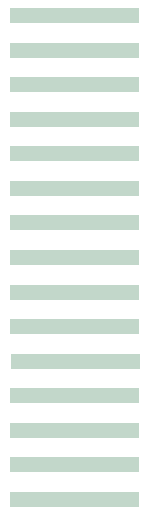


# Provincial Model for a Local Police/School Board Protocol

2015



support every child  
reach every student



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Une publication équivalente est disponible en français sous le titre suivant : *Modèle provincial de protocole local entre la police et le conseil scolaire, 2015.*

This publication is available on the Ministry of Education's website, at [www.ontario.ca/education](http://www.ontario.ca/education).



## Introduction

*The present document supersedes the 2011 edition under the same title.*

It is the policy direction of the Ministry of Education and the Ministry of Community Safety and Correctional Services that school boards<sup>1</sup> and police services establish and follow a protocol for the investigation of school-related occurrences.

This document has been prepared for the following reasons:

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

This document outlines the common principles upon which all local protocols should be based, and the key elements such protocols must include. It recognizes that, although the distinct environments in which school boards operate and the varied resources available to them challenge the development of identical protocols across the province, certain obligations and procedures are required by provincial and federal legislation (e.g., the *Education Act*, the *Child and Family Services Act*, the *Criminal Code*, the *Youth Criminal Justice Act*, the *Canadian Charter of Rights and Freedoms*, and the *Ontario Human Rights Code*) and by case law.

This updated edition of the document includes new policy regarding bomb threat procedures (Appendix C); incorporates changes to the policy on lockdown procedures (Appendix B); updates information on threat awareness/management; and reflects an ever-increasing focus on the importance of implementing violence-prevention strategies to create and maintain safe and healthy schools.

There is a continuing emphasis on the importance of respecting the human rights of students under the *Ontario Human Rights Code* (the *Code*) in the context of this document. For more information, see [www.ohrc.on.ca](http://www.ohrc.on.ca).



**Note to readers:** A glossary of terms is provided in Appendix A of this document. An asterisk (\*) following an italicized word or phrase at its first use in the text of the document signals that a definition of that word or phrase is provided in the glossary. The icon shown at left also appears in the margin where defined terms are first used in the text.

1. The term *school board* is used in this document to refer to district school boards and school authorities.

## Purpose of This Document

Promoting the well-being of all students in Ontario schools is one of the key goals in the government's renewed vision for education.<sup>2</sup> To help achieve this goal, all partners in education – students, parents,<sup>3</sup> school staff, and community organizations – must work together to create and sustain safe, accepting, and healthy schools across the province.

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. An effective school-police partnership plays an important part in safeguarding these qualities and promoting a positive school climate.

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

Keeping our schools safe requires a comprehensive strategy that includes the following elements:

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

It is understood that the strategy can be effective only if decisions about school safety are informed by reliable data, including school climate and violent incident data. The data that schools collect on school climate can, for example, provide information on risk factors for violent or antisocial behaviour. Decisions should be made on the basis of assessments of priority, need, and risk that are as accurate as possible.

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2. See *Achieving Excellence: A Renewed Vision for Education in Ontario, 2014*, p. 3.

3. In this document, the term *parent(s)* refers to parent(s) or legal guardian(s).

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

It should be noted here that the school-police partnership is consistent with the findings of the Provincial Approach to Community Safety and Well-Being (the Provincial Approach), an initiative led by the Ministry of Community Safety and Correctional Services (MCSCS). The ministry, in collaboration with its interministerial, policing, and community partners, is in the process of developing a Provincial Community Safety and Well-Being Planning Framework as part of the final phase of the initiative. The framework will promote a service delivery model that encourages multisectoral approaches and partnerships to respond to crime and complex social issues on a sustainable basis.<sup>4</sup>

In 2000, the Ministry of Education and MCSCS established the policy direction that called for school boards and police services to work together to develop police/school board protocols, so that both partners would have a clear understanding of the respective roles, procedures, and decision-making authority of both police and school personnel as they relate to school safety.

MCSCS Guideline LE-044 on youth crime indicates that every police service's procedures on the investigation of offences committed by young persons should include the steps to be taken by officers, in accordance with the local police/school board protocol, when responding to school-related occurrences. The guideline also states that every chief of police, and the Commissioner of the Ontario Provincial Police (OPP), should work, where possible, with local school boards to develop programs for safe schools. Every chief of police and the OPP Commissioner should consider the need for a multi-agency strategy to prevent or counter the activities of youth gangs in the community, including working, where possible, with school boards; municipalities; community-based service providers, including those with a focus on youth; business; and the Crown.

The present document, the *Provincial Model for a Local Police/School Board Protocol*, identifies the elements that must be included when developing a police/school board protocol or when revising an existing protocol. For each of the twenty-two necessary elements, it sets out mandatory requirements and provides relevant explanations of legislation and policy.

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4. The framework is the result of the third and final phase of the initiative. Reports developed in the first and second phases – *Crime Prevention in Ontario: A Framework for Action* and *Community Safety and Well-Being in Ontario: Booklet 2 – A Snapshot of Local Voices*, respectively – can be found at [www.mcscs.jus.gov.on.ca/english/publications/PolicingReports/MCSCS\\_pubs\\_policing.html](http://www.mcscs.jus.gov.on.ca/english/publications/PolicingReports/MCSCS_pubs_policing.html).

As noted earlier, the document is intended to allow police services and school boards to negotiate protocols that accommodate the unique factors and/or considerations that may affect individual jurisdictions.

When developing local police/school board protocols, school boards and police services must consider all relevant legislation, including, but not limited to, the following:

- *Canadian Charter of Rights and Freedoms*
- *Child and Family Services Act (CFSA)*
- *Criminal Code*
- *Education Act*
- *Fire Protection and Prevention Act (FPPA)*
- *Freedom of Information and Protection of Privacy Act (FIPPA)*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- *Occupational Health and Safety Act (OHSA)*
- *Ontario Human Rights Code*
- *Personal Health Information Protection Act (PHIPA)*
- *Police Services Act (PSA)*
- *Provincial Offences Act* (specifically Part VI, "Young Offenders")
- *Victims' Bill of Rights*
- *Youth Criminal Justice Act (YCJA)*



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## Required Elements for a Local Police/School Board Protocol

To ensure consistency of approach in the development of local protocols across the province, the following twenty-two elements are considered essential components of a local police/school board protocol. Each heading below is followed by a description of the requirement(s) related to that element that must appear in the protocol. In addition, several of the following sections include relevant information and guidelines that boards, school staff, and police should consider when addressing these elements.

### 1. Signatories to the Protocol

Indicate the parties to the agreement (e.g., school board(s), police service(s), municipalities, band council(s)) and obtain the signatures of their designated representatives to indicate acceptance of the agreement.

Where possible, coterminous boards are expected to work together in the development of their local protocols.

### 2. Statement of Principles

State the guiding principles upon which the terms of the agreement are based and which are relevant to the jurisdiction, including:

- 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. Introduction to the Protocol

State the purposes of and/or the rationale for the protocol, such as:

- assisting in the greater safety and protection of students, teachers, principals, staff, and volunteers in schools;
- encouraging constructive, ongoing, adaptive, and responsive partnerships between police and the school community in areas such as violence prevention;
- reinforcing the importance of a coordinated and multifaceted approach on the part of schools and police in their interactions with parents and the community, in an effort to promote the well-being of students;
- facilitating appropriate sharing and disclosure of information in accordance with privacy laws, including FIPPA and MFIPPA;

- promoting joint consultation and partnerships between school boards and police services on maintaining a safe school environment;
- ensuring that the obligations and requirements of both the education and police systems are met; and
- ensuring an equitable and consistent approach across a school board's jurisdiction in the way police and schools respond to a school-related occurrence.



#### 4. Role and Mandate of Police Services

Include the following statement as the opening statement for this element of the protocol: *In cases of exigent circumstances\*, police will assume primary responsibility as may be necessary to ensure school safety.*

Next, outline the specific roles and responsibilities of the local police service related to young people and the school community, such as:

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

#### 5. Role and Mandate of School Boards

Include the following statement as the opening statement for this element of the protocol: *In cases of exigent circumstances, the police will assume primary responsibility as may be necessary to ensure school safety.* Indicate also that the principal<sup>5</sup> will continue to have a role consistent with his or

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5. In this document, the term *principal* refers to the principal or the principal's designate.

her statutory responsibility for the health and welfare of students and to maintain discipline in the school.

Next, outline the specific roles and responsibilities of the school board, principals, teachers, and school staff related to maintaining safe and secure schools, such as:



- clearly explaining the board's code of conduct to students and their families, including details such as the definition of the term *weapon*\* and the potential reach of school discipline with respect to behaviours taking place outside of school that have a *negative impact on school climate*\*;
- engaging and working proactively in partnership with police officials to ensure the effectiveness of this protocol;
- ensuring that all staff, including occasional, part-time, or itinerant teachers, have the means, training, and resources to implement the provisions of this protocol that may apply to them, including the ability to lock their classroom doors during a lockdown (see Appendix B);
- complying with the requirements related to the duties of principals and teachers under the *Education Act* and regulations;
- complying with the requirements legislated under the *Child and Family Services Act* (e.g., "duty to report");
- respecting the board's code of conduct, as required by the *Education Act* (s. 302);
- ensuring that resources (e.g., on drug awareness, on bullying prevention) are accessible to assist school staff in promoting a positive school environment with students and parents;
- developing policies on how to respond to crises, including the development of a communications plan;
- ensuring that appropriate prevention and intervention strategies are available;
- ensuring that all staff have opportunities to acquire the skills necessary to promote safe, equitable, and inclusive school environments; and
- developing an effective mechanism for soliciting input from staff, students, parents, parent involvement committees (PICs), school councils, and Special Education Advisory Committees (SEACs) in the development of local protocols.



With respect to principals in particular, outline their roles and responsibilities in conducting investigations of incidents for which *suspension*\* or *expulsion*\* must be considered under the *Education Act*, including the responsibility to take *mitigating and other factors*\* into account, as set out in Ontario Regulation 472/07.

## 6. Definitions/Explanations of Terms

Include a glossary that provides definitions of key terms to assist those who will be administering local protocols.

Police services and school boards should identify terms that need to be defined, and, where appropriate, adopt definitions that have already been used in related ministry, board, school, or police policy documents. This practice will help maintain consistency among interrelated policies and protocols.

Appendix A of this document provides definitions of some of the terms that might be included in a local protocol.

## 7. A Coordinated Approach to Violence Prevention

Reinforce the importance of a coordinated and multifaceted approach on the part of the school board and police to promote positive behaviour and prevent school violence. Outline the role of local police services with respect to implementing violence-prevention policies in schools, and identify additional supports that police are prepared to offer.

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

Police work in partnership with schools and other community-based service providers to administer various crime-prevention programs, including programs that focus on areas such as peer mediation or conflict resolution; programs that include referrals to appropriate community resources (e.g., those providing counselling or mentoring services, drug awareness/education programs, or support for seeking employment or housing); and programs such as Crime Stoppers.

Working from a crime-prevention perspective, police can play an important role in the school community, which presents extensive opportunities for employing the strategy of "crime prevention through social development" (CPSD). CPSD involves preventing and reducing crime by identifying and addressing the risk factors associated with crime and victimization. Police use proactive measures that focus on the factors that precipitate the onset of criminal and antisocial behaviour.

CPSD recognizes that the intersection of multiple and complex social, economic, health, and environmental factors may lead to criminality.

CPSD involves long-term, sustainable, multi-agency, integrated actions that deal with the risk factors (e.g., mental health issues, certain types of behavioural issues, involvement in the criminal justice system, victimization/abuse) that can start a young person on the path to crime, and build protective factors (e.g., strong adult role models, enhanced self-esteem, effective personal coping skills and strategies) that may mitigate those risks.

Strategies that schools can use to help prevent violence include:

- helping students develop social skills, including conflict-resolution skills;
- promoting positive mental health and reducing the stigma associated with mental health issues;
- proactively identifying students at risk and giving them extra support;
- using progressive discipline to teach and encourage appropriate behaviour in the school;
- viewing each student as an integral and contributing member of the school community;
- demonstrating, by example and leadership, that students' human rights are to be respected; and
- encouraging students to return to the school community after involvement with the criminal justice system, and supporting them in the process.

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

- developing positive partnerships with all members of the school community, including parents;
- being visible within the school community;
- being a positive adult role model for students;
- establishing positive relationships with children and youth;
- making referrals based on the best interest of the students;
- helping deliver educational sessions on crime and criminal justice issues;
- launching, leading, or being part of local planning tables that mobilize community members and agencies to participate in activities designed to address and reduce risk factors and to enhance protective factors for youth at risk of conflict with the law;
- facilitating communication and cooperation with school officials, Youth Justice Probation Services, other police officers, courts, and other social services; and
- supporting students as they return to the school community after involvement with the criminal justice system.

In developing the protocol, school boards and police services should refer to, and ensure alignment with, related ministry, board, and police policies on violence prevention.

The local police/school board protocol is one component of a broader partnership between schools and other essential community partners, including mental health providers, health care professionals, and children's aid societies, that is dedicated to violence prevention in Ontario schools.

## 8. Occurrences Requiring Police Response

Indicate in the protocol the types of incidents that require *mandatory* reporting to police and those for which reporting is *discretionary*.

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

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.

### 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 treatment by a medical practitioner;
- *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*\*;
- *extortion*\*;
- *non-consensual sharing of intimate images*\*; and
- bomb threats.



### Discretionary Notification of Police

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

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



Principals should consider mitigating and other factors when deciding whether to call the police in these discretionary situations. It is expected that all other school-related occurrences not specified in the protocol will be dealt with by the principal on a case-by-case basis, and that police will be notified at the principal's discretion.

For students with special education needs, school boards should identify circumstances where a police response is neither necessary nor appropriate. Refer to section 15 below for further information on dealing with students with special education needs.

## 9. Information Sharing and Disclosure

Describe obligations and rights under, and procedures to be used in complying with, the legislation pertaining to information sharing and disclosure that is outlined in this section.

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 subpoena, or with the written consent of a *parent\** or of the student, if the student is 18 years of age or older. In exigent circumstances, the police can access a student's OSR without a warrant, under section 487.11 of the *Criminal Code*.

### **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 of the YCJA are of particular relevance for police/school board protocols:

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

### **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](http://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<sup>6</sup> 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.

### **10. School Procedures for Reporting to Police**

Provide information and outline the procedures relating to the reporting to police of incidents that involve students, whether as victims or as alleged perpetrators, such as:

- descriptions of the different types of police contact;
- procedures that school officials are to follow in reporting incidents to police, such as:
  - who should call police (e.g., the principal, the principal's designate, a teacher);
  - points of contact (e.g., 911 for emergencies; the general police inquiry phone number in non-emergency situations);
- procedures for reporting an imminent threat to the safety of students and/or staff (cross-reference the school's Emergency and Crisis Response Plan); and
- the information and support that police will require, upon arrival, from school personnel.

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6. In some jurisdictions, children's aid societies are also called child and family services agencies.

Reporting procedures must comply with the “duty to report” provisions under the *Child and Family Services Act*.

## 11. Initial Police Contact

Outline the procedures that a police officer who responds to a report of a school-related incident is required to follow. Indicate first that, *under exigent circumstances, or if the principal is being investigated*, the officer is not required to follow the procedures set out below.

The police officer who responds to a report of a school-related incident is responsible for obtaining and thoroughly documenting information on the incident. The officer is normally required to take the following steps:

- report to the principal, providing proper identification;
- explain the purpose of the visit, and plan with the principal on how to proceed;
- consider alternatives that limit the disruption to the school day;
- obtain information from the principal about the student (e.g., regarding accommodation needs or barriers to communication) before making contact with the student; and
- contact, or make arrangements with the principal to contact, parents of students under the age of 18 (see section 13(a) below).

Designate alternative reporting procedures for situations where the principal is under investigation.

## 12. School and Police Investigations of Incidents

Outline procedures that must be followed when both the principal and the police are investigating the same incident at the same time. In addition, specify procedures for police and principals with respect to legal rights, search and seizure, detention and arrest, and support for victims.

(Considerations relating to these areas are addressed in subsections (a) to (d) below.) Specify also the procedures to be followed in potential criminal proceedings.

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

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

The principal will inform police of any logistical information about the school (e.g., the hours of the school day and class rotation schedules) that may be relevant to the investigation process. Police services will endeavour to work within these logistical considerations in order to minimize the disruption to the school. Unless other options have been exhausted, police services should not use the school as a place of convenience in which to interview or arrest students for matters that do not pertain to the school.

### **a) 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*).

### **b) Search and Seizure**

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

- procedures to be followed in personal and premise searches, in accordance with the Ministry of Community Safety and Correctional Services' Guidelines LE-011 on search of premises and LE-012 on search of persons, and relevant federal legislation;
- roles and responsibilities of police and school personnel in conducting searches of persons or property;
- the requirement that police notify the principal before conducting searches on school premises. (Under some exigent circumstances, police may execute a search without a warrant and without notice to the principal.); and
- the continuing responsibility of the principal for students even when police are on school premises.

In addition, the protocol must outline how students and staff are to be informed of the school's right to search school property (e.g., lockers and desks).

### c) Detention and Arrest

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

- police procedures to be followed in the detention and/or arrest of suspects, in accordance with the Ministry of Community Safety and Correctional Services' Guideline LE-005 on arrest and the *Youth Criminal Justice Act*;
- roles and responsibilities of police 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).

### d) Supports for Victims

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

- procedures consistent with the Ministry of Community Safety and Correctional Services' Guideline VA-001 on victims' assistance;
- roles and responsibilities of police and school personnel, such as:
  - the requirement that police officers remain at the scene until satisfied that there is no imminent threat to the victim and that issues related to the victim's safety have been addressed;
  - the obligation that the principal inform the parents of victims who have been harmed as a result of an activity for which suspension or expulsion must be considered, unless, in the principal's opinion, doing so would put the victim at risk of harm from the parents (*Education Act*, s. 300.3(1) and O. Reg. 472/07); and
  - the requirement that all board employees who work directly with students are expected to support all students, including those who disclose or report such incidents, by providing them with contact information about professional supports (e.g., public health units, community-based service providers, Help Phone lines);
- notice to victims and (when applicable) their parents of the services available to them and other considerations, such as:
  - police services for victims;
  - student support services of the local school board;

- services offered by other municipal, community, and social service agencies, including legal services;
  - access to information; and
  - confidentiality of victim and witness identity (s. 111, *Youth Criminal Justice Act*);
- procedures for information sharing and community referrals.

### 13. Police Interviews of Students

Develop procedures to be followed, except in exigent circumstances, when the police interview students on school premises. Include general procedures, as well as procedures related specifically to notification of parents, preparation for interviews, and conduct of interviews, as set out below.

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

- the need for the principal to make best efforts to contact parents as soon as possible before the interview (see also section 13(a), “Notification of Parents”, below);
- the requirement that a parent/legal guardian, third-party adult, or the principal, if no alternative is available, be present when students under the age of 18 are being interviewed at school;
- the requirement, in cases where a student aged 12 to 17 waives the right to have an adult present at the interview, that the police and the principal consider the most appropriate location for conducting the interview and take steps to ensure that the student’s rights are respected during the interview;
- factors to consider in determining the most appropriate time and place to conduct a student interview;
- the responsibility of police to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses;
- procedures for police to follow in requesting permission to conduct interviews on school premises;
- procedures for including the local children’s aid society (CAS) in a joint interview if the child is suspected to be in need of protection;
- roles and responsibilities of police in interviewing students, as set out in the local police service’s procedures for interviewing witnesses, victims, and suspects;
- the need for school personnel to assist police in making the required preparations (e.g., securing a quiet room and establishing a time for the interview);

- the need for police to consult with the principal to consider alternatives for conducting interviews at a location other than the school; and
- the need for police to act in a manner that respects the dignity of the student and minimizes disruption to the school when it is necessary to interview, search, or arrest a student at school during school hours.

### **a) Notification of Parents**

Except in exigent circumstances, it is the principal's responsibility to contact parents:

- of victims who have been harmed as the result of an activity for which suspension or expulsion must be considered, and of the student(s) who the principal believes engaged in the activity that resulted in the harm, unless, in the principal's opinion, notification of the parents would put the student at risk of being harmed by the parents. If that is the case, the parents must not be contacted (*Education Act*, s. 300.3(3));
- of students receiving a suspension (*Education Act*, s. 311);
- of all other students being interviewed by police during an investigation, except:
  - if the principal is otherwise directed by police because of exigent circumstances or where the police believe the parent may be implicated;
  - if the student is 18 years of age or older (unless the student consents to or requests such contact or is incapable of providing consent); or
  - if the student is 16 or 17 years of age and has withdrawn from parental control (unless the student consents to or requests such contact or is incapable of providing consent).

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

If a student is detained or arrested, the police will notify his or her parents unless the student is 18 years of age or older. The parents should not be contacted if the police determine that doing so may endanger the safety of the student or another person, or compromise the integrity of an investigation. In such cases, the student will be advised that he or she may contact another adult person.

### **b) Preparation for Interviews**

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

- determining whether circumstances allow for the interview to be conducted at the student's home or another location rather than at school, in view of the stigma and the potential impact on the student;
- evaluating the need for specialized resources where a student is known to have mental health needs or special education needs (see section 15 below);
- determining the methodology of the interview;
- deciding which officer will take the lead in conducting the interview, if more than one officer is interviewing;
- arranging for the audio/videotaping of interviews and statements, and meeting the requirement for police to inform the interviewee that the conversation is being recorded; and
- determining the need for an interpreter (e.g., a language interpreter, an interpreter for a student who is deaf or hard of hearing) and/or for information to be provided in an alternative format (e.g., Braille for a student who is blind or has low vision).

### **c) Conduct of Interviews**

Procedures and considerations related to conducting interviews include the following:

- the need for police officers to employ appropriate techniques when interviewing children and young persons;
- the requirement that police follow the Guide to Officers for Section 146 *Youth Criminal Justice Act* Statements (see Appendix D);
- the requirement that police provide, upon arrest or detention, a legal caution and notification of the right to counsel where there are reasonable grounds to believe that the student being interviewed has been involved in the commission of a criminal offence;
- taking into account legal considerations respecting the admissibility of statements made to persons in authority (s. 146(2) of the *Youth Criminal Justice Act*);
- involving the local children's aid society in the interview process, which is recommended when an interview involves a child who may be in need of protection; and
- the requirement that an adult be present throughout the interview, except when the student can waive and has waived the right to have an adult present. Best efforts must be made to have the student's parent(s) or another adult of the student's choice present. In circumstances when this cannot be done, the principal must attend the interview.

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

Outline the legal requirements and the procedures to be followed in cases where child abuse and/or neglect is suspected, incorporating any relevant protocols that may already exist (e.g., those of the local children's aid society). Ensure that the protocol, as well as existing school board policies and guidelines, reflects the requirements of section 72(1) of the *Child and Family Services Act*, as amended ("duty to report" child in need of protection).

The local CAS should be involved in the development of this section of the protocol, so that a trilateral understanding between the CAS, the police, and the school board can be established. 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](http://www.children.gov.on.ca/htdocs/English/topics/childrensaid/reportingabuse/index.aspx).

## 15. Investigations Involving Students with Special Education Needs

Indicate that, because school administrators have a duty to ensure that all members of the school community are able to work and learn in a safe and positive environment, they are obliged to report incidents to police as outlined in section 8 of this document. However, with investigations that involve a student known to have special education needs, additional considerations must be taken into account by school personnel and police.

Identify the additional considerations to be taken into account when an investigation involves a student (or students) known to have special education needs, who may be identified as having an exceptionality in any of the following categories: behaviour, communication, intellectual, physical, or multiple. Such considerations include:

- the responsibility of the school to communicate to the police that a student is known to have special education needs or communication difficulties;
- the requirement to accommodate the student, especially when interviewing is necessary. Every attempt should be made to provide specialized supports/resources, as needed, for the student during an investigation;
- the need to ensure that the student's parent is contacted as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident.

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



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

## 16. Occurrences Involving Students Under Age 12

Indicate that, where children under the age of 12 are involved, school boards are expected to use their discretion in applying the rules outlined in section 8 above for reporting incidents to the police. Children under 12 cannot be charged with an offence under the *Criminal Code*, the *Youth Criminal Justice Act*, or the *Provincial Offences Act*, but police may take reports of incidents allegedly committed by students in this age group and may respond in an appropriate manner. Early intervention for children involved in such incidents is essential, and involving police and parents as early as possible may facilitate the provision of appropriate intervention and support.

In addition, indicate in the protocol that the principal is required to conduct an investigation of an incident for the purpose of school discipline – for example, where a recommendation for suspension or expulsion may be required – regardless of the age of the students involved. The protocol must describe the procedures and considerations for responding to occurrences involving students under the age of 12, such as:

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

The local CAS should be involved with the police and the school board in the development of this section of the protocol, so that a trilateral understanding can be established. For further 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](http://www.children.gov.on.ca/htdocs/English/topics/childrensaid/reportingabuse/index.aspx).

## **17. School Board Communication Strategy**

Develop a communication plan to promote knowledge and understanding of the contents of the protocol as well as consistency in its application.

Key targets of the communication strategy are students and their families, who 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). Communications materials should use plain language, and should be available in multiple languages and accessible formats, as appropriate.

## **18. Protocol Review Process**

Indicate the requirement to conduct a review of the local protocol every two years, or sooner if required.

The review is conducted by the police service and school board, which should develop an effective mechanism for soliciting input from local police governance, school staff, students, and parents.

## **19. Physical Safety Issues**

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

## **20. Threat Management/Awareness Services**

Indicate the need for and value of early intervention and threat management/awareness services, and outline services available in the local community.

Incidents of violence in schools are often preventable through early intervention in response to threatening behaviour, or non-threatening but worrisome behaviour that may pose a risk of violence. Taking steps to identify at-risk students through early and ongoing assessment and intervention strategies may reduce the need for disciplinary action and police interventions.

A multi-disciplinary/multi-agency approach to threat management can be a highly effective means of preventing and managing situations that could otherwise negatively affect the safety of students and/or school staff. Multi-disciplinary teams can be formed by school boards in collaboration

with police and other community-based service providers, such as mental health agencies, Youth Justice Probation Services, and other youth-focused agencies. Teams should develop procedures and protocols to facilitate timely intervention in situations where a threat has been made or an individual is engaging in worrisome behaviour that may pose a risk of violence. Having a multi-disciplinary team and a protocol in place provides for the sharing of information and makes a collective and timely response possible.

*It should be noted that multi-disciplinary threat management teams are not a substitute for police Threat Assessment Units.* Such units exist within some of the larger police services, including the Ontario Provincial Police. The police/school board protocol should specify that, in situations where a multi-disciplinary team has determined that a student may pose a risk of violence, the team should contact police for assistance. (Similarly, where no multi-disciplinary threat management team exists and a student is thought to be a potential threat, the school board should contact its local police service for assistance.) If the local police service does not have a Threat Assessment Unit, it will assist in obtaining the required services from another police service.

Where a threat management protocol is in place, it should be reviewed when the biennial review of the local police/school board protocol is being conducted (see section 18 above).

## 21. Emergency Planning and Threats to School Safety



State in the protocol that every school is expected to develop an Emergency and Crisis Response Plan, in keeping with school board and ministry policies. The response plan must include, but is not limited to, (1) a lockdown\* plan and procedures to be followed after a lockdown or similar emergency, and (2) a plan and procedures for dealing with bomb threats. Teachers, staff, parents, and students should be involved in the development and monitoring of the Emergency and Crisis Response Plan, and the plan should be fully communicated to members of the school community, police services, and the fire department. Mechanisms for sharing the Emergency and Crisis Response Plan with police services and the fire department should be specified in the protocol. The plan must be appended to the protocol.

### **Lockdown Plan and Procedures**

The "Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario", originally issued in June 2009 by the Ministry of Education and the Ministry of Community Safety and Correctional Services and included in an updated version in

this document as Appendix B, specifies two mandatory components, as follows:

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

Indicate in the protocol that every school should be guided by the provincial policy in developing its lockdown plan.

### **Bomb Threat Plan and Procedures**

The "Provincial Policy for Developing and Maintaining Bomb Threat Procedures for Elementary and Secondary Schools in Ontario" is included in this document as Appendix C. It specifies two mandatory requirements:

1. All publicly funded school boards in Ontario must establish a bomb threat response policy to ensure the development and implementation of individual school plans.
2. Each board must ensure that its staff, students, and other stakeholders are aware of their obligations/responsibilities within the individual school plans.

Indicate in the protocol that every school should be guided by the provincial policy in developing its bomb threat plan.

## **22. Training**

Specify the requirement that school boards and police services provide training on the local police/school board protocol to their respective staff on an annual basis. Best efforts should be made to include all staff, including part-time, itinerant, and occasional staff, in this training. Resources such as DVDs and other methods may be used for training.

To improve collaboration between local police services and schools:

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

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## Appendix A: Glossary

The purpose of this glossary is to explain some of the terms that are used in the present document and that may be used in local protocols. The definitions provided here relate only to usages in the context of this document and cannot be attributed to usages in any other document. Although some of the definitions are based on language used in the *Criminal Code*, they are not to be taken as the official legal definitions set out in the Code. For the actual legal definitions, please refer to the Code itself. These definitions have been developed with input from the Ministry of Education and the Ministry of Community Safety and Correctional Services, along with their partners.

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

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

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

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

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

**extra-judicial measures.** Measures used by police to hold a young person accountable for his or her alleged criminal behaviour, in a timely manner, outside the formal youth justice system. The formal system would include charging the individual and going through the court process. Extra-judicial measures hold a youth accountable for his or her actions and provide sanctions outside of judicial proceedings. Some examples of sanctions include substance abuse counselling, volunteer work, repair of or compensation for damaged or stolen property, and a letter of apology.

**gang-related occurrences.** Incidents involving a group that consists of three or more persons, however organized, and has as one of its main purposes the commission or facilitation of a criminal offence in which any or all of the members engage.

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

**lockdown.** A procedure used in response to a major incident or threat of violence within the school, or in relation to the school. (See Appendix B for details.)

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

2. For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following mitigating factors shall be taken into account:
  1. The pupil does not have the ability to control his or her behaviour.
  2. The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
  3. The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person . . .

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

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

**parent.** Refers to a parent or legal guardian; that is, a person legally entrusted with the care of, and managing the property and rights of, another person, usually a child/youth who is under the age of 18. For the purposes of Part XIII of the *Education Act*, students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are considered to be adults.

**possession of drugs.** 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.

**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.



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

### Introduction

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

Given the dynamic, complex, and fluid nature of such incidents, continuous communication, assessment, and coordination by first responders and school administrators are of paramount importance in ensuring an effective response. School board and police department staff must bring this understanding to all planning and training related to lockdown procedures.

Plans and procedures reflecting the following policy must be included in the school's Emergency and Crisis Response Plan (see section 21 of this document), which must be appended to the protocol.

### Purpose

Based on lockdown procedures that have already been established in all Ontario schools, the following updated policy is being provided to help elementary and secondary schools ensure that their lockdown plans meet basic requirements, and to ensure an acceptable level of consistency across the province. Using these guidelines can help school staff and emergency services personnel work together to deal with lockdown situations quickly and cautiously.

### Mandatory Requirements

While much of what is provided below is termed "Effective Practices", the Ministry of Education specifies two mandatory requirements, as follows:

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

In developing lockdown plans, each elementary and secondary school should be guided by the following policy.

## When to Lock Down / Terminology to Be Used

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

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

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

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

Boards must use the above terminology in developing local plans, in an effort to ensure consistency across the province. The policy outlined in this appendix focuses primarily on “lockdowns”.

### **Rationale**

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

### **Roles and Responsibilities**

Clearly defined roles, responsibilities, and expectations are critical in emergency situations. At a minimum, plans should include expectations with respect to staff, students, parents, and police. The lockdown policy should address issues such as accessibility and communications for students with special education needs.

### **Effective Practices**

**Principal** – The principal is responsible for overall planning and the final content of the school plan. The principal is also responsible for scheduling drills; for making police, fire, and emergency medical services (EMS)

aware of planning and drills, and inviting them to participate; for training students; and for the overall safety of staff and students. In an actual incident (not a drill), the police are responsible for management of the threat and subsequent criminal investigation; however, the principal shall provide full cooperation with police.

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

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

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

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

## Floor Plans

Accurate, up-to-date floor plans are a key component of lockdown plans and are important from both a planning and a response standpoint.

### Effective Practices

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

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

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

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

Police should be provided with both hard copies and electronic copies of floor plans.

### **Rationale**

It is vitally important that police have current, accurate information about the school layout and that this information be available in electronic format as well as in hard copies that can be used in the event of computer malfunctions.

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

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

### **Effective Practices**

In situations where more than one building exists on school grounds, each building should be clearly identified, on all sides, with a building identifier, such as a number. All portables should be clearly identified as well. All exterior doors should be clearly identified – for example, as Doors A, B, C, and so on. All rooms within the building should be clearly marked with room numbers.

Police and schools should plan in advance how police will gain access to the school in the event of a lockdown. Floor plans and facility master keys should be up to date and available for emergency services responders who may be involved in any type of search of the premises. It is particularly important that those elementary schools that have opted to lock their doors during the school day have a plan for making keys available to emergency services personnel.

### **Rationale**

This information is essential so that police can identify the location of rooms and buildings and safe access routes for responding emergency personnel.

## Initiating Lockdown

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

### Effective Practices

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

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

### Rationale

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

## Classroom/Other Secure Areas – Procedures during Lockdown

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

### Effective Practices

All staff, including occasional, part-time, or itinerant teachers, must have the ability to lock their classroom doors. It is recommended that, before

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

- stay away from doors and windows;
- turn off lights;
- close blinds;
- be aware of sight lines;
- if the classroom door has a window, consider covering the window;
- take cover if available (get behind something solid);
- remain absolutely quiet;
- take attendance (to be done by teachers);
- not use cell phones unless it is necessary to communicate regarding the incident. Phones that are being used for this purpose should be put on vibrate and all others should be shut off (see note below);
- consider *barricading*\* doors where possible, in addition to locking them. Barricading can sometimes provide additional protection against an intruder.



Consideration should also be given to developing strategies for ways in which staff are to assist students in coping with an extended lockdown or “hold and secure”. For example, staff members must have access to all necessary emergency medications for prevalent medical conditions such as anaphylaxis, diabetes, asthma, and epilepsy.

### **Rationale**

Restricting an intruder’s access (through multiple measures, if possible) to students, staff, and visitors gives the police more time to respond to and resolve a lockdown incident. Additionally, if a classroom is secured and those in it remain out of sight, silent, and behind cover, an intruder is more likely to move on.

**Note:** School boards, schools, and local police should jointly develop a preferred course of action regarding the use of social media (e.g., for an emergency information network) when developing local school plans and board lockdown procedures. In addition, students should be educated beforehand as to why it is important to stay quiet and switch off their cell phones in the event of a lockdown. Communications officers in school boards and police services can help with the development of a social media action plan.

## **Portables – Procedures during Lockdown**

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

### ***Effective Practices***

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

### ***Rationale***

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

## **Washrooms – Procedures during Lockdown**

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

### ***Effective Practices***

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

For elementary schools, it is recommended that plans designate adults who normally work in close proximity to student washrooms to check the washroom(s), if it safe to do so, prior to locking down themselves. After gathering students in the immediate vicinity of their classroom door into their classroom, they should quickly check washrooms to which they have been assigned in the planning phase, and take any students found in the washrooms into their classrooms to lock down.

For secondary schools, it is recommended that training include an explanation to students that they are responsible for getting out of the washrooms immediately upon hearing a lockdown announced, and for getting to the nearest classroom or other area that is identified as a safe (green) area.

As a last resort, staff or students trapped in a washroom should attempt to somehow secure the bathroom door, enter a stall, lock the door, and climb on top of the toilet.

### ***Rationale***

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

### **Open Areas Inside the School – Procedures during Lockdown**

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

### ***Effective Practices***

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

### ***Rationale***

Having various options for securing open areas can enhance the safety of those who are in these vulnerable areas when a lockdown is called.

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

As many schools have licensed child care centres and/or other tenants and community groups using school premises, sometimes outside of regular school hours, those organizations or individuals must be taken into consideration at all stages, including planning, training, and drills, and they must be informed of the need to follow lockdown procedures.

### ***Effective Practices***

It is important that principals make best efforts to ensure that the appropriate staff from organizations sharing school facilities are included in the development and implementation of lockdown procedures and that these organizations participate in relevant aspects of planning, training, and drills, whenever possible.



### **Rationale**

Due to proximity issues, the need to be prepared is as important for other occupants as it is for staff and students of schools. Planning, should take into consideration all after-school programs, night school, sports programs, and so on.

### **Outside of School Buildings – Procedures When a Lockdown or “Hold and Secure” Is Called**

Procedures must address where staff, students, and others who are outside the school building(s) should go in the event of a lockdown, including a lockdown that occurs during recess or during arrival or dismissal times. These procedures should also address how people who are outside the school building will know where the evacuation sites are located. Instructions for bus drivers and parents who might arrive at the school during a lockdown should be included in the procedures.

### **Effective Practices**

In order to ensure that those who are outside school buildings are aware that the school is locking down, the PA system must be capable of being activated outside the school. Consideration should also be given to including an exterior visual indicator (e.g., strobe lights) that can be used to indicate that a lockdown has been called.

Those who are outside the school when a lockdown is called shall not re-enter the school, but shall proceed immediately to the predetermined off-site evacuation location(s). Once at the location, staff, students, and any visitors who may be present shall remain at that location until further advised by the principal or police. Plans should include taking attendance at the off-site evacuation location(s). Neighbouring schools may not be the best option as off-site evacuation locations, as they too may lock down once they become aware of an incident at a nearby school.

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

### **Controlled Evacuation**

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

### **Effective Practices**

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

### **Fire Alarms**

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

### **Effective Practices**

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

### **Rationale**

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

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

Plans should include how a lockdown will be terminated.

### **Effective Practices**

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

### **Rationale**

There is a need to bring the same level of authority to ending a lockdown as to initiating one.

## Training

Plans should address initial and ongoing training of all staff and students.

### *Effective Practices*

Orientation for new staff should include mandatory lockdown training. Schools should establish a method to conduct lockdown review training for all staff during each school year, as early in the school year as possible.

Schools should consider holding assemblies to train secondary students on lockdown procedures. Due to the young age of some elementary students, it is suggested that classroom teachers be responsible for training students at the elementary level. Any training provided to students with special education needs should be consistent with the expectations and accommodations outlined in their Individual Education Plans.

Best efforts should be made to include all staff, including part-time, itinerant, or occasional staff, in this training. When conducting training, schools should consider how best to include all stakeholders in the school, including community groups, any municipal services that have space in the school, bus drivers, parents, and child care staff.

Where possible, it is advantageous to have police partners present during training to assist with the training of staff and students. Fire department and EMS personnel should be invited to training sessions.

### *Rationale*

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

## Drills

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

### **Mandatory Requirement (Ministry of Education)**

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

### *Effective Practices*

School personnel should work cooperatively with police partners on drills. The principal is responsible for setting the date of drills and for overseeing the drills, with police support/assistance. Schools should consider including

fire department and EMS personnel during drills, so they can become familiar with lockdown plans. Staff, students, child care workers, and community partners or other visitors who may be in the school should be given some warning of an impending drill. When developing plans, consider also whether or not to notify parents in advance. Consideration could be given to conducting one of the two required annual drills as a “non-routine” drill, such as one that takes place during recess. Procedures should include a plan to alert neighbouring schools about lockdown drills, especially if fire department and EMS personnel have been invited to participate.

To identify areas for improvement, a short debriefing should be included after all drills. Many boards have established a tracking system to record drill dates, thereby ensuring accountability and compliance.

### **Rationale**

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

### **Media**

Plans shall include provisions for dealing with media.

### **Effective Practices**

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

### **Rationale**

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

## **Communication with Parents/Guardians and the Community**

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

### **Effective Practices**

Consider sending a newsletter to each home at the beginning of the school year to inform parents of lockdown procedures and to encourage parents to reinforce with their children the importance of understanding the procedures and following staff direction.

Parents need to be informed of where they should proceed in the event of an actual incident involving a lockdown. Given the dynamic, complex, and fluid nature of these incidents, communication with parents around the importance of lockdowns is vital. Information for parents may be presented in newsletters, on school or board websites, and/or at an evening session on lockdown plans. Parents should be informed of what is expected if they happen to arrive at the school during a drill, or if they are in the school when a lockdown is called.

In all instances of a lockdown that was not a drill, it is recommended that a communication to parents be sent home with each student at the conclusion of the school day or as soon as possible thereafter.

Parents should be encouraged to ensure that their contact information is kept up to date so they can easily be reached by staff in the event of an emergency.

### **Rationale**

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

## **School Recovery Following a Lockdown**

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

### **Effective Practices**

A debriefing should occur in all situations following a lockdown. The nature and severity of the incident will dictate who should be included in the debriefing.

In serious situations where injuries or loss of life occurs, the board's trauma response plan will normally be initiated.

In all cases, communication with parents is vital.

### **Plan Review**

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

### ***Effective Practices***

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

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## Appendix C: Provincial Policy for Developing and Maintaining Bomb Threat Procedures for Elementary and Secondary Schools in Ontario

### Introduction

Staff, students, and visitors in Ontario's schools have the right to learn, work, and be present in a safe and secure environment. To enhance safety and security, it is important that schools have plans for responding to bomb threats. According to the RCMP, the overwhelming majority of reported bomb threats are unfounded, but some are not.<sup>7</sup> Care must be taken, therefore, to deal with each incident calmly and consistently. Anyone who spends time in an Ontario school on a regular basis needs to know how to protect themselves, and how to protect students, in the event of a bomb threat.

The Ministry of Education, school boards, and police services from across the province continue to work in partnership to create safe school environments. This work includes planning and preparation in the event that a bomb threat is received, an explosive device is discovered, or an explosives incident takes place.

Many school boards have actively undertaken the process of establishing bomb threat response plans, with the support of their police services. However, until recently, such plans have not been a ministry requirement, nor has there been a consistent approach across the province with respect to bomb threat planning and explosives incident response. Plans and procedures reflecting the following policy must now be included in the school's Emergency and Crisis Response Plan (see section 21 of this document), which must be appended to the protocols already developed by school boards and police services.

Given the dynamic, complex, and fluid nature of such incidents, continuous communication, assessment, and coordination by first responders and school administrators are of paramount importance in ensuring an effective response.

### Purpose

The following policy is being provided to help elementary and secondary schools ensure that their bomb threat plans meet basic requirements, and to ensure an acceptable level of consistency across the province. Using

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7. Canadian Bomb Data Centre, "Developing a Response Plan", [www.rcmp-grc.gc.ca/tops-opst/cbdc-ccdb/resp-interv-plan-eng.htm](http://www.rcmp-grc.gc.ca/tops-opst/cbdc-ccdb/resp-interv-plan-eng.htm).

these guidelines can help school staff and emergency services personnel work together to deal with bomb threat situations quickly and cautiously.

### Mandatory Requirements

While much of what is provided below is termed "Effective Practices", the Ministry of Education, on the recommendation of the Ontario Association of Chiefs of Police, specifies two mandatory requirements, as follows:

1. All publicly funded school boards in Ontario must establish a bomb threat response policy to ensure the development and implementation of individual school plans.
2. Each board must ensure that its staff, students, and other partners are aware of their obligations/responsibilities within the individual school plans.

In developing bomb threat response plans, each elementary and secondary school should be guided by the following policy.

### Roles and Responsibilities

Clearly defined roles and responsibilities are critical in emergency situations. At a minimum, plans should include expectations with respect to staff, students, parents, and police.

### Effective Practices

**Principal** – The principal is responsible for the overall development and final content of the individual school plan. The principal is also responsible for inviting police, fire, and emergency medical services (EMS) to participate in plan development and for making them aware of planning and drills; for the training of staff and students; and for the overall safety of staff and students. The principal (and, it is understood, his or her designate) must be completely familiar with the school's bomb threat plan and with the scope of the authority vested in, and the responsibilities associated with, the principal's position as defined in the plan.

During the initial stages of a bomb threat, the principal will be the authority responsible for the initial assessment and related decisions, including those regarding visual scans and evacuations. For ongoing incidents, the police are responsible for management of the threat and any subsequent criminal investigation. However, the principal will cooperate fully with police and strive to ensure that all staff and students do the same. During an incident, after the principal has been relocated to a place of safety, he or she should continue to exercise his or her duties, to the extent possible, in support of the emergency responders' management of the situation.



**Staff** – School staff, and in particular administrators, have the overall responsibility for the training, safety, and well-being of students. During a bomb threat incident, administrators also have the responsibility of working closely with police.

**Students** – Students have a responsibility to be familiar with the plan and to respond quickly to the direction of staff during a bomb threat or explosives incident. Any student with information on or prior knowledge of anyone or anything that may be associated with or result in a bomb threat, the placement of a suspicious package/device, or an explosives incident must come forward with that information as soon as possible.

**Parents/Guardians** – Parents and guardians must be informed of the existence of this plan. Parents can be encouraged to reinforce with their children the responsibilities students have with respect to following directions during an incident and disclosing any information they may have prior to or during an incident.

**Police** – Police are responsible for responding to and investigating bomb threats and explosives incidents. During any such incident, police will assume command and control of the response and investigation but will liaise and work closely with the principal and other emergency services throughout the process. The police must be notified of all bomb threat incidents, regardless of other actions taken by the schools. The criminal investigation of bomb threats by the police may lead to the apprehension of persons responsible. The investigation itself may also serve as a deterrent for future “copycat” incidents.

**Emergency Medical Services (EMS)** – EMS personnel will provide urgent medical care in the event of an explosives incident.

**Fire Department** – The fire department can be present during bomb threat incidents in the event that fire suppression operations are needed, and will provide fire suppression and rescue operations in explosives incidents. Further, the fire department (Assistants to the Fire Marshal) must report all explosions to the Office of the Fire Marshal and Emergency Management (OFMEM).<sup>8</sup> The OFMEM provides a 24-hour response for all explosions. The OFMEM is notified immediately of all fatal fires, explosions, and incidents causing injuries so that an OFMEM investigator can be assigned.

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8. See “Fire Marshal’s Directive: 2015-002 – Reporting of Fires and Explosions Requiring Investigation”, at [www.mcscs.jus.gov.on.ca/english/FireMarshal/Legislation/FireMarshalsDirectives/FM\\_directives.html](http://www.mcscs.jus.gov.on.ca/english/FireMarshal/Legislation/FireMarshalsDirectives/FM_directives.html).

## Floor Plans

Accurate, up-to-date floor plans are a key component of bomb threat and explosives incident response plans.

### *Effective Practices*

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

Floor plans should clearly identify entrances and exits as well as routes that staff and students are to take during an evacuation. Command post locations and off-site evacuation locations should *not* be identified on posted or publicly circulated copies of the floor plans.

Floor plans should be available to all emergency service responders who may be involved in a search of the premises when they arrive on the scene.

Police should be provided with both hard copies and electronic copies of floor plans.

### *Rationale*

It is vitally important that police have current, accurate information about the school layout and evacuation locations and that this information be available in electronic format as well as in hard copies that can be used in the event of computer malfunctions.

## Identification of Rooms and Buildings, and Facilitation of Access

To assist police in responding to an incident, it is important to identify buildings, entrances, and all rooms within buildings and to ensure that facility master keys are up to date.

### *Effective Practices*

In situations where more than one building exists on school grounds, each building should be clearly identified, on all sides, with a building identifier, such as a number. All portables should be clearly identified as well. All exterior doors should be clearly identified – for example, as Doors A, B, C, and so on. All rooms within the building should be clearly marked with room numbers. This site plan should be consistent with the fire safety plan that school boards are required to provide to the fire department for emergency fire response.

In addition, it is important to ensure that facility master keys are current and available for emergency service responders who may be involved in a search of the premises. It is particularly important that those elementary schools that have opted to lock their doors during the school day have a plan for making keys available to emergency services personnel.

### **Rationale**

This preparation is vital for responding emergency personnel, as it allows them to identify the location of rooms and buildings that have been reported as potentially unsafe, and to identify safe access and/or evacuation routes. Ensuring that responders have access to all rooms and buildings for searches or other purposes is also critical.

### **Command Post**

Each plan should designate primary, secondary, and off-site command post locations.

### **Effective Practices**

Normally, the main office will be the primary command post location, with another area within the school identified as an alternate (secondary) command post location. The individual school plan should identify a third off-site command post location, to be used in the event that neither on-site command post location is available.

Information regarding command post locations should *not* be publicly circulated. This will help to ensure that the command posts do not become locations for the placement of explosive packages/devices or for secondary incidents.

### **Rationale**

Having a dedicated command post provides a central location from which officials and emergency services can evaluate incidents and control the emergency response.

### **Facility Assessment and Physical Security**

The careful assessment of a school facility and the development and implementation of sound security and planning measures may reduce the potential for bomb threats and explosives incidents. Local police services can be a useful resource when such assessments are conducted.

### **Effective Practices**

Each school's bomb threat plan should detail proactive measures in a number of areas. In developing their plans, schools should:

- determine likely locations in and around the school for the placement of suspicious packages/devices;
- provide for controlled access to critical areas of all facilities (e.g., the main office, electrical rooms, mechanical rooms);
- consider the use of electronic surveillance or closed-circuit television (CCTV), and, if such surveillance is adopted, post signage regarding its use;
- address ways to ensure that emergency exits are kept clear from obstructions;
- provide for the regular inspection of first aid and firefighting equipment;
- include, and provide for the regular review of, document-safeguarding procedures;
- assess whether interior/exterior and auxiliary lighting is adequate;
- develop an inspection procedure for all incoming packages; and
- consider other potential threats.

### **Rationale**

The development and implementation of proactive strategies may deter bomb threat incidents and enhance/expedite agency response to actual incidents.

### **Bomb Threat Intake Procedures**

According to the RCMP, most bomb threats are made over the telephone by anonymous callers.<sup>9</sup> Some are received in the mail or by other means, but these methods are rare. In each case, the communication should be taken seriously. School staff in positions that make them most likely to receive bomb threats should be identified in school plans and should receive training in proper procedures.

### **Effective Practices**

The person receiving a bomb threat by telephone should try to keep the caller on the line as long as possible and should record precise details of the call, especially the exact wording of the threat. However, the person should end the call if staying on the line puts them in harm's way or prevents them from initiating response procedures.

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9. Canadian Bomb Data Centre, "Developing a Response Plan", [www.rcmp-grc.gc.ca/tops-opst/cbdc-cdb/resp-interv-plan-eng.htm](http://www.rcmp-grc.gc.ca/tops-opst/cbdc-cdb/resp-interv-plan-eng.htm).

It is recommended that a checklist be made available to staff members who are most likely to receive a bomb threat. A sample "Bomb Threat Telephone Procedures" list is available through the RCMP Canadian Bomb Data Centre, at [www.rcmp-grc.gc.ca/tops-opst/cbdc-ccdb/telephone-procedure.pdf](http://www.rcmp-grc.gc.ca/tops-opst/cbdc-ccdb/telephone-procedure.pdf).

Staff should be trained to record precise information during a bomb threat call, including the following:

- the exact wording of the threat;
- the time and date of the call;
- the phone number or line on which the call was received;
- the caller's number, if shown on call display;
- whether the caller is male or female and the caller's approximate age;
- the exact location of the explosive device and the time of detonation, if that information is revealed by the caller;
- the type of explosive device and what it looks like (e.g., pipe bomb, truck bomb), if that information is revealed by the caller;
- any unique speech characteristics of the caller;
- any background noises (e.g., traffic, music, laughter);
- the condition or emotional state of the caller (e.g., whether the caller seems to be intoxicated, excited, angry);
- the caller's name, if that information is revealed by the caller;
- whether the call taker recognizes the voice of the caller; and
- the time when the caller hangs up.

If possible, the call taker should attempt to notify the school principal during the telephone call. If not, the principal should be notified immediately after the call. All pertinent details of the call should immediately be relayed to the principal and documented.

Following the call, the call taker should immediately "lock-in" the phone number of the received call, if this feature is available through the local telephone provider. It is suggested that the "lock-in" process be posted at all phones that can receive incoming calls.

School plans should address who will contact the local police service and fire department and provide details about the bomb threat. It is recommended that, unless there are exigent circumstances, this should be done after the school principal has been provided with available information and after both the initial assessment (see the next section) and the decision whether or not to evacuate have been made.

With the proliferation of social networking and school use of Internet sites for external communication, plans should also address bomb threats that

are received through electronic means. These procedures should address bomb threats received via external email, posted on electronic bulletin boards, or received by a staff member or student via text or other means. Procedures should include how to immediately isolate the received message, remove it from any external posting, and communicate the information to the school principal during and after school hours, including on weekends and holidays.

### **Rationale**

The overall safety of all staff and students can be maximized – and the disruption of activities and atmosphere of anxiety minimized – if the employee who receives the bomb threat knows what procedures to follow.

### **Initial Assessment**

One of the most challenging aspects of a bomb threat incident is the initial assessment of the threat and the accompanying decisions about whether to authorize a visual scan and/or an evacuation. Many bomb threats are hoaxes intended to disrupt school exams or daily classes. Hasty decisions to evacuate or to initiate a high-profile emergency response may encourage further incidents. However, the safety of students and staff is paramount during a bomb threat and therefore every threat must be assessed individually, based on known information.

These guidelines cannot prescribe when to conduct a safe, visual scan and/or when to evacuate during a bomb threat. Rather, presented below are areas of concern that should be assessed during an incident. Individual school plans should address these areas and expand on them as necessary, if other concerns are identified based on local circumstances.

Decisions regarding scans and evacuation are made after a thorough assessment of known information and are continually re-evaluated throughout a bomb threat incident.

### **Effective Practices**

Plans should identify in detail the information that needs to be immediately assessed by the principal during the initial stages of a bomb threat. The initial assessment should be based on the following:

- the information recorded on the bomb threat checklist (see “Bomb Threat Intake Procedures”, above);
- any other notes made by the call taker;
- activities taking place in the school at the time of the threat (e.g., examinations);

- whether a specific location for a bomb was stated or the entire school was threatened;
- whether the threat was specific to the current time or a future time/date;
- any recent negative incidents involving a student, staff member, or anyone else connected with the school;
- whether there have been any other recent bomb threats or hoaxes;
- the likelihood of anyone having the opportunity to place a bomb in the stated location; and
- whether a suspicious device/package has been located.

Once the initial assessment has taken place and decisions have been made regarding a visual scan and/or evacuation, the police must be notified. Initial contact with the police may be made *while* the principal is conducting the assessment and making decisions. Although it is important to provide police with information beyond simply that a bomb threat has been received, initial contact should not be delayed.

The fire department should also be notified of the bomb threat. A predesignated phone number should be used, rather than 911, which is restricted to emergency calls to the police. When notifying the fire department, it is important to clarify that no explosion has occurred and that the police have been informed.

School plans should specify who will contact the police and fire department when a bomb threat is received. Police should be contacted in every incident of a "bomb threat", regardless of whether a decision has been made to conduct a partial or full evacuation, or not to evacuate.

Plans should include a list of information to be provided to the police, including the following:

- the information recorded on the bomb threat checklist (see "Bomb Threat Intake Procedures", above);
- activities taking place in the school at the time of the threat (e.g., examinations);
- the status of any evacuation that may be underway;
- the status of any safe, visual scan that may be underway; and
- the in-school contact person for the police, once they are on the scene.

Plans should include procedures for ongoing assessment during an incident. Regardless of whether a partial or full evacuation is ongoing or no evacuation has been directed, whether a scan is underway, or whether police and fire department are responding to the incident, plans should include procedures for the continual assessment of the situation and for relaying

further information to update the principal. Specifically, the principal needs to be informed:

- if a suspicious package/device is located;
- of any interference with any type of evacuation that is underway; and
- if an explosives incident occurs.

### **Rationale**

Having a comprehensive list of items to be assessed when a bomb threat is received provides decision makers with the best opportunity to evaluate and respond to the bomb threat, and to continually assess any additional information and take appropriate action.

### **Visual Scans**

Every school's plan must detail procedures for safe, visual scans conducted by designated staff. When a threat has been made, a safe, visual scan can provide critical information to support decision making during the initial assessment.

### **Effective Practices**

#### **Designating Persons to Conduct Visual Scans**

As part of the initial assessment, the principal may decide that a safe, visual scan of the school and/or classroom for suspicious devices or packages should be conducted. Every school plan should identify the staff member(s) who will conduct this visual inspection. It is imperative that scans be conducted by individuals who have detailed knowledge of the facilities and are familiar with students and fellow staff. Such individuals know what does and does not belong within the school and therefore are best suited to recognize suspicious devices/packages.

Responsibilities related to safe, visual scans are to be addressed as part of the planning process and not at the time of an actual incident.

#### **Procedures**

Principals should receive training to enable them to make sound decisions as to whether, and when, a safe, visual scan is appropriate. Local police services may be of assistance. The staff member(s) designated to conduct scans should be given basic information about conducting safe, visual scans.

*Under no circumstances should a staff member conducting a visual scan touch a suspicious device or package. If a suspicious package or device is detected, the area must immediately be evacuated of staff and students and the package or device reported to the principal.*



For threats to the entire facility, plans should identify and prioritize areas to be visually inspected. These areas include:

- the building exterior and parking lots;
- entrances;
- large gathering areas within the school (e.g., cafeterias, auditoriums);
- hallways, stairways, and elevators;
- washrooms;
- classrooms, the main office, and staff rooms; and
- service and mechanical rooms and spaces.

When prioritizing areas to be searched, consideration should be given to accessibility by a potential suspect, evacuation routes, evacuation locations, command posts, and staging areas for emergency services personnel. Local police services will be able to provide assistance with prioritizing the areas to be visually inspected.

School plans should identify a process for documenting areas that have been inspected.

### **Rationale**

Having established plans for inspection and designated staff to conduct safe, visual scans helps ensure that scans are conducted in a timely, systematic, and thorough manner.

### **Procedures Following the Location of a Suspicious Device/Package**

Every school plan must include procedures regarding actions to be taken if an explosive device or a suspicious device/package is located any time before emergency service responders arrive on the scene.

### **Effective Practices**

When a suspicious package/device is located, appropriate procedures include the following:

- isolation/containment of the device/package, ensuring that it is not touched;
- immediate communication of the discovery to the principal and to police and the fire department; and
- immediate re-evaluation of any evacuation decisions in light of the discovery.

Regardless of whether the package/device has been delivered to the school or located during a visual scan or under other circumstances, it is imperative

that the object is not touched or moved and that it is immediately contained. This direction applies even if the package had already been moved prior to being deemed suspicious.

The school principal should be notified immediately of the discovery of a suspicious package/device and of any action taken to that point.

Police should be notified or updated when confirmation is received regarding the precise location of the package/device. Once the police have been notified, fire department and EMS personnel should be contacted so that they will be nearby or on the scene in stand-by mode.

The school principal will work with emergency services personnel, which may include first responders, investigators, and bomb technicians, to evaluate the need to relocate evacuees and/or command posts.

Legitimate property may have been left behind in an evacuated area, so attempts should be made to establish ownership of any suspicious device/package. This should be done by making inquiries, not by handling the package/device.

### **Rationale**

Ensuring that staff and students are acutely aware that suspicious devices/packages must not be moved limits the possibility of an explosives incident. Containing and reporting a suspicious package/device, and immediately re-evaluating evacuation, notification, and search decisions, depending on the information received, reduces the risk of harm to staff and students.

### **Evacuation Procedures**

Every school plan must detail procedures to facilitate a safe and effective partial or full evacuation of the facility. Plans should also detail the process to end any partial or full evacuation.

Although bomb threat drills and fire drills will involve evacuation plans that are similar in many ways, the two plans should be treated and practised separately.

The decision to direct an evacuation should be made only after careful consideration of the risks. Because the most likely location for a bomb is in a common area, evacuation through common areas can increase risk.

### **Effective Practices**

The notification process for both a partial and a full evacuation of each facility is to be included in each school plan. Staff should be aware of who is authorized to order evacuation of and re-entry to the facility. The notice

to evacuate must be unambiguous, and the evacuation location(s) must be clearly understood. Fire alarms should not be used to signal an evacuation in response to a bomb threat, as this may cause confusion regarding the nature of the emergency. When announcing an evacuation, it is advisable to use clear, concise language rather than codes. Evacuations should be conducted in a quiet and systematic way, giving consideration to the threat location and students and staff most at risk.

Staff and students should be directed to quietly leave the location, proceed in a calm and orderly manner, and assemble in the designated evacuation location(s). Evacuees should be directed not to return to their lockers but to bring with them any personal belongings (e.g., bags, lunches, laptops) that are in the immediate area, if it is safe to do so. Removing these articles will assist the police with any subsequent search of the area, by decreasing the number of suspicious packages/devices.

Plans should address practices for ensuring that evacuation routes and alternate routes are clear from obstructions. Designated stairwells that are identified in the school plan should be used. Provisions should be in place to assist with the evacuation of physically challenged staff and students. Because of the risk of power failure, elevators should never be used for evacuation. If, however, stand-by power is provided to an elevator, consideration should be given to using that elevator for the evacuation of physically challenged staff and students.

Evacuation routes and locations should be inspected prior to, or immediately upon, the arrival of evacuees to ensure that a secondary explosive device has not been placed in these areas. At the evacuation location, attendance should be taken and all students and staff accounted for. The command post is to be notified when the evacuation is complete. Students and staff should be directed to remain in the evacuation location and to refrain from the use of electronic communication devices.

Plans should include provisions for the care, control, and well-being of evacuated persons. The use of school buses should be considered to shelter staff and students during inclement weather.

### **Rationale**

Clear and concise evacuation plans that are understood by staff and students help to ensure the safety of those being evacuated. Lack of planning may lead to panic and increase the potential risk to personal safety during an unorganized evacuation.

### **Re-entry Procedures**

Each school plan must include procedures for ending evacuations and ensuring safe re-entry into the school. Plans should clearly indicate that

the decision to end a partial or full evacuation shall be made by the school principal in consultation with the on-scene police incident commander.

### **Effective Practices**

Plans should include procedures for announcing the end of a partial or full evacuation. Such procedures may vary by facility and depending on whether evacuees are at off-site locations. Plans may include a general announcement via the public address (PA) system by a designated authority, or may include a room-to-room visit from police and/or the principal, with some sort of identification process, so that evacuees know that whoever is giving them the all-clear is authorized to do so.

### **Rationale**

There is a need to bring the same level of authority to ending a partial or full evacuation as to initiating one.

## **Procedures Following an Explosives Incident**

Every plan must include procedures for dealing with an explosives incident that occurs within a school building or in the school yard. Explosives incidents may occur without warning or after a bomb threat has been received. Explosives incidents do not always require a full evacuation of the school. Under certain circumstances, and if it is determined that there is no fire, a partial evacuation of the building may be appropriate.

Plans for responding to an explosives incident should address the following:

- criteria for full or partial evacuation;
- considerations related to the provision of emergency care;
- considerations related to the notification of emergency services; and
- containment of the explosion scene.

### **Effective Practices**

When an explosives incident occurs, the school principal should be notified immediately and informed of any action taken. Personnel designated in the plan should report to the command post location in order to carry out their duties, many of which will be taking place simultaneously.

The following items are considerations to be addressed as part of the response to an explosives incident and in plan development.

## **Evacuation Considerations**

The area around the explosion scene should be immediately evacuated, and evacuees should be directed to a designated evacuation location.

Emergency first aid should be provided to any persons injured in the explosives incident. Information regarding injuries should be communicated to the command post. Attendance should be taken and a list of any missing staff or students should be communicated to the command post.

It should be determined whether an evacuation of the entire site is necessary, or whether a partial evacuation of the area around the explosives incident will suffice. A fire resulting from the incident can make staying in the building unsafe, so partial evacuation should be considered only if it is certain that no fire has started. The school principal shall work with emergency services personnel to evaluate the need to relocate evacuees and/or command posts.

As staff and students are evacuating, they should continue to follow proper evacuation procedures (see p. 56). They should be asked to keep their eyes open for unusual packages, and, where possible, staff who are designated to conduct visual scans (see p. 54) should visually inspect the areas that are being evacuated and areas along the evacuation route. If a suspicious package/device is noticed, it should be reported to emergency responders immediately on arrival at the evacuation location.

### **Emergency Services Notification**

The fire department, emergency medical services (EMS), and police should be called immediately. An explosives incident can often result in the spread of fire and smoke.

### **Containment of the Explosion Scene**

Once the area has been evacuated, staff and students should not re-enter an explosion scene. Not only may additional packages/devices be present, but the area will be subject to a substantial crime scene investigation and therefore should not be disturbed.

### **Communications**

Having primary and secondary communication systems allows for accurate transmission of information between officials, staff, students, and emergency services personnel.

### **Effective Practices**

Plans should specify designated primary and secondary communication systems, with provisions for internal communication with staff and students and external communication with emergency services personnel. The external communication plan should have provisions for communication

with parents/other stakeholders during extended incidents and after incidents.

In most cases, intercoms and telephones will be used as primary communication systems. Radios and walkie-talkies are *not* recommended as secondary systems, given that radio signals may detonate sensitive explosive devices. Runners, loud hailers, or other methods should be used for secondary communication systems. Local police services should be consulted regarding the use of cell phones, and staff and students should be educated about how such devices can be used in the event of an incident.

The protocol should emphasize the importance of reminding all responders of the danger of using radio communication in a bomb threat situation.

### **Rationale**

Accurate and timely transmission of pertinent information is imperative for making informed decisions during an incident and for ensuring the safety of all persons during evacuations or an emergency response.

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

Many schools have licensed child care centres and/or other tenants and community groups using school premises, sometimes outside regular school hours. These organizations or individuals must be taken into consideration when planning and when conducting training and drills, and they must be informed of the need to follow school board procedures.

### **Effective Practices**

It is important that principals make best efforts to ensure that the appropriate staff from organizations who share school facilities are included in the development and implementation of procedures, and that these organizations participate, whenever possible, in relevant aspects of planning, training, and drills.

### **Rationale**

Due to proximity issues, the need to be prepared is as important for other occupants as it is for staff and students of schools. During planning, consideration should be given to after-school programs, night school, sports programs, and so on.

### **Outside of School Buildings**

Procedures must address the notification of, and the actions to be taken by, staff and students who are outside the school building(s) when a bomb

threat is received, a suspicious device/package is located, or an explosives incident occurs. Staff and students need to be aware of where they should go in the event of such an incident.

### **Effective Practices**

Staff and students who are outside the school buildings should never re-enter the school unless they are in close proximity to an identified threat location and have been directed to do so.

Although notification of those who are outside the school building(s) is important, the use of an exterior PA system may not be the best option, as it may cause panic and/or bring unnecessary attention from members of the community. The use of a personal messenger to identify the off-site evacuation location(s) is recommended. Once at the location, staff and students shall remain at that location until further advised by the principal or police. Plans should include the taking of attendance at the off-site evacuation location(s).

### **Training**

Plans should address initial and ongoing training of all staff as well as students and, where possible, visitors to the school.

### **Mandatory Requirement (Ministry of Education)**

Each board must ensure that its staff, students, and other stakeholders are aware of their obligations/responsibilities within the individual school plans.

### **Effective Practices**

Orientation for new staff should include mandatory training in bomb threat responses. Schools should establish a method to conduct bomb threat review training for all staff during each school year. Such training should be conducted as early in the school year as possible.

Schools should consider holding assemblies to train secondary students on bomb threat procedures as well as explosives incident procedures, and related evacuation plans. Due to the young age of some elementary students, it is suggested that classroom teachers be responsible for training students at the elementary level. Any training provided to students with special education needs should be consistent with the expectations and accommodations outlined in their Individual Education Plans.

In many situations, it may be impractical to try to provide training to school visitors. In other cases, however, when the visitor is in the school over an extended period, as in the case of a service provider, it is necessary

to inform the visitor of the school's bomb threat procedures and explosives incident evacuation procedures.

Where possible, it is advantageous to have police partners present to assist with the training of staff and students. Fire department and EMS personnel should also be invited to training sessions.

### **Rationale**

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

### **Drills**

Fire drills have long been accepted as an important and effective tool in preparing staff and students for procedures to be followed in the event a fire breaks out in a school. As with fire drills, drills and education related to evacuation following a bomb threat or explosives incident can help maintain order in the event of an incident. Such drills can be held as part of a school's emergency evacuation drills.

### **Effective Practices**

School personnel should work cooperatively with police partners on drills. The principal is responsible for setting the date of drills and overseeing the drill, with police support/assistance. Schools should consider including fire department and EMS personnel during drills, so they become familiar with the school's bomb threat procedures. Staff, students, child care workers, and community partners or other visitors who may be in the school should be given some warning of an impending drill. When developing plans, consideration should be given as to whether or not to notify parents in advance. Plans should include procedures for alerting neighbouring schools of drills, especially if fire and EMS personnel have been invited to participate.

A short debriefing should be held after all drills to identify areas for improvement. Many boards have established a tracking system to record drill dates.

### **Rationale**

When emergency plans are practised regularly through drills, staff and students are aware of how to respond properly in a potential emergency, and their safety is enhanced.

### **Media**

Plans shall include provisions for dealing with media in the event of an incident.



### **Effective Practices**

Police are responsible for addressing media with respect to any criminal incident and the police response to the incident. Principals/board personnel are responsible for dealing with media on issues pertaining to staff and student safety. It is strongly advised that media personnel from the police department, school boards, the fire department, and EMS share press releases prior to their release to the media, so that all officials are aware of what the other agencies are saying. A spirit of cooperation is highly recommended, and school officials, police, and other services are encouraged to work closely with each other on media issues.

### **Rationale**

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

## **Communication with Parents/Guardians and the Community**

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

### **Effective Practices**

Consider sending a newsletter to each home at the beginning of the school year to inform parents of bomb threat and explosives incident procedures and to encourage parents to reinforce with their children the importance of understanding the procedures and following staff direction.

Parents need to be informed of where they should proceed in the event of an actual incident. Given the dynamic, complex, and fluid nature of these incidents, communication with parents around the importance of procedures is vital. Information for parents may be presented in newsletters, on school or board websites, or at an evening session on bomb threat plans. Parents should be informed of what is expected should they arrive at school during a drill, or if they are present within the school when an evacuation is called.

In all incidents resulting in an evacuation that was not a drill, it is recommended that a communication to parents be sent home with each student at the conclusion of the school day or as soon as possible thereafter.

Parents should be encouraged to ensure that their contact information is kept up to date so they can easily be reached by staff in the event of an emergency.

### ***Rationale***

Parents need to know that plans are in place to respond to bomb threats and explosives incidents. Good communication is required to eliminate fears and concerns. Parents play a key role in ensuring students' cooperation and participation in drills.

### **School Recovery Following an Incident**

Plans should include provisions related to recovery after an incident involving a bomb threat, a suspicious package/device, and an explosion.

### ***Effective Practices***

Recovery procedures will differ significantly, depending on the nature of the incident. A debriefing should occur in some situations following the receipt of a bomb threat or following the location of a suspicious device/package. A debriefing should always take place following an explosives incident. The nature and severity of the incident will dictate who should be included in the debriefing.

When a bomb threat or a suspicious package/device is found to be a hoax, controlled communication, including communication relating to any debriefing conducted to evaluate actions, is important so that further incidents are not encouraged.

In serious situations following the location of a suspicious package/device or an explosives incident, the board's trauma response plan will normally be initiated. In all cases, communication with students and parents is vital.

### **Plan Review**

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

### ***Effective Practices***

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

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

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

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 their 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?"

**Statement of a Young Person***Youth Criminal Justice Act, Section 146*

## 1. Statement Recording Method

Audiotape (No. \_\_\_\_\_)     Written     DVD (No. \_\_\_\_\_)     Videotape (No. \_\_\_\_\_)

Police Service: \_\_\_\_\_ Police Case ID: \_\_\_\_\_

Occurrence No.: \_\_\_\_\_

Date: \_\_\_\_\_ Location: \_\_\_\_\_ Start Time: \_\_\_\_\_ Time Completed: \_\_\_\_\_

Interviewing Officer(s): \_\_\_\_\_

Name of Young Person: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

Name:     Parent(s)     Adult Relative     Other Adult

\_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

You are charged with:

You may be charged with:

## 2. Do you understand the charge(s)?

Reply: \_\_\_\_\_

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

Reply: \_\_\_\_\_

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

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

Not Applicable  \_\_\_\_\_ (officer's initials)    Warning Read:  Yes

Do you understand?     Yes     No

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

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

Not Applicable  \_\_\_\_\_ (officer's initials)    Warning Read:  Yes

Do you understand?     Yes     No

**Statement of a Young Person**

4a. You have the right to talk to a lawyer in private without delay. Do you understand?

*Reply:*

---

b. You can also get immediate legal advice from a free Legal Aid Lawyer by calling 1-800-561-2561 or 1-800-265-0451.

Do you understand?

*Reply:*

---

c. If you are charged with an offence, you may apply to Ontario Legal Aid for legal assistance.

Do you understand?

*Reply:*

---

d. You also have the right to speak, without delay and in private, to a parent, or in the absence of a parent, an adult relative, or in the absence of an adult relative, another appropriate adult whom you feel may assist you.

Do you understand?

*Reply:*

---

e. If you make a statement to the police, the police must have the person(s) you spoke with here while you make a statement, unless you do not want them or any one of them here.

Do you understand?

*Reply:*

---

f. Do you want to talk to a lawyer?

*Reply:*

---

g. Do you want to talk to one or both of your parents?

*Reply:*

---

h. If your parent(s) are not available, do you want to talk to an adult relative?

*Reply:*

---

i. If an adult relative is not available, do you want to talk to another appropriate adult?

*Reply:*

---

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

Do you wish to make a statement?

Reply: \_\_\_\_\_

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

Reply: \_\_\_\_\_

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

Reply: \_\_\_\_\_

**6. WAIVER OF RIGHTS**

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

I choose not to talk with any of these people.

\_\_\_\_\_  
Signature of Young Person

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

\_\_\_\_\_  
Signature of Young Person

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Time

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

\_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**7. CAUTION**

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

Do you understand?

Reply: \_\_\_\_\_

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

Do you understand?

Reply: \_\_\_\_\_

**Statement of a Young Person**

**8. SECONDARY CAUTION**

If you have spoken to any other police officer or if anyone else has spoken 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?

Reply: \_\_\_\_\_

You are reminded that you do not have to say anything about this charge unless you want to. Do you understand?

Reply: \_\_\_\_\_

Do you wish to make a statement?

Reply: \_\_\_\_\_

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Signature of Young Person: \_\_\_\_\_ Time Completed: \_\_\_\_\_

Witnesses:	
(1) _____	_____ Signature
(2) _____	_____ Signature

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