- Administrative Procedure 379 Student Discipline: Expulsion

5.4. The role of the school staff related to a caring, safe, respectful, inclusive, and equitable learning environment is to:

- engage and work proactively in partnership with police officials to ensure the effectiveness of this protocol;
- clearly explain Board Policy GOV-09 Safe Schools: Board Code of Conduct and related administrative procedures 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*;
- ensure that all staff, including occasional or part-time staff, have the means, training, and resources to implement the provisions of this protocol that may apply to them, including lockdown* procedures. [See Administrative Procedure 160 Emergency Lockdown Procedures];
- comply with the requirements related to the duties of principals and teachers under the *Education Act* and regulations;
- comply with the requirements legislated under the *Child and Family Services Act* (e.g., “duty to report”). [See Administrative Procedure 325 Reporting Child Abuse];
- ensure that appropriate prevention and intervention strategies are available;
- ensure that all staff have opportunities to acquire the skills necessary to promote safe, equitable, and inclusive school environments; and
- develop an effective mechanism for soliciting input from staff, students, parents, the school council, and Special Education Advisory Committee in the development of effective strategies.

[Subsection 5.4 is based upon the Provincial Model for a Local Police/School Board Protocol 2015, p. 9]

6. Definitions of Terms

A glossary of terms is provided in Appendix A of this document.

7. A Coordinated Approach

Police Support:

7.1. The Moose Factory Island District School Area Board develops, promotes, and maintains strong partnerships with local police and seeks 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.

- 7.2. Working from a crime-prevention perspective, police can play an important role in the school community, employing the strategy of “crime prevention through social development”.
- 7.3. 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 efforts 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; and
 - facilitating communication and cooperation with school officials, Youth Justice Probation Services, other police officers, courts, and other social services.

School Support:

- 7.4. 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; and
 - demonstrating, by example and leadership, that students’ human rights are to be respected.

[Section 7 is adapted from the Provincial Model for a Local Police/School Board Protocol 2015, pp 10-12]

8. Situations Requiring a Police Response

- 8.1. The following incidents require mandatory reporting to police. [For considerations regarding **students under the age of 12**, refer to section 16 below.] Note that mandatory police reporting **does not mean that police will lay charges** in every situation. However, for the incidents listed, police *must* be notified.

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

Mandatory Notification of Police:

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

- all deaths
- physical assault causing bodily harm requiring treatment by a medical practitioner
- sexual assault*
- robbery*
- criminal harassment*
- possessing a weapon*, including possessing a firearm
- using a weapon* to cause or to threaten bodily harm to another person
- trafficking in weapons* or in illegal drugs
- possessing an illegal drug*
- hate and/or bias-motivated occurrences*
- gang-related occurrences
- extortion*
- non-consensual sharing of intimate images*
- bomb threats.

Discretionary Notification of Police:

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

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

8.5. The principal will also 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.

8.6. For students with special education needs, the staff will decide upon circumstances when a police response is neither necessary nor appropriate. Refer to section 15 below for further information on dealing with students with special education needs.
[Section 8 is adapted from the Provincial Model for a Local Police/School Board Protocol 2015, pp 12-13]

9. Information Sharing and Disclosure

9.1. 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.

Criminal Code:

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

a) Release of school information by warrant or subpoena:

In criminal matters, if a school principal is served with a warrant requesting an Ontario Student Record or other records, the principal is obliged to comply with the warrant and will provide a copy of the OSR contents and other records as specified. The principal will contact the supervisory officer for legal advice before releasing information. This should be done immediately upon receiving the warrant.

If a principal is personally served with a subpoena requiring his/her testimony in a criminal case, the principal is obliged to comply with the subpoena, attend court, and produce any records or documents, including the original Ontario Student Record file to court as specified in the subpoena.

In the event that a record or document is ordered by the court to be entered into evidence, **the principal should bring the original records or documents, plus three copies**, so the school board can request to retain the originals and provide copies to the court.

b) Other release of school information to police

In the absence of a warrant or court order, principals should seek direction from the supervisory officer before releasing any information.

If the police are conducting an investigation for the purpose of law enforcement proceedings, the school principal shall, upon the request of police and pursuant to section 32(g) of the *Municipal Freedom of Information and Protection of Privacy Act*, release general information to the police officer including, but not limited to the following:

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

Youth Criminal Justice Act:

9.3. The *Youth Criminal Justice Act* 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".]

NOTE: Subsections of Part 6 that are relevant for this Police Protocol are included in Appendix B.

9.4. 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.

Municipal Freedom of Information and Protection of Privacy Act:

9.5. This legislation regulates the collection and disclosure of personal information that is not related to the *Youth Criminal Justice Act*.

9.6. Administrative Procedure 310 Personal Information of Students, Including O.S.R. Information deals with legislation under the *Municipal Freedom of Information and Protection of Privacy Act*.

Child and Family Services Act:

9.7. In Administrative Procedure 325 Reporting Child Abuse, the Board has clearly articulated the duty of staff members, under subsection 72(1) of the *Child and Family Services Act*, to report to a children's aid society those children who are suspected to be in need of protection. The duty to report of persons "who perform professional or official duties with respect to children", including teachers and principals, is emphasized.

9.8. This provision applies as well to information that is confidential or privileged, and there is no liability against a person who reports unless the reporting was done maliciously or without reasonable grounds.

[Section 9 is based upon the Provincial Model for a Local Police/School Board Protocol 2015, pp 13-15, with the addition of directives for the principal in subsection 9.2.]

10. School Procedures for Reporting to Police

10.1. The principal or designate will report to police incidents that involve students as victims or as alleged perpetrators as set out in Section 8 above.

10.2. This Police/School Board Protocol sets out clear directives for police involvement and deals with the following issues:

- reporting violent incidents to police;
- the incidents that require reporting, and where the principal has discretion; and
- the procedures when a student is under 12 years of age.

10.3. Administrative Procedure 160 Emergency Lockdown Procedures sets out Board expectations regarding police involvement during an emergency situation involving a dangerous intruder.

10.4. The principal is responsible for the development of a written emergency response plan which outlines the sequence of actions that should occur subsequent to an emergency situation on Board property. The Emergency Response Plan outlines the names and locations of first contacts, the location of first aid kits, the sequence of actions, and the duties of key personnel (e.g., principal, secretary).

10.5. Additional Board expectations for police involvement are also set out in the following documents:

- Board Policy GOV-20 Access to School Premises
- Administrative Procedure 325 Reporting Child Abuse
- Administrative Procedure 378 Student Discipline: Suspension
- Administrative Procedure 379 Student Discipline: Expulsion
- Administrative Procedure 458 Prevention of Abuse and Protection of Students
- Administrative Procedure 494 Violence in the Workplace
- Administrative Procedure 534 Damage to School Property

11. Initial Police Contact

11.1. A police officer who responds to a report of a school-related incident is required to:

- report to the principal, providing proper identification;
- explain the purpose of the visit, and plan with the principal on how to proceed;
- obtain and thoroughly document information on the incident;
- 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, the parents of students under the age of 18. [See subsections 13.2 and 13.3 below.]

11.2. From time to time, it may become necessary and/or unavoidable to interview or apprehend a staff member on school property. If this occurs it is the intent of the Board to proceed as sensitively and unobtrusively as possible while co-operating with the police. The police may not always be able to discuss or disclose circumstances involving the investigation (including apprehension). Where feasible, the police should attempt to contact the supervisory officer prior to arriving at the school. School administration must contact the supervisory officer as soon as possible.

[Section 11 is adapted from the Provincial Model for a Local Police/School Board Protocol 2015, p. 16, with the addition of subsection 11.2.]

12. School and Police Investigations of Incidents

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

12.2. 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.

Legal Rights:

- 12.3. 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*).

Search and Seizure:

- 12.4. The *Canadian Charter of Rights and Freedoms* (Section 8) states that “Everyone has the right to be secure against unreasonable search and seizure”.
- 12.5. The Supreme Court of Canada in *R. v. M.R.M.* (1998) and the Ontario Court of Appeal in *R. v. J.M.G.* (1986) have stated that a principal, who has reasonable grounds to do so, may conduct a search of a student or his/her possessions in carrying out his or her duties to maintain order and discipline in the school.
- 12.6. It is the responsibility of the principal or vice-principal to advise the students at the beginning of the school year that desks and lockers are school property and there is no expectation of privacy on the part of the students; therefore, a search of such property is permissible by the school administrator. In this case, the principal or the vice-principal is acting under the authority of the *Education Act* to maintain proper order and discipline in the school, and not as an agent of the police.
- 12.7. 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;
 - 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.

Detention and Arrest:

- 12.8. 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*;
 - legal grounds for police to demand entry (e.g., for weapon* and drug searches, to arrest a person wanted for an indictable offence, or to save lives); and

- requirements to be followed under the *Youth Criminal Justice Act* when a young person is arrested and detained, including who is responsible for discharging specific obligations [e.g., the notification of parents under s. 26 of the *Act*].

Supports for Victims:

- 12.9. 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;
 - 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, Help Phone lines); and
 - 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 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*).

[Section 12 is adapted from the Provincial Model for a Local Police/School Board Protocol 2015, pp 16-19]

13. Police Interviews of Students

- 13.1. General procedures, requirements, and considerations related to police interviews of students include the following:
- the responsibility of police to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses;
 - the need for police to request permission to conduct interviews on school premises—or to consult with the principal to consider alternatives for conducting interviews at a location other than the school;
 - consideration of the most appropriate time and place to conduct a student interview;
 - 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 the principal to make best efforts to contact parents as soon as possible before the interview. [See also subsections 13.2 and 13.3, “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;
- procedures for including the local Children’s Aid Society (Payukotayno) in a joint interview if the child is suspected to be in need of protection; 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.

Notification of Parents:

- 13.2. Except in exigent* circumstances, it is the principal’s responsibility to contact parents:
- of victims who have been harmed as the result of an activity for which suspension or expulsion must be considered, and of the student(s) who the principal believes engaged in the activity that resulted in the harm, 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));
 - of students receiving a suspension (*Education Act*, s. 311);
 - of 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.
- 13.3. If the Children’s Aid Society (Payukotayno) is involved, school and police officials will discuss and come to agreement with the CAS regarding the timing and procedure for notifying the parents.

Conduct of Interviews:

- 13.4. 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 B];
 - 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. Best efforts must be made to have the student's parent(s) or another adult of the student's choice present. In circumstances when this cannot be done, the principal must attend the interview.

14. Reporting of Children Suspected to be in Need of Protection

- 14.1. The legal requirements and the procedures to be followed in cases where child abuse and/or neglect is suspected are set out in detail in Administrative Procedure 325 Reporting Child Abuse.
- 14.2. This administrative procedure supports the requirements of section 72(1) of the *Child and Family Services Act*, as amended ("duty to report" child in need of protection).

15. Investigations Involving Students with Special Education Needs

- 15.1. 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 8 of this document. However, with investigations that involve a student known to have special education needs, additional considerations must be taken into account by school personnel and police.
- 15.2. School personnel will identify the additional considerations to be taken into account when an investigation involves a student known to have special education needs, who may be identified as having an exceptionality in any of the following categories: behaviour, communication, intellectual, physical, or multiple.
- 15.3. Such considerations include:
 - the responsibility of the school to communicate to the police that a student is known to have special education needs or communication difficulties;
 - the requirement to accommodate the student, especially when interviewing is necessary. Every attempt should be made to provide specialized supports/resources, as needed, for the student during an investigation; and
 - the need to ensure that the student's parent is contacted as soon as possible, except in exigent* circumstances or where the police believe the parent may be implicated in the incident.
- 15.4. 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.

16. Occurrences Involving Students Under Age 12

- 16.1. The principal and staff will use their discretion in applying the rules outlined in section 8 above for reporting incidents to the police. **Children under 12 cannot be charged with an offence under the *Criminal Code*, the *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.
- 16.2. 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.
- 16.3. The principal is required to conduct an investigation of an incident for the purpose of school discipline—for example, where a recommendation for suspension or expulsion may be required—regardless of the age of the students involved. Details of this process are set out in Administrative Procedure 378 Student Discipline: Suspension and Administrative Procedure 379 Student Discipline: Expulsion.
- 16.4. Considerations for responding to occurrences involving students under the age of 12 include:
 - 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, or 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 Individual Education Plans.
- 16.5. The Children’s Aid Society/Family and Children’s Services play an important role in violence prevention and intervention. They are able to:
 - consult with staff on behalf of children who display violent behaviour or serious misconduct;
 - meet with police and educators to assist children under twelve who exhibit violent behaviours;
 - intervene with families when children exhibit violent, disruptive behaviour at school and in the community and in particular where the parent is unwilling or unable to support the child;

- develop a service plan including commitments (e.g., Community Threat Assessment Protocol) from other community resources to assist in meeting the needs of the child and his/her family; and
- work with other community resources for support of the child and family;

17. School Board Communication Strategy

- 17.1. Moose Factory Island District School Area Board is committed to fostering positive relationships and effective communication within the education system and with the community at large.
- 17.2. Knowledge and understanding of the contents of this Police Protocol will be communicated with students and their families. They 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*).

18. Protocol Review Process

- 18.1. This Police Protocol will be reviewed every two years, or sooner if required, as directed by the Provincial Model for a Local Police/School Board Protocol 2015.
- 18.2. The review will be conducted by the police service and school board, and will include an effective mechanism for soliciting input.

19. Physical Safety Issues

- 19.1. Police services may be requested to work in cooperation with the school to assess the physical safety of the school premises, including both the building(s) (e.g., lighting, building design) and outdoor areas (e.g., landscaping).
- 19.2. Final decisions about alterations to enhance the safety of students, staff, and teachers rest with the Board, as does the responsibility to carry out any desired work.

20. Threat Management/Awareness Services

- 20.1. Moose Factory Island District School Area Board recognizes that incidents of violence in schools are often preventable through early intervention in response to threatening behaviour, or non-threatening but worrisome behaviour that may pose a risk of violence.
- 20.2. The principal and staff take steps to identify at-risk students through early and ongoing assessment and intervention strategies to reduce the need for disciplinary action and police interventions. Specific strategies are clearly described in Administrative Procedure 376 Progressive Discipline and in Administrative Procedure 377 Student Discipline: Bullying.

- 20.3. School personnel also recognize the value of early intervention and threat management/awareness services available in the local community. A multi-disciplinary/multi-agency approach to threat management can be a highly effective means of preventing and managing situations that could otherwise negatively affect the safety of students and/or school staff.

21. Emergency Planning and Threats to School Safety

Lockdown Plan and Procedures:

- 21.1. Administrative Procedure 160 Emergency Lockdown Procedures sets out specific directives for dealing with a threat to student and staff safety that requires a school lockdown*. This procedure includes the requirement for the principal to conduct “a minimum of two Code Red Lockdown drills each school year” [Subsection 3.2, AP 160], which is also a requirement of the Provincial Model for a Local Police/School Board Protocol 2015 [Section 21].
- 21.2. The staff, parents, and students are made aware of the Emergency and Crisis Response Plan, and the plan has been communicated to police services and the fire department.

Bomb Threat Plan and Procedures:

- 21.3. The principal will develop a school plan to address a bomb threat.
- 21.4. The principal ensures that the staff, students, and other stakeholders are aware of their obligations/responsibilities within the school plan.

22. Training

- 22.1. The principal provides training on the local Police/School Board Protocol to the staff on an annual basis. Best efforts will be made to include all staff, including part-time and occasional staff, in this training.
- 22.2. Training will be based upon effective practices. Where possible, the training should be delivered jointly by police and school board personnel.

REFERENCE DOCUMENTS**Legal:**

Provincial Model for a Local Police/School Board Protocol 2015
Education Act, Section 169.1: Board Powers and Duties: Positive School Climate
Education Act, Section 265 Duties of Principal: Care of Pupils
Education Act, Part XIII Behaviour, Discipline and Safety of Pupils
Ontario Regulation 474/00 Access to School Premises
Ontario Regulation 472/07 Behaviour, Discipline and Safety of Pupils [mitigating factors]
The Provincial Code of Conduct and School Board Codes of Conduct
Canadian Charter of Rights and Freedoms
Ontario Human Rights Code
Freedom of Information and Protection of Privacy Act
The Municipal Freedom of Information and Protection of Privacy Act
Personal Health Information Protection Act
Child and Family Services Act
Occupational Health and Safety Act
Criminal Code of Canada
Statutory Powers Procedure Act
Police Services Act
Victims' Bill of Rights
Youth Criminal Justice Act
Provincial Offences Act (specifically Part VI, "Young Offenders")
Fire Protection and Prevention Act
Ministry of Community Safety and Correctional Services' Guideline LE-005
Ministry of Community Safety and Correctional Services' Guideline VA-001

Board:

Board Policy GOV-01 Vision, Mission, and Values
Board Policy GOV-07 Learning and Working Environment: Equity and Inclusion
Board Policy GOV-08 Learning and Working Environment: Safe Schools
Board Policy GOV-09 Safe Schools: Board Code of Conduct
Board Policy GOV-16 Appeals and Hearings Regarding Student Discipline
Board Policy GOV-20 Access to School Premises
Administrative Procedure 147 Staff and Student Use of the Internet
Administrative Procedure 160 Emergency Lockdown Procedures
Administrative Procedure 310 Personal Information of Students, Including O.S.R. Information
Administrative Procedure 325 Reporting Child Abuse
Administrative Procedure 368 Student Discipline and Supervision
Administrative Procedure 376 Progressive Discipline
Administrative Procedure 377 Student Discipline: Bullying
Administrative Procedure 378 Student Discipline: Suspension
Administrative Procedure 379 Student Discipline: Expulsion
Administrative Procedure 458 Prevention of Abuse and Protection of Students
Administrative Procedure 494 Violence in the Workplace
Administrative Procedure 534 Damage to School Property

APPENDIX A

DEFINITIONS

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

Exigent circumstances: These are 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: Expulsion is the removal of a student from school. 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: Extortion involves 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: These are measures used by police to hold a young person accountable for his or her alleged criminal behaviour, in a timely manner, outside the formal youth justice system. The formal system would include charging the individual and going through the court process. Extra-judicial measures hold a youth accountable for his or her actions and provide sanctions outside of judicial proceedings. Some examples of sanctions include substance abuse counselling, volunteer work, repair of or compensation for damaged or stolen property, and a letter of apology.

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

Lockdown: A lockdown is a procedure used in response to a major incident or threat of violence within the school, or in relation to the school.

Mitigating and other factors: These are 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 Behaviour, Discipline and Safety of Pupils and in Administrative Procedure 378 Student Discipline: Suspension and Administrative Procedure 379 Student Discipline: Expulsion.

Negative impact on school climate: Negative impact is a possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school. For example, cyber-bullying often occurs outside school, but if it targets individual

students and causes them to be afraid to come to school, it is having a negative impact on school climate.

Non-consensual sharing of intimate images: This term refers to 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: This is a person legally entrusted with the care of, and managing the property and rights of, another person, usually a child/youth who is under the age of 18. For the purposes of Part XIII of the *Education Act*, students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are considered to be adults.

Possession of drugs: Possession is 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.

Robbery: As used in this document, robbery is the use of violence or threats of violence to steal money or other property from a victim.

Sexual assault: Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control over the victim. In some cases, no overt physical force is used. Instead the victim may be threatened with words or pressured into doing something he or she doesn’t want to do.

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

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

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

Weapon: A weapon is 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**Youth Criminal Justice Act (YCJA)**

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

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

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

- subsection 110(1), which states that no person shall publish the name of the young person or any information that would identify the young person as a young person dealt with under the YCJA
- subsection 111(1), which states that "no person shall publish the name of a child or young person, or any other information related to a child or a young person, if it would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person"
- subsection 118, which states that no person shall be given access to a record, and no information in the record shall be given to any person, where to do so would identify the young person as a young person 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.

APPENDIX C

Signatories to the Protocol

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

We the undersigned support the principles and protocol set out in this Police/School Board Protocol.

Dated at Moose Factory, Ontario:

<p>MOOSE FACTORY ISLAND DISTRICT SCHOOL AREA BOARD</p> <p>Lise Haman Supervisory Officer _____</p>
<p>Nishnawbe-Aski Police Services</p> <p>[Name and title] _____</p>
<p>Ontario Provincial Police—North East Region</p> <p>[Name and title] _____</p>