

TORONTO DISTRICT SCHOOL BOARD

Operational Procedure PR698

Title: **POLICE/SCHOOL BOARD PROTOCOL**
Adopted: April 1, 2003
Revised: November 21, 2006, **August 16, 2011**
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Authorization: Administrative Council

1.0 OBJECTIVE

To provide the content of an agreement between the school board and the Toronto Police Service to promote a positive relationship and provide guidelines to facilitate this relationship.

2.0 RESPONSIBILITY

Deputy Director Academic

3.0 DEFINITION

See Appendix B for definitions of terms included in the protocol.

Note: Where the term principal is used it means principal or designate.

4.0 PROCEDURES

The Police-School Board Protocol (see Appendix A) is designed to encourage a positive relationship between school communities and police officers and to establish guidelines for these relationships. Several pieces of provincial and federal legislation influence and govern the procedures.

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. 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.

4.0 APPENDICES

Appendix A: Police/School Board Protocol
Appendix B: Glossary
Appendix C: Information and Disclosure
Appendix D: Guide to Officers for Section 146 Youth Criminal Justice Act Statements
Appendix E: Protocol for Joint Investigations of Child Physical & Sexual Abuse
Appendix F: School Action Teams

5.0 REFERENCE DOCUMENTS

Operational Procedure PR 524: Search and Seizure

Operational Procedure PR 560: Abuse and Neglect of Students

Appendix A

POLICE/SCHOOL BOARD PROTOCOL

Contents	Page
Signatories to the Protocol	4
Statement of Principles	4
Introduction	4
Role and Mandate of Police Service	4
Role and Mandate of School Boards	5
Definitions/Explanations of Terms	6
Occurrences Requiring Police Response	6
Information Sharing and Disclosure	7
School Procedures for Reporting to Police	8
Initial Police Contact	8
School and Police Investigation of Incidents	9
Police Interviews of Students	11
Reporting of Children Suspected to Be in Need of Protection	17
Investigations Involving Students with Special Education Needs	17
Occurrences Involving Students Under Age 12	18
School Board Communication Strategy	18
Protocol Review Process	18
School/Police Role in Violence Prevention	19
Physical Safety Issues	19
Risk-Assessment Services	19
Emergency Planning and Threats to School Safety	19
Training	20
Appendix B: Glossary	21
Appendix C: Information and Disclosure	25
Appendix D: Guide to Officers for Section 146 Youth Criminal Justice Act Statements	27
Appendix E: Protocol for Joint Investigations of Child Physical & Sexual Abuse	31
Appendix F: School Action Teams	36

1.0 SIGNATORIES TO THE PROTOCOL

An agreement 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 Viamonde.

2.0 STATEMENT OF PRINCIPLES

The guiding principles upon which this agreement is based include:

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

3.0 INTRODUCTION

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

The purpose of this document is to establish a protocol between the 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 Viamonde.

This protocol will confirm the working relationship and appropriate responses to incidents where police involvement or intervention is requested or required in school related incidents.

This protocol seeks to expand on the 2006 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 Community Safety and Correctional Services.

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

In the context of the protocol, the Toronto Police Service will be responsible for delivering police service related to young people and the school community, including, but not limited to:

- engaging and working proactively in partnership with school officials to ensure the effectiveness of this protocol;
- protecting public safety and preventing crime;
- enforcing the Youth Criminal Justice Act, the Criminal Code, and other federal, provincial, and municipal legislation and related regulations;
- conducting police and criminal investigations;
- assisting victims of crime;
- assisting in the development of young people's understanding of good citizenship; and
- providing information on community safety issues.

5.0 ROLE AND MANDATE OF SCHOOL BOARDS

It is the responsibility of the school board, principals, teachers, and school staff to ensure a safe, secure and caring school culture. In the context of the protocol, this includes:

- engage and work proactively in partnership with police officials to ensure the effectiveness of this protocol;
- comply with the requirements related to the duties of principals and teachers under the Education Act, Regulations, and policy and program memoranda;
- conduct investigations of incidents for which [suspension*](#) or [expulsion*](#) must be considered under the Education Act, including the responsibility to take [mitigating and other factors*](#) into account, as set out in Ontario Regulation 472/07;
- comply with the requirements legislated under the Child and Family Services Act (e.g., “duty to report”);
- provide staff with opportunities to acquire the skills necessary to promote safe, equitable, and inclusive school environments;
- explain the board's code of conduct to students and their families. Explain the potential application of school discipline based on student conduct while at school, at a school related activity or in circumstances where the conduct will have a [negative impact on the school climate*](#).
- administer appropriate school climate surveys to staff, students, and parents.

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

In cooperation with police, in [exigent circumstances*](#), the principal continues to be responsible for the health and welfare of students and members of the school community, and to maintain discipline in the school.

6.0 DEFINITIONS/EXPLANATIONS OF TERMS

Appendix B of this document provides definitions of the terms that are included in the protocol. Terms included in the Glossary are indicated with an asterisk (*).

Note: Where the term principal is used, it means principal or designate.

7.0 OCCURRENCES REQUIRING POLICE RESPONSE OR INVOLVEMENT

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*](#).

For students under 12 years of age and students with special education needs, there are circumstances where a police response is neither necessary nor appropriate. Refer to sections 0 and 15 below for further information on dealing with students under 12 (also see 12.06) or students with special education needs (also see 14).

Mandatory Notification of Police

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

- all deaths;
- physical [assault*](#) causing bodily harm requiring medical attention;
- [sexual assault*](#);
- [robbery*](#);
- [criminal harassment*](#);
- [relationship-based violence*](#);
- possessing a [weapon*](#), including possessing a firearm;
- using a [weapon*](#) to cause or to threaten bodily harm to another person;

- [trafficking*](#) in weapons or in illegal drugs;
- [possessing an illegal drug*](#);
- [hate and/or bias-motivated occurrences*](#);
- [gang-related occurrences*](#); and
- [extortion*](#)

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 other forms of electronic media;
- incidents of vandalism; and
- trespassing incidents.

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.

8.0 INFORMATION SHARING AND DISCLOSURE

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

See Appendix C for a more detailed overview of police and school obligations and procedures pertaining to information sharing and disclosure.

Section 125(6), the Youth Criminal Justice Act (YCJA) enables information in a Youth Criminal Justice Act record to be shared, within the access period, with any professional or other person engaged in the supervision or care of a young person – including the representative of any school board, or school or any other educational or training institution only in limited circumstances.

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

Section 32 (g) of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) 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. Please refer to Appendix C.

The Ontario Student Record (OSR) is privileged for the information and use of supervisory officers and the principal and teachers of a school for the improvement of instruction of a student. Disclosure of its contents to the police may be made in the following circumstances: with the written permission of the parent or guardian of the student, or where the student is an adult, with the written permission of the student; through a search warrant requiring the surrender of an OSR to the police; or through a subpoena or appropriate court order.

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

Examples cited include, but are not limited to, concerns arising about a possible suicide attempt; concerns about a student's mental state and the possible risk of significant harm to the public; and concerns that a student may harm themselves or others.

9.0 SCHOOL PROCEDURES FOR REPORTING TO POLICE

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

In a non-emergency situation, school staff will consult with the principal or designate before police are contacted.

10.0 INITIAL POLICE CONTACT

When police respond to a school-related incident they are responsible for obtaining and thoroughly documenting information about the incident.

Except in [exigent circumstances*](#), officers are normally required to take the following steps:

- report to the principal, providing proper identification;

- explain the purpose of the visit, and plan with the principal on how to proceed;
- consider alternatives that limit the disruption to the school day;
- obtain information from the principal about the student (e.g., regarding accommodation needs or barriers to communication) before making contact with the student (see section 12.04); and,
- contact, or make arrangements with the principal to contact, parents of students under the age of 18 (see section 0).

11.0 SCHOOL AND POLICE INVESTIGATION OF INCIDENTS

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

Police and principals will work together to ensure that the requirements of the Education Act are fulfilled and that the integrity of criminal investigations are maintained.

Prior to interviewing students previously interviewed by police, principals will first discuss their intention to interview involved students and staff with the police. This will minimize the possibility of jeopardizing a police investigation or subsequent court proceedings.

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

There are situations, for example, [sexual assault*](#) investigations, where police may ask principals not to interview or re-interview victims, suspects or witnesses.

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

A principal who interviews students who are part of a criminal investigation may become a witness in court proceedings. Notes taken by the principal during interviews with students may be subpoenaed.

11.01 LEGAL RIGHTS

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

- parental notification upon arrest (s. 26, Youth Criminal Justice Act);

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

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

11.02 SEARCH AND SEIZURE

Except in [exigent circumstances*](#), police seeking to conduct searches of school property, including lockers, are required to obtain a search warrant.

When executing a search warrant, police will serve the principal or designate of the school with a copy of the search warrant. The police will 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.

School boards will ensure that students and staff are informed of the school's right to search school property. School staff should refer to their board's policies on search and seizure, where available.

11.03 DETAINMENT AND ARREST

When making an arrest, police officers shall

- identify themselves as a police officer;
- inform the person that they are under arrest;
- inform the person of the reason for the arrest;
- take physical control of the person;
- inform the person of the Right to Counsel, including the existence and availability of duty counsel and free legal advice (Legal Aid);
- ensure that the person understands the Right to Counsel;
- search the person; and
- place the person in handcuffs using the approved manner.

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).

11.04 SUPPORT FOR VICTIMS

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

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

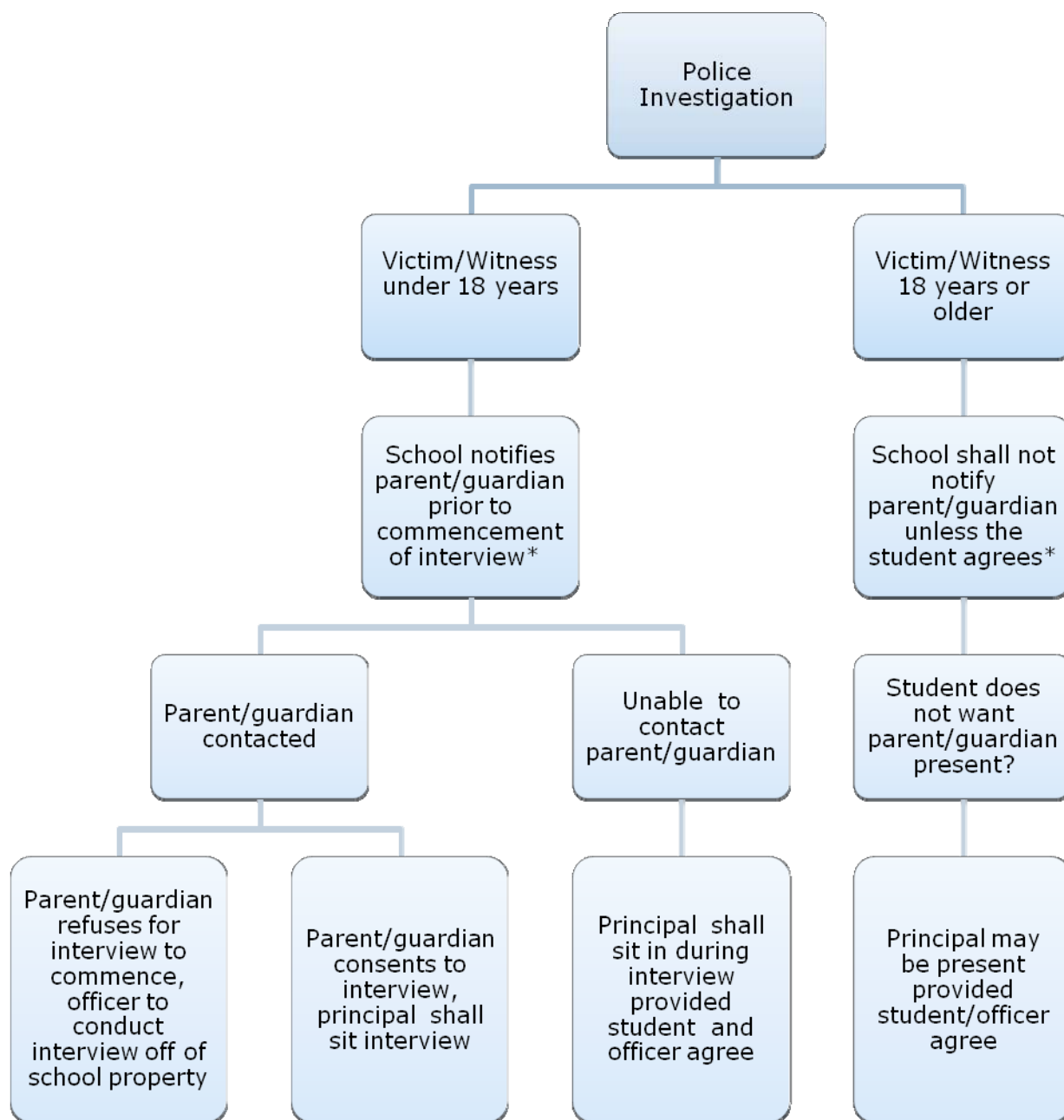
12.0 POLICE INTERVIEWS OF STUDENTS

Except in [exigent circumstances*](#), when the police interview students on school premises the following procedures will be followed in relation to police interviews of students:

- Police are required to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses. Any person who may have information related to the incident may be interviewed by police.
- Principals must make best efforts to contact parents as soon as possible before the interview and document such attempts.
- Where the parent/guardian refuses the request for an interview to commence at school, police will conduct the interview off of school property.
- A [parent/legal guardian*](#), third-party adult, or the principal, if no alternative is available, must be present when students under the age of 18 are being interviewed at school.

- Where a student aged 12 to 17 waives the right to have an adult present at the interview, the police and the principal must consider the most appropriate location for conducting the interview and take steps to ensure that the student's rights are respected during the interview.
- School personnel shall assist police in making the required preparations (e.g., securing a quiet room and establishing a time for the interview).
- Police must consult with the principal to consider alternatives for conducting interviews at a location other than the school.
- When taking statements from accused youth, police will follow the *Guide to Officers for Section 146 Youth Criminal Justice Act Statements* (Appendix D).
- Police will 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.

12.01 VICTIMS AND WITNESSES



*For exceptions and further information, see section 12.05 CONDUCT OF INTERVIEWS

12.02 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.

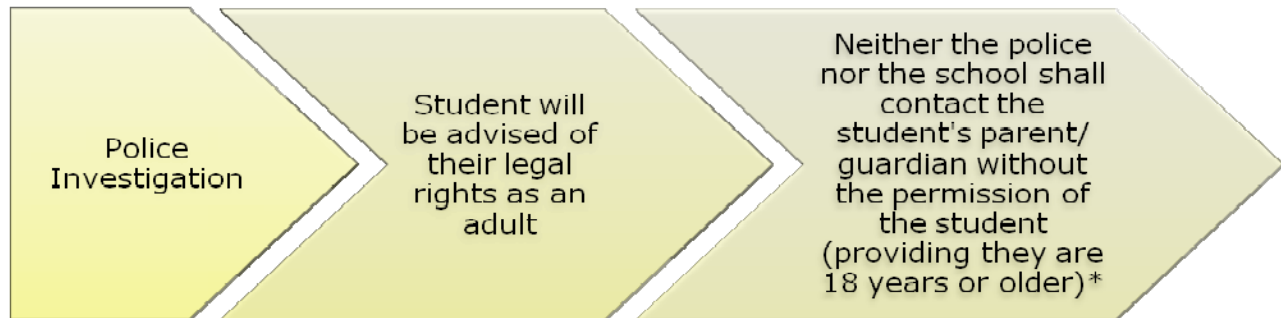
When police remove students from school property for further investigation, police shall ensure that the parents/legal guardians of such students are notified in a timely manner.

The onus is on the police to advise the principal if notification of the parents would endanger the student or the investigation. 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.

Except when directed not to by the police, principals shall promptly notify the parents/legal guardians of student removed from school property and at least by the end of the school day where possible.

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.

12.03 STUDENTS 18 YEARS AND OLDER



*For exceptions and further information, see section 12.05 CONDUCT OF INTERVIEWS

12.04 PREPARATION FOR INTERVIEWS

When preparing for interviews of students:

- Determine whether circumstances allow for the interview to be conducted at the student's home or another location rather than at school.
- If the incident is not related to the school and will have no impact on school safety, police should not conduct interviews at the school.
- Evaluate the need for specialized resources where a student is known to have mental health needs or special education needs; and
- Determine 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).

12.05 CONDUCT OF INTERVIEWS

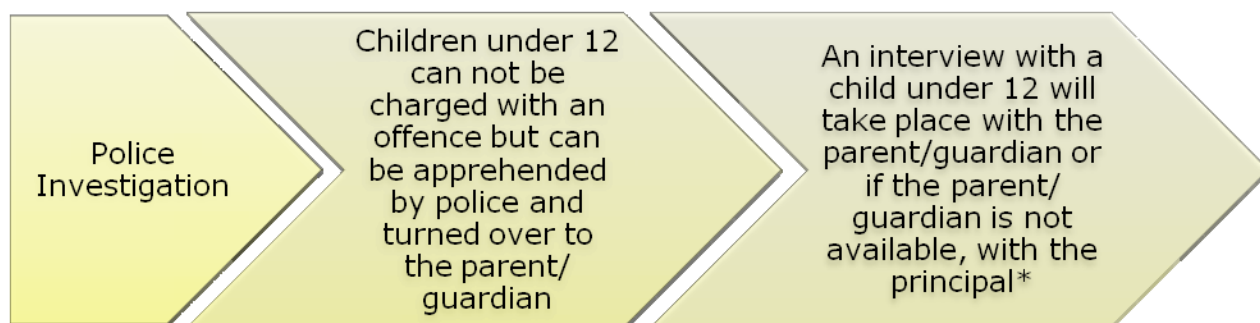
When conducting interviews of students:

Police shall follow the *Guide to Officers for Section 146 Youth Criminal Justice Act Statements*;

- Police shall 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;
- Involve the local children's aid society in the interview process when an interview involves a child who may be in need of protection; and,

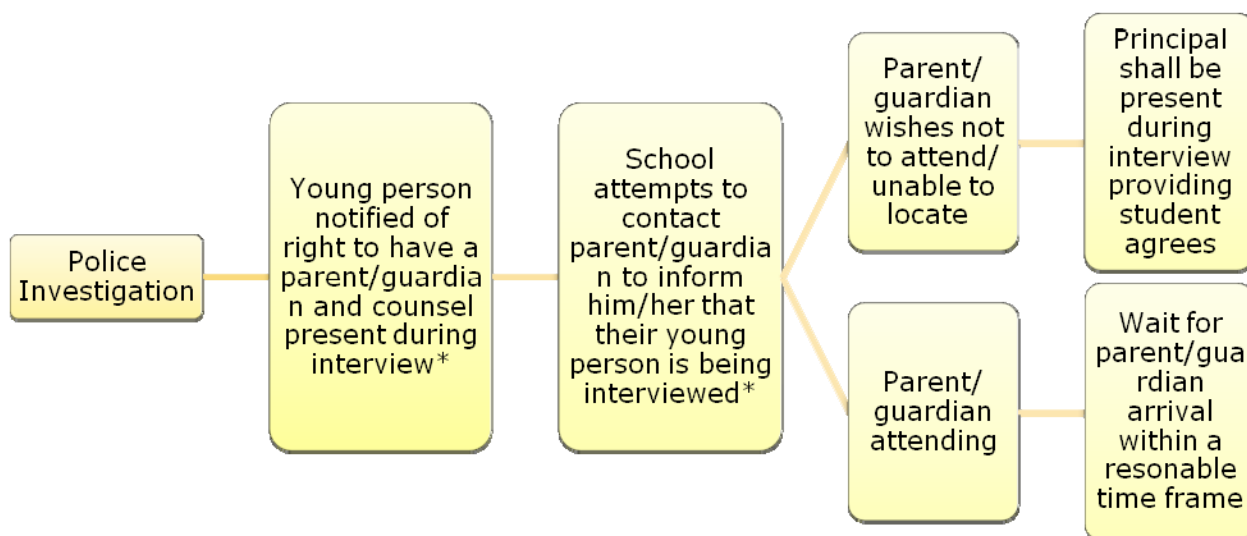
- An adult must be present throughout the interview, except when the student can waive and has waived the right to have an adult present. Best efforts must be made to have the student's parent(s) or another adult of the student's choice present.
- When a parent or other adult selected by the student cannot be present, the principal or designate must attend the interview.

12.06 SUSPECTS UNDER THE AGE OF 12



*For exceptions and further information, see section 12.05 CONDUCT OF INTERVIEWS

12.07 SUSPECTS 12-17 YEARS



*For exceptions and further information, see section 12.05 CONDUCT OF INTERVIEWS

13.0 REPORTING OF CHILDREN SUSPECTED TO BE IN NEED OF PROTECTION

Teachers and principals have a duty to report children in need of protection to a children's aid society. Teachers and principals who have reasonable grounds to suspect the abuse or neglect of a child shall forthwith report the suspicion and the information on which it is based to a society. A person who has a duty to report a matter under the Act shall make the report directly to the children's aid society and shall not rely on any other person to report on his or her behalf.

For additional information, refer to the document Reporting Child Abuse and Neglect, developed by the Ministry of Children and Youth Services, which is available at

www.children.gov.on.ca/htdocs/English/topics/childrensaid/reportingabuse/index.aspx.

Also refer to Part IX of the Protocol for Joint Investigations of Physical & Sexual Child Abuse: Guidelines & Procedures for a Co-ordinated Response to Child Abuse in the City of Toronto, dated May 2006 (Appendix).

14.0 INVESTIGATIONS INVOLVING STUDENTS WITH SPECIAL EDUCATION NEEDS

When an investigation involves a student (or students) known to have special education needs, additional considerations must be taken into account by school personnel and police.

The principal will inform police of additional considerations to be taken into account when an investigation involves a student known to have special needs or who may be identified as having an exceptionality in any of the following categories: behaviour, communication, intellectual, physical, or multiple.

The school will communicate to the police that a student is known to have special education needs or communication difficulties.

The student with special education needs must receive appropriate accommodations, especially when it is necessary to interview the student. Every attempt should be made to provide specialized supports/resources, as needed, for the student during an investigation.

The principal will ensure that the student's parent is contacted as soon as possible, except in [exigent circumstances*](#) or where the police believe the parent may be implicated in the incident.

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

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

15.0 OCCURRENCES INVOLVING STUDENTS UNDER AGE 12

Where children under the age of 12 are involved, principals 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.

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.

Principals will 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 (also see 12.02).

When an incident involves a child under 12, police have the authority to take reports, make referrals, and conduct interviews.

16.0 SCHOOL BOARD COMMUNICATION STRATEGY

The school board will develop a communication plan to promote knowledge, understanding, and consistent application of the contents of the protocol.

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

17.0 PROTOCOL REVIEW PROCESS

The signatories will conduct a review of the local protocol every two years or sooner if required.

The school boards will continue to solicit input from school councils, parents, staff and students in the review process.

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.

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.

Through Community Police Liaison Officers (CSLO) the Elementary School Safety Program will be delivered to all publicly funded elementary and secondary schools.

Where assigned, School Resource Officers (SRO) will work in partnership with students, teachers, school administrators, school board officials, parents, other police officers, and the community to establish and maintain a healthy and safe school community.

As well, resources and best practices for school safety programming can be found at the School Action Teams website (www.schoolactionteams.com, Appendix G).

19.0 PHYSICAL SAFETY ISSUES

When requested, police 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.

A multi-disciplinary 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.

Police and school boards will work together to train staff on threat assessment theories and procedures for identifying and reporting on situations/people that may require a threat assessment.

21.0 EMERGENCY PLANNING AND THREATS TO SCHOOL SAFETY

The Toronto Emergency Safe School Strategy (TESSS) is a web-based application designed by the Toronto Police Service to assist field officers and Communications personnel with decision-making and response to major incidents at Toronto schools.

TESSS provides quick access for police officers to school and tenant contact information, building information and floor plans, neighbouring school information and pre-defined traffic point and staging areas.

Standardized exterior/interior door numbering and labeling on all schools has been designed to further assist officers when they arrive on scene (see Appendix G).

Police and school staff will follow their organization's procedures and policies related situations requiring a [lockdown*](#) or [hold and secure*](#).

A minimum of two lockdown drills must occur each year (see your board's policies and procedures for further details).

22.0 TRAINING

The school board and police services should provide joint training on the protocol to their staff on an annual basis.

When possible, the training should be delivered jointly by police and school board personnel.

GLOSSARY

The purpose of this glossary is to explain some of the terms that are used in the protocol. 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 complete legal definitions, please refer to the Code itself.

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

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

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

Expulsion: The removal of a student from his or her school or from all schools of the board. Students expelled only from their school are assigned to another school of the board. Students expelled from all schools of the board must be offered a program for expelled students. Activities for which expulsion must be considered are found in section 310(1) of the Education Act. An example is using a weapon to cause or to threaten bodily harm.

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 counseling, volunteer work, repair of or compensation for damaged or stolen property, and a letter of apology.

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

Hate-and/or Bias-Motivated Occurrences: An incident (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 is publicly communicated and that is willfully intended to promote or incite bias or hatred against such a group.

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

Lockdown: All movement in and out of the school and within the school is restricted as the danger is inside the school or on school property and poses an immediate threat to students or staff.

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

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

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

Other factors

3. 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, cyber bullying often occurs outside school, but if it targets individual students and causes them to be afraid to come to school, it is having a negative impact on school climate.

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

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

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

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

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

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.

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

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

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

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.

INFORMATION SHARING AND DISCLOSURE

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

a) Criminal Code

The police can access a student's Ontario Student Record (OSR) by warrant or 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.

b) Youth Criminal Justice Act (YCJA)

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

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

The following subsections of Part 6 are of particular relevance to the protocol:

- subsection 110(1), which states that no person shall publish the name of the young person or any information that would identify the young person as a young person dealt with under the YCJA;
- subsection 111(1), which states that "no person shall publish the name of a child or young person, or any other information related to a child or a young person, if it would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person";
- subsection 118, which states that no person shall be given access to a record and no information in the record shall be given to any person, where to do so would identify the young person as being dealt with under the YCJA;
- subsection 125(1), which states that "[a] peace officer may disclose to any person any information in a record kept under section 114 (court records) or 115 (police records) that it is necessary to disclose in the conduct of the investigation of an offence";

- subsection 125(6), which permits a provincial director, youth worker, peace officer, or any other person engaged in the provision of services to young persons to disclose to a representative of a school board or school any information kept in a record under
- sections 114 to 116 of the YCJA if the disclosure is necessary:
 - to ensure compliance with an order made by the youth justice court for a young person released from custody to attend school;
 - to ensure the safety of staff, students, or other persons; or
 - to facilitate the rehabilitation of the young person.

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

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

Further information regarding the release of students’ personal information can be found in the Office of the Information and Privacy Commissioner’s Guide to Ontario Legislation Covering the Release of Students’ Personal Information, at

www.ipc.on.ca/english/Resources/Discussion-Papers/Discussion-Papers-summary/?id=495

d) *Child and Family Services Act (CFSA)*

The local police/school board protocol must clearly articulate the overall duty, under subsection 72(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 perform professional or official duties with respect to children”, including teachers and principals, should be emphasized.

This provision applies as well to information that is confidential or privileged (except under solicitor/client privilege), and there is no liability against a person who reports unless the reporting was done maliciously or without reasonable grounds.

There is no mention of the Education Act, with specific reference to the privileged status of information contained in the Ontario Student Record, and the means for police to obtain this information.

Appendix D



YOUTH CRIMINAL JUSTICE ACT
Young Person's Statement

(Method of Recording Statement)

☐ Videotape _____ ☐ DVD _____ ☐ Audiotape _____ ☐ Written _____
(Tape Number) (DVD Number)

Unit/Division: _____ Case Name: _____ Case No.: _____

Date: _____ Location: _____ Start Time: _____
(YYYY/MM/DD)

Interviewing Officer(s): _____
(Surname, G1, Rank & Badge No.) (Unit)

(Surname, G1, Rank & Badge No.) (Unit)

Name of Young Person: _____ Date of Birth: _____
(Surname, G1) (YYYY/MM/DD)

Address: _____

Phone Number(s): _____

Name of Other Person Present: _____
(Surname, G1) (Relationship)

Address: _____

Phone Number(s): _____

You are/may be charged with: _____

Do you understand the charge(s)? _____

You may have to go to court and if a judge finds you guilty of the charge, you will be sentenced which could include going to a detention centre. Do you understand? _____ . What does this mean to you? _____

The law requires that I tell you about your rights before I ask you if you want to make a statement. A statement can be anything you say, write or do. Do you understand? _____ . What does this mean to you? _____

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

Do you understand? _____

Can you read and write? _____

Cautions

I also have to tell you that whatever you say will be recorded in writing or on audio/DVD or video recording equipment and may be repeated in court to a judge and used in evidence. Do you understand? _____

What does this mean to you? _____

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

Do you understand? _____

What does this mean to you? _____

You do not have to make a statement about this charge unless you want to.

Do you understand? _____

What does this mean to you? _____

Is there anything we need to know, for example, have you taken any drugs or alcohol yesterday or today, including prescription drugs?

- 2 -

THIS SECTION APPLICABLE FOR PRESUMPTIVE (a) OFFENCES, PRESUMPTIVE (b) OFFENCES AND NON-PRESUMPTIVE OFFENCES

☐ Non-applicable

(Officer's Initials)

(Note to Officer: 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 : a Presumptive (a) Offence (1st or 2nd Degree Murder, Attempted Murder, Manslaughter, Aggravated Sexual Assault), or a Presumptive (b) or Non-Presumptive Indictable Offence (an offence for which an adult is liable to imprisonment for more than 2 years).

As you are 14 years of age or older, if you are found guilty, you could receive an adult sentence. The most severe adult sentence is life in prison.

Warning read: ☐ Yes ☐ No Do you understand? _____

What does this mean to you? _____

I am signing here because the above warning has been read to me.

(Signature of Young Person)

(Signature of Witness)

(Signature of Witness)

It is my duty to tell you that you have the right to talk to a lawyer and get advice in private right now. Do you understand? _____ What does this mean to you? _____

If you don't know a lawyer, you can get free legal advice in private from a free Legal Aid lawyer, and we will give you the phone numbers and the phone to use. What does this mean to you? _____

If you are charged with an offence, you may apply to Legal Aid Ontario for assistance. What does this mean to you? _____

Do you want to talk to a lawyer in private? _____

In addition to the right to talk to a lawyer, you have the right to talk to a parent in private, or if a parent is not available, an adult relative or if an adult relative is not available, another appropriate adult whom you feel may assist you. Do you understand? _____

What does this mean to you? _____

Do you want to talk to one of your parents in private? _____

- 4 -

(Statement Begins Here)

Signature of Young Person: _____

Date Completed: _____
(YYYY/MM/DD)

Witnesses:

Time Completed: _____

(1) _____
(Print Name)

Signature: _____

(2) _____
(Print Name)

Signature: _____

**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.

- 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?"

LE 199 (04/10)

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.

- 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? »

**PROTOCOL FOR JOINT INVESTIGATIONS OF CHILD PHYSICAL
& SEXUAL ABUSE**

**PROTOCOL FOR JOINT INVESTIGATIONS OF
CHILD PHYSICAL & SEXUAL ABUSE:
GUIDELINES & PROCEDURES FOR A COORDINATED RE-
SPONSE TO CHILD ABUSE IN THE CITY OF TORONTO[©]**
***FOURTH EDITION
MAY 2006***

CATHOLIC CHILDREN'S AID SOCIETY OF TORONTO
CHILD CARE ADVISORY COMMITTEE OF TORONTO
CHILDREN'S AID SOCIETY OF TORONTO
CONSEIL SCOLAIRE DE DISTRICT CATHOLIQUE CENTRE-SUD
CONSEIL SCOLAIRE DE DISTRICT CENTRE SUD OUEST
JEWISH FAMILY AND CHILD SERVICE
MINISTRY OF CHILDREN AND YOUTH SERVICES
MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES
MINISTRY OF THE ATTORNEY GENERAL (TORONTO REGION)
NATIVE CHILD AND FAMILY SERVICES
TORONTO CATHOLIC DISTRICT SCHOOL BOARD
TORONTO CHILD ABUSE CENTRE
TORONTO CHILDREN'S SERVICES
TORONTO DISTRICT SCHOOL BOARD
TORONTO POLICE SERVICE
UJA FEDERATION BOARD OF JEWISH EDUCATION

PART IX – INVESTIGATIONS IN SCHOOLS OR IN CHILD CARE SETTINGS

**INVESTIGATIONS IN SCHOOLS OR IN
CHILD CARE SETTINGS**

Responding To A Suspicion Of Child Abuse

Staff, students on placement and volunteers in schools and child care settings will report any suspicions that a child is, may have been or is likely to be abused or neglected (i.e., in need of protection) in accordance with the Child and Family

Services Act. (See Appendix, Part IX – Investigations In Schools Or In Child Care Settings.)

School and child care personnel will not conduct an investigation regarding a suspicion or disclosure of abuse. It is the responsibility of a CAS and/or police to investigate, gather evidence, assess the child and family's situation, and decide on the appropriate action to be taken on behalf of the child.

School and child care personnel will consult with a child protection worker or police officer before informing a caregiver(s) that suspicion of child abuse has been reported. The child protection worker/police officer will provide direction as to when it is appropriate for school/child care personnel to discuss the matter with a caregiver(s).

In some situations, the cause of a child's injuries, the nature of the child's disclosure, or the behaviours observed are not clear. Before speaking further with a child or caregiver, school/child care personnel will consult with a CAS to discuss the appropriateness of clarifying a situation and to obtain direction.

1) INVESTIGATING IN A SCHOOL/CHILD CARE SETTING

- a) There are four situations outlined below where a child abuse investigation may occur on school premises or in a child care setting.
 - i. Abuse is suspected or disclosed at a school or child care setting and the matter has been reported to either a CAS or police.
 - ii. Abuse is disclosed outside the school/child care and the Investigative Team believes it is in the child's best interest to interview the child at the school/child care.
 - iii. Subsequent to an initial investigation, a child protection worker or police need access to a child at school or in a child care setting as a continuation of that process.
 - iv. There are allegations against a school/child care personnel (see Section 2, School/Child Care Personnel As Alleged Offender).

- b) Investigators will exercise discretion and sensitivity when deciding to conduct an investigation on school/child care property. Consideration of privacy and confidentiality for children within the school/child care setting must be taken into account.
- c) The Team will make every effort to discuss with the principal/child care supervisor:
 - i. the intent to visit the school/child care setting, and the estimated time of arrival; and
 - ii. if the investigation is to be delayed, indicating when the interview of the child will occur.
- d) In order to support the Team in the investigation, school and child care personnel will share information about the child and family as it relates to the alleged incident(s) and/or safety of the child.
- e) The Team will make every effort to:
 - i. seek prior consent from a caregiver for the interview; and
 - ii. notify the school principal/child care supervisor of the caregiver(s)' consent to the interview.
- f) Where the Team has determined that the best interest of the child requires that an interview take place without the prior knowledge of, and in the absence of, the caregiver(s), the principal/child care supervisor should permit an interview to take place without prior consent from a caregiver if the Team:
 - i. is investigating a reported case of suspected abuse and/or related offences, with respect to that child;
 - ii. are investigating an offence in which the student is at personal risk, or an offence in which the presence of the caregiver(s) during the interview can reasonably be expected to compromise the safety of the child or the integrity of the investigation;
 - iii. intends to interview the child without the prior knowledge of, and the absence of, the caregiver(s) in any event; and
 - iv. undertakes to inform the caregiver(s) of the interview as soon as is reasonably possible.

Ultimately, the decision to allow an interview of a child on the premises of a school/child care rests with the principal and/or child care supervisor. (See Part V, Section 2.)

- g) If a child is apprehended from a school, the principal will notify the child's caregiver(s) unless otherwise instructed by a member of the Team. If a child is apprehended from a child care setting, a member of the Team will inform the child's caregiver(s) of the apprehension. If a caregiver could not be contacted before the expected pick-up time of the child, it is the responsibility of the Team to:
 - i. inform the school principal/child care supervisor of the situation;
 - i. discuss who will inform the caregiver upon his/her arrival; and
 - ii. decide how to inform the caregiver of the situation.

- h) If as a result of an investigation, a child is placed in the care of a CAS, the child protection worker will inform the school principal and/or child care supervisor, and indicate if and when the child is expected to return to the school/child care setting.
- i) If a child does not return when expected, the school principal/child care supervisor will inform the CAS to report this fact, so that the CAS can determine if this signals a protection/safety concern.
- j) The Team will provide to the principal and/or child care supervisor sufficient information to:
 - i. enable school/child care personnel to support the child and other children in the setting;
 - ii. provide ongoing protection and safety of the child and other children in the setting; and
 - iii. continue the ongoing relationship between home and school/child care setting.

2) SCHOOL/CHILD CARE PERSONNEL AS ALLEGED OFFENDER

- a) Where the report involves a school employee as the alleged offender, the Team will contact the Director of Education or designate as soon as possible, and will proceed with the investigation in cooperation with school board officials and in accordance with school policies.
- b) Where the report involves an alleged offender in a child care setting, a member of the Team will:
 - i. indicate to the supervisor if an investigation will occur, or alternatively, if it is appropriate for the supervisor to respond to the incident following internal policies, including a review of the “Behaviour Management” policies and procedures of the child care setting;
 - ii. contact the owner and/or operator before proceeding with the investigation to discuss details around informing the alleged offender; and
 - iii. advise the supervisor/owner/operator as to the protection of the children in care until the Team arrives.
- c) School boards and child care settings have an obligation to investigate inappropriate actions by staff/volunteers/placement students, and must respond promptly in accordance with policies, collective agreements and/or legislation. Therefore, when the alleged offender is a staff person/volunteer/placement student in a school or child care setting, the Team will communicate promptly with school/child care officials to discuss the appropriate action, including whether or not school/child care officials should approach the alleged offender.
- d) School/child care officials will not question a child(ren) or any other staff, nor make any other inquiries about the alleged incident until directions are received from a member of the Team.

- e) Where there have been allegations against a staff/volunteer/placement student in a school or child care setting, a member of the Team will discuss with the school principal/child care supervisor:
 - i. who should be informed of the matter (e.g., parents of the alleged victim(s), other parents, other children in the setting, staff, operator);
 - ii. what specific information should be conveyed;
 - iii. how to share the information;
 - iv. who should relay the information; and
 - v. the timing of the release of information.

- f) When criminal charges have been laid against an individual who performs professional or official duties with children in a school or child care setting, but was not performing duties in relation to the school/child care at the time of the alleged abuse (e.g., a soccer coach), the police, where appropriate, will inform the Director of Education or designate and/or the child care supervisor/owner, and the Ministry of Children and Youth Services Child Care Supervisor where allowed by Disclosure of Personal Information, Ont. Reg. 265/98 under the *Police Services Act*. (See Part XIII, Section 1d.)

SCHOOL ACTION TEAMS



School Action Teams are a representation of the School Community, comprised of students, school staff, parents and police officers. The goal of each school's action team is to provide relevant campaigns that address the health safety of the school. Engaging students in the issues and solutions that impact them is the key to maintaining a safe and caring learning environment.

Throughout the year, School Action Teams plan and attend team and divisional meetings. All schools share notes, events, links and information online, while also reporting and promoting their Action Teams' activities.

Anyone who is a staff member of the Toronto District School Board, the Toronto Catholic District School Board, Conseil scolaire de district catholique Centre-Sud, Conseil scolaire Via-monde or the Toronto Police Service can create an account and access all aspects of the site. For more information, please feel free to contact the website administrators at support@schoolactionteams.com.

Resources and best practices for school safety programming can be found at the School Action Teams website (www.schoolactionteams.com).

You can request the T.E.S.S.S. form by emailing: tesss@torontopolice.on.ca