

POLICE / SCHOOL BOARD PROTOCOL

B E T W E E N:

TORONTO POLICE SERVICE

- and -

TORONTO DISTRICT SCHOOL BOARD

- and -

TORONTO CATHOLIC DISTRICT SCHOOL BOARD

- and -

CONSEIL SCOLAIRE DE DISTRICT CATHOLIQUE CENTRE-SUD

- and -

CONSEIL SCOLAIRE DE DISTRICT DU CENTRE-SUD-OUEST

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1. SIGNATORIES TO THE PROTOCOL

The signatories to the protocol are the Toronto Police Service, the Toronto District School Board, the Toronto Catholic District School Board, the Conseil scolaire de district catholique Centre-Sud and the Conseil scolaire de district du Centre-Sud-Ouest.

2. STATEMENT OF PRINCIPLES

1. Students, parents, staff and other community members have a right to a school environment that is safe and positive.
2. The parties recognize the multicultural make-up and diversity of our school communities.
3. The Toronto District School Board, the Toronto Catholic District School Board, the Conseil scolaire de district catholique Centre-Sud and the Conseil scolaire de district du Centre-Sud-Ouest will work co-operatively with the Toronto Police Service to attempt to ensure the safety of students, staff, other members of the school community, police and emergency services personnel. Co-operation between police officers and school board staff is essential to the welfare of students, staff and the community at large when incidents of a criminal nature occur.
4. All criminal offences with a connection to a school will be reported to the police and will be investigated by police promptly and thoroughly.
5. It is the duty of a principal of a school to maintain proper order and discipline in the school.
6. This protocol will be administered in conjunction with the safe schools policies of the Toronto District School Board and the violence prevention policies of the

Toronto Catholic District School Board, the Conseil scolaire de district catholique Centre-Sud and the Conseil scolaire de district du Centre-Sud-Ouest.

7. The rights of all students, parents and staff members will be respected at all times.
8. Except in emergency situations, police, upon entering a school, are expected to identify themselves to the main school office.
9. Whenever police are arresting a person on school property, it is the responsibility of police to inform individuals involved of their rights under the law.
10. Relevant individuals, including principals, teachers, other staff, students and parents, have a right to independent legal counsel regarding their respective duties and responsibilities under the law.

3. INTRODUCTION

The purpose of this document is to establish a protocol between the Toronto Police Service, the Toronto District School Board, the Toronto Catholic District School Board, the Conseil scolaire de district catholique Centre-Sud and the Conseil scolaire de district du Centre-Sud-Ouest. This will confirm the working relationship and appropriate responses to incidents where police involvement or intervention is requested or required.

A protocol is a procedure which sets out the rules for interaction among agencies, as well as the formalities and etiquette to be observed.

This protocol is based on the protocol between the parties dated June 3, 2000. This protocol seeks to expand and develop that earlier protocol and incorporate elements of the Provincial Model for a Local Police/School Board Protocol introduced by the Ministry of Education and the Ministry of the Solicitor General (the “Provincial Model Protocol”).

This protocol is designed to encourage, enable and maintain a positive relationship between police officers, school administrators, staff, students, parents, members of the school community, and establishes guidelines for these various relationships. The purpose of the protocol includes:

- assisting in the greater safety and protection of students, teachers, staff, and volunteers in schools;
- encouraging ongoing, adaptive, and responsive partnerships between police and the school community;
- facilitating appropriate sharing and disclosure of information;
- promoting joint consultation and partnerships between school boards and police services on maintaining a safe school environment;
- ensuring that the obligations and requirements of both the education and law enforcement systems are met; and
- ensuring a consistent approach across the school boards' jurisdiction in the way police and schools respond to school-related occurrences.

This protocol supports and reflects the principles of community policing. Community policing involves the interaction of the police with the community with a focus on problem-solving for the benefit of all of the stakeholders.

This protocol is developed with the understanding that co-operative involvement and interventions will facilitate the development of positive attitudes, acceptable student behaviour and attempt to ensure learning environments that are safe, nurturing, positive and respectful.

CAVEAT: While the intention of the protocol is for police and school officials to work in cooperation, they may have separate duties and responsibilities with respect to interviewing students

involved in criminal activities. In these circumstances, police and school officials should review their respective policies and procedures for guidance.

4. ROLE AND MANDATE OF POLICE SERVICES

In keeping with the motto of the Toronto Police Service, “To Serve and Protect”, the primary role of the police is to prevent and solve problems related to both the safety and well-being of persons and the protection of property. This includes intervening in crises or emergencies, conducting investigations relating to alleged breaches of federal and provincial statutes and performing other lawful duties as required.

In the school context, this involves sharing with the school boards and their employees the responsibility for preserving the peace and preventing crime. It involves assisting in the preservation of a safe learning and working environment for the students, staff and others lawfully on school property.

Additional roles and responsibilities of the police include:

- enforcing federal and provincial legislation, including the *Criminal Code*, the *Police Services Act* and the *Youth Criminal Justice Act*;
- upholding the duties legislated under section 42 of the *Police Services Act*;
- assisting victims of crime;
- conducting law enforcement and criminal investigations;
- assisting in the development of young people’s understanding of good citizenship;
- promoting and fostering a reduction in crime, both against and committed by young people;

- providing information on community issues;
- diverting young people away from crime and antisocial behaviour;
- working in partnership with other government and community-based organizations to support positive youth development; and
- emphasizing the importance of the Student Crime Stoppers Program or equivalent programs as an effective deterrent to crime.

5. ROLE AND MANDATE OF SCHOOL BOARDS

Under the *Education Act*, the principal of a school has an obligation to maintain order and discipline in the school. Under the *Criminal Code* and other legislation, the police have a duty to investigate criminal and quasi-criminal offences. Where offences are committed on school property or involve students of a school, it will be necessary for the principal and the police to work cooperatively in fulfilling their overlapping obligations and responsibilities. The school boards will endeavour to support their administration and staff with the implementation of the Student Crime Stoppers program and/or equivalent programs for students in secondary schools.

The school board has a responsibility to develop and implement effective measures to deal with violence in schools. These measures include the establishment of safe schools and violence prevention policies and procedures, the incorporation of violence prevention in the curriculum, and the development of a code of conduct as required under the *Safe Schools Act, 2000*.

School boards are also responsible for communicating to teachers, principals and other staff their duties and responsibilities related to safe schools, including:

- complying with the duties under the *Education Act*;
- complying with the duty to report under the *Child and Family Services Act*;

- administering suspensions and expulsions and other school-related disciplinary actions.

School boards are also responsible for developing and implementing a multi-faceted approach to school violence, including:

- ensuring that resources (i.e. anger management and conflict resolution) are accessible to school staff in promoting crime prevention;
- developing guidelines on how to respond to crises, including emergency notifications;
- ensuring that prevention and intervention strategies are available;
- providing staff with opportunities to acquire skills necessary to promote safe schools; and
- developing an effective consultation mechanism for soliciting input from staff, students, parents, school councils and community members in the development of safe schools plans.

Role of the Principal

The role of the principal is to maintain, in accordance with the requirements of relevant legislation and Board policies, a safe, orderly learning and working environment for students, staff and others lawfully on school property. As part of that role, the principal:

- acts *in loco parentis* to the students of the school;
- implements safe schools and violence prevention policies and procedures;
- communicates awareness of policies and procedures to staff, students, parents and school communities; and

- remains with the student, who may be a suspect or witness, in cases of police interviews of students at school (but subject to the preference of the student).

6. DEFINITIONS/EXPLANATIONS OF TERMS

It is recognized that principals and other school personnel are not judges or lawyers or police officers and that they cannot and should not be required to apply strict legal interpretations to incidents that occur in their schools. Principals and school personnel are entitled to rely on their discretion in determining whether a police response or police involvement is required. However, the following definitions are provided to serve as guidelines to assist principals and school personnel in assessing incidents and carrying out obligations pursuant to the *Safe Schools Act, 2000*.

Criminal Harassment: criminal harassment occurs where: (1) a person repeatedly follows an individual from place to place or repeatedly communicates 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 persons family; and (2) the victim of the criminal harassment is caused to reasonably, in the circumstances, fear for his or her safety.

Explosive Substance: includes anything used to create an explosive device or capable of causing an explosion.

Extortion: using threats, accusations or violence or threats of violence to induce any person to do anything or cause anything to be done.

Physical Assault Causing Serious Injury: is the intentional application of force (in any degree at all) to a person without that person's consent. Bodily harm refers to any hurt or injury that is more than merely transient or trifling in nature which interferes with the health or comfort of the person, and includes (but is not limited to) injuries that receive medical attention. Any cut that requires stitches or any broken or fractured bone should be considered a serious injury. Serious injury could also include multiple minor injuries.

Police Involvement: incidents which are considered less serious or which do not involve an imminent threat to the safety and security of the school community.

Police Response: incidents that involve violence or the imminent threat to the safety and security of the school community.

Possession of Drugs: occurs when a person has an illicit drug or narcotic, as set out in the *Controlled Drugs and Substances Act*, in their actual possession or jointly with others, including knowingly possessing an illegal drug elsewhere.

Possession of a Weapon: means anything used, designed to be used, or intended for use in causing death or injury to any person or to threaten or intimidate any person. It can include objects, which can be used as weapons. Objects such as a pen or a screwdriver, for example, if displayed to threaten or intimidate, become weapons under this definition. Weapon includes a firearm and any device that is designed or intended to exactly resemble or to resemble with near precision a firearm.

Robbery: a robbery occurs where a person uses violence or threats of violence to steal money or other property from a victim.

Sexual Assault: a sexual assault occurs where a person, without consent, intentionally applies force, or intentionally threatens to apply force, to another person in circumstances of a sexual nature such as to violate the sexual integrity of the victim.

Trafficking in Drugs: means to sell, administer, transfer, transport, send or deliver any illicit drug or narcotic as set out in the *Controlled Drugs and Substances Act*.

7. OCCURRENCES REQUIRING POLICE RESPONSE OR INVOLVEMENT

The Model Provincial Protocol establishes occurrences that require police response or police involvement. While the principal has the discretion to determine the appropriate level of police response or police involvement, incidents outlined in this section that involve violence or the imminent threat to the safety and security of the school community will require police response. Incidents outlined in this section which are considered less serious or which do not involve an

imminent threat to the safety and security of the school community will require police involvement.

The occurrences that require police response at a school include:

- physical assault causing serious injury;
- sexual assault;
- robbery;
- extortion;
- criminal harassment;
- drug offences, including possession and/or trafficking in drugs;
- weapons offences, including possession of a weapon;
- explosive substance; and
- gang-related activities.

8. OTHER OCCURRENCES REQUIRING POLICE RESPONSE OR INVOLVEMENT

Occurrences where police may be involved include:

- assisting victims of crime;
- assisting in the development of young people's understanding of good citizenship;
- providing information on community issues; and

- working in partnership with other government and community based organizations to support positive youth development.

9. INFORMATION SHARING AND DISCLOSURE

Information in the possession and custody of the school board is governed simultaneously by the *Education Act* and the *Municipal Freedom of Information and Protection of Privacy Act*.

(a) *Education Act*

Under the *Education Act* and in accordance with the regulations and the guidelines issued by the Ministry of Education, a principal is responsible for collecting information for inclusion in a student's record. The Ontario Student Record ("OSR") contains information such as transcripts, report cards, and photographs. The OSR will also include, where applicable, a Violent Incident Form, containing:

- a description of the incident;
- a reference to the call to the police, if applicable;
- a reference to the school/board disciplinary response to the incident, if applicable; and/or
- a copy of the school board's letter(s) to the student and/or parent(s) or guardian(s) regarding the suspension or expulsion for violent behaviour.

Under this statute, information in the OSR is privileged for the information and use of supervisory officers and the principal and teachers of a school for the improvement of instruction of a student. Disclosure of its contents to the police may be made in the following circumstances:

- with the written permission of the parent or guardian of the student or, where the student is an adult, with the written permission of the student;

- through a search warrant requiring the surrender of an OSR to the police; or
- through a subpoena or appropriate court order.

(b) *Municipal Freedom of Information and Protection of Privacy Act*

Despite the restrictions contained in the Education Act, records of personal information whether or not contained in the OSR are subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. The *Municipal Freedom of Information and Protection of Privacy Act* expressly permits a school board to disclose confidential information to the police to aid in an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Accordingly, since principals and teachers are permitted to share information with police in such circumstances, in non-urgent situations, police should be prepared to provide a written statement that the identified information is required by the police to aid in an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

(c) *Youth Criminal Justice Act*

The *Youth Criminal Justice Act* protects the privacy and identity of young persons. Young persons are those individuals who are 12 years old or older but less than 18 years old. Subject to certain exceptions, the *Youth Criminal Justice Act* prohibits all persons, including police, youth courts and school board officials, from publishing the name of a young person, or any other information related to a young person, if that information would identify the individual as a young person dealt with under the Act. The *Youth Criminal Justice Act* establishes a similar prohibition on the publication of the name and information relating to a victim or a witness who is a child or a young person. Records, including police records, of an offence committed or alleged to have been committed by a young person are not to be disclosed except as authorized under the Act.

This does not prevent:

- disclosure to ensure safety of staff, student or other persons;
- disclosure pursuant to a court order;
- disclosure to facilitate the rehabilitation of the young person;
- disclosure where a young person is released on a “reintegration leave” from a youth custody facility to attend school;
- disclosure relating to information of a young person who has received an adult sentence;
- principals from suspending or expelling students for the reasons set out in the *Education Act*; or
- school boards from hearing an expulsion or the appeal of the parent/guardian or an adult student.

In addition, it does not prohibit school boards from exercising their right to hear expulsions, expulsion appeals or suspension appeals regarding students. In each of these cases, evidence of the events may be presented despite the existence of *Youth Criminal Justice Act* proceedings.

(d) Judicial Proceedings Affecting Schools

In prosecutions of students under the *Youth Criminal Justice Act* and the *Criminal Code*, courts frequently impose obligations upon the accused students that also affect the schools themselves; for example, a bail or probation order may require the student to attend school or prohibit the student from returning to school, or require that the student not come closer than some minimal distance from the alleged victim. At the same time as the court action is proceeding, the school may be in the process of suspending or expelling the student pursuant to the authority in the *Education Act*.

Unfortunately, the court often neglects to recognize this type of conflict, and that the school may not be in a position to honour the obligation thus imposed. Even if the school had the lawful authority and the facilities to observe the condition, most often, no provision is made for advising the school of any such restriction or obligation.

Accordingly, whenever charges are laid against a student, the police officers involved in the case should consult with school administrators before recommending release and/or probation conditions. Correspondingly, school administrators are encouraged to initiate discussions with the police regarding such conditions. In addition, police officers will endeavour to alert the school and seek to assist the school in its efforts to accommodate the bail or probation order while at the same time continuing to exercise its powers and fulfil its obligations under the *Education Act*.

(e) School Personnel Notes

It is recognized that:

events occurring at school in which the police are or may become involved sometimes give rise to a summons to the witness to appear in court, and

with the passage of time, immediate recall of details of events becomes progressively more difficult.

There is wisdom, therefore, in recording these details contemporaneously with the events themselves. Such details when maintained should be kept in a journal and available for reference when required; include dates, times, names of witnesses interviewed and any relevant observations; and, where appropriate, might also include a summary of any action taken by school administration.

(f) *Child and Family Services Act*

As discussed in greater detail below, teachers and principals have a duty to report children in need of protection to a children's aid society. Educators are protected from actions arising out of the disclosure of such information where the disclosure is without malice and the information reported is otherwise confidential or privileged.

10. SCHOOL REPORTING PROCEDURES

In addition to the occurrences listed above, when a principal has a reasonable basis to believe that a student in a school has committed a criminal offence or is likely to commit a criminal offence, the principal will be normally expected to report the incident to the police, in accordance with relevant Board and Ministry of Education policies and procedures, and in consideration of safety of the victim and the victim's perception of his/her own safety.

Generally, the principal or the principal's designate will be responsible for contacting the police. Contact in emergency situations may be made through 911.

11. INITIAL POLICE CONTACT

When conducting an investigation, police will make every effort to minimize disruption to school routines. In all instances of non-emergency police investigations and *except in extraordinary circumstances, details of which must be explained to the principal*, police officers are expected to report to the main school office prior to commencing an investigation in the school. This will permit the principal (or appropriate vice-principal) to greet the officer, and facilitate the process.

Police will also:

- provide proper identification to the principal or principal's designate;
- explain the purpose of the visit; and

- contact, or make arrangements with the principal or principal's designate to contact, the parents of students under the age of 18.

12. INVESTIGATING SCHOOL INCIDENTS

(a) Legal Rights

During a police investigation at school, it is primarily the responsibility of the police to explain to a young person his or her rights in a manner that enables him or her to understand them. The principal/designate will inform police of any special circumstances which may impede the student in expressing or understanding written/oral communication.

Under the *Youth Criminal Justice Act*, a statement made by an accused student under the age of 18 is not admissible in court against that student unless:

- (i) the statement is voluntary;
- (ii) the police have advised the student that the student is under no obligation to make a statement and that the statement may be used as evidence in a proceeding against him or her;
- (iii) the police have advised the student that he or she has a right to consult counsel and a parent, an adult relative or, in the absence of a parent or adult relative, any other appropriate adult chosen by the student;
- (iv) the police have, before the statement was made, provided the student with a reasonable opportunity to consult with the persons listed in (iii); and
- (v) where the student has consulted a person set out in paragraph (iii), the student has been given a reasonable opportunity to make the statement in the presence of that person.

A student may waive the rights under paragraph (iv) or (v), but any such waiver shall be videotaped, audiotaped or be in writing signed by the student. In some cases, the student will

select a teacher or the principal to act as an appropriate adult. The teacher or principal should act in the best interest of the student in these circumstances.

In addition to specific legal rights established for students under the age of 18, all students are provided with legal rights pursuant to the *Charter of Rights and Freedoms*, including the right to counsel, the right not to be arbitrarily detained and the right to silence.

The *Youth Criminal Justice Act* establishes the following rights for young persons:

- where such a student is arrested and detained in custody pending his/her appearance in court, the police shall notify the student's parents as soon as possible of the place of detention and the reasons for the arrest;
- a student has the right to retain counsel at any time; and
- police have an obligation to advise a student who is arrested of the right to counsel.

(b) Search and Seizure

This protocol does not deal with searches and seizures carried out by principal and authorized school personnel in pursuance of their statutory duties under the *Education Act*. Such searches should be conducted in accordance with school board policies.

In most circumstances, police seeking to conduct any searches, including locker searches or other property searches in a school, are required to first obtain a search warrant. Upon arriving at the school, the police shall serve the principal of the school, or the principal's designate, with the search warrant. The police shall also provide the principal with a reasonable opportunity to review the search warrant and, if necessary, obtain legal advice from the school board's lawyers.

Where a principal is served with a search warrant under the *Criminal Code* requiring the surrender of the OSR, the principal is obliged to comply with the search warrant, but is entitled to make a complete copy before delivery up of the original.

As with arrests, the police shall, in the interest of school safety and morale, consult with the principal and consider alternatives to the extent possible, and effect any search of a student at a location other than a school. When it is necessary that a search of a student or of school property occur at school during school hours, to the extent possible, such a search will be made in such a manner that will minimize disruption of school routines.

School personnel are advised that where police are required to arrest a student, the police may be required to conduct a search of that student arising out of that arrest. In such circumstances, the police are not required to obtain a search warrant.

In urgent circumstances, the police may be required to conduct a search without notice and without a warrant. Following such a search, the police shall advise the principal or the principal's designate of the reasons for the search.

(c) Detention and Arrest

Whether or not the incident giving rise to the necessity to arrest is school-related, the police shall, in the interest of school safety and morale, consult with the principal and consider alternatives to the extent possible, and effect the arrest at a location other than a school.

1. When it is necessary that a student be arrested at school during school hours, to the extent possible, such an arrest will be made in such a manner that will minimize disruption of school routines.
2. Where a student is to be arrested on school premises during school hours, and so long as circumstances (when reasonably assessed) permit, police will contact the principal to arrange a suitable procedure by which police will access the student.

3. Where a student is to be arrested, police shall not be denied access to the student.
4. There may be circumstances in which physical restraints will be necessary. These will be employed with full regard for the safety of those involved in accordance with this protocol, police procedure and the arresting officer's discretionary powers.
5. When a student, who is a minor (under 18 years of age), has been removed from the school, the principal or designate will notify the parent(s) or guardians(s) promptly unless otherwise instructed by the police ♦.

(d) Victim Assistance

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

Under the *Youth Criminal Justice Act*, victims are entitled, on request, to receive information about how an offence was dealt with where extrajudicial measures are ordered. Such information shall not be provided by school officials, but by the police or other person designated under the *Youth Criminal Justice Act*.

♦ Toronto Catholic District School Board Policy requires notification of parents in accordance with the following:
The principal will notify the parents/guardians promptly that the student has been removed by the police from the school, except where the advice would compromise the safety of the student or others (ie, when an alleged child abuser is the parent or guardian), or for a relatively short period of time (say a couple of hours) where the police advise that it is necessary to attend at the home to preserve physical evidence (such as stolen goods), but in any event, by the end of the school day.

13. POLICE INTERVIEWS OF STUDENTS

Interview procedures will vary depending on the circumstances. It is recognized that the norm is for interviews by the police to be conducted outside of the school. In some circumstances, however, it may be necessary to conduct police interviews on school premises during school hours. In such cases, interviews shall be conducted in a manner that will minimize disruption to school routines.

(a) Notification of Parents

Under 18 years of age

In cases where the police wish to interview a student, whether a suspect or witness, who is under the age of 18 years on school premises during school hours, the principal, in fulfilling his/her *in loco parentis* role, will contact the parent(s) or guardian(s) promptly unless prevented by urgent circumstances, to advise of the request for the interview and invite the parent(s)/guardian(s) to be present. (Where the principal is not able to contact the parent(s)/guardian(s), the principal will record his/her attempts to make such contact). By way of exception to this rule, where the police have determined the best interests of the student requires that an interview take place without the prior knowledge and in the absence of the parent(s)/guardian(s), the principal may permit an interview to take place in the school and without prior parental consent if the principal is of the view that his/her discretion should be exercised in that way, based upon confirmation from the police that, to the best of the knowledge, information and belief of the police:

- the police are investigating an offence in which the student is at personal risk, or an offence in which the presence of the parent(s)/guardian(s) during the interview can reasonably be expected to compromise the safety of the student or the integrity of the investigation;
- the police are of the opinion, having considered other forms of interview, that it would be in the best interests of the student that the interview take place within the school;

- the police intend to interview the student without the prior knowledge and in the absence of the parent(s)/guardian(s) in any event; and
- the police undertake to inform the parent(s)/guardian(s) of the interview as soon as possible [♦].

In addition, the young person may consult with legal counsel or a parent or any other appropriate adult. In some cases, the young person may prefer to have a teacher or a principal present during a police interview or when making a statement. In any such case, the police will make all reasonable efforts to accommodate these rights of the students.

18 years of age or over

It is acknowledged that, under the relevant legislation, students who are 18 years of age or older are adults. The intention of this protocol to avoid unnecessary disruption to school activities applies equally to adult students.

(b) Preparation for Interviews

Prior to the interview, in cooperation with the school, the police shall:

- evaluate the need for specialized resources where a student is known to have a behavioural, cognitive, physical, or learning disability;
- determine the need for an interpreter, including language interpreters and interpreters for deaf students;
- determine the need, if any, to audio tape or video tape interviews;
- decide which officer will take the lead in the interview; and

[♦] For Toronto Catholic District School Board policy on informing parents/guardians, see previous footnote.

- determine the methodology for the interview.

(c) Conduct of Interviews

During the interview, the police shall:

- employ age-appropriate interview techniques;
- provide 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;
- take into account the requirements for the admissibility of statements made by persons under the age of 18, including the requirement that a parent, guardian or other adult be present at the interview; and
- consider whether it is appropriate to involve a local children's aid society.

14. REPORTING OF CHILDREN SUSPECTED TO BE IN NEED OF PROTECTION

Teachers and principals have a duty to report children in need of protection to a children's aid society. Educators must remain vigilant about child abuse and neglect. Teachers and principals who have reasonable grounds to suspect the abuse or neglect of a child shall forthwith report the suspicion and the information on which it is based to a society. A "child" is defined in the legislation as a person actually or apparently under the age of 16. A person who has a duty to report a matter under the Act, shall make the report directly to the society and shall not rely on any other person to report on his or her behalf. Educators are protected from actions arising out of the disclosure of such information where the information reported is otherwise confidential or privileged.

Educators should refer to and comply with the relevant school board policy and procedures with respect to their duty to report.

15. INVESTIGATIONS INVOLVING STUDENTS WITH SPECIAL NEEDS

In circumstances where it is necessary for the police to conduct an interview of a student with special needs additional considerations shall be taken into account. All necessary steps shall be taken by school personnel and police to identify and accommodate any special needs or requirements that such students have. School personnel familiar with the student shall evaluate any need for special resources and communicate those needs to the students and his/her parent(s) or guardian(s), and communicate those needs to the police.

16. OCCURRENCES INVOLVING CHILDREN UNDER AGE 12

There is no legal authority to charge a child under the age of 12 or to charge such a child with a criminal offence. It is recognized that the police may be involved in situations involving children under the age of 12 and may be required to interview children under the age of 12 in some circumstances. The procedures for interviewing students under the age of 18 apply to interviews with students under the age of 12. However, any police contact with children under the age of 12 must be conducted with sensitivity to the age of the child. (See “The Toronto Centralized Services Protocol for Children under 12 in Conflict with the Law in Conjunction with the Toronto Police Service”.)

17. SCHOOL BOARD COMMUNICATION STRATEGY

The school boards will continue to solicit input from school councils, parents, staff and students in the ongoing development and review of this protocol. In addition, the communication strategy will seek to promote knowledge and understanding of the protocol and the role of the parties to the protocol.

Whenever a serious incident occurs in a school or is school-related and the Toronto Police Service propose to issue a media release that includes reference to a school board or a school, the police will notify the appropriate school board officials in advance, and, to the extent feasible, will entertain reasonable suggestions regarding references to the names of schools or school boards as suggested by the school boards.

18. PROTOCOL EVALUATION PROCESS

This Protocol will be reviewed for possible revisions during joint review meetings involving the parties to be conducted every three years. The school boards will continue to solicit input from school councils, parents, staff and students in the review process.

19. NON-INCIDENT-RELATED POLICE INVOLVEMENT

The National Association of School Resource Officers has written:

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

The parties recognize that an ongoing police presence in a school provides a positive role model for students and helps to ensure that schools are safe and nurturing environments for students and staff. Local divisions of police will endeavour to cooperate with schools in their area to develop and maintain a positive ongoing presence in those schools that goes beyond events related to such incidents.

20. VIOLENCE PREVENTION PROGRAMS

A coordinated and multifaceted approach is required to prevent school violence. Police work in partnership with schools and other community agencies to administer programs such as peer mediation, mentoring, drug awareness and education, conflict resolution, and Student Crime Stoppers. This protocol, therefore, is one component of a broader partnership among schools and other essential community partners (including mental health providers, health care professionals, and children’s aid societies) in the area of prevention.

21. PHYSICAL SAFETY ISSUES

When requested, police services should work in cooperation with local schools to assess and advise with respect to the physical safety of buildings and/or school premises. The police will make such support available to schools.

22. RISK ASSESSMENT SERVICES

The police recognize the need to assist schools in assessing a threat posed by an individual or group in the school community. A school requesting a threat assessment regarding an individual's behaviour should confer with the local police division who will contact the threat assessment unit, if appropriate.

23. EMERGENCY AND CRISIS RESPONSE PLAN

Each school will develop emergency and crisis response plans, in keeping with school board policies and containing appropriate follow-up measures. Teachers, staff, parents and students may be involved the development and monitoring of such plans, and the plans will be fully communicated to the school community and the police. A copy of the school's emergency and crisis response plans will be shared with the police.

24. SUMMARY

It is the goal of this protocol to support the promotion and maintenance of a safe school environment. By this enactment the needs and the rights of the total school community – which includes, but is not limited to victims, witnesses and accused – are recognized. Beliefs, procedures and expectations recognized and accepted through the partnership of the Toronto Police Service, the Toronto District School Board, the Toronto Catholic District School Board, the Conseil scolaire de district catholique Centre-Sud and the Conseil scolaire de district du Centre-Sud-Ouest promote the following objectives:

- enhanced safety of students, staff, other members of the school community, police and emergency services personnel;
- enhanced staff morale; and
- enhanced public confidence.

This protocol reflects the longstanding spirit of co-operation that has prevailed in service to students, staff, parents and other members of our school community.

Dated at Toronto as of the 1st day of April, 2003.

TORONTO POLICE SERVICE

By: _____
Julian Fantino
Chief of Police

TORONTO DISTRICT SCHOOL BOARD

By: _____
David Reid
Director of Education

**TORONTO CATHOLIC DISTRICT
SCHOOL BOARD**

By: _____
Thomas R. Donovan
Director of Education

**CONSEIL SCOLAIRE DE DISTRICT
CATHOLIQUE CENTRE-SUD**

By: _____
Marcel O. Bard
Director of Education

**CONSEIL SCOLAIRE DE DISTRICT DU
CENTRE-SUD-OUEST**

By: _____
Jean-Luc Bernard
Director of Education

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