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| Title        | <b>POLICE/SCHOOL BOARD<br/>PROTOCOL</b> | Procedure No.  | 4008e        |
| Department   | <b>LEARNING SUPPORT SERVICES</b>        |                |              |
| Reference(s) | - Policy: Safe Schools                  | Effective Date | 2002 Feb. 26 |

The attached Police/School Board Protocol is prepared in accordance with the requirements of the Ministry of Education and the Ministry of the Solicitor General for the investigation of school-related occurrences. It is prepared in conjunction with the Children's Aid Societies of London and Middlesex, Elgin and Oxford Counties, the London District Catholic School Board, Provincial Schools Branch-London (Ministry of Education) and members of the Policing Co-operative.

|                   |                                                            |
|-------------------|------------------------------------------------------------|
| Administered By   | <b>LEARNING SUPPORT SERVICES</b>                           |
| Amendment Date(s) | 2008 Feb. 12<br>2011 Apr 26<br>2011 Sep. 13<br>2014 Mar 17 |

# **POLICE / SCHOOL BOARD PROTOCOL**

**In accordance with the requirements of the Ministry of  
Education and the Ministry of the Solicitor General.**

**CHILDREN'S AID SOCIETY  
LONDON DISTRICT CATHOLIC SCHOOL BOARD  
POLICE SERVICES  
THAMES VALLEY DISTRICT SCHOOL BOARD  
PROVINCIAL SCHOOLS BRANCH- LONDON, MINISTRY  
OF EDUCATION  
CONSEIL SCOLAIRE VIAMONDE  
CONSEIL SCOLAIRE DE DISTRICT DES ÉCOLES  
CATHOLIQUES DU SUD-OUEST**

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## **1.0 SIGNATORIES**

Schools reflect society in general, and also face the challenges of trying to prevent and deal with violence and aggression. Parents/guardians, students, educators, community partners, and police must work together to support a cooperative partnership aimed at creating and maintaining safe school environments.

The following protocol has been developed consistent with the requirements of the Ministry of Education and the Ministry of the Solicitor General to establish a protocol for the investigation of school-related occurrences through the cooperative efforts of the following:

**Members of Policing Cooperative**  
**London District Catholic School Board**  
**Thames Valley District School Board**  
**Provincial Schools Branch- London, Ministry of Education**  
**The Children's Aid Societies of**  
**London and Middlesex, Elgin and Oxford Counties**  
**Conseil Scolaire Viamonde**  
**Conseil scolaire de district des écoles catholiques du Sud-Ouest**

### **Members of Policing Cooperative as listed below:**

Aylmer Police Service  
London Police Service  
Ontario Provincial Police - Western Region  
R.C.M.P., London Detachment  
St. Thomas Police Service  
Strathroy-Caradoc Police Service  
Woodstock Police Service

### **The Children's Aid Societies as listed below:**

Family and Children's Services of Elgin County  
410 Sunset Drive, St. Thomas, ON N5R 3C7

Children's Aid Society of Oxford County  
92 Light Street, Woodstock, ON N4S 6H1

Children's Aid Society of London and Middlesex County  
P.O. Box 7010, London, ON N5Y 5R8

Note: In this document, school boards also includes the Provincial Schools Branch, Ministry of Education; school includes the residences of the provincial and demonstration schools; and principal includes residence manager.

## **2.0 STATEMENT OF PRINCIPLES**

The elements of this protocol are based upon the following guiding principles:

- § 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 pertaining to disability racial, cultural, religious, and other differences among students, teachers, and staff; and
- ☐ the need to provide a balance between rights and responsibilities.

## **3.0 INTRODUCTION**

The police services and school boards believe that schools must be safe places for learning and teaching. A safe school environment promotes respect, responsibility, and civility while providing the best possible education for students. Police play a vital role in supporting and enhancing the efforts of schools and their communities to be safer places in which to learn and work. In addition to responding to and investigating school-related incidents, police are essential partners in the prevention of crime and violence.

At the root of effective school-police partnerships is a common understanding of each partner's roles and responsibilities. As such, this Protocol has been prepared to :

- ☐ assist in the greater safety and protection of students, teachers, administration, staff, and volunteers in schools;
- ☐ encourage constructive ongoing, adaptive, and responsive partnerships between police and the school community;
- ☐ facilitate appropriate sharing and disclosure of information, in accordance with privacy laws, including FIPPA and MFIPPA;
- ☐ promote joint consultation and partnerships between school boards and police services on maintaining a safe school environment;
- ☐ ensure that the obligations and requirements of both the education and law enforcement police systems are met; and
- ☐ ensure a consistent approach across a school board's jurisdiction in the way police and schools respond to a school-related occurrence.

## **4.0 ROLE AND MANDATE OF POLICE SERVICES**

In cases of exigent circumstances, police will assume primary responsibility as may be necessary to ensure school safety. The police have specific roles and responsibilities related to young people and the school community, including:

- § engaging and working proactively in partnership with school officials to ensure the effectiveness of this protocol;

- ☐ enforcing the *Criminal Code*, the *Police Services Act*, the *Youth Criminal Justice Act*, and other federal, provincial, and municipal legislation and related regulations;
- ☐ upholding the duties legislated under s. 42 of the *Police Services Act*;
- ☐ assisting victims of crime;
- ☐ conducting police and criminal investigations;
- ☐ protecting public safety and preventing crime:
- ☐ assisting in the development of young people's understanding of good citizenship;
- ☐ promoting and fostering the prevention and reduction of crime, both against and committed by young people;
- ☐ providing information on community safety issues;
- ☐ diverting young people away from crime and antisocial behaviour; and
- ☐ working in partnership with other government and community-based organizations to support positive youth development.

## 5.0 ROLE AND MANDATE OF SCHOOL BOARDS

In cases of exigent circumstances, police will assume primary responsibility as may be necessary to ensure school safety. School boards, principals, teachers, and school staff have specific roles and responsibilities related to safe and secure schools, including:

- ☐ 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");
- ☐ administering school-related disciplinary actions (e.g., suspensions and expulsions);
- ☐ respecting the Board's Code of Conduct and developing a school code of conduct, as required by the Education Act (S. 302) and relevant Ministry of Education Policies;
- ☐ ensuring that resources (e.g., on drug awareness, on bullying prevention) are accessible to assist school staff in promoting a positive school environment with students and peers;
- ☐ developing policies on how to respond to crises, including a communication 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; and
- ☐ developing an effective consultation mechanism for soliciting input from staff, students, parents, parent involvement committees (PICs) and school councils (SEACs) in the development of local protocols.

The principal of a school, subject to the authority of the appropriate supervisory officer, is in charge of the instruction and discipline of students in the school and the organization and management of the school.

The duties of principals, teachers, and students are set out in various statutes and regulations, as well as in Ministry and school board policies and procedures. The following statutory and regulatory duties relating to maintaining safe learning environments in schools are highlighted:

## **5.1 The Education Act**

### **5.1.1 Duties of Principals**

- clause 265 (a) **discipline** - to maintain proper order and discipline in the school;
- clause 265(b) **cooperation** - to develop co-operation and co-ordination of effort among the members of the staff of the school
- clause 265(b) **cooperation** - to develop co-operation and co-ordination of effort among the members of the staff of the school
- clause 265 (j) **care of pupils and property** - to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school, to the care of all teaching materials and other school property, and to the condition and appearance of the school buildings and grounds;
- clause 265 (m) **access to school or class** - subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgement be detrimental to the physical or mental well-being of pupils.

### **5.1.2 Duties of Teachers**

- clause 264 (1)(d) **cooperation** - to assist in developing co-operation and co-ordination of effort among the members of the staff of the school;
- clause 264 (1)(e) **discipline** - to maintain, under the direction of the principal, proper order and discipline in the teacher's classroom and while on duty in the school and on the school ground.

## **5.2 Regulation 298**

### **5.2.1 Duties of Principals**

- clause 11 (3)(e)- provide for the supervision of pupils during the period of time during each school day when the buildings and playgrounds are open to pupils;
- clause 11 (3)(f)- provide for the supervision of and the conducting of any school activity authorized by the board;
- clause 11 (3)(k)- provide for instruction of pupils in the care of the school premises;

- clause 11 (3)(l)- inspect the school premises at least weekly and report forthwith to the board,
  - i) any repairs to the school that are required, in the opinion of the principal,
  - ii) any lack of attention on the part of the building maintenance staff of the school, and
  - iii) where a parent of a pupil has been requested to compensate the board for damage to or destruction, loss or misappropriation of school property by the pupil and the parent has not done so, that the parent of the pupil has not compensated the board.

#### **5.2.2 Duties of Teachers**

- clause 20(b)- carry out the supervisory duties and instructional program assigned to the teacher by the principal and supply such information related thereto as the principal may require;
- clause 20(h)- co-operate with the principal and other teachers to establish and maintain consistent disciplinary practises in school.

#### **5.2.3 Duties of Pupils**

- clause 23(1)(b)- exercise self-discipline;
- clause 23(1)(c)- accept such discipline as would be exercised by a kind, firm, and judicious parent;
- clause 23 (1)(e)- be courteous to fellow pupils and obedient and courteous to teachers;
- clause 23(1)(h)-show respect for school property.

### **5.3 Regulation 296 - Ontario Schools for the Blind and Deaf**

In addition, principals, teachers, residence counsellors and pupils in provincial and demonstration schools are subject to the duties outlined in Regulation 296.

#### **5.3.1 Duties of Principals and Teachers**

- be responsible for effective instruction in the subjects assigned to him or her by the Superintendent, the management of his or her classes and the discipline in his or her classroom;
- assist in maintaining discipline in the School and in fostering school spirit and morale; and
- carry out such supervisory duties as may be assigned by the Superintendent.  
R.R.O. 1990, Reg. 296, s. 15.

### **5.3.2 Duties of Pupils**

- exercise self-discipline and accept such discipline as would be exercised by a kind, firm and judicious parent;
- be clean in his or her person and habits, diligent in his or her studies and courteous to other pupils and to the teaching and non-teaching staff of the School;
- leave the school premises only under conditions specified by the Superintendent; and
- if the pupil is in residence at the School, participate in the programs provided by the residence counsellor for his or her residence area. R.R.O. 1990, Reg. 296, s. 14.

### **5.3.3 Duties of Residence Counsellors**

- be responsible for the residence area assigned to him or her by the Superintendent and provide for the safety, health, comfort and well-being of pupils in such area;
- assist in maintaining school spirit, morale and discipline
- carry out such supervisory duties as may be assigned to him or her by the Superintendent; and
- co-operate with the Superintendent in all matters affecting the School. R.R.O. 1990, Reg. 296, s. 16.

## **6.0 DEFINITIONS/EXPLANATIONS OF TERMS**

Appendix A includes a glossary of terms that assist police services and school boards in identify terms that need to be defined while administering local protocols. These definitions are used in related ministry, board, school or police policy documents and help maintain consistency among interrelated policies and protocols.

## **7.0 OCCURRENCES REQUIRING POLICE INVOLVEMENT OR RESPONSE**

### **Police Response**

Police response will be made when a 911 or emergency call is placed by the school and the police presence is needed at the time of the incident.

### **Police Involvement**

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

The following incidents require mandatory reporting to police (for students under the age of 12, refer to Section 15 below):

### **Mandatory Notification of Police**

- 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;
- possessing an illegal drug;
- hate and/or bias motivated occurrences; extortion;
- arson;
- gang related occurrences;
- vandalism causing serious damage;
- bomb threats.

### **Discretionary Notification of Police**

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, e-mail, and so on;
- incidents of vandalism; and
- trespassing incident.

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

## **8.0 INFORMATION SHARING AND DISCLOSURE**

Procedures and obligations as required under the *Youth Criminal Justice Act*, *The Child and Family Services Act* and the *Ontario Student Record Guideline 2000* are as follows:

### **8.1 Criminal Code**

The police can access a student's Ontario Student Record (OSR) by warrant or subpoena, or with the written consent of a parent or 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 487.1.1 of the Criminal Code.

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

The YCJA sets out the procedural requirements for dealing with young persons charged with offences. (Refer to Part 6 (ss. 110 to 129) of the YCJA, “Publication, Records and Information”.) There may be occasions when it is necessary for police to share confidential information with school officials. Section 119 of the YCJA provides the circumstances under which confidential information may be shared.

**The following subsections are of particular relevance for the police/school board protocols:**

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

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

In accordance with MFIPPA which regulates the collection and disclosure of personal information that is not related to the YCJA, the legislation provides for disclosure of personal information in situations under subsection 32 (g) of the MFIPPA (i.e., “to aid an investigation undertaken with a view to a law enforcement proceeding...”).

#### **8.4 Child and Family Services Act (CFSA)**

The police/school board have an overall duty under subsection 7.2(1) of the CFSA, 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 performs professional, or official duties with respect to children", including teachers and principals. This provision applies to information that is confidential or privileged (except under the solicitor/client privilege), and there is no liability against a person who reports unless the reporting was done maliciously or without reasonable grounds.

### **9.0 SCHOOL PROCEDURES FOR REPORTING TO POLICE**

School Boards are committed to ensuring that procedures are in place for dealing with the range of violent incidents that could occur in the school environment. These procedures are applicable to all students, staff, and visitors. It is expected that these procedures will help to prevent recurrence, thus making the school safer.

#### **9.1 Schools shall:**

- involve students, staff, parents and community in the development of school based procedures for dealing with violent incidents;
- make every reasonable effort to ensure the safety of victims, witnesses, students and staff in the school environment;
- respond to disclosures of violence which take place off of school property by supporting and referring the victim(s) to the appropriate community agencies (see [www.tvdsb.on.ca](http://www.tvdsb.on.ca) and/or [www.ldcsb.on.ca](http://www.ldcsb.on.ca))
- establish procedures for dealing with incidents effectively, fairly, and consistently;
  - utilize Code of Conduct
  - involve parent(s), guardian(s), at an early stage
  - report incident to school based administration
  - consider the following factors:
    - type of incident
    - facts, circumstances, and individuals involved
    - victim support
    - degree of harm caused to victim and school community
    - age of the individual involved
    - repeat occurrence of violent incident
    - underlying cause of violence
    - agency involvement
    - implement responses as appropriate
    - review suspension/expulsion or dismissal policy and procedures documents
    - review and implement preventive programming
    - develop a school based Emergency Response Team
    - make the parties involved, i.e., victim, perpetrator, witnesses and parent(s)/guardian(s) aware of counselling resources that may be available

- utilize the chart on page 15:
  - the schools should identify the incidents in the chart on the following page as inappropriate. These behaviours will be dealt with according to the suggested process indicated.
  - this process is provided as a guideline to administrators when dealing with perpetrators. Discretion, considering all mitigating and other factors, should be used except where “shall” is indicated.

## **10.0 INITIAL POLICE CONTACT**

The responding officer is responsible for obtaining and thoroughly documenting information on the incident. Where an incident involves a child in need of protection, or if the focus of the investigation or complaint is on the principal/designate, or other imminent circumstances exist, the officer may not be required to follow the procedures set out below (e.g. report to the principal):

- the reporting officer will report to the principal, providing proper identification;
- explain the purpose of the visit, and plan with the principal on how to proceed;
- consider alternatives that limit the disruption to the school day;
- obtain information from the principal about the student (e.g., regarding accommodation needs or barriers to communication) before making contact with the student; and
- contact, or make arrangements with the principal to contact, parents of students under the age of 18 (see section 12(a) below)

The reporting procedures for situations where the principal is under investigation, the investigating police officer shall contact the Director of Education or designate to determine the best course of action in conducting the investigation.

Authority to request date of birth, address and telephone number of the alleged offender, witnesses and/or victims for the purposes of the investigation in accordance with s. 32(g) of the *Municipal Freedom of Information Act*.

## Police/School Board Protocol Procedure

| <b>Intimidation, Bullying, Being Under the Influence of Alcohol, Threats Harassment i.e. Verbal, Racial, Sexual etc.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Destruction of Property Theft</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Materials that are: Sexually explicit, Racist, Sexist, Glorifying Violence</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Fighting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Document the incident, including witness reports.</li> <li>Inform the student that the behaviour is an infraction of Board policy.</li> <li>Contact the parent/ guardian if the student is under 18 years of age.</li> <li>Counsel the student.</li> <li>May involve the student in an interpersonal skills development program.</li> <li>Consider contacting the Superintendent.</li> <li>May suspend the student on the first offence and may increase the length of suspension on subsequent offences.</li> <li>Consider contacting/ consulting the police or other appropriate authorities.</li> </ul> | <ul style="list-style-type: none"> <li>Document the incident, including witness reports.</li> <li>Inform the student that the behaviour is an infraction of Board policy.</li> <li>Contact the parent/ guardian if the student is under 18 years of age.</li> <li>Counsel the student.</li> <li>May involve the student in an interpersonal skills development program.</li> <li>Consider documenting electronically (photo, video).</li> <li>Make arrangements for restitution.</li> <li>Contact the police if circumstances warrant it.</li> <li>Consider contacting the Superintendent and forward copy of Violent Incident Form, if reported to police.</li> <li>May suspend the student on the first offence from 1-5 days; from 1-20 days for serious damage.</li> </ul> | <ul style="list-style-type: none"> <li>Document the incident, including witness reports.</li> <li>Inform the student that the behaviour is an infraction of Board policy.</li> <li>Contact the parent/ guardian if the student is under 18 years of age.</li> <li>Counsel the student.</li> <li>May involve the student in an interpersonal skills development program.</li> <li>Confiscate the material if possible.</li> <li>May suspend the student on the first offence and may increase the suspensions on subsequent offences.</li> <li>Consider contacting/ consulting police or other appropriate authorities.</li> <li>Consider contacting the Superintendent.</li> </ul> | <ul style="list-style-type: none"> <li>Document the incident, including witness reports.</li> <li>Inform the student that the behaviour is an infraction of Board policy.</li> <li>Contact the parent/ guardian if the student is under 18 years of age.</li> <li>Counsel the student.</li> <li>May involve the student in an interpersonal skills development program.</li> <li>Consider contacting the police.</li> <li>Consider contacting the Superintendent.</li> <li>*May suspend the student on the first offence and may increase the length of suspension on subsequent offences.</li> <li>Complete Violent Incident Form if suspension occurs or if reported to police.</li> </ul> |

Although persons under age 12 cannot be charged criminally, police should still be called to investigate serious criminal offences and facilitate communication between school, parent/guardian(s), and outside agencies. The parent or guardian shall be notified in every case.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Possessing Alcohol or Illegal Drugs</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p><b>Death; 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; possessing an illegal drug; hate and/or bias motivated violence occurrences; giving alcohol to a minor; uttering death threats; extortion; arson; gang related violence occurrences; vandalism causing serious damage; bomb threats.</b></p>                                                                                                                                                              |
| <ul style="list-style-type: none"> <li>Document the incident, including witness reports.</li> <li>Inform the student that the behaviour is an infraction of Board policy.</li> <li>Contact the parent/guardian if the student is under 18 years of age.</li> <li>Counsel the student.</li> <li>Shall contact the police.</li> <li>May contact the Superintendent.</li> <li>Confiscate the illicit drugs if possible, and deliver them to the police.</li> <li>*May suspend the student on the first offence.</li> <li>Suspension may vary from 1 to 5 days on the first offence, and may increase in length on subsequent offences.</li> <li>Suspension on additional occurrences may be up to 20 days.</li> </ul> | <ul style="list-style-type: none"> <li>Document the incident, including witness reports and Violent Incident Form.</li> <li>Inform the student that the behaviour is an infraction of Board policy.</li> <li>Contact the parent/guardian if the student is under 18 years of age.</li> <li>Counsel the student.</li> <li>May involve the student in an interpersonal skills development program.</li> <li>Shall contact the police.</li> <li>Shall contact the Superintendent and forward copy of Violent Incident Form.</li> <li>Confiscate the weapon if possible and deliver it to the police.</li> <li>Shall,*subject to mitigating or other factors, suspend the student up to 20 days pending an expulsion investigation.</li> </ul> |

\*except where mitigating or other factors (see reverse page for mitigating or other factors).

## Police/School Board Protocol Procedure

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| <p><b>Suspension</b><br/>Activities leading to possible suspension<br/>306.(1) A principal shall consider whether to suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate, subject to the mitigating or other factors below:</p> <ul style="list-style-type: none"> <li>a) Uttering a threat to inflict serious bodily harm on another person.</li> <li>b) Possessing alcohol or illegal drugs.</li> <li>c) Being under the influence of alcohol.</li> <li>d) Swearing at a teacher or at another person in a position of authority.</li> <li>e) Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school.</li> <li>f) Bullying</li> <li>g) Persistent opposition to authority</li> <li>h) Use of profane or improper language</li> <li>i) Engaging in any act considered by the principal to be injurious to the moral tone of the school.</li> <li>j) Engaging in any act considered by the principal to be injurious to the physical or mental well-being of members of the school community.</li> <li>k) Engaging in any act considered by the principal to be contrary to the Board or school Code of Conduct or any of the Board's policies and procedures related to safe schools.</li> </ul> | <p><b>Expulsion</b><br/>Activities leading to suspension, pending expulsion<br/>310.(1) A principal shall suspend, and may recommend for expulsion, a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate, subject to the mitigating or other factors below:</p> <ul style="list-style-type: none"> <li>a) Possessing a weapon, including possessing a firearm.</li> <li>b) Using a weapon to cause or to threaten bodily harm to another person.</li> <li>c) Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.</li> <li>d) Committing sexual assault.</li> <li>e) Trafficking in weapons or in illegal drugs.</li> <li>f) Committing robbery.</li> <li>g) Giving alcohol to a minor.</li> <li>h) Bullying, if the student has previously been suspended for engaging in bullying and the student's continuing presence in the school creates an unacceptable risk to the safety of another person.</li> <li>i) Any activity listed in subsection 306(1) of the Education Act that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.</li> <li>j) Activities engaged in by the pupil that cause the pupil's presence in the school to be injurious to the physical or emotional well-being of other pupils or persons in the school.</li> <li>k) Activities engaged in by the pupil that causes extensive damage to the property of the Board.</li> <li>l) Any act considered by the principal to be a serious violation of the Board or school Code of Conduct or any of the Board's policies and procedures related to safe schools.</li> </ul> |
| <p><b>Mitigating or Other Factors</b><br/>In considering whether to suspend a pupil for engaging in an activity described above, a principal shall take into account any mitigating or other factors listed below as prescribed by Regulation 472/07.</p> <p>The following mitigating factors shall be taken into account:</p> <ul style="list-style-type: none"> <li>1) The pupil does not have the ability to control his or her behaviour</li> <li>2) The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour</li> <li>3) The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>Other Factors</b><br/>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:</p> <ul style="list-style-type: none"> <li>1) The pupil's history.</li> <li>2) Whether a progressive discipline approach has been used with the pupil.</li> <li>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.</li> <li>4) How the suspension or expulsion would affect the pupil's ongoing education.</li> <li>5) The age of the pupil.</li> <li>6) In the case of a pupil for whom an individual education plan has been developed,             <ul style="list-style-type: none"> <li>i) Whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,</li> <li>ii) Whether appropriate individualized accommodation has been provided, and</li> <li>iii) Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.</li> </ul> </li> </ul>                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## **11.0 SCHOOL AND POLICE INVESTIGATION OF SCHOOL INCIDENTS**

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

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

The principal will inform police of any logistical information about the school (e.g., the hours of the school day and class rotation schedules) that may be relevant to the investigation process. Police services will endeavour to work within these logistical considerations in order to minimize the disruption to the school.

### **11.1 Legal Rights**

In the investigation of school-related incidents where a young person is a suspect, particular attention should be given by the principal 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*).

### **11.2 Search and Seizure**

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

- procedures to be followed in personal and premise searches, in accordance with the Ministry of Community Safety and Correctional Services' Guidelines LE-011 on search of premises, and LE-012 on search of persons, and relevant federal legislation;
- roles and responsibilities of police and school personnel in conducting searches of persons or property;
- the requirement that police notify the principal before conducting searches on school premises. (Under some exigent circumstances, police may execute a search without a warrant and without notice to the principal.); and
- the continuing responsibility of the principal for students even when police are on school premises.
- It is the responsibility of the principal to advise the students at the beginning of the school year that desks and lockers are considered school property and that a search of such property is permissible by school administration.
- It is highly recommended that at least one other adult be present when a locker or desk is opened to avoid any allegations of wrong doing.

- A Principal has the duty to carry out an investigation to establish the nature and extent of the offence, but when it becomes apparent that an offence has been committed, the police shall be notified. However, in the case of minor offences, it will be left to the discretion of the Principal as to whether or not the Police and/or the appropriate Superintendent are contacted.
- In the event of the need for a body search, the principal/designate shall call the police and have them conduct the search.
- The police may conduct searches on school premises and shall notify the principal/designate before conducting the search. In some situations, police may conduct searches without notice to the principal/designate.

### **11.3 Detainment and Arrest**

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

- procedures to be followed in the detainment and/or arrest of suspects, in accordance with the Ministry of Community Safety and Correctional Services' Guideline LE-005 on arrest and the *Youth Criminal Justice Act*;
- roles and responsibilities of police and school personnel in the event of a suspect being arrested or detained on school property;
- legal grounds for police to demand entry (e.g., for weapon and drug searches, to arrest a person wanted for an indictable offence, or to save lives); and
- requirements to be followed under the *Youth Criminal Justice Act* when a young person is arrested and detained, including who is responsible for discharging specific obligations (e.g., the notification of parents under s. 26 of the Act).

### **11.4 Supports for Victims**

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

- procedures consistent with the Ministry of Community Safety and Correctional Services' Guideline VA-001 on victims' assistance;
- roles and responsibilities of police and school personnel, such as: – the 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 agencies, Help Phone lines);
- notice to victims of the services available to them and other considerations, such as:
  - police services for victims;
  - student support services of the local school board;
  - services offered by other municipal, community, and social service agencies, including legal services;
  - access to information; and
  - confidentiality of victim and witness identity (s. 111, *Youth Criminal Justice Act*);
- following board procedures for information sharing and community referrals.

### **11.5 Access to School Premises Regulation**

Ontario Regulation 474/00 governs access to school premises under section 305 of the Education Act. The provisions of this regulation are specific to school premises whereas the Trespass to Property Act governs more than just access to schools. Unauthorized persons may be charged and fined up to \$5,000 under the Education Act's access to premises regulation.

## **12.0 POLICE INTERVIEWS OF STUDENTS**

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

- the need for the principal to make best efforts to contact parents as soon as possible before the interview (see also section 12(1), "Notification of Parents", below);
- the requirement that a parent/legal guardian, third-party adult, or the principal, if no alternative is available, be present when students under the age of 18 are being interviewed at school;
- the requirement, in cases where a student aged 12 to 17 waives the right to have an adult present at the interview, that the police and the principal consider the most appropriate location for conducting the interview and take steps to ensure that the student's rights are respected during the interview;
- factors to consider in determining the most appropriate time and place to conduct a student interview;
- the responsibility of police to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses;
- procedures for police to follow in requesting permission to conduct interviews on school premises;
- procedures for including the local children's aid society (CAS) in a joint interview if the child is suspected to be in need of protection;
- roles and responsibilities of police in interviewing students, as set out in the local police service's procedures for interviewing witnesses, victims, and suspects;
- the need for school personnel to assist police in making the required preparations (e.g., securing a quiet room and establishing a time for the interview);
- the need for police to consult with the principal to consider alternatives for conducting interviews at a location other than the school; and
- the need for police to act in a manner that respects the dignity of the student and minimizes disruption to the school when it is necessary to interview, search, or arrest a student at school during school hours.

### 12.1 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, except:
  - if the principal is otherwise directed by police because of exigent circumstances
  - or where the police believe the parent may be implicated; if the student is 18 years of age or older (unless the student consents to or requests such contact or is incapable of providing consent); or
  - if the student is 16 or 17 years of age and has withdrawn from parental control (unless the student consents to or requests such contact or is incapable of providing consent).

If a CAS is involved, school and police officials should discuss and come to agreement with the CAS regarding the timing and procedure for notifying the parents.

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.

### 12.2 Preparation for Interviews

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

- determining whether circumstances allow for the interview to be conducted at the student's home or another location rather than at school, in view of the stigma and the potential impact on the student;
- evaluating the need for specialized resources where a student is known to have mental health needs or special education needs (**see section 14 below**);
- determining the methodology of the interview;
- deciding which officer will take the lead in conducting the interview, if more than one officer is interviewing;
- arranging for the audio/videotaping of interviews and statements, and meeting the requirement for police to inform the interviewee that the conversation is being recorded; and
- determining the need for an interpreter (e.g., a language interpreter, an interpreter for a student who is deaf or hard of hearing) and/or for information to be provided in an alternative format (e.g., Braille for a student who is blind or has low vision).

### 12.3 CONDUCT OF INTERVIEWS

Procedures and considerations related to conducting interviews include the following:

- the need for police officers to employ appropriate techniques when interviewing children and young persons;
- the requirement that police follow the *Guide to Officers for Section 146 Youth Criminal Justice Act Statements (see Appendix C)*;
- the requirement that police provide, upon arrest or detention, a legal caution and notification of the right to counsel where there are reasonable grounds to believe that the student being interviewed has been involved in the commission of a criminal offence;
- taking into account legal considerations respecting the admissibility of statements made to persons in authority (s. 146(2) of the *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.

### 13.0 REPORTING OF CHILDREN SUSPECTED TO BE IN NEED OF PROTECTION

Refer to Thames Valley District School Board's Procedure on Reporting Suspected Child Neglect and Abuse, Procedure No. 5005a.

### 14.0 INVESTIGATIONS INVOLVING STUDENTS WITH SPECIAL NEEDS

School boards recognize the particular vulnerability of children with special needs. Procedures following the report of a suspicion of abuse/neglect or a disclosure will be followed with consideration of additional and appropriate assistance to a child whose disability affects the ability to communicate.

The reporting person and/or the principal will ensure that the investigating agency or police are aware of whatever needs and accommodations are necessary for the child. Such accommodations should include the presence of a known adult during the investigation process.

All police investigations concerning students with special needs should involve some research on behalf of the investigating officer into the student's background and needs. A determination will have to be made based on what the student understands and is able to comprehend about the incident that is being investigated.

The special education staff that is responsible for the student's education should be fully consulted in order to come to a better understanding of the student. It may be appropriate for a special education staff member to be present during the investigation to assist the officer in gaining further information.

The parent/legal guardian should also be consulted and be present during the investigation.

The nature of the investigation may need to be altered in order for the student to participate fully. The student may require some specialized resources, equipment or interpretative staff in order to communicate with police.

The requirement to accommodate the student, especially when interviewing is necessary. Every attempt should be made to provide specialized supports/resources, as needed, for the student during an investigation.

The need to ensure that the student's parent is contacted as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident.

In cases involving students with special education needs, the principal must know the student's Individual Education Plan (IEP) and other relevant student records in order to identify whether further intervention strategies and/or resources are required for the student. These may include the development of and/or revisions to a behaviour management plan or a safety plan.

## **15.0 OCCURRENCES INVOLVING CHILDREN UNDER AGE 12**

Where children under the age of 12 are involved, school boards are expected to use their discretion in applying the rules outlined in section 7 (above) for reporting incidents to the police. Children under 12 cannot be charged with an offence under the *Criminal Code*, *Youth Criminal Justice Act*, or the *Provincial Offences Act*, but police may take reports of incidents allegedly committed by students in this age group and may respond in an appropriate manner. Early intervention for children involved in such incidents is essential, and involving police and parents as early as possible may facilitate the provision of appropriate intervention and support.

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

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

**16.0 SCHOOL BOARD COMMUNICATION STRATEGY**

The Police/School Board Protocol, Procedure 4008e will be posted on the Thames Valley District School Board website for community stakeholder access. In addition, school principals or their designate will ensure that the first school newsletter in September will inform parents or legal guardian (s) of children attending the school that access to the protocol can be found on the Board website or a hard copy can be viewed at the child(ren)'s respective school.

**17.0 PROTOCOL REVIEW PROCESS**

A review of the local protocol will be conducted every two years, or sooner, if required. The review is conducted by the police and school board, who solicit input from school staff, students and parents.

**18.0 SCHOOL / POLICE ROLE IN VIOLENCE PREVENTION**

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

- 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; and
- encouraging students to return to the school community after involvement with the criminal justice system, and supporting them in the process.

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

- developing positive partnerships with all members of the school community, including parents;
- being visible within the school community;
- being a positive adult role model for students;
- establishing positive relationships with children and youth;
- making referrals based on the best interest of the students;
- helping deliver educational sessions on crime and criminal justice issues;
- 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 children's aid societies, that is dedicated to violence prevention in Ontario schools.

## **19.0 PHYSICAL SAFETY ISSUES**

Alterations to the space via CPTED, Crime Prevention Through Environmental Design (e.g. lighting, building design, landscaping etc.) can be made by the school boards in order to promote the safety of students, staff and teachers. Working together with police, a CPTED trained officer, if available, will work in co-operation with schools to assess the physical safety of buildings and/or school grounds.

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

## **20.0 RISK ASSESSMENT SERVICES**

Incidents of violence in schools are often preventable through early intervention in response to threatening behaviour, or non-threatening but worrisome behaviour. Taking steps to identify at-risk students through early and ongoing assessment and intervention strategies may reduce the need for disciplinary action and police interventions. A multi-agency approach to threat/risk assessment can be a highly effective means of preventing and managing situations that could otherwise negatively affect the safety of students and/or school staff.

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

## **21.0 EMERGENCY PLANNING AND THREATS TO SCHOOL SAFETY**

Every school of the Board, is expected to develop an Emergency and Crisis Response Plan, which must include but is not limited to a lockdown plan and procedures following a lockdown or other emergency, in keeping with school board and ministry policies. Teachers, staff, parents, and students shall be involved in the development and monitoring of the Emergency and Crisis Response Plan. The plan will be fully communicated to members of the school community and police services as per board policy or legislation. Mechanisms for sharing the Emergency and Crisis Response Plan with police services will be done as per board policy and current legislation.

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

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

The Thames Valley District School Board has established the procedure - Response Plan-Incidents Requiring Hold and Secure or Lockdown, Procedure No. 4008D.

## **22.0 TRAINING**

School Board and police services provide joint training on the local police/school board protocol to their respective staff on an annual basis.

To improve collaboration between local police services and schools:

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

## APPENDIX A

### DEFINITION / EXPLANATIONS OF TERMS

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.

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#### **Adult**

A person who is neither a young person nor a child. (*s 2(1) Youth Criminal Justice Act*)

#### **Bullying**

Bullying is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance.

#### **Child**

A person who is or, in the absence of evidence to the contrary, appears to be under the age of sixteen years. (*s 37(1) Child and Family Services Act*)

#### **Child**

A person who is or, in the absence of evidence to the contrary, appears to be less than twelve years of age. (*s 2(1) Youth Criminal Justice Act*)

#### **Young Person**

A person who is or, in the absence to the contrary, appears to be twelve years of age or more, but less than eighteen years of age. (*s 2(1) Youth Criminal Justice Act*)

#### **Abuse**

Mistreatment or maltreatment in a physical, sexual or emotional manner. It may involve a single act of abuse or a number of acts that collectively form a pattern that amounts to abuse.

#### **Adopt-A-School**

A program initiated by Police Services in order to increase police presence in secondary schools in a more preventative and educational role.

#### **Arrest**

Take or get physical control with the intent to detain a person, even if the person acquiesces and accompanies willingly, the person is still under arrest.

#### **Assault**

A person commits an assault when;

- a) without the consent of another person, s/he applies force intentionally to that other person directly or indirectly;
- b) s/he attempts or threatens, by act or gesture, to apply force to another person, if s/he has, or causes that other person to believe on reasonable grounds that s/he has, present ability to effect her/his purpose; or
- c) while openly wearing or carrying a weapon or an imitation thereof, s/he accosts or impedes another person or begs.

- This applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault. (Ref: C.C. Sec. 265)

**NOTE:** Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances. (Ref.C.C. Sec.43) School Board staff, however, are subject to possible discipline by the employer or if a teacher, by the College of Teachers, for inappropriate use of force. Unless the pupil is a danger to self or others, non-physical intervention strategies shall be utilized.

### **Complainant**

The person reporting an incident to the police.

### **Criminal Harassment (Stalking)**

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.

### **Domestic Violence**

Any use of physical or sexual force, actual or threatened, in an intimate relationship including emotional/psychological abuse or harassing behaviour. Although both women and men can be victims of domestic violence, the overwhelming majority of this violence involves men abusing women.

NOTE: Domestic violence can include threats to harm children, other family members, and pets

### **Drug Offences**

An offence involving a substance mentioned in the Controlled Drugs and Substances Act. (e.g., Possession or Trafficking).

### **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. In the Provincial Schools Branch, permanent dismissal, differs from that of expulsion in the school board context. For further information, 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.

### **Fighting**

A consensual physical struggle for supremacy which does not result in serious bodily harm.

### **Gang/Group-related Incidents**

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.

### **Harassment**

Any deliberate and unwelcome behaviour, comment, suggestion, or physical contact that creates an uncomfortable environment for the recipient. It is made by a person who knows, or ought to know, that such action is unwelcome. Harassment includes, but is not limited to sexual, racial and personal attacks.

### **Hate/Bias Motivated Incidents**

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

### **Lockdown**

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

### **Intimidation**

Intimidation is the use of verbal threats or physical acts to make someone fearful or compliant.

### **Intruder**

A person who is on school property without approval or permission.

### **Mitigating and other factors**

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

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

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

### **Other factors**

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

- 1. The pupil's history.*
- 2. Whether a progressive discipline approach has been used with the pupil.*

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

### **Negative impact on school climate**

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

### **Neglect**

Refer to Child Abuse and Protection Policy/Procedure

### **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.

### **Parties to an Offence**

Anyone who actually commits an offence, anyone who does anything (or omits to do anything) to aid another in planning or committing an offence or anyone who abets (encourages) another in committing an offence.

### **Place of Safety**

A Foster home, a hospital, and a place or one of a class of places designated as such by a Director under subsection 17(2) of the Child & Family Services Act.

### **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.

### **Reasonable Grounds**

A set of facts or circumstances which would lead a person of ordinary care and judgement to have a strong belief - more than mere suspicion.

### **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.

**Sexual Harassment**

Behaviour, comments, gestures, or physical conduct of a sexual nature which are deliberate, unsolicited, unwelcomed, and personally offensive and which may create discomfort, interfere with work effectiveness, or threaten the livelihood or status of an individual.

**Shall**

Shall is used to express obligation, necessity, a must.

**Suspension**

The removal of a student from his or her school and all school-related activities for a minimum of one school day to a maximum of twenty school days. Activities for which suspension must be considered are found in subsection 306(1) of the *Education Act*. An example is possessing alcohol or illegal drugs. In the Provincial Schools Branch, temporary dismissal, differs from that of suspension in the school board context. For further information, contact the Provincial Schools Branch.

**Theft**

Is the illegal or unauthorized removal of another person's property without their consent.

**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.

**Ttrafficking**

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.

**Trespassing**

The presence of unwanted persons in board buildings or on board property without the consent of the principal or the building supervisor.

**Vandalism**

The wilful or malicious damage, defacement, or destruction of board buildings, grounds, equipment, or property as well as staff and student property.

**Weapon**

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

**Appendix B:**  
**Provincial Policy for Developing and Maintaining Lockdown Procedures  
for Elementary and Secondary Schools in Ontario**

**Introduction**

Staff, students, and visitors in Ontario's schools have the right to learn, work, and be present in a safe and secure environment. However, the possibility of a major incident of violence is a reality that cannot be overlooked. Everyone who spends any amount of time in an Ontario school on a regular basis needs to know how to protect themselves, and how to protect students, in the event of a major incident or threat of school violence.

Publicly funded schools in Ontario are committed to providing and maintaining a safe school environment. Much has been accomplished around the issue of safe schools since the introduction of the Provincial Model for a Local Police/School Board Protocol in 2000, and more recently with the passage of Bill 212, which amended the safe schools provisions of the *Education Act*, in February 2007. The Ministry of Education and school boards and police from across the province continue to work in partnership to create safe school environments, and to prepare plans to be used in the event of a major incident of school violence. Many boards have actively undertaken the process of establishing lockdown plans with the support of their police service. However this has not previously been a ministry requirement, nor has there been a consistent approach across the province with respect to lockdown planning. The following policy should accompany the protocols already developed.

**Purpose**

Based on lockdown procedures that have already been established in many Ontario schools, the following policy is being provided to help elementary and secondary schools ensure their lockdown plans meet basic requirements, and to ensure a degree of consistency across the province. While much of what is provided will be termed "Effective Practices", there are two key elements which the Ontario Association of Chiefs of Police (OACP) is recommending as mandatory requirements by the Ministry of Education. The Ministry of Education and the Ministry of Community Safety and Correctional Services acknowledge the work of the Ontario Association of Chiefs of Police (OACP) Lockdown Procedure Working Group and thank the members and OACP for their work in preparing these guidelines.

**Mandatory Requirements**

1. All publicly funded school boards in Ontario must establish a lockdown policy to ensure the development and implementation of individual school plans.
2. A minimum of two lockdown drills must occur each school year. In developing lockdown plans, each elementary and secondary school should consider the following policy:

**When to Lock down /Terminology to Be Used**

Terminology is very important. Plans should clearly identify when "lockdown" versus other terminology is to be utilized. Terminology used to order a lockdown should be plain language, clear, and leave no room for misunderstanding as to what is expected. No secret passwords should be used.

**"Lockdown"** should be used *only* when there is a major incident or threat of school violence within the school, or in relation to the school. The overuse or misuse of "lockdown" will result in staff/students becoming desensitized and not taking lockdowns seriously.

**"Hold and Secure"** should be used when it is desirable to secure the school due to an ongoing situation outside and not related to the school (e.g., if a bank robbery occurs near a school but not on school property). In this situation, the school continues to function normally, with the exterior doors being locked until such time as the situation near the school is resolved.

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

***Boards must use the above terminology in developing local plans, in an effort to ensure consistency across the province. This policy focuses primarily on “Lockdowns”.***

#### *Rationale*

The use of common language across the province allows for easy integration when staff, students, and emergency service personnel are transferred from one jurisdiction to another.

#### **Roles and Responsibilities**

Clearly defined roles, responsibilities, and expectations are critical in emergency situations.

At a minimum, plans should include expectations with respect to staff, students, parents, and police. The lockdown policy should address issues such as accessibility and communications for students with special education needs.

#### *Effective Practices*

**Principal** – The principal is responsible for overall planning; the final content of the plan; scheduling drills; inviting police, fire, and emergency medical services (EMS) to participate in and be aware of planning and drills; training students; and the overall safety of staff and students. In an actual incident (not a drill), the police are responsible for management of the threat and subsequent criminal investigation; however, the principal shall provide full cooperation with police.

**Staff** – School staff, and in particular administrators, have the overall responsibility for the training, safety, and well-being of students. Administrators during a violent incident have additional responsibilities in terms of working closely with police.

**Students** – Students have a responsibility to be familiar with the plan and to respond quickly to the direction of staff during a crisis situation. Any student with information on or prior knowledge of an individual or a potential situation that may result in a violent incident must come forward with that information as soon as possible. This is also the case during an incident.

**Police** – Police are responsible for responding to and investigating violent incidents. During a violent incident, police will assume command and control of the response and investigation but will liaise and work closely with school administration and other emergency services throughout the process.

**Parents/Guardians** – Parents and guardians must be informed of the existence of this plan and should reinforce with their children students’ responsibilities with respect to following directions during a crisis and disclosing any information they may have prior to or during a crisis situation.

#### **Floor Plans**

Accurate floor plans are a key component of lockdown plans and are important from both a planning and a response standpoint.

#### *Effective Practices*

Consideration should be given to colour coding floor plans using three colours, such as red, green, and blue. Red indicates danger areas of the school that cannot be locked down safely, with green identifying areas where staff and students are to proceed to safely lock down. Blue areas identify command post locations, which will be utilized by police depending on the nature of the incident.

Normally, the main office will be a command post location, with another area within the school identified as an alternate command post location. A third off-site command post location should be identified within the individual school plan in the event that neither on-site command post location is available.

Off-site evacuation locations should also be identified and included with copies of the floor plans.

Floor plans should be posted throughout the school, at least in every classroom and at every entry point to the school. In multi-level buildings, it is suggested that only the floor plans relevant to a specific level be posted on that level.

Hard copies of floor plans, and electronic copies, if possible, should be provided to police.

#### *Rationale*

It is vitally important that police have current, accurate information about the school layout and that this information be available in both electronic and hard copy formats in the event of computer malfunctions.

#### **Identification of Buildings, Exterior Doors, Classrooms**

To assist police in responding to a major incident or threat of violence, buildings, entrances, and all rooms within buildings need to be clearly identified.

#### *Effective Practices*

In situations where more than one building exists on school grounds, each building should be clearly identified on all sides of the building with a building identifier, such as a number. All portables shall be clearly identified as well.

All exterior doors shall be clearly identified, such as doors A, B, C, etc.

All rooms within the building should be clearly marked with room numbers.

#### *Rationale*

This information is essential to identify the location of buildings and identify safe access routes for responding emergency personnel.

#### **Initiating Lockdown**

Plans should emphasize the importance of locking down as quickly as possible. At the first indication of a major incident of school violence, notification must go to the main office and the lockdown must commence immediately.

#### *Effective Practices*

All staff (especially those working in the main office) should be trained that, when information is received in the office of a situation requiring a lockdown, whoever receives that information will immediately activate the school's public address (PA) system, inside and outside, announcing the lockdown. There should be no hesitation in announcing the lockdown, and the decision to call the lockdown should be made immediately by whoever receives the call to the office, and should not be delayed for the purpose of checking with administration before announcing a lockdown. Boards should consider both auditory (PA) and visual notification systems inside and outside the school to announce a lockdown. For the safety of hearing-impaired individuals and in situations where noise levels in open areas such as cafeterias, and outside the school, may prevent staff and students from hearing a PA announcement, consideration should be given to the use of strobe lights or other visual indicators, in addition to the PA system.

It is recommended that the actual wording announcing a lockdown be affixed on or near the microphone, so that it is clearly visible and can be read by the person announcing the lockdown.

*Rationale*

In emergent stressful circumstances, even the most composed individuals may have difficulty remembering exact words. By re-printing the announcement and practising it, the person delivering the message can ensure that the content is delivered accurately.

**Classroom/Other Secure Area – Procedures During Lockdown**

Plans should provide detailed procedures to be used when locking down a classroom or other secure areas.

*Effective Practices*

It is recommended that, before locking a door, staff should gather everyone in the immediate vicinity into their classroom or other secure area, but only if it is safe to do so. Once inside a secure area, staff and students should:

- stay away from doors and windows;
- turn off lights;
- close blinds;
- be aware of sight lines;
- if there is a window in the classroom door, consider covering the window;
- take cover if available (get behind something solid);
- remain absolutely quiet;
- take attendance (to be done by teachers);
- not use cell phones unless it is necessary to communicate regarding the incident. Cell phones should be shut off or put on vibrate.

*Rationale*

The goal is to make the classroom appear vacant.

**Portables**

Plans must address how to effectively and safely lock down a school portable.

*Effective Practices*

Plans must recognize unique issues with portables. Due to thin wall construction, it is recommended that desks be tipped onto their sides with desktops facing out, and all desks placed in a circle, with students/staff gathered within the circle, down on the floor below the top edge of the desk.

*Rationale*

The desktops will act as an additional barrier to a round from a firearm that may have penetrated a portable wall.

**Washrooms: Procedures During Lockdown**

Plans should address what staff/students should do if they are in a washroom when a lockdown is called.

*Effective Practices*

As washrooms cannot be locked, and therefore should be identified during planning as a danger (red) area in the event of a lockdown, students need to evacuate washrooms if at all possible and get to an area that can safely be locked down (green).

For elementary schools, it is recommended that plans designate adults who normally work in close proximity to student washrooms to check the washroom(s) prior to locking down themselves, if it safe to do so. After gathering students in the immediate vicinity of their classroom door into their classroom, they would quickly check both male and female washrooms to which they have been assigned in the planning phase, and take any students found in the washrooms into their classrooms to lock down. For secondary schools, it is recommended that training include an explanation to students that they are responsible for getting out of the washrooms immediately upon hearing a lockdown announced, and getting to the nearest classroom or other area that is identified as a safe (green) area. As a last resort, staff or students trapped in a washroom should attempt to somehow secure the bathroom door, enter a stall, lock the door, and climb on top of the toilet.

#### *Rationale*

Plans need to indicate that staff and students should be moved from washrooms into classrooms but not if it means moving into immediate danger. In those instances, staff and students should remain in the washroom and attempt to make the washroom appear vacant.

#### **Open Areas – Procedures During Lockdown**

Plans should recognize that open areas, including cafeterias, libraries, and hallways, are the most vulnerable areas of a school, making them the most likely location for a shooting, and the most difficult areas to quickly and effectively secure.

#### *Effective Practices*

Considerable time and attention need to be given to open areas during the planning phase. All possible options should be considered to best address these highly vulnerable areas, including the possibility of evacuating to the exterior of the school. This may be the best option if these areas are adjacent to exterior walls and have doors leading to the outside. It is very important during staff and student training that everyone understand what to do and where to go in the event that a lockdown is called when they are in an open area.

#### *Rationale*

Consider having various options in the event that the first option is not available.

#### **Child Care and Other Facility Occupants**

As many schools have licensed child care centres or other tenants and community groups using school premises, those organizations or individuals must be taken into consideration at all stages.

#### *Effective Practices*

It is important that principals ensure the appropriate staff from organizations sharing facilities are included in the development and implementation of lockdown procedures and that these organizations participate in aspects of planning, training, and drills.

#### *Rationale*

Due to proximity issues, the need to be prepared is as important for other occupants as it is for staff and students of schools.

#### **Outside of School Buildings When a Lockdown Is Called**

Procedures must address where staff and students outside the school should go in the event of a lockdown. These procedures should also address how people who are outside the school building will know where the evacuation sites are located.

### *Effective Practices*

In order to ensure that those who are outside school buildings are aware that the school is locking down, the PA system must be capable of being activated outside the school. Consideration should also be given to including an exterior visual indicator (e.g., strobe lights) that can be used to indicate that a lockdown has been called. Those who are outside the school when a lockdown is called shall not re-enter the school, but shall proceed immediately to predetermined off-site evacuation location(s). Once at the location, staff and students shall remain in that location until further advised by administration or police. Plans should include the taking of attendance at the off-site evacuation location(s). Neighbouring schools may not be the best option as off-site evacuation locations, as they too may lock down once they become aware of an incident at a nearby school.

**Note:** When a “Hold and Secure” situation occurs and staff and students are outside the building, they should re-enter the building prior to the exterior doors being locked.

### **Controlled Evacuation**

In the event of a prolonged situation, or a situation where the threat has been contained (e.g., a barricaded individual), plans should include provisions for a controlled evacuation of the areas of the school not in the vicinity of the contained area.

### *Effective Practices*

Police will make the decision as to whether a controlled evacuation of a school under lockdown is a viable option, and will direct the evacuation process. This will normally be done on a room-by-room basis, with evacuees being escorted by police to the evacuation location.

### **Fire Alarms**

Plans should address the issue of how to deal with a fire alarm activation after a school has gone into lockdown.

### *Effective Practices*

In the event that a fire alarm is pulled once a lockdown has been called, staff and students shall not respond as they normally would to a fire alarm, but shall remain locked down, if it is safe to do so. Staff and students must always be aware of other dangers such as fire, and be prepared to respond accordingly in order to ensure their own safety.

### *Rationale*

There is a desire not to create a situation where staff and students run into danger when responding to a fire alarm. At the same time, staff and students should not ignore the fact that fire may occur intentionally or otherwise during a lockdown and that there is a need to respond to the most immediate threat.

### **Procedures to End a Lockdown**

Plans should include how a lockdown will be terminated.

### *Effective Practices*

Plans to conclude a lockdown will vary by location. Procedures may include a general announcement via the PA system by the principal, or a room-to-room visit from police/school administration, with some sort of an identification process, so that the occupants of a locked room know that whoever is giving them the all-clear is in fact authentic. Local plans should include procedures for ending lockdowns at off-site evacuation locations. In all cases where police have responded, plans should clearly indicate that the decision to end a lockdown shall be made only after approval of the on-scene police incident commander.

*Rationale*

There is a need to include the same level of authenticity to ending a lockdown as to initiating one.

**Training**

Plans should address initial and ongoing training of staff, students, and visitors to the school.

*Effective Practices*

Orientation for new teachers should include mandatory lockdown training. Schools should establish a method to conduct lockdown review training for all staff during each school year. Schools should consider assemblies to train secondary students on lockdown procedures. Due to the young age of some elementary students, it is suggested that classroom teachers be responsible for training students at the elementary level. Any training provided to students with special education needs should be consistent with the expectations outlined in their Individual Education Plans. Where possible, it is advantageous to have police partners present during training, and to assist with the training of staff and students. Information for parents may be presented in newsletters, school or board websites, or an evening session on lockdown plans. Fire and EMS personnel should be invited to training sessions.

*Rationale*

People can be expected to respond properly under stressful and emergent circumstances when properly trained.

**Drills**

Fire drills have long been accepted as an important and effective tool in preparing staff and students for procedures to be followed in the event a fire breaks out in a school. Equally important is the practising of lockdown drills in preparation for a major incident of school violence.

**Mandatory Requirements (Ministry of Education)**

***Each school shall conduct a minimum of two lockdown drills during each school year.***

*Effective Practices*

School personnel should work cooperatively with police partners on drills. The principal is responsible for setting the date of drills and overseeing the drill, with police support/assistance. Consider including fire and EMS personnel during drills, so they become familiar with lockdown plans. Staff, students, and parents should be given some warning of an impending drill. Procedures should include a plan to alert neighbouring schools of lockdown drills, especially if fire and EMS personnel have been invited to participate. A short debriefing should be included after all drills to identify areas for improvement. Many boards have established a tracking system to record drill dates, thereby ensuring accountability and compliance.

*Rationale*

In order for staff and students to respond properly, plans must be practised to ensure complacency is avoided.

**Media**

Plans shall include provisions for dealing with media.

*Effective Practices*

Police are responsible for addressing media with respect to the criminal incident involved and police response to an incident. Principals/board personnel are responsible for dealing with media on issues of staff and student safety. It is strongly advised that media personnel from police and school boards share press releases prior to their release to the media, so that both police and school officials are aware of what the other is saying. A spirit of cooperation is highly recommended in terms of police and school officials working closely on media issues.

*Rationale*

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

**Communication with Parents/Guardians/Community**

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

*Effective Practices*

Consider sending a newsletter to each home at the beginning of the school year to inform parents of lockdown procedures and to encourage parents to reinforce with their children the importance of understanding the procedures and following staff direction. Parents need to be informed of where they should proceed in the event of an actual incident involving a lockdown. Communication with parents around the importance of lockdowns is vital. Parents should be informed of what is expected should they arrive at school during a drill, or if they are present within the school when a lockdown is called. In all instances of a lockdown that was not a drill, it is recommended that a communication to parents be sent home with each student at the conclusion of the school day or as soon as possible. Parents should be encouraged to ensure that their contact information is kept up to date so they can easily be reached by staff in the event of an emergency.

*Rationale*

Parents need to see lockdown drills as essential elements to prevent injury, and good communication is required to eliminate fears and concerns. Parents play a key role in ensuring students' cooperation and participation in drills.

**School Recovery Following a Lockdown**

Plans should include provisions to address the aftermath of a school lockdown.

*Effective Practices*

A debriefing should occur in all situations following a lockdown. The nature and severity of the incident will dictate who should be included in the debriefing. In serious situations where injuries or loss of life occurs, the board's trauma response plan will normally be initiated. In all cases, communication with parents is vital.

**Plan Review**

Each school plan, as well as the board plan, shall be thoroughly reviewed annually.

*Effective Practices*

A page should be included within the plan that allows for documentation of when the plan was reviewed and who reviewed it, along with a signature area. Where boards develop a web-based application to record when drills have been completed, a separate page could be created to allow for the recording on the website of the date the plan was reviewed annually.

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

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

### Guide pour les Agents : Déclarations en Vertu De l'article 146 De La Loi Sur Le Système de Justice Pénale Pour les Adolescents

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

La Cour d'appel de l'Ontario a souligné l'importance d'enregistrer sur bande vidéo toute déclaration d'une personne inculpée. Ceci est d'autant plus important lorsqu'on envisage d'inculper un adolescent ou d'enregistrer sa déclaration et qu'il faut lui expliquer clairement les éléments d'information prévus par l'article 146 en des termes adaptés à son âge et à sa compréhension. Le meilleur moyen de prouver que vous avez adapté vos explications à l'âge et au niveau de compréhension de l'adolescent en question est de procéder à un enregistrement sur bande vidéo.

- It is imperative that the young person clearly understands everything that is being said and explained to him/her.
- It is insufficient to simply read the form to the young person and ask if he/she understands.
- An individualized, objective approach that takes into account the level of sophistication and other personal characteristics relevant to the young person's understanding is required when conducting the interview.
- Prior to asking any of the questions set out in the statement form, you are required to acquire some insight into the level of understanding of the young person you are interviewing in order to determine the appropriate language to use in explaining his/her rights. It would be of evidentiary value to record this initial interaction with the youth while gauging their level of understanding.
- This requirement involves learning something about the young person's level of education, language and vocabulary skills, ability to comprehend and emotional state.
- This requirement can only be achieved by engaging the young person in conversation. Consideration should be given to the following non-exhaustive list of questions:

- > How old are you?
- > What grade are you in?
- > What school do you attend?
- > Do you have a learning disability?
- > Are you in a special education class?
- > Have you been arrested before?
- > Have you given a statement to a police officer before?

- Once you have acquired the necessary insight into the young person's level of understanding you will be in a position to tailor your explanation of the Section 146 requirements to the capabilities of the particular young person you are interviewing.
- While you are not required to have the young person "explain back" their rights, in some instances, this may well demonstrate that your explanations were both appropriate and sufficient.
- A simple and appropriate way to determine whether the young person understands is to ask, "What does this mean to you in your own words?"

- Il est impératif que l'adolescent comprenne bien tout ce qui lui est dit et expliqué.
- Il ne faut pas se contenter de lire la formule à l'adolescent et de lui demander s'il ou elle comprend.
- Une approche objective et personnalisée, qui tient compte du niveau intellectuel et de toute autre caractéristique personnelle de l'adolescent, est nécessaire lorsqu'on procède à une entrevue.
- Avant de poser l'une ou l'autre des questions figurant dans la formule de déclaration, vous devez vous faire une idée du niveau de compréhension de l'adolescent afin de déterminer le langage approprié à utiliser pour lui expliquer ses droits. L'enregistrement de ce contact initial avec l'adolescent pour évaluer sa compréhension aura force probante.
- À cette fin, vous devez vous renseigner sur le niveau d'éducation de l'adolescent, sur ses aptitudes langagières et l'étendue de son vocabulaire, sur sa capacité à comprendre ainsi que sur son état émotionnel.
- Pour cela, il n'y a pas d'autre moyen que d'engager une conversation avec l'adolescent. La liste ci-dessous, même si elle n'est pas exhaustive, pourra vous guider pour mener cette conversation :

- > Quel âge avez-vous?
- > En quelle classe êtes-vous?
- > Où allez-vous à l'école?
- > Avez-vous une difficulté d'apprentissage?
- > Êtes-vous dans une classe d'éducation spéciale?
- > Avez-vous déjà été arrêté dans le passé?
- > Avez-vous déjà fait une déclaration à un agent de police dans le passé?

- Lorsque vous aurez réussi à vous faire une idée suffisante du niveau de compréhension de l'adolescent, vous serez en mesure d'adapter votre explication des dispositions de l'article 146 à ses aptitudes.
- Même si rien ne vous oblige à demander à l'adolescent de vous réexpliquer ses droits, dans certains cas, cette technique vous permettra de vous assurer que vos explications étaient à la fois appropriées et suffisantes.
- Un moyen simple et approprié de déterminer si l'adolescent a bien compris est de lui demander « Pouvez-vous expliquer dans vos propres mots ce que ceci signifie pour vous? »

Statement of a Young Person  
Déclaration d'un Adolescent  
Youth Criminal Justice Act, Section 146  
Loi Sur le Système de Justice Pénale Pour les Adolescents, Article 146

1. Statement Recording Method:

Méthode d'enregistrement de la déclaration :

☐ Audiotape (N° \_\_\_\_\_) ☐ Written Par écrit ☐ DVD (N° \_\_\_\_\_) ☐ Videotape (N° \_\_\_\_\_)  
Bande vidéo (N° \_\_\_\_\_) DVD (N° \_\_\_\_\_) Bande vidéo (N° \_\_\_\_\_)

Police Service:

Service de police :

Police Case ID:

Référence du dossier de police :

Occurrence No:

N° d'incident :

Date:

Location:

Start Time:

Time Completed:

Date :

Lieu :

Heure (début) :

Heure (fin) :

Interviewing Officer(s):

Agent(s) procédant à l'entrevue :

Name of Young Person:

Date of Birth:

Nom de l'adolescent(e) :

Date de naissance :

Address:

Adresse :

Name:

☐ Parents

☐ Adult Relative

☐ Other Adult

Nom :

Père ou mère

Autre parent adulte

Autre adulte approprié

Address:

Adresse :

Phone Number:

Numéro de téléphone :

You are charged with: / Vous êtes accusé(e) de :

You may be charged with: / Vous pourriez être accusé(e) de :

2. Do you understand the charge(s)? / Comprenez-vous la(les) accusation(s)?

Reply / Réponse:

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

Si, à un moment quelconque, vous ne comprenez pas quelque chose, dites-le-moi et je vous l'expliquerai.

Comprenez-vous?

Reply / Réponse:

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

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

CETTE SECTION NE S'APPLIQUE QU'AUX ADOLESCENTS ÂGÉS D'AU MOINS 14 ANS AU MOMENT DE L'INFRACTION PRÉSUMÉE ET LORSQUE CETTE INFRACTION EST UN MEURTRE AU 1<sup>er</sup> OU 2<sup>e</sup> DEGRÉ, UNE TENTATIVE DE MEURTRE, UN HOMICIDE INVOLONTAIRE COUPABLE OU UNE AGRESSION SEXUELLE GRAVE.

Comme vous avez 14 ans ou plus et que vous êtes accusé(e) de \_\_\_\_\_, si vous êtes reconnu(e) coupable, la Couronne demandera au tribunal de prononcer contre vous une peine applicable aux adultes. La peine la plus sévère applicable aux adultes est l'emprisonnement à perpétuité. Il appartient au tribunal de choisir entre une peine spécifique applicable aux adolescents et une peine applicable aux adultes.

Not Applicable ☐

Ne s'applique pas

(officer's Initials)

(initiales de l'agent)

Warning Read: ☐ Yes

Avertissement lu: ☐ Oui

Do you understand? ☐ Yes ☐ No

Comprenez-vous? ☐ Oui ☐ Non

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

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

CETTE SECTION NE S'APPLIQUE QU'AUX ADOLESCENTS ÂGÉS D'AU MOINS 14 ANS AU MOMENT DE L'INFRACTION PRÉSUMÉE ET LORSQU'IL S'AGIT D'UNE INFRACTION POUR LAQUELLE UN ADULTE SERAIT PASSIBLE D'UNE PEINE D'EMPRISONNEMENT DE PLUS DE DEUX ANS.

Comme vous avez 14 ans ou plus, la Couronne demandera au tribunal de prononcer une peine applicable aux adultes. La peine la plus sévère applicable aux adultes est un emprisonnement à vie. Il appartient au tribunal de choisir entre une peine spécifique applicable aux adolescents et une peine applicable aux adultes.

Statement of a Young Person / Déclaration d'un Adolescent

Not Applicable ☐ (officer's initials) Warning Read: ☐ Yes  
Ne s'applique pas \_\_\_\_\_ (initiales de l'agent) Avertissement lu : ☐ Oui  
Do you understand? ☐ Yes ☐ No  
Comprenez-vous? Oui Non

4 a. You have the right to talk to a lawyer in private without delay. Do you understand?  
Vous avez le droit de parler sans délai à un avocat en privé. Comprenez-vous?  
Reply / Réponse:

b. You can also get immediate legal advice from a free Legal Aid Lawyer by calling 1-800-561-2561 or 1-800-265-0451.  
Do you understand?  
Vous pouvez aussi obtenir gratuitement l'assistance immédiate d'un avocat de l'aide juridique en appelant le  
1-800-561-2561 ou le 1-800-265-0451. Comprenez-vous?  
Reply / Réponse:

c. If you are charged with an offence, you may apply to Ontario Legal Aid for legal assistance.  
Do you understand?  
Si vous êtes accusé(e) d'une infraction, vous pouvez faire une demande d'aide juridique auprès d'Aide juridique Ontario.  
Comprenez-vous?  
Reply / Réponse:

d. You also have the right to speak, without delay and in private, to a parent, or in the absence of a parent, an adult relative  
or in the absence of an adult relative another appropriate adult whom you feel may assist you.  
Do you understand?  
Vous avez le droit de parler, sans délai et en privé, soit à votre père ou votre mère soit, en l'absence de votre père ou  
de votre mère, à un parent adulte, soit, en l'absence d'un parent adulte, à tout autre adulte approprié qui, selon vous,  
pourrait vous aider.  
Comprenez-vous?  
Reply / Réponse:

e. If you make a statement to the police, the police must have the person(s) you spoke with here while you make a  
statement unless you do not want them or any one of them here.  
Do you understand?  
Si vous faites une déclaration à la police, celle-ci a le devoir de faire en sorte que la ou les personnes auxquelles vous  
avez parlé soient présentes au moment où vous faites votre déclaration, à moins que vous préfériez le faire sans  
qu'elles soient présentes.  
Comprenez-vous?  
Reply / Réponse:

f. Do you want to talk to a lawyer? / Voulez-vous parler à un avocat?  
Reply / Réponse:

g. Do you want to talk to one or both of your parents? / Voulez-vous parler à votre père, votre mère ou aux deux?  
Reply / Réponse:

h. If your parent(s) are not available, do you want to talk to an adult relative?  
Si votre père ou votre mère ne sont pas disponibles, voulez-vous parler à un autre parent adulte?  
Reply / Réponse:

i. If an adult relative is not available, do you want to talk to another appropriate adult?  
Si aucun parent n'est disponible, voulez-vous parler à un autre adulte approprié?  
Reply / Réponse:

Statement of a Young Person / Déclaration d'un Adolescent

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

SI L'ADOLESCENT[E] INDIQUE QU'IL OU ELLE SOUHAITE PARLER À L'UNE DES PERSONNES INDIQUÉES CI-DESSUS, L'AGENT QUI PROCÈDE À L'INTERROGATION DOIT ALORS PRENDRE LES DISPOSITIONS NÉCESSAIRES POUR FACILITER CES CONVERSATIONS.

Do you wish to make a statement? / Souhaitez-vous faire une déclaration?

Reply / Réponse: \_\_\_\_\_

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

Dans l'affirmative, la police doit faire en sorte que les personnes auxquelles vous avez parlé soient présentes au moment de votre déclaration, à moins que vous préfériez le faire sans qu'elles soient présentes.

Comprenez-vous?

Reply / Réponse: \_\_\_\_\_

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

Do you understand?

Si vous décidez de faire une déclaration, vous pouvez vous arrêter à tout moment. Vous pouvez aussi à tout moment parler à un avocat ainsi qu'à votre père ou votre mère, à un adulte parent ou à un autre adulte, et demander que cette personne soit présente ici avec vous. Comprenez-vous?

Reply / Réponse: \_\_\_\_\_

6. WAIVER OF RIGHTS / RENONCIATION À DES DROITS

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

J'ai eu la possibilité d'obtenir des conseils gratuits et immédiats d'un avocat de l'aide juridique et la possibilité de parler à mon avocat ainsi qu'à soit mon père ou à ma mère, soit, en l'absence de mon père et de ma mère, à un parent adulte, soit, en l'absence de mon père, de ma mère ou d'un parent adulte, à un autre adulte approprié. J'ai été avisé(e) que la police est tenue de faire en sorte que les personnes avec lesquelles je viens juste de parler soient présentes au moment où je fais ma déclaration, à moins que je préfère faire cette déclaration sans qu'elles soient présentes. Ces droits m'ont été expliqués et je les comprends.

I choose not to talk with any of these people.

Je choisis de ne parler à aucune des ces personnes.

Signature of Young Person  
Signature de l'adolescent(e)

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

Je ne veux pas que ces personnes soient présentes pendant mon interrogation.

Signature of Young Person  
Signature de l'adolescent(e)

Witness  
Témoin

Time  
Heure

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

Nom de la personne présente : ☐ Père et/ou mère ☐ Parent adulte ☐ Autre adulte approprié : \_\_\_\_\_

Address:

Adresse : \_\_\_\_\_

Phone Number:

Numéro de téléphone : \_\_\_\_\_

7. CAUTION / MISE EN GARDE

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

Do you understand?

Vous n'êtes pas tenu(e) de dire quoi que ce soit à propos de(s) accusation(s), à moins que vous ne souhaitiez le faire. Comprenez-vous?

Reply / Réponse: \_\_\_\_\_

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

Do you understand?

Je dois aussi vous avertir que tout ce que vous direz sera enregistré par écrit, sur bande audio ou sur bande vidéo et pourra être présenté en preuve dans les poursuites intentées contre vous.

Comprenez-vous?

Reply / Réponse: \_\_\_\_\_



**Appendix D:  
SIGNATORIES TO THE POLICE-SCHOOL BOARD PROTOCOL**

The Police/School Board protocol has been developed consistent with the requirements of the Ministry of Education and the Ministry of the Solicitor General to establish a protocol for the investigation of school-related occurrences through the cooperative efforts of the following:

**Members of Policing Cooperative**  
**London District Catholic School Board**  
**Thames Valley District School Board**  
**Provincial Schools Branch-London, Ministry of Education**  
**The Children's Aid Societies of**  
**London and Middlesex, Elgin and Oxford Counties**  
**Conseil scolaire de district des écoles catholiques du Sud-Ouest**

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Thames Valley District School Board  
Director of Education

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London District Catholic School Board  
Director of Education

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Provincial Schools Branch – London

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Conseil scolaire de district des écoles  
catholiques du Sud-Ouest  
Director of Education

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Conseil scolaire Viamonde  
Director of Education

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St. Thomas Police Service

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Aylmer Police Service

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Strathroy Carodoc Police Service

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London Police Service

---

Woodstock Police Service

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Ontario Provincial Police – Western Region

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R.C.M.P. London Detachment

**The Children's Aid Societies as listed below:**

Family and Children's Services of Elgin County  
410 Sunset Drive, St. Thomas, ON N5R 3C7

Children's Aid Society of Oxford County  
92 Light Street, Woodstock, ON N4S 6H1

Children's Aid Society of London and Middlesex County  
P.O. Box 7010, London, ON N5Y 5R8