



Police/School Board Protocol

A Partnership for Safe Schools

Updated: January 2025

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Signatories for the Police/School Board Protocol

Kingston Police

Belleville Police Service

Central Hastings OPP

Frontenac OPP

Napanee OPP

Prince Edward County OPP

Quinte West OPP

Stirling-Rawdon Police Service

Chair, Limestone District School Board

Vice-Chair, Limestone District School Board

Director of Education, Limestone District School Board

Chair, Algonquin and Lakeshore Catholic District School Board

Vice-Chair, Algonquin and Lakeshore Catholic District School Board

Director of Education, Algonquin and Lakeshore Catholic District School Board

Director of Education, Conseil des ecoles publiques de l'Est de l'Ontario

Director of Education, Conseil des ecoles catholiques du Contre-Est de l'Ontario

Introduction

This document has been prepared for the following reasons:

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

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

It is important for schools and police to respect the human rights of students under the Ontario Human Rights Code (the Code) in the context of this document. For more information, see ohrc.on.ca. [Growing Success](#) states that the development of learning skills and work habits is an integral part of a student's learning.

Purpose

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

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

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

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

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

The Ministry of Community Safety and Correctional Services' guideline LE-044 on Youth Crime indicates that every police service's procedure on the investigation of offences committed by young persons should include the steps to be taken by officers, in accordance with the local police/school board protocol, when responding to school-related occurrences.

The guideline also states that every Chief of Police, and the Commissioner of the Ontario Provincial Police (OPP), should work, where possible, with local school boards to develop programs for safe schools. Every Chief of Police and the OPP Commissioner should consider the need for a multi-agency strategy to prevent or counter the activities of youth gangs in the community, including working, where possible, with school boards, municipalities, youth and other community organizations, business, and the Crown.

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

- Bill 157 – Keeping Our Kids Safe at School
- Canadian Charter of Rights and Freedoms
- Child and Family Services Act
- Criminal Code
- Education Act
- Equity and Inclusive Education Policy
- Freedom of Information and Protection of Privacy Act (FIPPA)
- Ministry of Community Safety and Correctional Services' Guideline
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
- Ontario Human Rights Code
- Personal Health Information Protection Act (PHIPA)
- Police Services Act (PSA)
- Provincial Offences Act (specifically Part VI, "Young Offenders")
- Youth Criminal Justice Act (YCJA)
- Threats to School Safety Procedures
- Child in Need of Protection Procedures
- Community Threat Assessment Protocols

- Fire Protection and Prevention Act (FPPA)
- Occupational Health and Safety Act (OHSA)
- Victims' Bill of Rights

1. Parties to the Agreement

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Belleville Police Service

Central Hastings OPP

Frontenac OPP

Napanee OPP

Prince Edward County OPP

Quinte West OPP

Stirling-Rawdon Police Service

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Director of Education, Conseil des écoles publiques de l'Est de l'Ontario

Director of Education, Conseil des écoles catholiques du Centre-Est de l'Ontario

Director, Provincial Schools Branch, Ministry of Education

2. Statement of Principles

The terms of this agreement include:

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

3. Introduction/Rationale for the Protocol

The purpose and rationale for the protocol are to provide a clear understanding of the respective roles, procedures, and decision-making authority of both police and school personnel including the following:

- to reinforce the importance of a coordinated and multifaceted approach on the part of schools and police in their interactions with parents and the community in an effort to promote the well-being of students to promote dialogue and the establishment of effective relationships between schools and police based on cooperation and shared understandings;
- assisting in the greater safety and protection of students, teachers, staff, and volunteers in schools;
- encouraging constructive, ongoing, adaptive, and responsive partnerships between police and the school community in areas such as violence prevention;
- 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 educational and law enforcement systems are met;
- ensuring an equitable and consistent approach across a school board's jurisdiction in the way police and schools respond to a school-related occurrence;
- to address unique factors and/or considerations that may affect individual jurisdictions and negotiate service-delivery arrangements accordingly. Caveat: While the intention of the protocol is for police and school officials to work in cooperation, they may have separate duties and responsibilities with respect to students involved in criminal activities. In these circumstances, police and school officials should review their respective policies and procedures for guidance and ensure appropriate cooperation so that each party's legal duties and responsibilities are fulfilled. More information about parallel investigations appears in section 11 of this document.

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

It is important for schools and police to respect the human rights of students under the Ontario Human Rights Code (the Code) in the context of this document. For more information, see www.ohrc.on.ca. Growing Success states that the development of learning skills and work habits is an integral part of a student's learning.

4. Role and Mandate of Police Services – *Safer Ontario Act 2018*

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

The roles and responsibility of the local police service related to young people and the school community include:

- engaging and working proactively in partnership with school officials to ensure the effectiveness of this protocol;
- enforcing the Criminal Code, the Youth Criminal Justice Act, the Child and Family Services Act, the Controlled Drugs and Substances Act, and other federal, provincial, and municipal legislation and related regulations;
- upholding the duties legislated under s. 110 of the Safer Ontario Act;
- assisting victims of crime;
- conducting law enforcement and criminal investigations;
- protecting public safety and assisting with crime prevention;
- assisting in the development of young people’s understanding of good citizenship; promoting and fostering a reduction of crime, both against and committed by young people;
- providing information on community safety issues;
- diverting young people away from the youth justice system;
- working in partnership with other government and community-based organizations to support positive youth development.

5. Role and Mandate of School Boards

It should be noted that references to “school board” or “board” includes the Provincial Schools Branch.

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

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

The roles and responsibilities of the school board, principals, teachers, and school staff related to maintaining safe and secure schools (it should be noted that references to schools will also include, in most cases, the residences of the provincial and demonstration schools) include:

- clearly explaining the board's or Provincial Schools Branch'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;
- 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);
- engaging and working proactively in partnership with police officials to ensure the effectiveness of this protocol;
- complying with the requirements related to the duties of principals and teachers under the Education Act and regulations;
- complying with the requirements legislated under the Child and Family Services Act (e.g., duty to report);
- 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;
- respecting the board's or Provincial Schools Branch's code of conduct, as required by the Education Act (s. 302);
- ensuring that resources (e.g. on drug awareness, progressive discipline, Threat Assessment Protocol, Traumatic Events Systems, on conflict resolution, on bullying prevention and intervention) 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 a communications plan;
- ensuring that appropriate prevention and intervention strategies are available;
- providing staff with opportunities for acquiring the skills necessary to promote safe, equitable, and inclusive school environments;
- developing an effective consultation 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.

Principals, in particular, have a responsibility to conduct 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.

6. Definitions/Explanations of Terms

Appendix A provides definitions of terms that are important to assist those who will be administering this protocol. Appendix A terms will appear in this document and be denoted with an asterisk*.

7. A Coordinated Approach to Violence Prevention

It is important to have a coordinated and multifaceted approach on the part of the school board and police to promote positive behavior and prevent school violence. The local police services play a role in supporting violence-prevention policies in schools and identify additional supports that police are prepared to offer.

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

Police work in partnerships 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 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 and victimization. Police use proactive measures that focus on the factors that precipitate the onset of criminal and antisocial behavior.

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 behavior in the school;
- Viewing each student as an integral and contributing member of the school community;
- Demonstrating, by example and leadership, that students human rights are to be respected;
- Encouraging students to return to the school community after involvement with the criminal justice system and supporting them in the process.

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 prevention 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 Diversion, other police officers, probation, the courts, and other social services;
- Supporting students as they return to the school community after involvement with the criminal justice system.

School boards and police services should refer to, and ensure alignment with, related Ministry, board, and police policies on violence prevention. The local Police/board protocol is one component of a broader partnership between schools and other essential community partners, including mental health providers, health care professionals, and Family and Children Services that are dedicated to violence and crime prevention in Ontario schools.

8. Occurrences Requiring Police Involvement or Response

Mandatory Notification of Police

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

- all deaths;
- physical assault causing bodily harm requiring medical attention;
- sexual assault*;
- robbery*;
- criminal harassment*;
- relationship-based violence*;
- possessing a weapon, including possessing a firearm;
- using a weapon to cause or to threaten bodily harm to another person;
- trafficking* in weapons or in illegal drugs;
- human trafficking;
- possessing an illegal drug*;
- hate and/or bias-motivated occurrences*;
- intentional fire-setting;
- possession of child pornography;
- non-consensual sharing of intimate images*;
- prostitution/procuring;
- gang-related occurrences*;
- bomb threats;
- extortion*.

Note: In the case of possession of an illegal drug, police must be notified. Notification should be as soon as practicable. Upon police arrival the illegal drug shall be taken into their possession.

Discretionary Notification of Police:

- giving alcohol to a minor;
- being under the influence of alcohol, recreational marijuana or 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;
- unintentional fire-setting;
- incidents of vandalism;
- trespassing incidents (new provisions under the Access to School Premises Regulation (O.Reg.474/00) and the Trespass to Property Act);
- physical altercations;

- theft.

Note 1: While unintentional fire-setting is a discretionary offence for notifying police, consideration should also be given to contacting local fire services. Intentional fire-setting should be reported to police and a follow-up with local fire services is highly recommended.

Note 2: Consider all threats and all acts requiring mandatory or discretionary notification of the Police within the Community Threat Assessment Protocol framework and respond accordingly.

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, consideration must be given to mitigating factors. However, occurrences requiring mandatory notification of police should still occur regardless of any special needs. Section 15 provides further information related to students with special needs. Consultation with Educational Services/Student Services personnel will assist with an understanding of the student's special education needs in relationship to the student's behaviours and actions. Gathering information about the student's historical behaviours and mental health concerns will assist with determining mitigating factors. However, occurrences requiring mandatory notification of police should still occur regardless of any special needs. Section 15 provides further information related to students with special needs.

9. Information Sharing and Disclosure

A number of different statutes deal with information sharing and disclosure. These include federal legislation (the Criminal Code of Canada, 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. The following procedures and obligations apply with regard to information sharing and disclosure:

a) *Criminal Code of Canada*

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

b) **Release of School Information by Warrant or Subpoena**

In criminal matters, if a school principal is served with a warrant requesting an OSR or other records, the principal is obliged to comply with the warrant and will provide a copy of the OSR contents and other records as specified. The principal may contact the appropriate superintendent 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, he/she is obliged to comply with the subpoena, attend court, and produce any records or documents, including the original OSR, 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.

Other Release of School Information to Police

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

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

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

c) Youth Criminal Justice Act (YCJA)

The YCJA sets out the procedural requirements for dealing with young persons who have alleged to have committed criminal offences, committed criminal offences and/or who have been charged with criminal offences. It includes provisions that deal with the disclosure, security, storage, and destruction of information pertaining to young offenders. Such information will be shared to balance (1) the need to share information in a timely fashion, particularly when safety is a concern, with (2) the need for confidentiality.

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 Publication, Records and Information (section 110 to 129) are of particular importance:

- 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;
- to facilitate the rehabilitation of the young person;
- subsection 125(7) provides that disclosed information about a young person with status under the YCJA be kept separate from the student's record and from any other record accessible to other staff.

Case law [R. vs MRM or R. vs M. (M.R.) 1998] supports the lessening of the individual students' rights under the charter in order to protect the collective need for safety and security. If an individual is in possession of information that may indicate that there is an imminent danger to the health and safety of any person or persons, and the source of the information is reliable, the information can be shared without consent. If the information has been shared without consent, the individual shall be advised with whom the information was shared as required by law.

Existing board policies, administrative procedures, or protocols on disclosure and/or information sharing among schools, police services, courts, and correctional services (e.g. LDSB Community Threat Assessment Protocol), must be adhered to.

d) 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. Subsection 32 allows for disclosure of personal information in situations;
- Subsection 32(g), states if disclosure is to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

e) Child and Family Services Act (CFSA)

The professional's duty is to report to a Children's Aid Society those children who are suspected to be in need of protection (under s. 72(1) of the CFSA). This requirement overrides the provisions of any other provincial statute that may prohibit disclosure. Information should be shared in a manner that respects the vulnerabilities of children who may be in need of protection. The YCJA (in subsection 35) also outlines the authority of a Youth Justice Court to refer a young person to a child welfare agency to determine whether the youth is in need of child welfare services, at any stage of proceedings against a young person. Please see excerpts from *A Child in Need of Protection Handbook*.

f) Community Threat Assessment Protocol

The LDSB will respond to all student behaviours which pose a potential risk to other students, staff, and members of the community. It is hoped that early intervention measures by the school board and community team members will prevent school violence.

The effective implementation of the protocol will support collaborative planning to prevent traumatic events. In addition, the timely sharing of information about students who pose a risk for violence towards self and/or others will ensure that supportive and preventive plans are put in place.

The strength of this school board/community partnership lies in the multidisciplinary composition of the response team. Without delay the response team will share and review student information and the details of the threatening situation or evidence in order to collaborate effectively and make use of a broad range of expertise.

This collaborative process will respect the individual's rights to privacy and the safety of all. The MFIPPA, as well as the PHIPA both provide exceptions for the release of information where there are imminent risks to health and safety. MFIPPA states, "compelling circumstances affecting the health and safety of an individual..." (Part II, 32(h), MFIPPA).

Section 125(6), the YCJA enables information in a YCJA record to be shared, within the access period, with any professional or other person engaged in the supervision or care of a young person – including the representative of any school board, or school or any other educational or

training institution only in limited circumstances. Information may be shared to ensure the safety of staff, students or others, to facilitate rehabilitation of the young person or to ensure compliance with a youth justice court order or any order of the provincial director respecting reintegration leave. Such sharing of information does not require the young person’s consent.

10. School Procedures for Reporting to Police

Reason for Contact	School Responsibility	Nature of Police/Agency Contact
Imminent threat to the safety of any occupant of the building	Principal or Designate. In the case of a threat requiring a lockdown, all staff members must be able to contact 911 without consultation as outlined in the Threats to School Safety/Lockdown Procedures of each board or Provincial Branch	911: When calling 911, clearly indicate the need for assistance based on protocol’s outlined mandatory notifications
Mandatory Section 8 incidents from this protocol	Principal or Designate (in consultation with school administration)	911 or non-emergency police line depending on the circumstances Non-Emergency Numbers: Kingston Police: 613-549-4660, Dial 0 or say Communications Napanee OPP: 613-354-3369 Loyalist OPP: 613-386-8601 Kaladar OPP: 888-310-1122 Stirling-Rawdon OPP: 613-473-4234 Belleville Police: 613-966-0882
Discretionary Section 8 incidents from this protocol	Principal or designate (in consultation with school administration)	Non-emergency police line

Child in need of protection	Staff member who receives the report/disclosure. This person must also inform school administration.	Family and Children Services and potentially police in emergency situations
Non-emergency, consultation	Principal or designate	Call non-emergency line and ask for an officer to attend the school or to call back. Do not specifically ask for Community Mobilization officer (OPP) or SRO (Kingston) Note: If you are not requiring an urgent or immediate response, please utilize the school resource officer.
Public Safety Education Request (i.e. cyberbullying presentation, drinking & driving, drug awareness, etc...)	Principal or designate	Community policing officer

11. Initial Police Contact

The police officer who responds to a report of a school-related incident is responsible for obtaining and thoroughly documenting information on the incident. If the focus of the investigation or complaint is on the principal/designate, or under other exigent circumstances, the officer may not be required to follow the procedures set out below (e.g. reporting to principal).

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, unless exigent circumstances:

- report to the principal/designate, 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;
- contact or make arrangements with the principal/designate to contact, parents/legal guardians of students under the age of 18 (see section 13a).

There will be occasions where an officer is investigating based on information or a matter where the referral did not come from the school. In those cases, the officer will follow the above procedures.

Where the principal/designate is under investigation, the officer shall:

- report to the board supervisor of Safe Schools or their designate, providing proper identification;
- explain the purpose of the visit, and plan with the board supervisor or their designate on how to proceed.

12. School and Police Investigations of Incidents

The following legislation and regulations are relevant and require police compliance when conducting investigations in schools, and involve school personnel as alleged perpetrators, victims, or witnesses. They include but are not limited to:

- the Youth Criminal Justice Act;
- the Criminal Code;
- the Canadian Charter of Rights and Freedoms;
- the Cannabis Act;
- The Controlled Drugs and Substances Act;
- the Provincial Offences Act;
- the Municipal Freedom of Information and Protection of Privacy Act;
- the Freedom of Information and Protection of Privacy Act;
- relevant case law and common law.

Investigations should also be undertaken in accordance with the local police service Criminal Investigations Management Plan and, where required, with the Ontario Major Case Management Manual.

Parallel Investigations:

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.

It is important for police and school staff to work cooperatively and understand each other's roles when a matter involves both a police investigation, and a mandated investigation under the Education Act relating to suspension/expulsion. Working cooperatively and sharing good communication, reduces the risk of jeopardizing an investigation and the subsequent judicial proceedings, while ensuring school administrators are able to meet their legislated responsibilities under the Education Act. For example, under the Act, a school board's decision regarding expulsion of a student must be made within 20 school days from the date when the student was suspended. If recommending an expulsion, a school board must share this information with the parent/guardian at day 15.

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

When police conduct an investigation, take statements etc. they should provide a verbal account of the statement(s) to the principal unless it jeopardizes the investigation. Where individual force policy allows, or specific protocols are in place for the sharing of information (e.g.: Threat Risk Assessment Protocol), police may provide copies of statements to the principal. Furthermore, police can disclose the findings and outcome of the investigation to the principal. Principals may make their own notes as to what an officer has told them about a matter, for the purpose of addressing their obligations under the Education Act.

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

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

a) Legal Rights

In the investigation of school-related incidents committed by young persons, particular attention should be given to procedures that are consistent with the following provisions:

- parental notification upon arrest (s. 26, YCJA);
- right to counsel (s. 25, YCJA);
- protection of privacy (s. 110, YCJA);
- right not to make a statement (s. 146, YCJA);
- disclosure of information in a record (Section 125(6), 125(7)).

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, and case law;
- roles and responsibilities of police and school personnel in conducting searches of persons or property;
- Police will notify the principal/designate before conducting searches on school premises. (Under some exigent circumstances, police may be required to execute a search warrant without notice to the principal/designate);
- the continuing responsibility of the principal for students even when police are on school premises.

School personnel will widely disseminate information regarding the right to search school property.

c) Surveillance Initiative Protocol

The signing parties are committed to keeping our schools safe. They are also committed to keeping the community, and those steps that the school board and police are taking to continue to promote a safe environment in all schools. All agencies recognize the value of preventive strategies, as well as the need for more direct intervention such as the Surveillance Initiative.

Surveillance can be defined as any actions or means taken by the police that are needed to monitor suspected undesirable activity and where police presence may not be evident.

Process:

- Arrangements are to be made by board or school authorities and the appropriate police detachment;
- Notification will be made to the administration of the school involved regarding the time of the surveillance;
- When an incident develops, police action will be taken, and the Safe Schools Protocol consequences will be applied by the administration.

Supplementary Information

The surveillance officers may inquire of the administration identities or information about possible offenders, descriptions, vehicles, or locations near the school or in the community, dates and times of known activity.

d) Detainment and Arrest

In the event of detention and/or arrest of suspects, procedures will take place which are in accordance with the police service's guideline on arrest, relevant federal and provincial legislation, and case law. The police and the principal should pay particular attention to the following procedures and responsibilities:

- 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 YCJA, relevant federal and provincial legislation, and case law;
- 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);
- requirements to be followed under the YCJA 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;
- if a student has been arrested on school property, the student may be escorted to the principal, vice-principal or designate, if this can be done safely; the police officer will make every effort to notify the principal, where appropriate, when a student has been arrested off school property (e.g. in cases relating to the Community Threat Assessment Protocol);
- if an individual, who is not a student, has been arrested on school property, the school shall be notified of the circumstances, where appropriate where an incident occurs at or immediately adjacent to the school involving a student, or where an incident develops as a result of surveillance, the Safe School Communications and Media Protocol shall be followed, where appropriate.

Students Below the Age of 12

Students under the age of 12 years cannot be charged with an offence under the YCJA or the Criminal Code. In the event that the principal/designate is uncertain as to whether or not an incident should be reported to the police, he/she should contact the police for clarification and consultation. The police may remove a child under the age of twelve from the school if the child has been arrested or if the parents have given their consent. The police may decide to contact the local Children's Aid Society/Family and Children's Services after consulting with the school administrator.

- notify the parent/legal guardian as soon as possible. The administration will consult with the police to determine which party will notify the parent/legal guardian;
- police have the authority to take reports and conduct interviews;
- the specific types of incidents that are to be reported for students under 12 years of age include abuse, neglect or the risk thereof, serious acts of a child when the child's parents are not accessing appropriate treatment;
- there is a duty to report children suspected to be in need of protection to the local Children's Aid Society, under s.72(1) of the Child and Family Services Act.

Students Ages 12 to 17

Youth between the ages of 12 and 17 years, may be charged under the YCJA, the Criminal Code, or other federal or provincial statutes. In those incidents stated above, the police may make an arrest. Unless there are extenuating circumstances (student a danger to others), the student's parent/guardian should be notified as soon as possible where the pupil will be detained/arrested and the reason for the arrest (s. 26, YCJA). The involvement of the parents or guardians is desirable at every stage in the process.

Students Ages 18 and Over

When a student is 18 or older, the Criminal Code and other statutes apply. Parents may only be contacted with permission of the student.

Students' Rights

e) Supports for Victims

The parties recognize that the victims of crime or other incidents may require special attention and services. Counselling and other appropriate supports are available for students within the school. Such resources shall be made available to students. In addition, other social services are available in the community to support victims of crime or violence.

Police and school personnel have roles and responsibilities with respect to providing support for victims, 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);
- 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.

Every effort shall be made to identify such resources, to facilitate the involvement of victims in an appropriate support program, and to notify victims of other considerations such as:

- police services for victim;
- student support services of the school board;
- services offered by other municipal, community, and social service agencies, including legal services (e.g., public health units, victim services, Help Phone Lines);
- access to information;
- confidentiality of victim and witness identity (s. 111, YCJA);
- procedures for information sharing and community referrals.

Under the YCJA victims are entitled, upon request, to receive information about how an offence was dealt with where extrajudicial sanctions are ordered. Such information shall not be provided by school officials, but by the police or other person designated under the YCJA.

Please reference the Traumatic Events Systems (TES) guidelines (LDSB only) for further information related to crises/trauma and available supports.

The principal is obligated to 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 or harm from the parents (Education Act, s. 300.3(1) and O. Reg. 472/07).

13. Police Interviews of Students

The following premises apply and the following procedures shall be followed in police interviews of students on school premises unless exigent circumstances exist:

- the need for the principal to make best efforts to contact parents as soon as possible before the interview (see also section 12(a), 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;
- the need for police to consult with the principal to consider alternatives for conducting interviews at a location other than the school;
- 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;
- it is the responsibility of police to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses;
- police will arrange interviews through the principal or designate (See Appendix C);
- where the interview is in relation to a child who is suspected to be in need of protection, the local Family and Children Services will be involved as per protocol (*A Child in Need of Protection Handbook*);
- school personnel will assist police in making the required preparations (e.g. securing a quiet room and establishing a time for the interview, locating the pupil);
- factors will be considered in determining the most appropriate time and place to conduct a student interview; and police will follow the local police service's procedures for interviewing witnesses, victims, and suspects.

a) Notification of Parents

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, 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 with the following exceptions:
 - if the principal is otherwise directed by police because of exigent circumstances or where the police believe the parent may be implicated; or
 - 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); or
 - if the Family and Children Services is involved (e.g. because of a suspected abuse or neglect at the student's home), school and police officials should discuss and come to agreement with Family and Children Services on the timing and procedure for notifying the parent/legal guardian;

- police must advise a student under the age of 18 that he/she may request his/her parent/legal guardian to be in attendance during the Police interview;
- If a student is detained or arrested, the police will notify his or her parents unless the student is 18 years of age or older. The parents should not be contacted if the police determine that doing so may endanger the safety of the student or another person or the integrity of an investigation. In such cases, the student will be advised that he or she may contact another adult person.

Note: if reasonable attempts have been made, and the parent/legal guardian cannot be contacted, the student may identify another family member or other responsible adult, or the principal may, provided the student so wishes, be present during an interview held in the school.

b) Preparation for Interviews Conducted by Police

- 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;
- evaluate the need for specialized resources where a student is known to have behavioural, cognitive, physical, learning disability, or mental health needs (see section 14 for more information on students with special needs);
- In consultation with school and police officials determine the methodology of the interview; and decide which officer will take the lead in conducting the interview, if more than one officer is interviewing;
- if the interviews will be audio/videotaped, the police must inform the interviewee that the conversation is being recorded;
- determine the need for an interpreter (e.g., a language interpreter, and interpreter for a student who is deaf or hard of hearing).

c) Conduct of Interviews

- Employ appropriate interviewing techniques in police interviews of young persons and children; police must follow the Guide to Officers for Section 146 YCJA Statements (see Appendix H);
- Provide 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;
- Take into account legal considerations respecting the admissibility of statements made to persons in authority (Appendix H - s. 146(2) of the YCJA);
- Involve the local Children's Aid Society in the interview process, (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 or

designate, must attend the interview. In cases where the police are interviewing the perpetrator and the situation involves a potential suspension pending expulsion, a vice-principal or other adult should sit in with the student during the interview.

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

See updated Board and Family and Children Services brochure - *A Child in Need of Protection*.

15. Investigations Involving Students with Special Needs

School administrators have a duty to ensure that all members of the school community are able to work and learn in a safe and positive environment. As a result, schools are obligated to report incidents to police as outlined in section 8 of this document and to consider the Community Threat Assessment Protocol;

However, additional considerations need to be taken into account by school personnel and police in the investigations that involve a student known to have behavioural, intellectual, or physical exceptionalities, difficulties in communicating, and/or multiple exceptionalities;

- School administrators must communicate to the police that a student is known to have special education needs or communication difficulties and how these special needs are present in the student's behaviour and or social communication skills;
- Additional requirements to consider when responding to and investigating incidents involving students with exceptionalities (especially when interviewing is necessary) - such as additional support personnel/counselor/interpreter. Students with special needs must be accommodated. Every attempt should be made to provide specialized supports/resources, as needed, for the student during an investigation;
- The principal or designate shall evaluate the need for specialized resources prior to the interview (e.g., check with Student Services, OSR, Individual Education Plan (IEP), behaviour management plan, or safety plan if necessary);
- The principal or designate shall ensure that the student's parent/legal guardian is contacted as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident.

16. Occurrences Involving Children Under Age 12

Students under the age of 12 years cannot be charged with an offence under the YCJA or the Criminal Code of Canada. In the event that the principal/designate is uncertain as to whether or not an incident should be reported to the police, he/she should contact the police for clarification and consultation. The police may remove a child under the age of 12 from the school if the child has been arrested or if the parents have given their consent. The police may decide to contact the local Family and Children's Services after consulting with the school administrator. 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.

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. The Community Threat Assessment Protocol framework should also be considered with occurrences involving children under age 12.

Procedures and considerations for responding to occurrences involving students under the age of 12 include the following:

- consult/notify the parent/legal guardian as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident;
- police have the authority to take reports, conduct interviews, and make referrals to additional services (e.g. health/counselling);
- the principal shall provide accommodations and/ or modifications for students with special education needs, as outlined in their IEPs;
- there is a duty to report children suspected to be in need of protection to the local Children's Aid Society, under s.72(1) of the Child and Family Services Act;
- the specific types of incidents that are to be reported for students under 12 years of age include abuse, neglect or the risk thereof, serious acts of a child when the child's parents are not accessing appropriate treatment.

The role of the child protection agency when responding to violent incidents involving children up to the age of 12 is mandated by The Child and Family Services Act (See Section 37, Subsection (2)(j)(k). Children who injure or threaten to injure others may have to be reported to the Family and Children's Services and the child may subsequently be determined as a child in need of protection under The Child and Family Services Act.

The Family and Children's Services play an important role in violence prevention and intervention. They are available to:

- consult with staff on behalf of children who display violent behaviour or serious misconduct;
- meet with police and educators to assist children under 12 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 from other community resources to assist in meeting the needs of the child and his/her family;
- work with other community resources for support of the child and family.

17. School Board Communication Strategy

School boards must continue to solicit input from Trustees, school councils (including the Parent Involvement Committee), Safe Schools' teams, parents, staff, and students in developing this protocol. Support from the community is essential, and it can be garnered through regular and meaningful communication. Communications to promote knowledge and understanding of the contents of the protocol can be channeled through school's principals to staff, students, school councils, and parents through meetings and written communiqués.

Communication with students and their family's need to include the range of situations in which police may be called, including any criminal activity involving students that takes place away from school if that activity has a negative impact on school climate.

Communications and Media Protocol

Protocol Components:

In conjunction with the implementation of the Safe Schools Initiative, the police and board staff will continue to work jointly to intervene when an incident occurs where there is a threat, potential threat or an incident that involves the safety of students and staff including the communication of the incident to the media and subsequently the community at large.

The purpose of this communication procedure is:

- to ensure that the principal/board is aware of the incident;
- to ensure that the principal/board is informed of the intention of the police to release information to the media regarding a school related incident;
- to ensure that the Director and the appropriate school superintendent are informed by the school principal or the police when the incident requires police involvement;

- to provide the principal with the opportunity for input and/or, amendments to the media release resulting in an agreed upon release;
- to ensure that the school principal communicates with the Director of Education and the communications officer prior to Communications releasing information to the media.

Under normal circumstances when incidents have occurred on school property during the school day and/or that involve students or staff, the police will attempt to contact the principal of the school and Communications before a media release is issued. This will ensure:

- communication with the Director and senior level police personnel when the incident requires their input in a joint media release;
- accurate information to the media regarding the school board and Police response to the incident;
- that there is consultation between police/board staff with respect to the timing of the release, where practical and appropriate. (e.g. This will give the principal time to prepare the school community when necessary).

It is understood that:

- when an incident occurs that has a major impact on the school board and the police are involved, the police will attempt to communicate details of the incident to the Director of Education/Communications as soon as possible and before a press release is issued;
- each school board or provincial school will contact the police before it issues a media release in respect of any student, staff or situation in which the police have been directly involved or where there is a likelihood that the police may become involved;
- the police may issue media releases about incidents that do not involve the school community but that have occurred on school property, usually after normal school hours. In these instances, as soon as possible, the police will inform the principal of the school and Communications where the incident occurred, as a matter of courtesy. In agreed upon cases, a joint press release may be required to ensure that the community concerns are addressed;
- each organization will inform the appropriate employees of this protocol ensuring their understanding and commitment;
- each school board or Provincial Schools Branch as well as all police jurisdictions will govern their own internal communications.

18. Police/Board Protocol Review Process

The protocol is reviewed by the parties every year to identify case studies and areas for refinement and includes consultation with school staff, police, school councils, parents, and students. A full review of the protocol must occur every two years.

19. Non-Incident-Related Police Involvement

Police play an important role in the school community. Their involvement goes far beyond simply responding to incidents. The National Association of School Resource Officers states:

Police provide a visible and positive image for law enforcement. They serve as a confidential source of counselling to students concerning problems they face. They bring expertise into schools that will help young people make more positive choices in their lives. They also work to protect the school environment and to maintain an atmosphere where teachers feel safe to teach and students feel safe enough to learn.

Police serve an important role in violence prevention and safety awareness. They are an invaluable resource who can speak to students or groups of students about many issues related to citizenship, personal safety, the law, drug awareness, harassment and hate crime, and the consequences of poor choices.

Where possible, police are welcome to come into the schools as community officers to enable more informal interactions between police and students and other school personnel. Police can also offer more structured programs as described in the next section.

20. School/Police Role in Violence Prevention Programs

A coordinated and multifaceted approach is required to promote positive behaviour and prevent school violence. Police work in partnership with schools and other community agencies to administer programs such as peer mediation, mentoring, drug and alcohol awareness and education, conflict resolution, cyberbullying and bullying prevention.

School boards and principals need to develop, promote, and maintain strong partnerships with police and seek to benefit from their support in the implementation of the board and school's violence-prevention policies, particularly where those policies pertain to addressing the risk

factors associated with antisocial, gang-related, or criminal behaviour. In a closely cooperative relationship, police may also offer support in a consulting role, to assist school personnel in determining appropriate action when dealing with violent behaviour and to explain the procedures for police investigations.

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

CPSD recognizes that the intersection of multiple and complex social, economic, health, and environmental factors may lead to criminality. CPSD involves long-term, sustainable, multi-agency, integrated actions that deal with the risk factors (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, but are not limited to:

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

Strategies that police can use to help prevent violence in schools include, but are not limited to:

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

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

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 Family and Children’s Services, that is dedicated to violence prevention in Ontario schools.

21. Physical Plant Safety Issues

Alterations to the physical space (e.g., lighting, building design, landscaping) can be made by the school or board to enhance the safety of students, staff and visitors. When requested, police services should work in cooperation with local schools to assess the physical safety of buildings and/or school premises. In all cases, final decisions about alterations rest with the school board, as does the responsibility to carry out any desired work.

22. Community Threat Assessment Protocols

Community partners are committed to making our schools safe for students and staff. As a result, schools will respond to all student behaviours that pose a potential risk to self, other students, staff and members of the community. It is hoped that support for early intervention measures by the school board and community partners will prevent school violence. Taking steps to identify at-risk students through early and ongoing assessment and intervention strategies may reduce the need for disciplinary action and police interventions. The effective implementation of the protocol will support collaborative planning which is a highly effective means of preventing and managing situations that could otherwise negatively affect the safety of students and/or school staff and to prevent traumatic events. In addition, the timely sharing of information about students at risk for violence toward self and/ or others will ensure that supportive plans are put in place.

The strength of this school board/community partnership lies in the multi-disciplinary composition of the response team. Without delay the response team will share and review student information and the details of the event in order to collaborate using a broad range of expertise. This collaborative process will respect the individual's rights to privacy and the safety of all.

For details, please see each board's Community Threat Assessment Protocol.

For LDSB, please see The Limestone District School Board Community Threat Assessment Protocol, 2nd edition available on the LDSB website limestone.on.ca under Safe Schools.

For ALCDSB, please see The Algonquin and Lakeshore Catholic Community Threat Assessment Protocol, available on the ALCDSB website alcdsb.on.ca under Policies and Procedures: Protocols.

Police agencies can access additional services within their organizations if necessary.

23. Emergency Planning and Threats to School Safety

Schools have developed Emergency and Crisis Response Plans within the guidelines offered by administrative procedures related to Threats to School Safety (See Appendix D). Every school must develop an Emergency and Crisis Response Plan aligned with these procedures.

Teachers, staff, parents, school councils, and students need to be involved in the development and monitoring of the Emergency and Crisis Response Plan. Safe Schools teams are an effective medium for this purpose. The Emergency and Crisis Response Plan must be fully communicated to members of the school community and Police services. Training materials used in schools will be shared with police forces. Schools are encouraged to consult with police services in the creation of site-specific plans.

In the event of a traumatic event, please refer to the TES guideline (LDSB only), and access the Traumatic Events Community Response Team.

The plans should be reviewed, as needed and appropriate, and at least every three years including consultation with staff, parents, school council, and parents.

Follow-up strategies should be applied according to the nature of the incidents or emergencies encountered, which may include trauma teams, counselling referrals, and communication protocols.

Mechanisms for sharing the Emergency and Crisis Response are in place with police services e.g. SPEAR (Kingston Police), Immediate Rapid Deployment (OPP, Kingston Police, Belleville Police, and Military Police) and the Fire Department. The plans should be updated annually for the police.

24. Training

The school board and police services are required to provide joint training on the local police/school board protocol to their respective staff on an annual basis. This training should be delivered by police and school board personnel and be based upon effective/leading practices.

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.

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

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

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

Expulsion: The removal of a student from his or her school or from all schools of the board. Students expelled only from their school are assigned to another school of the board. Students expelled from all schools of the board must be offered a program for expelled students. Activities for which expulsion must be considered are found in section 310(1) of the Education Act. An example is using a weapon to cause or to threaten bodily harm. Note that in the context of the Provincial Schools Branch, expulsion is equivalent to permanent dismissal. For further information on the differing procedures, contact the Provincial Schools Branch.

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

Extra-judicial measures: Measures used by police to hold a young person accountable for his or her alleged criminal behaviour, in a timely manner, outside the formal youth justice system.

The formal system would include charging the individual and going through the court process. Extra-judicial measures hold a youth accountable for his or her actions and provide sanctions outside of judicial proceedings. Some examples of sanctions include substance abuse 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.

Illegal drug: Any substance that is prohibited or restricted under the Controlled Drug and Substance Act, or Cannabis Act. This includes being in possession of a pharmaceutical drug without a prescription.

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 D for details.)

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

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

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

3. Other factors

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

1. The pupil's history

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

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

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

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

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

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

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

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

Surveillance: Defined as any actions or means taken by the police that are needed to monitor suspected undesirable activity and where Police presence may not be evident.

Suspension: The removal of a student from his or her school and all school-related activities for a minimum of one school day to a maximum of 20 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. Note that in the context of the Provincial Schools Branch, suspension is equivalent to temporary dismissal, although there are some differences. Contact the Provincial Schools Branch for further information.

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. Note that in the context of the Provincial Schools Branch, suspension is equivalent to temporary dismissal, although there are some differences. Contact the Provincial Schools Branch for further information.

Threats to school safety: Schools are required to have emergency response plans for Shelter in Place, Hold and Secure, Lockdown, and Evacuation. See Appendix D for more information.

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

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