

Hamilton Police/School Board Protocol 2016



POLICE / SCHOOL BOARD PROTOCOL

REVISED August 2016

CONTENTS

	Page
1. Signatories to the Protocol	4
2. Statement of Principles.....	5
3. a) Introduction	5
b) Purpose	6
4. Role and Mandate of the Hamilton Police Service	7
5. Role and Mandate of School Boards	8
6. Definitions/Explanation of Terms	9
7. A Co-Ordinated Approach to Violence Prevention	9-10
8. Occurrences Requiring Police response	10-11
a) Mandatory Notification of Police	
b) Discretionary Notification of Police	
9. Information Sharing and Disclosure	12-13
a) General Information	
b) References to Disclosure of Information to Police	
10. School Procedures for Reporting to Police	13-17
11. Initial Police Contact.....	17
12. 1 Communication of School and Police Investigations of Incidents .	18
2 School and Police Investigation of Incidents	19-23
a) Legal Rights	
b) Search and Seizure--General Information	
c) Search of the Person	
d) Search of School Premises--Desks & Lockers	
e) Search of Vehicles Parked on School Property	
f) Detainment and Arrest	
g) Supports for Victims	
13. Police Interview of Students.....	23-31
13.1 Notification to Parent/Guardian*	
13.2 Preparation for Interviews	
13.3 Conduct of Interviews	
13.4 Interviewing Students Considered to be Witnesses or Victims	
13.5 Interviewing Students Considered to be Suspects or Accused	

14.	Reporting of Children Suspected to be in Need of Protection	31
15.	Investigations Involving Students with Special Education Needs.....	32
16.	Occurrences Involving Students Under Age 12	33
17.	School Board Communication Strategy for this Protocol	33-34
18.	Protocol Review Process	34
19.	Physical Safety Issues	35
20.	Risk/Threat Assessment/Threat Management Services	35
21.	Emergency Planning and Threats to School Safety	36
22.	Training	37

APPENDICES

- Appendix A: Glossary
- Appendix B: *Lockdown; Hold & Secure; Shelter in Place
- Appendix C: Bomb Threat Procedures
- Appendix D: Guide to Officers for Section 146 Youth Criminal Justice Act Statements
- Appendix E: Mitigating and Other Factors
- Appendix F: Relevant Legislation regarding Sharing of Information
- Appendix G: Investigative Flow-Chart
- Appendix H: Violent Threat Risk Assessment - VTRA
- Appendix I: SPEAR Data Sheet

This document has been prepared by the Hamilton Police Service and local School Boards as a resource only. It is not a legal reference. Agencies should seek independent legal and/or other appropriate advice prior to reliance upon the content and/or implementation of any program, policy or procedure. Any reference made to, or derived from a specific act, statutory provision or the common-law, is subject to change, in whole or in part, without notice and is accurate only to the signing date of this protocol. The Hamilton Police Service and local School Boards assumes no responsibility for the use of the text, nor for the conduct of individuals or agencies acting on the content.

*Each Lockdown, Threat Assessment, and Bomb Threat Procedure included in this document reflects the local school board protocol/procedures.



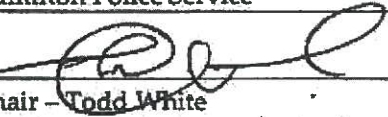
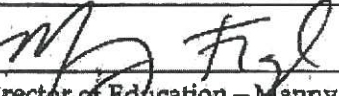

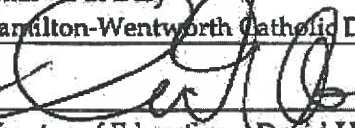

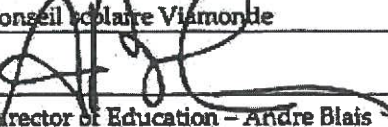
I. SIGNATORIES TO THE PROTOCOL

The Hamilton-Wentworth District School Board, the Hamilton-Wentworth Catholic District School Board, le Conseil scolaire Viamonde, le Conseil scolaire de district catholique Centre-Sud (the local School Boards), the Hamilton Police Service and the Hamilton Police Service Board support the principle that all students and staff deserve a safe learning and working environment.

This document represents a clarification of our respective roles and responsibilities and defines the need for maintaining open lines of communication. It is intended as a tool for the implementation of certain existing legal responsibilities but is not intended to supplement those responsibilities.

We, the undersigned, support the principles and procedures set out in this Protocol.

Signed at the City of Hamilton.

 Chair - Lloyd Ferguson Hamilton Police Services Board	<u>20 OCTOBER 2016</u> Date
 Chief of Police - Eric Girt Hamilton Police Service	<u>17 OCT 2016.</u> Date
 Chair - Todd White Hamilton-Wentworth District School Board	<u>JUNE 23 / 16.</u> Date
 Director of Education - Manny Figueiredo Hamilton-Wentworth District School Board	<u>June 24 / 16</u> Date
 Chair - Pat Daly Hamilton-Wentworth Catholic District School Board	<u>June 7, 2016</u> Date
 Director of Education - David Hansen Hamilton-Wentworth Catholic District School Board	<u>June 7, 2016</u> Date
 Director of Education - Martin Bertrand Conseil scolaire Viamonde	<u>31 october 2016</u> Date
 Director of Education - Andre Blais Conseil scolaire de district catholique Centre-Sud	<u>September 29th, 2016</u> Date

2. STATEMENT OF PRINCIPLES

It is the collaborative commitment of the Hamilton Police Service, and the local School Boards to engage in procedures that support and ensure a safe learning and working environment in all schools in the greater Hamilton community. To achieve this safe environment, the following guiding principles have been developed:

- the need to ensure that schools are safe, inclusive and equitable places for learning and teaching;
- the need to foster and support learning environments that ensure the ongoing development of positive behavior, including respect, responsibility and civility;
- the need to have a clear understanding of Police and school responsibilities;
- the need to engage Police Officers with students in schools and the broader community, where positive relationships can be fostered;
- the need to respect the fundamental rights of all students and staff pertaining to disability, race, creed, ethnic origin, and other prohibited grounds of discrimination under the Ontario Human Rights Code;
- the need to understand and support the roles and responsibilities of the School and Police partners; and
- the need to adhere to the procedures and decision-making authority process.

Providing the best possible education for students in a safe school community is a shared responsibility which requires the commitment to collaboration, cooperation and effective communication.

3. a) Introduction

It is the policy direction of the Ministry of Education and the Ministry of Community Safety and Correctional Services that School Boards and Police Service establish and follow a protocol for the investigation of school-related occurrences.

The Hamilton Police Service and local School Boards believe that students, staff and members of the school community have the right to learn and work in a safe and caring learning environment. The School Boards, the Police, and the school community participate in a number of cooperative programs to establish and maintain this positive, safe learning environment. 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.

b) Purpose

The purpose of the Protocol is to:

- promote student well-being and safety;
- ensure a consistent approach in the local protocol developed by the School Boards and Police Service;
- promote dialogue and the establishment of effective relationships between schools and Police based on cooperation and shared understandings;
- address unique factors and/or considerations that may affect our individual jurisdiction and negotiate service-delivery arrangements accordingly;
- promote the safety and protection of students, teachers, staff, volunteers and others in schools;
- encourage ongoing, adaptive and responsive partnerships between the Police and the school communities;
- facilitate appropriate sharing and disclosure of information in accordance with privacy laws including FIPPA and MFIPPA;
- promote joint consultation and partnerships between School Boards and the Police Service toward maintaining safe and caring school environments;
- ensure that the obligations and requirements of both education and Police Service are met;
- ensure a consistent and equitable approach in the way Police and the Schools Boards respond to school-related occurrences;
- clarify our respective roles and responsibilities and define the need for maintaining open lines of communication.

As well, the Hamilton Police Service and local School Boards meet regularly through the Police/School Boards Liaison Committee. The purpose of the liaison committee is to:

- ensure good communication among the representatives regarding both preventive and corrective programs and services for youth in the community;
- coordinate programs for use in schools with students, staff and parents/guardians*;
- consider and/or address issues and problems that arise;
- review and develop programs and services that focus on youth; and
- monitor the operation of this Protocol.

The Liaison Committee may invite additional representatives, from time to time, to act as resources to the Committee.

4. ROLE AND MANDATE OF THE HAMILTON POLICE SERVICE

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

In accordance with the declaration of principles contained in the *Police Services Act (PSA)*, Police Service is provided to ensure the safety and security of all persons and property in Ontario. The Act stresses the importance of safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*. In delivering these services, Police must cooperate with the communities they serve, and be sensitive to the pluralistic, multi-racial and multi-cultural character of Ontario society.

The specific roles and responsibilities of the local Police Service related to young people and the school communities include:

- engaging and working proactively in partnership with school officials to ensure the effectiveness of this protocol;
- protecting public safety and preventing crime;
- enforcing the Youth Criminal Justice Act, the Criminal Code, and other federal, provincial, and municipal legislation and related regulations;
- upholding the duties of police officers as delineated under Section 42 of the Police Services Act;
- assisting victims of crime through appropriate services;
- 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, adhering to the Hamilton Police Service Strategic Approach to Youth Crime, and;
- providing information on community safety issues;
- diverting young people away from crime and anti-social behavior; and
- working in partnership with other government and community-based service providers to support positive youth development.

5. ROLE AND MANDATE OF SCHOOL BOARDS

In cases of exigent circumstances, the Police will assume primary responsibility as may be necessary to ensure school safety. The Principal will continue to have a role consistent with his or her statutory responsibility for the health and welfare of students and to maintain discipline in the school.*

Boards develop policies and procedures that outline the processes used to promote responsibility, respect, civility and academic excellence in a safe and caring learning and teaching environment.

It is the responsibility of the School Boards to provide an education for every student enrolled in their schools. In order to provide that education, Boards must ensure that schools are safe places for children and staff. School Boards are governed by the *Education Act* and Regulations.

The specific roles and responsibilities of the School Boards, Principals, teachers, and school staff related to safe and secure schools include:

- clearly explaining the Board’s code of conduct to students and their families, including definitions such as *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 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;
- complying with the requirements related to the duties of Principals and teachers under the Education Act and relevant 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., drug awareness, bullying prevention) are accessible to assist school staff in promoting a positive school environment with students and parents/guardians*;
- developing policies on how to respond to crises, including the development of a crisis management plan, that includes how information can be potentially shared with the community;
- 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
- training for Principals regarding their roles and responsibilities of the Principal in conducting investigations of incidents for which suspension* or expulsion* must be considered under the Education Act, including the responsibility to take ‘mitigating and other factors’* into account;
- developing an effective mechanism for soliciting input from staff, students, parents, parent involvement committees, school councils, and Special Education Advisory Committees in the development of local protocols.

6. DEFINITIONS/ EXPLANATION OF TERMS

Definitions can be found in **Appendix A: Glossary**.

From time to time, there may be definitions, which are not addressed in this protocol and will be added to the protocol as necessary.

7. A CO-ORDINATED APPROACH TO VIOLENCE PREVENTION

Police and Principals collaborate to promote positive relationships.

It is important that a coordinated and multifaceted approach on the part of the School Board(s) and Police be facilitated to promote positive behaviour and prevent school violence.

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

The local Police/School Board protocol is one component of a broader partnership between schools and other essential community partners, including mental health providers, health care professionals, and Children's Aid Societies, that is dedicated to violence prevention in Ontario schools.

A coordinated and multifaceted approach is required to prevent school violence. The Police work in partnership with the School Boards and other community agencies to support programs for students such as peer mediation, mentoring, drug awareness and education, conflict resolution, restorative justice, and Student Crime Stoppers.

The Ontario Curriculum incorporates violence prevention through personal and social development learning expectations from Kindergarten to graduation. Expectations focus on knowledge and skills in student development, interpersonal development, career development, healthy lifestyles, problem solving, decision-making, conflict resolution and personal goal setting.

The Police, through its school liaison programs, work with school Principals and other Board staff toward the prevention and correction of youth crime. The Strategic Approach to Youth Crime includes programs such as STOP (Strategic Targeted Offender Program) and Referral Program and uses varied internal resources, including Crime Prevention Co-ordinator, Community Service Officers, Crime Prevention Officer, the Youth Services Coordinator, Divisional Youth Officers, School Resource Officers, COAST (Crisis Outreach and Support Team), HEAT, and the Gangs and Weapons Enforcement Unit.

The Police work with parents/guardians* through presentations to school councils, on topics such as bullying, street-proofing and safety. The Police also work in concert with other agencies in bringing preventive programs such as bike safety, safe graduations, and internet safety to schools for the education of students, staff and parents/guardians*.

8. OCCURRENCES REQUIRING POLICE RESPONSE

The following incidents require mandatory reporting to Police (*for students under the age of 12, refer to section 16 p. 33*). Note that mandatory/discretionary reporting to Police, 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 of school, or in other circumstances if the incident may have a negative impact on school climate.

The Police Officer and the Principal will communicate about the most appropriate response. This may include but is not limited to:

- no further action
- caution/warning
- Restorative Justice Conference (Extrajudicial Measures)
- criminal charges
- Restorative Practice (Education based)

a) Mandatory Notification of Police

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

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

b) Discretionary Notification of Police

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

- giving alcohol to a minor;
- being under the influence of alcohol or illegal drugs;
- threats* of serious physical injury, including threats made on social networking sites or through instant messaging, text messaging, e-mail;
- incidents of vandalism*; and
- trespassing incidents – please refer to each Board’s procedures for dealing with 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, (section 15, pg.32) identifies circumstances where a Police response is neither necessary nor appropriate.

9. INFORMATION SHARING AND DISCLOSURE

a) General Information

Information in the possession and control of the Police Service is governed by various acts of both the legislature and parliament and include, but is not limited to, the Youth Criminal Justice Act, the Provincial Offences Act, the Municipal Freedom of Information and Protection of Privacy Act, and the Child and Family Services Act.

Information in the possession and control of the School Board is governed by the same legislation, and in addition, by the Education Act and the Personal Health Information Protection Act. From time to time the Courts will provide interpretation to various sections contained within the above-mentioned pieces of legislation. These decisions are binding case law and require authorities to adhere to the interpretation of the law. In certain circumstances, federal and provincial laws may appear to be in conflict with one another. In such cases, it is recommended that legal advice be obtained in order to determine whether the situation is one in which the federal legislation should take precedence. When federal and provincial laws are in conflict, the federal law takes precedence.

School Board staff may be summoned to appear as witnesses in court. As with all incidents of a serious nature, including those requiring investigations, staff members are encouraged to keep written records of details relating to events where Police may be involved and should be available for reference when required. Notes should include dates, times, names of witnesses interviewed, all relevant observations and, where appropriate, a summary of any action taken by School Administration or other members of the school staff.

b) References to Disclosure of Information to Police

Criminal Code

The Police can access a student's Ontario School Record (OSR) by warrant or subpoena, or with the written consent of a parent/guardian*, or of the student if the student is 18 years of age or older, or is 16-17 years of age and has withdrawn from parental control.

In exigent circumstances*, the Police can access a student's OSR without a warrant, under section 487.1.1 of the Criminal Code.

Education Act

Disclosure of the content of the OSR to the Police during an investigation may be made in the following circumstances:

- with the written permission of a parent/guardian* of the student or, with the written permission of the student if the student is 18 years of age or older, or is 16-17 years of age and has withdrawn from parental control.
- through service of a search warrant requiring the surrender of an OSR to the Police;
- through an appropriate court order (criminal or civil); or
- where authorized under the *Municipal Freedom of Information and Protection of Privacy Act*, i.e. for purposes of "law enforcement" (see CC above).

Where records are sought, Boards should obtain advice from their Freedom of Information Coordinators or their lawyers in order to deal with such issues as the following:

- whether the *Education Act* prevents the disclosure of OSR information;
- whether the OSR in question is relevant to the investigation; and
- where the OSR is relevant, whether a copy rather than the original may be submitted.

Refer to Appendix D for details of legislation relating to:

- *Youth Criminal Justice Act (YCJA);*
- *Freedom of Information and Protection of Privacy Act (FIPPA);*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- *Child and Family Services Act (CFSA);*
- *Provincial Offences Act (POA);*
- *Disclosure During Court Proceedings (Criminal Cases and Civil Suits)*

10. SCHOOL PROCEDURES FOR REPORTING TO POLICE

It is a primary responsibility of the Principal to initiate contact with the Police; however, in the event of an emergency any staff member is encouraged to make such contact.

➤ **Emergency 911**

To be used for all emergency calls, including assaults* in progress, disturbances, intruders or any immediate threat* to school, student or staff safety and security.

➤ **Non-Emergency Calls for Service 905-546-4925**

To be used where no emergency exists but an officer is required to report incidents or provide assistance. Ask for Communications. Specify your position, reason for Police to attend, and your school dismissal time. Officers will be dispatched according to the Police Service Priority Response System.

➤ **General Inquiries**

Schools are encouraged to contact the SRO (School Resource Officer) or DYO (Divisional Youth Officer) concerning day-to-day events, prevention programs, etc.

➤ **Related Police Involvement— Incident and Non-Incident**

Contact the Youth Serving Officer for the School (SRO or DYO)

The Hamilton Police Service utilizes a Strategic Approach to Youth Crime, which encompasses the assumption by Police Officers of proactive measures toward crime prevention, as well as Problem-Oriented Policing. The following chart delineates the officers who are the predominant Youth Serving Officers within the Hamilton Police Service.

YOUTH SERVING OFFICERS – HAMILTON POLICE SERVICE

DIVISION 1 Central Administration & Investigative Services Division 905-546-4772	DIVISION 1 Central 905-546-4772	DIVISION 2 East End Lower Stoney Creek 905-546-2929	DIVISION 3 Mountain, Ancaster, Dundas Glanbrook, Flamborough, Stoney Creek 905-546-4930
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Youth Services Co-ordinator	Divisional Youth Officer (DYO)	Divisional Youth Officer (DYO)	Divisional Youth Officer (DYO)
	School Resource Officer (SRO)	School Resource Officer (SRO)	School Liaison Officer (SRO)
Crime Prevention Co-Ordinator	Community Services Officer (CSO)	Community Services Officer (CSO)	Community Services Officer (CSO)
	Crime Prevention Officer (CPO)	Crime Prevention Officer (CPO)	Crime Prevention Officer (CPO)
Child Abuse Branch			
Family Violence Resource Unit			
Victim Services			
Gangs and Weapons Enforcement Unit			
	H.E.A.T. Teams	H.E.A.T. Teams	H.E.A.T. Teams
	Beat Officer	Beat Officer	Beat Officer

Calls by a school for emergency service or for non-emergency Police response will be directed through regular Police channels (at 911 and 905-546-4925 respectively). The appropriate response to a call for service will be determined by the Police Service in accordance with the HPS Priority Response.

Where a Principal wishes to make an inquiry about, or seeks information in relation to, a non-incident-related Police function, he or she may contact the Officer to whom the responsibility is assigned, as noted below.

The following provides a brief description of the incident* and non-incident related activities/ functions which Youth Serving Officers will perform:

➤ **Youth Services Co-Ordinator:**

- conduct research, development and evaluation of many youth initiatives;
- review new ideas, participate in design, facilitate development and implementation, monitor and evaluate existing initiatives;
- co-ordinate Divisional Youth Officer and School Resource Officer initiatives;
- act as Service authority on the *Youth Criminal Justice Act*;
- disseminate information received on high risk offenders; and
- deliver training programs and presentations to members of the Service.

➤ **Division Youth Officers (DYO):**

- administer Extrajudicial Measures* such as the Referral (Pre-Charge Diversion Program) and Strategic Targeted Offender Program (STOP);
- liaise and work in partnership with external youth serving agencies; and
- act as a resource to other divisional personnel regarding youth issues.

➤ **School Resource Officer (SRO):**

- Resource Officer for schools;
- committed to middle (grade 6, 7 and 8)and secondary schools;
- appear in classrooms and assemblies for presentations;
- interact with students;
- liaise between schools and Police Service; and
- receive incident reports (school related) and follow up when deemed necessary.

➤ **Crime Prevention Co-Ordinator:**

- plan, develop, implement, coordinate and evaluate various crime prevention and community relations programs;
- coordinate activities among and between Community Services Officers and Crime Prevention Officers from each of the three policing divisions; and
- liaise with the various areas of the Service, other agencies and community groups.

- **Community Service Officer (CSO):**
 - deliver school-based personal safety and community based programs for Junior Kindergarten (JK) to Grade 6 students (programs may also be delivered by Police volunteers or auxiliary officers);
 - deliver youth safety and crime prevention education; and
 - develop and implement crime prevention programs.

- **Crime Prevention Officer:**
 - work in partnership with the community by managing community problem-solving plans and facilitating the delivery of community problem solving initiatives.
 - identification and training of citizen volunteers and community groups in crime prevention, who will work collaboratively with the Police to solve problems.

- **Child Abuse Branch (CAB):**
 - investigate and/or provide investigative assistance for any physical or sexual-related incidents where the victim is less than 16 years of age.

- **Domestic Violence Unit (D.V.U.):**
 - specially trained to monitor all reported incidents of domestic violence;
 - provide specialized support in high risk domestic violence situations and family court disputes;
 - investigate any out-of-province/country parental abductions.

- **Victim Services:**
 - composed of Hamilton Police Service staff and a large core of community volunteers;
 - available 24-hours-a-day, 7-days-a-week – 905-546-4904.

- **Gangs and Weapons Enforcement Unit:**
 - committed to the identification, arrest and dismantling of any gang*, criminal organization, or crime group, or its members responsible for violent criminal activities in the community;
 - act as a resource to the community and School Boards.

- **High Enforcement Action Team (H.E.A.T.):**
 - develop, implement and evaluate enforcement and prevention actions to reduce crime, and resolve “quality of life” problems in neighbourhoods.

➤ **Crisis Outreach And Support Team (C.O.A.S.T.):**

- multidisciplinary team consisting of Mental Health Workers and plainclothes Police Officers
- crisis line available 24-hours-a-day, 7-days-a-week - 905-972-8338

➤ **Mobile Crisis Rapid Response Team (M.C.R.R.T.):**

- partnership between Hamilton Police Service, St. Joseph's Health Care and C.O.A.S.T.
- Police Officer paired with a Mental Health Worker and the mobile team is dispatched to "in-progress" calls involving a reported person in crisis

➤ **Beat Officer:**

- uniformed Patrol officer assigned to neighbourhood policing districts.
- If you want to establish special initiatives, call your:
 - Divisional School Resource Officer (Grades 6 through 12)
 - Divisional Community Services Officer (K through Grade 5)

Please note that due to schedules and shift work, it may be several days before messages left for individuals can be returned.

11. INITIAL POLICE CONTACT

Except under exigent circumstances, or if the Principal is being investigated, the officer is required to follow the procedures set out below.*

Police officers, subject to the *exceptions* above, will provide to the school Principal prior notice of an intended school attendance, where the attendance is not as a result of a call from the school for a Police response.

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;
- Police Services will endeavor to work within the logistical considerations of the school in order to minimize the disruption to the school.
- subject to the provisions of the Education Act and MFIPPA, 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 parent/guardian* of students under the age of 18 (see section 13(1), pg. 25).

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.

Where the Principal is under investigation, Police will contact the Superintendent of Human Resources and/or the Director of Education through the appropriate chain of command.

12.1 COMMUNICATION OF SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS

Stranger Danger

School Boards and Hamilton Police Services have the same goal in mind—to keep students safe both at school as well as travelling to and from school. When any type of incident* occurs that potentially threatens a student’s safety, Police and School Boards work closely together throughout the investigation.

School Boards take their direction from Police in communicating an incident based upon the findings of an investigation. There are three types of communication that may occur under the direction of Police:

VERBAL ALERT

This alert would be made by the Principal on the school’s PA system to remind students to walk in pairs when travelling to and from school.

WRITTEN ALERT

Details about the incident would be communicated to the school community in writing which would also serve as a reminder to students to walk in pairs and to take steps to ensure their continued safety.

MEDIA ALERT

At times, Police may choose to broaden their reach beyond a school community, based upon the findings of an investigation. In this instance, Police will work with local media to ensure the community is aware of the incident and its impact on the broader community.

In some cases, based upon the findings of an investigation, Police and School Boards may take no action regarding communication. This means that the investigation has revealed that the threat* was unsubstantiated and there is no perceived threat to the community; however, the school Principal, in consultation with the Superintendent, may choose to issue a communication to parents/guardians*, explaining an investigation occurred which was not substantiated. Principals/ Superintendents should call Corporate Communications for more direction.

For all other circumstances involving Police, communications will be coordinated between the Police, School Board and school.

The Police and School Board will continue to work closely together to ensure our communities are well informed and receive timely and accurate information that will benefit public safety.

12.2 SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS

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

Note that Police investigations should also be undertaken in accordance with the Hamilton Police Service 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. hours of the school day and class rotation schedules) that may be relevant to the investigation process. Hamilton Police Service will endeavor to work within these logistical considerations in order to minimize the disruption 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:

- parent/ guardian* 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);
- protection of privacy (s. 110, Youth Criminal Justice Act); and parent/ guardian* notification of victim and alleged aggressor. (Ref. Bill 157 and PPM 144).

b) Search and Seizure—General Information

Principals must inform students, parents/guardians, and staff through school newsletters or student agendas of the school's right to search school property (e.g. lockers and desks).*

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

- roles and responsibilities of Police and school personnel in conducting searches of persons or property (see search by Police and School Board staff below);
- 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.);
- the continuing responsibility of the Principal for students even when Police are on school premises;
- Police are to ensure that procedures are 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;

- where a search is being conducted, Police and School Board staff shall ensure an involved student understands what is occurring by explaining in language appropriate to the student’s age;
- when dealing with a student with a disability which affects communication or comprehension, or with a person who does not speak English, Police or School Board staff shall, where practicable, obtain the assistance of an interpreter or other person who can help the student understand the process.

c) Search of the Person

(i) BY POLICE:

- Police officers may search a student with consent.
- On Arrest—Police officers are permitted to search for, and seize, items that may cause injury, assist in an escape, or constitute evidence. A “frisk” or “pat down” search is permissible as an incident to any arrest.
- If an officer has reasonable grounds to believe that it is not desirable (in the interests of safety of a person or other persons) for the person to possess any bullet, weapon, prohibited device, ammunition or prohibited ammunition; and grounds exist to obtain a search warrant, but by reason of a possible danger to the safety of that person or any person, it would not be practicable to obtain a search warrant, the officer may search for and seize any of the above-mentioned items. [117.04(2) CC]

Furthermore, if an officer believes on reasonable grounds that any of the above-mentioned items were used during an offence, or that an offence has been committed, that involves any of the following:

- firearm
- imitation firearm
- a crossbow
- prohibited weapon
- restricted weapon
- prohibited device
- ammunition
- prohibited ammunition
- explosive substance

and the evidence can be found on a person, in a vehicle or any place or premise if there are exigent circumstances* and it is not practicable to obtain a search warrant, the officer may search and seize the evidence of the offence. (S 117.02(1), *Criminal Code*)

Searches for the above-mentioned items can also occur with a search warrant. The Police shall not be denied access to conduct such searches on School Board property. In relation to illegal drugs, the Police may enter and search a place with a warrant. Also, a Police officer can search a place without a warrant if there are reasonable grounds to believe that there are illegal drugs contained in any place but because of exigent circumstances, it would be impracticable to obtain a warrant.

(ii) BY SCHOOL BOARD STAFF:

Under the *Charter of Rights* (Section 8), everyone has a right to be secure against unreasonable search or seizure. The Supreme Court of Canada and the Ontario Court of Appeal have ruled that a Principal, who has reasonable grounds to do so, may conduct a search of a student or their possessions in carrying out his or her duties to maintain order and discipline in the school. (Reference: *R. v. M.R.M.* (1998) (S.C.C.) and *R. v. J.M.G.* (1986) (O.C.A.)) However due to the potential for legal challenges, School Board staff shall consult with his/her Supervisory Officer before conducting a search of the person.

d) Search of School Premises—Desks/Lockers

(i) BY SCHOOL BOARD STAFF:

- Desks and school lockers are school property. Accordingly, the courts have ruled that there is no expectation of privacy, which must be protected. As such, a search of such property is permissible by the school administration when acting as an agent of the School Board but not as an agent of the Police. The school personnel may wish to have the student present when the locker or desk is opened to avoid allegations relating to the search and/or to the location of any property.
- It is the responsibility of the Principal to ensure that students are informed at the beginning of the school year that desks and lockers are assigned to them for their use but remain school property and that, accordingly, there is no entitlement to privacy therein.
- Where an offence is reported to a Principal, the Principal has the duty to carry out an investigation to establish the nature and extent of the alleged offence. This may include a search of the locker or desk. As a rule, when it becomes apparent that an offence has been committed the Police shall be notified to continue the investigation. However, in the case of minor offences, whether or not to call the Police is within the discretion of the Principal.

(ii) BY POLICE:

Police may conduct a search of school property on one or more of the following grounds:

- with the consent of the school Principal where the area/item to be searched is school property (e.g. desk, locker); Principals must do so with great care to avoid being an agent of the police;
- incidental to arrest (immediate area of arrest); and/or
- by warrant.

e) Search of Vehicles Parked on School Property

The Police may conduct a search of a vehicle parked on school property on one or more of the following grounds:

- with the consent of the owner/operator;
- incidental to arrest where the arrest occurs within the immediate vicinity of the vehicle; and/or;
- by warrant.

f) **Detainment and Arrest**

- Whether or not the incident giving rise to the need to arrest is school-related, the Police will, in the interests of school safety and morale, consider alternatives to arrest on school property, where possible;
- Police procedures are 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;
- When it is necessary for a student to be arrested at school during school hours, the Police will affect the arrest in a manner to minimize disruption of school routines, to the extent possible;
- Where a student is to be arrested on school property during school hours, and where permitted by the circumstances, the Police will contact the Principal to arrange a suitable procedure to access the student. However, where a student is to be arrested, the Police shall not be denied access to the student, in any case;
- Upon arrest, a search of the student will be conducted in accordance with law (Reference: Search and Seizure s.12.2 b) of this Protocol);
- Where detention is not required, the student may be released from the school, in accordance with the release provisions of the Criminal Code. The student may be required to sign documentation for this purpose;
- Where physical restraints are required, they will be employed in accordance with Police policies and procedures pertaining to arrest.
- School Board staff shall not interfere with, or obstruct, a Police officer during the course of an arrest;
- Where an arrest or detention occurs on school property, School Board staff shall assist in notification to the parent/guardian*, as required/directed. Where the student is removed from the school in Police custody, and notification has not occurred prior thereto, school personnel **subject to Police consultation**, shall continue to make reasonable efforts to contact the parent/guardian* of the student and advise of the fact of the arrest and the location of the student;
- Parents/guardians* will not be notified in certain circumstances (i.e. where the parent/guardian is/may be a party to the offence and to contact him/her could interfere with the Police investigation or cause child protection issues). In such cases, it is the responsibility of the Police in consultation with a Children's Aid Society, where applicable, to determine the proper course of action. The Principal may assist in suggesting alternative adults to serve in a supporting capacity to the student; and
- Legal grounds exist for the Police to demand entry into a school (e.g. For weapon or drug searches, to arrest a person wanted for indictable offence, to save lives)

g) Supports for Victims

Local School Boards

Principals or delegates have the obligation to inform the parents/guardians* 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/guardians (Education Act, s. 300.3(1), Bill 157 and O. Reg. 472/07).

It is required that all Board employees who work directly with students are expected to support all students, including those who disclose or report such incidents, by providing them with contact information about professional supports (e.g., Public Health units, community agencies, Help Phone lines).

The local School Boards offer guidance, counseling, and professional services through their social work department.

Hamilton Police Service

The Hamilton Police Service has available a 24-hour-a-day/ 7-day-a-week Victim Services Branch operated out of Police Headquarters at 155 King William Street, which can be accessed by contacting 905-546-4904 or through any Police Service member.

The Police Service will notify victims of crime and other circumstance of the availability of Police Service Victim Services, as appropriate. Victim Services will assist with community referrals.

If a young person* is dealt with by an Extrajudicial Sanction*, the identity of the young person and how the sanction was dealt with can be provided to the victim on the request. Any information which could identify a child or young person as a victim or a witness to an offence committed or alleged to have been committed by a young person is prohibited from being published. (s.111, Youth Criminal Justice Act)

13. POLICE INTERVIEW OF STUDENTS

Relevant Legislation

- (i) The following provincial and federal legislation may affect the manner in which a Police investigation will be conducted:
- The *Criminal Code of Canada* (CC),
 - The *Youth Criminal Justice Act* (YCJA),
 - The *Controlled Drugs and Substances Act* (CDSA),
 - The *Police Services Act* (PSA),
 - The *Food and Drugs Act* (FDA),
 - The *Canadian Charter of Rights and Freedoms* (*Charter of Rights*),
 - The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA),
 - The *Education Act* (EA),

- The *Child and Family Services Act* (CFSA),
 - The *Trespass to Property Act* (TPA),
 - The *Provincial Offences Act* (POA) (Specifically Part VI “Young Offenders”), and
 - The *Freedom of Information and Protection of Privacy Act* (FIPPA)
- (ii) Federal legislation, such as the Criminal Code and the *Charter of Rights*, will take precedence over provincial legislation. Investigations conducted by the Police will comply with the requirements of all applicable legislation and will be conducted pursuant to the provisions of the Hamilton Police Service Criminal Investigations Management Plan and, where required by the nature of the offence, the Ontario Major Case Management Manual.
- (iii) Where the incident being investigated involves a child in need of protection, Police officers and School Board staff will comply with their legal duty to forthwith report to a Children’s Aid Society. (Reference: CFSA, ss.72(3) and (4))

General

While School Board staff have a responsibility to support students being interviewed by Police, they must be careful at all times not to compromise the Police investigation.

Except in exigent circumstances*, when the Police interview students on school premises, the following procedures will be followed in relation to Police interviews of students:

- Police are required to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses. Any person who may have information related to the incident may be interviewed by Police.
- Principals must make best efforts to contact parents/guardians* through all available contact numbers, as soon as possible before the interview, and document such attempts.
- Wherever possible, Police will contact the school Principal prior to attending to conduct an interview, and shall arrange, in conjunction with the Principal, the most appropriate time and place to conduct a student interview, taking into account factors such as the need to disrupt school programs to the most minimal degree possible.
- Where the parent/guardian* refuses the request for an interview to commence at school, Police will conduct the interview off of school property.
- The Police will determine the methodology of the interview. The Police will also determine if the interview will be audio or videotaped and will obtain any necessary consent. If there is more than one officer involved, the officers will determine who will take the lead in conducting the interview.
- A parent/guardian*, third-party adult, or the Principal if no alternative is available, must be present when students under the age of 18 are being interviewed at school.
- Where a student aged 12 to 17 waives the right to have an adult present at the interview, the Police and the Principal must consider the most appropriate location for conducting the interview and take steps to ensure that the student’s rights are respected during the interview.
- School personnel shall assist Police in making the required preparations (e.g., securing a quiet room and establishing a time for the interview).
- Police must consult with the Principal to consider alternatives for conducting interviews at a location other than the school.

- When taking statements from accused youth, Police will follow the *Guide to Officers for Section 146 Youth Criminal Justice Act Statements* (Appendix D).
- Police will act in a manner that respects the dignity of the student and minimizes disruption to the school when it is necessary to interview, search, or arrest a student at school during school hours.
- If the student to be interviewed is not in attendance at school, the Principal shall inform the Police of the student's full name, date of birth, address, phone number and the parent/guardian's* home or business phone numbers in accordance with the provisions of MFIPPA. This provides authority to disclose personal information to law enforcement officials conducting a law enforcement investigation. (Section 32(g))
- Refer to Appendix G for flowcharts regarding the following situations; interviewing a victim/witness, interviewing suspects under 12, interviewing suspects 12-17 years old and interviewing suspects over 18 years of age.

13.1 Notification to Parent/ Guardian

Except in exigent circumstances*, it is the Principal's responsibility to contact parent/guardian* of:

- victims who have been harmed as the result of an activity for which suspension or expulsion must be considered, unless, in the Principal's opinion, notification of the parent/guardian* would put the student at risk of being harmed by the parent/guardian*. If that is the case, the parent/guardian* must not be contacted (Education Act, s. 300.3(3));
- students receiving a suspension (Education Act. 311);
- all other students being interviewed by Police during an investigation, except:
 - if the Principal is otherwise directed by Police because of exigent circumstances* or where the Police believe the parent/guardian may be implicated;
 - if the student is 18 years of age or older, 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.)

13.2 Preparation for Interviews

When preparing for interviews of students:

- determine whether circumstances allow for the interview to be conducted at the student's home or another location rather than at school, in view of the stigma and the potential impact on the student;
- if the incident is not related to the school and will have no impact on school safety, Police should not conduct interviews at the school;
- evaluate the need for specialized resources where a student is known to have mental health needs or special education needs (see Section 15);
- determine the need for an interpreter (e.g., a language interpreter, an interpreter for a student who is deaf or hard of hearing) and/or for information to be provided in an alternative format (e.g., Braille for a student who is blind or has low vision);
- determine the methodology of the interview (e.g. which officer will take the lead, will it be videotaped and the requirement to inform if so).

13.3 Conduct of Interviews

When conducting interviews of students:

- Police shall follow the *Guide to Officers for Section 146 Youth Criminal Justice Act Statements* (see Appendix D);
- Police shall provide, upon arrest or detention, a legal caution and notification of the right to counsel where there are reasonable grounds to believe that the student being interviewed has been involved in the commission of a criminal offence;
- involve the local Children’s Aid Society in the interview process, which is recommended when an interview involves a child who may be in need of protection;
- an adult must be present throughout the interview, except when the student can waive, and has waived, the right to have an adult present. Best efforts must be made to have the student’s parent/guardian*, or another adult of the student’s choice present.
- when a parent/guardian*, or other adult selected by the student cannot be present, the Principal must attend the interview.
- where a student is 18 years of age or older, or if the student is 16 or 17 years of age and has withdrawn from parental control, and expresses a desire not to have a parent/guardian* contacted, the Principal may be present during any interview of the student held at the school, provided the Police and the student agree.
- persons under the age of 12 years cannot be charged with an offence in accordance with the provisions of the POA, the YCJA and the Criminal Code; however, where there are reasonable grounds to believe an offence has been committed by a child under 12 years of age, Police may apprehend the child without warrant. The child shall be turned over to their parent/guardian* as soon as practicable. (*Ref: Child and Family Services Act, s.42(1)*). Where it is not possible to turn a child over to their parent/guardian* within a reasonable time, the child shall be taken to a place of safety as determined by a Children’s Aid Society until the child can be returned to the parent/guardian*. (*Ref: Child and Family Services Act, s. 42*)
- except in exigent circumstances affecting the health or safety of the student, or any other person, a student under the age of 12 years will only be interviewed in the presence of the Principal, if the parent/guardian* is not available.

13.4 Interviewing Students Considered to be Witnesses or Victims

Refer to Flow Chart: Appendix G

Where the Police need to speak to students who are considered to be witnesses or victims, or who may have knowledge of criminal activity, the following procedures will be used:

- Except in cases involving a Police response at the request of the school, the Police will contact the Principal of the school to advise of the nature of the visit and to request a meeting with the student.
- Where the Police wish to question the student on school property:
 - i) if the student is under the age of 18 years, the school will advise the student that their parent/guardian* shall be contacted by the school and the parent/guardian* shall be provided with a reasonable opportunity to attend prior to the commencement of the interview by the Police, subject to 13.5, pg. 28; and
 - ii) if the student is 18 years of age or older, or is 16 or 17 years of age and has withdrawn from parental control, he or she is considered an adult and the school staff shall not contact the parent/guardian* without the permission of the student; however, if permission is received the parent/guardian* shall be contacted and provided with a reasonable opportunity to attend prior to the commencement of the interview by the Police, subject to 13.5, pg. 28.
- Where the parent/guardian* is contacted, he/she shall be advised that the Police wish to interview the student as a witness or victim. If the parent/guardian* refuses to grant permission for the student to be interviewed by the Police, the school administrator may require that the Police conduct the investigation off school property.
- Should the parent/guardian* not wish to attend the school, or the school is unable to contact the parent/guardian* within a reasonable amount of time, the Principal shall be present during any interview of the student held at the school provided the Police and the student agree.
- Where a student is 18 or older, or is 16 or 17 years of age and has withdrawn from parent/guardian* control, and expresses a desire not to have a parent/guardian* contacted, the Principal may be present during any interview of the student held at the school, provided the Police and the student agree.
- If the Police wish to question the student off school property, the responsibility for proper parent/guardian* notification is that of the Police.
- When dealing with a student with a disability which affects communication or comprehension, or with a person who does not speak English, Police or School Board staff shall, where practicable, obtain the assistance of an interpreter or other person who can help the student understand the process.

Notes:

- There may be exceptional circumstances where the parent/guardian* should not be contacted, i.e. if the parent/guardian* is a suspect of the crime about which the student is being interviewed and to contact the parent/guardian* could interfere with the Police investigation. In such cases, it is the responsibility of the Police, in consultation with the appropriate School Board officials, to determine the proper course of action including whether to notify or involve the CAS. In such circumstances, the School Board may require that the Police conduct the investigation off school property and shall consider the direction from the involved Police officer regarding the contact of the parent/guardian*.
- If the student is a Crown ward or a ward of the (Catholic) Children's Aid Society, the parent/guardian* shall be considered to be the (Catholic) Children's Aid Society.
- Except in exigent circumstances* affecting the health or safety of the student or any other person, a student under the age of 12, if the parent/guardian* is not available, will only be interviewed in the presence of the Principal or designate.

13.5 Interviewing Students Considered to be Suspects or Accused

Refer to Appendix G Flow Chart

Students Under 12 Years of Age

- The Police will contact the Principal of the school to advise of the nature of the visit and to request to meet with the student.

Notification will not occur in cases involving a Police response at the request of the school, or in exigent circumstances, including, for example, where a student is pursued by Police into the school and/or where the time required for notification may jeopardize the Police investigation. In those circumstances, the Police will advise the Principal of what has occurred at the first opportunity.

- Persons under the age of 12 years cannot be charged with an offence in accordance with the provisions of the POA, the YCJA and the CC. However, where there are reasonable grounds to believe an offence has been committed by a child under 12 years of age Police officers may apprehend the child without warrant. The child shall be turned over to his or her parent/ guardian as soon as practicable. (Reference: *Child and Family Services Act*, s.42(1))

Where it is not possible to turn a child over to his or her parent/guardian* within a reasonable time, the child shall be taken to a place of safety as determined by a (Catholic) Children's Aid Society until the child can be returned to the parent/guardian*. (Reference: *Child and Family Services Act*, s. 42)

- Except in exigent circumstances* affecting the health or safety of the student or any other person, a student under the age of 12, if the parent/guardian* is not available, will only be interviewed in the presence of the Principal.
- When dealing with a student with a disability which affects communication or comprehension, or with a person who does not speak English, Police or School Board staff shall, where practicable, obtain the assistance of an interpreter or other person who can help the student understand the process.

Students between 12-17 Years of Age (Young Persons under the YCJA)

Where Police attend school property to interview a student as a suspect, or Police charge or arrest a student and interview him/her as an accused, the following procedures will be followed:

- The Police will contact the Principal of the school to advise of the nature of the visit and to request to meet with the student.

There may be cases where notification will not occur, such as in cases involving a Police response at the request of the school, or in exigent circumstances*, including for example, where a student is pursued by Police into the school and/or where the time required for notification may jeopardize the Police investigation. In those circumstances, the Police will advise the Principal of what has occurred at the first opportunity.

- Whether the interview occurs on school property or elsewhere, the Police shall comply with the requirements of the YCJA and *Charter of Rights*, informing the student of:
 - the nature of the charge(s) to which the interview pertains and/or the reason for arrest/ detention;
 - his/her right to retain and instruct counsel;
 - the standard cautions.

Prior to conducting the interview of a young person*, or taking an oral or written statement from a young person, the Police will explain the following:

- that he/she is under no obligation to give a statement;
- that any statement given may be used as evidence in proceedings against him/her;
- that he/she has the right to have a reasonable opportunity to consult with counsel and a parent/guardian*, or in the absence of a parent/guardian, an adult relative, or in the absence of a parent/guardian or adult relative, any other appropriate adult chosen by the young person, which may include the Principal or other School Board staff, but cannot be a co-accused or someone under investigation in respect of the same offence.
- that any statement made by him/her will be made in the presence of counsel or the other person consulted unless he/she specifically waives this right in writing.

Where the young person* wishes to have a parent/guardian/other adult present, the Principal in consultation with the Police will attempt to make the contacts as required and to provide a reasonable opportunity for the individual to attend prior to conducting the interview of the young person. In any event, subject to the *Notes* below, the school will attempt to contact the student's parent/guardian* to inform them that the Police wish to interview the young person and/or is being arrested by the Police.

Where:

- i) the parent/guardian* or other chosen adult does not wish to attend the school, or
- ii) the school is unable to contact the parent/guardian*, or other chosen adult within a reasonable amount of time; the Principal shall be present during any interview of the student held at the school provided the student agrees.

A reasonable amount of time is to be determined in co-operation between the Police and the Principal; however, the ultimate test of reasonableness will rest with the Police.

The parent/guardian*/other adult has no right to attend the interview unless the young person agrees (the young person would be required to waive the right to have a parent/guardian* present in writing).

Notes:

- Parent/guardian* will not be notified in certain circumstances. For example where the parent/guardian* is/may be a party to the offence and to contact him/her could interfere with the Police investigation or cause child protection issues. In such cases, it is the responsibility of the Police, in consultation with, the (Catholic) Children’s Aid Society, where applicable, to determine the proper course of action. The Principal may assist in suggesting alternative adults to serve in a supporting capacity to the student.
- If the student is a Crown ward or a ward of a (Catholic) Children’s Aid Society, the parent/guardian* shall be considered to be a (Catholic) Children’s Aid Society.
- The Police may elect to interview a student at the Police Station. If the student is removed from school property, subject to Police consultation, the Principal, subject to *Notes* immediately above, will notify the parent/guardian* as soon as possible.
- No person shall publish the name of the young person or any other information related to a young person if it would identify the young person as a young person dealt with under the YCJA. See above *Notes*.

Students 18 Years of Age and Older

Students 18 or older are considered to be adults. In these circumstances, the following procedures will be followed:

- The Police will contact the Principal of the school to advise of the nature of the visit and to request to meet with the student.

There may be situations where notification will not occur, such as in cases involving a Police response at the request of the school, or in exigent circumstances*, including, for example, where a student is pursued by Police into the school and/or where the time required for notification may jeopardize the Police investigation. In those circumstances, the Police will advise the Principal of what has occurred at the first opportunity.

- Whether the interview is conducted on school premises or elsewhere, the Police shall ensure the student is advised of his/her legal rights on detention or arrest, in accordance with the provisions of the *Charter of Rights*, including the nature of the charges / reasons for detention or arrest, his/her right to counsel, and any required Police Cautions.
- Neither the Police nor the school shall contact the student’s parent/guardian* without the permission of the student.

Exception:

The provisions of the YCJA are not applicable unless the offence being investigated for which the student is arrested was committed while the student reached the age of 12 but was under the age of 18. In these circumstances, the procedures under Students 12-17, will be followed.

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

The local School Boards have developed policy and procedures in partnership with the respective local Children's Aid Societies (Catholic Children's Aid Society of Hamilton and the Children's Aid Society of Hamilton). The local Children's Aid Societies and the Hamilton Police Service have a protocol in place for investigation of children suspected to be in need of protection. All documents have been shared amongst the five agencies and form part of the respective Boards of Education Safe Schools Protocols.

If a young person* has been charged with an offence, a Youth Justice Court may refer the young person to a Children's Aid Society to determine if the young person is in need of protection.

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/guardians*.

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

- Where the parent/guardian* is contacted, they shall be advised that the student is being interviewed as a witness or victim. If the parent/guardian* refuses to grant permission for the student to be interviewed by the Police, the Principal may request that the Police conduct the investigation off school property.
- Should the parent/guardian* not wish to attend the school, or the school is unable to contact the parent/guardian* within a reasonable amount of time, the Principal shall be present during any interview of the student held at the school provided the Police and the student agree.

The onus is on the Police to advise the Principal if notification of the parent/guardian* would endanger the student of the investigation. The parent/guardian* should not be contacted if the Police determine that doing so may endanger the safety of the student, or another person, or the integrity of an investigation.

Unless directed not to by the Police, Principals shall notify the parent/guardian* if police remove a student from school property.

If a student is detained or arrested, the Police will notify their parent/guardian*, unless the student is 18 years of age or older, or if the student is 16 or 17 years of age and has withdrawn from parental control. The parent/guardian* should not be contacted if the Police determine that doing so may endanger the safety of the student or another person or the integrity of an investigation. In such cases, the student will be advised that he or she may contact another adult person.

15. INVESTIGATIONS INVOLVING STUDENTS WITH SPECIAL EDUCATION NEEDS

In investigations that involve a student known to have special education needs, mitigating and other factors must be taken into account by school personnel and Police.*

Identify the mitigating and other factors 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. (Refer to Section 8 and Appendix E of this Protocol)

- It is the responsibility of the school Principal to communicate to the Police when any student has a special need that may impede the student from expressing or understanding written/oral communication. In order to accommodate these types of situations consideration should be given to providing the student with a support person who is knowledgeable about the student's exceptionality and with whom the student feels comfortable. The Police should be sensitive to the vulnerability of such students in situations, which may be intimidating.
- Where an interpreter is required, the Principal will notify the Police in advance where possible. Where practical, the Police will arrange for an interpreter.
- Wherever possible, specialized resources (ie. FM system) will be arranged prior to the initial contact with the student through the co-operative efforts of the Police and the school board.
- The Principal needs to ensure the student's parent/guardian* is contacted as soon as possible, except in exigent circumstances* or where the Police believe the parent/guardian* may be implicated in the incident. The Police may allow the parent/guardian* of a child with special needs to be present during an interview. Should the Police officer make his/her intentions known to arrest a student, the Principal shall comply. The Police officer shall ensure that the student is advised of his/her legal rights.
- Where investigating an incident involving a student with special needs, Police may consult with the Police Service Child Abuse Branch to make use of the expertise of its members in interviewing children.

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

Children under 12 cannot be charged with an offence under the Criminal Code, Youth Criminal Justice Act, or the Provincial Offences Act, but Police may take reports of incidents allegedly committed by students in this age group and may respond in an appropriate manner. Early intervention for children involved in such incidents is essential, and involving Police and parents/guardians* as early as possible may facilitate the provision of appropriate intervention and support.

In addition, the Principal is required to conduct an investigation of an incident for the purpose of school discipline, for example, where a recommendation for suspension* or expulsion* may be required, regardless of the students involved.

Considerations for responding to occurrences involving students under the age of 12, include:

- Principals are expected to use their discretion in applying the rules outlined in Section 8 for reporting incidents to the Police;
- the requirement to notify the child's parent/guardian* as soon as possible, except in exigent circumstances*, or where the Police believe the parent/guardian may be implicated in the incident;
- the authority Police have to take reports, make referrals to additional services (e.g., health/counselling), and conduct interviews;
- the circumstances under which there is a duty to report children suspected to be in need of protection to the local Children's Aid Society, under subsection 72(1) of the Child and Family Services Act (e.g., when there is evidence of abuse or neglect, or the risk thereof; when the child has committed serious acts and the child's legal guardian is not accessing appropriate treatment); and
- the requirement to provide accommodations and/or modifications for students with special education needs, as outlined in the student's Individual Educational Plan (IEP).

School Principals and Police will refer to the local CAS/CCAS protocol for child maltreatment, including child abuse and neglect.

17. SCHOOL BOARD COMMUNICATION STRATEGY FOR THIS PROTOCOL

To promote knowledge and understanding of the contents of the protocol as well as consistency in its application, parties of this protocol will develop communication mechanisms such as newsletters, student agendas, websites, safe school handbook, etc.

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, should that activity have a negative impact on school climate.

Communication materials should use plain language, and should be available in appropriate language(s) and accessible formats, as deemed appropriate.

This 2016 edition of the Police/School Board Protocol was updated using the Provincial Model for a Local Police/School Board Protocol (Ontario 2015). This updated edition of the document includes new policy regarding Bomb Threat Procedures (Appendix C); updates information on Threat Awareness/ Management Appendix H); updates on Lockdown Procedures (Appendix B) and reflects the ever-increasing focus on the importance of school boards and police in implementing violence prevention strategies to create and maintain safe and healthy schools. The protocol will be shared with students and parents/guardians*. Other stakeholder groups to consider include:

- Trustees;
- Senior Administration;
- Principals, and through the Principals:
 - staff; and
 - school councils;
- Social Workers
- Parental Involvement Committee (PIC)
- Special Education Advisory Committee (SEAC)
- Safe Schools Committees; and
- Community agencies deemed appropriate by both the School Boards and the Hamilton Police Service.

Each stakeholder group will be responsible for ensuring that members of their organizations are aware of the changes in this updated document. Copies of the Protocol, in print and/or electronically, will be available at each school, each Police division and at the respective Board offices.

The Police/School Boards Liaison Committee will monitor the implementation of the Protocol and will meet periodically thereafter to ensure the Protocol's legislative accuracy and to serve in a dispute resolution capacity.

18. PROTOCOL REVIEW PROCESS

The review of the local protocol will be facilitated by the Police/School Board Liaison Committee 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

When requested, Police may work in cooperation with local schools to assess the physical safety of the school premises, including the building (e.g. lighting, building design) and outdoor areas (e.g. landscaping). Final decisions about alterations to enhance the safety of students, staff, and teachers rests with the school board, as does the responsibility to carry out any desired work.

The Police/School Boards Liaison Committee has, as one of its main objectives, the monitoring and reviewing of safety issues. School floor plans have been shared with the Police and a safe school survey has been developed and employed.

When physical alterations to a School or Board building are being considered, especially with the goal of enhancing safety, the Police/School Boards Liaison Committee may be consulted for input and/or direction. Concepts derived from C.P.T.E.D. (Crime Prevention Through Environmental Design) may be utilized. This is accessed through the Divisional Crime Prevention Officer via the school's respective Superintendent.

20. RISK/THREAT ASSESSMENT/THREAT MANAGEMENT SERVICES

Refer to Appendix H Violent Treat/ Risk Assessment (VTRA)

Incidents of violence in schools are often preventable through early intervention in response to threatening behaviour, or non-threatening but worrisome behaviour. Taking steps to identify at-risk students through early and ongoing assessment and intervention strategies, many of which are identified in the School Board's progressive discipline policies, may reduce the need for disciplinary action and Police interventions.

A multi-agency approach to threat/risk assessment can be a highly effective means of preventing and managing situations that could otherwise negatively affect the safety of students and/or school staff. School Boards, along with Police and other community partners (e.g., mental health agencies, Youth Justice Probation Services, and other youth-focused agencies), have developed risk and/or threat assessment procedures. Violent Threat Risk Assessment (*Refer to Appendix H*), developed with multiple agencies, school boards, and police services outlines steps and contacts.

21. EMERGENCY PLANNING AND THREATS TO SCHOOL SAFETY

Refer to Appendix B Lockdown Hold and Secure, Shelter in Place and Appendix C Bomb Threat

The School Boards have Emergency/Crisis Response Procedures in place. Schools carry out emergency drills on a regular basis and continue to develop school-based plans to address emergency situations. As part of the Emergency and Crisis Response Plan, it is anticipated that the School Boards will provide the Police Service copies of floor plans for all the schools under their control for use and emergency situations.

The City of Hamilton coordinated an emergency measure plan and included all stakeholders in the development of a Community Emergency Response Plan. The Hamilton Police Service provided an education package on the Police response to acts of violence in the schools.

Emergency and crisis response plans are included within the SPEAR Protocol - *Refer to Appendix I School Police Emergency Action Response*

The Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario, issued in 2009 and updated in 2015 by the Ministry of Education and the Ministry of Community Safety and Correctional Services specifies two mandatory components, as follows:

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

The Provincial Policy for Developing and Maintaining Bomb Threat Procedures for Elementary and Secondary Schools in Ontario was mandated as part of the Police/School Board Protocol effective 2015. There are two components to this directive:

- All school boards establish policy/procedures that require individual schools to develop bomb threat response plans, and
- Boards ensure that staff, students, and other partners are aware of their respective responsibilities in the event of a bomb threat;
- Bomb threat drills can be practiced as part of the emergency procedure drills in the school.

22. TRAINING

School Boards and Police Services will 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. Day-care, parenting centres, and other community partners must also be trained.

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.

IT IS IMPORTANT THE APPENDICES A, B, C, D ARE IN THE SAME ORDER IN EVERY BOARD PROTOCOL SINCE THEY WILL THEN ALIGN WITH THE MINISTRY PROTOCOL APPENDICES.

GLOSSARY

Some of the definitions below are based on language used in the appropriate legislation. They are not to be taken as the official legal definitions set out in the legislation.

ADULT:	A person 18 years of age and older.
ASSAULT:	<p>A person commits an assault when:</p> <ul style="list-style-type: none"> ▪ without the consent of another person, he/she applies force intentionally to that other person, directly or indirectly; ▪ he/she attempts or threatens, by an act or gesture, to apply force to another person, if he/she has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; ▪ or while opening wearing or carrying a weapon or imitation thereof, he accosts or impedes another person or begs. <p>This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault. (<i>Ref. Criminal Code of Canada</i>)</p>
ARSON:	Intentionally or recklessly cause damage by fire or explosion to property.
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 move able 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.
BODILY HARM:	Means any hurt or injury to a person that interferes with the health or comfort of the person and that it is more than merely transient or trifling in nature.
BULLYING:	Typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person’s body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance. Bullying can be physical, verbal, social, or electronic/cyber.
CHILD:	A person who is under the age of 12 years (<i>for police purposes</i>).
CHILD APPREHENSION ORDER:	A court order issued by a Justice which requires the Police to take all reasonable steps to locate, apprehend and turn over the children listed in the order to a party named therein. A child apprehension order can be issued by a court where it is satisfied that a child is being illegally withheld from a person entitled to custody or access. (<i>s. 36(2) of the Children’s Law Reform Act</i>)
CRIMINAL HARASSMENT:	Criminal harassment generally consists of repeated conduct that is carried out over a period of time and that causes victims to reasonably fear for their safety but does not necessarily result in physical injury.

CUSTODIAL PARENT:	Refers to the parent who has custody of a child pursuant to a court order or separation agreement. There can be joint custody situations. Also, custody may be used to refer to the parent with whom the child resides even if there is not court order or separation agreement, providing the living arrangement is with the consent, implied consent or acquiescence of the other parent.
CUSTODY:	To be detained, placed under arrest, or imprisoned.
CUSTODY ORDER:	A court order issued by a Justice which specifies the primary caregiver of a child. Custody orders may define the circumstance by which non-custodial parent or caregiver has access to a child. Generally, there are no Police enforcement authorities within a custody order.
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. A student who is expelled only from his/her school is 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.
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. Examples of extra-judicial measures include substance abuse counseling, volunteer work, restitution, letter of apology, and restorative justice.
EXTRA-JUDICIAL SANCTIONS:	Sanctions, which are part of a program other than judicial proceedings under the <i>Youth Criminal Justice Act</i> , are used by the Attorney General or his/her delegate to deal with a young person alleged to have committed an offence.
GANG RELATED INCIDENTS:	Incidents involving a group, consisting of three or more persons, however organized, having as one of its main purposes the commission or facilitation of a criminal offence in which any or all of the members engage.
HATE- AND/OR BIAS MOTIVATED INCIDENTS:	Incidents (e.g., involving statements, words, gestures) motivated by hatred or bias towards an identifiable group (i.e., a group distinguished by colour, race, religion, gender, sexual orientation, or ethnic origin) that are publicly communicated and that are willfully intended to promote or incite bias or hatred against such a group.
INCIDENT:	Occurrences on or associated with school property or activities which require, or may require, Police response and/or Police involvement.
LEGAL GUARDIAN:	A person legally entrusted with the care of, and managing the property and rights of, another person, usually a child/youth who is under the age of 18. 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. (<i>Ref. Education Act</i>).

LOCKDOWN:	A procedure used in response to a major incident or threat of violence within the school, or in relation to the school. <i>(See Appendix B for Lockdown Procedures)</i>
MITIGATING AND OTHER FACTORS:	Factors that shall be taken into account 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 <i>(Ref. Ed Act and/or Board policies)</i> .
NEGATIVE IMPACT ON SCHOOL CLIMATE:	A possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school/school property. 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 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.
OFFENCE:	A violation of law for which a penalty is prescribed.
PARENT/ GUARDIAN:	For the purpose of this Protocol, refer to Custodial Parent or Legal Guardian as defined in this Glossary. If the student is a Crown ward or a ward of the (Catholic) Children’s Aid Society, the parent/guardian shall be considered to be the (Catholic) children’s Aid Society.
PAROLE:	A term used when an offender is released from custody, after serving part of a custodial sentence. The offender is generally placed in the community with conditions that he/she must abide by. Any breach of those conditions could result in the arrest and re-incarceration of the offender.
PEACE BOND:	A court order issued by a Criminal Court Justice whereby individuals are required to keep the peace and be of good behaviour towards one another for a period of up to 12 months. Other conditions may also be included. Breach of the order can result in arrest.
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.
PROBATION:	A court imposed disposition/sentence issued by a Justice upon a person being convicted of an offence. During the period of probation, the offender must abide by set conditions, which the Justice has deemed appropriate in the circumstances. A violation of a probation order may result in the arrest of the offender.
PUBLICATION:	Means the communication of information by making it known or accessible to the general public through any means including print, radio or television broadcast, telecommunications or electronic means.
RECOGNIZANCE / UNDERTAKING:	After an offender has been charged with an offence, he/she may be released from custody on a Recognizance or an Undertaking. These are court-enforced orders, which allow the offender to remain in the community pending the outcome of the

court case. The order will generally specify a number of conditions that must be abided by until the charges are finally dealt with in court.

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.

RESTRAINING ORDER:

A court order issued by a Justice which sets conditions of a restraining order a person must abide by including, for example, "... not to molest, annoy or harass ..." a spouse and/or child/ children. A breach may result in an arrest of the offender.

ROBBERY:

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

SCHOOL CLIMATE:

The sum total of all of the personal relationships within a school. These relationships must be founded in mutual acceptance, inclusion, respect, responsibility, and civility, and must be modeled by all.

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. (*Ref. Education Act, Part 13*)

THEFT:

The fraudulent taking of personal property belonging to another, from his/her possession, or from the possession of some person holding the same for him/her, without his/her consent, with intent to deprive the owner of the value of the same, and to appropriate it to the use or benefit of the person taking.

THREAT:

Any statement, act, or communication, by any means, including electronic, 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.

VANDALISM:

Willful damage to property.

WEAPON:

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

YOUNG PERSON:

A person who is, or in the absence of evidence to the contrary, appears to be between the ages of 12 and 17 years of age



Lockdown, Hold and Secure, Shelter in Place Directive

June 2016

This policy directive supports the **Safe Schools Pillar Policy No. 11.0** by providing direction for response requirements in the event of a serious violent threat or violent incident that would endanger the lives of staff or students (Lockdown). The policy directive also provides response requirements in the event of an external threat not related to schools (Hold and Secure) and environmental threats outside of the school (Shelter in Place).

Schools will incorporate the following procedures/ guidelines into their School Lockdown Plans.

RATIONALE

The Hamilton Wentworth District School Board believes that every student has the right to learn, work and be present in a safe and secure environment. However, the possibility of a major incident of violence is a reality that cannot be overlooked. Everyone needs to know how to minimize the risk of harm to him/herself and how to protect our children, in the event of a major incident or threat of school violence.

School administrators, staff, students, parents, and police all have roles and responsibilities to support and implement the secure schools policy directive and procedures to help reduce the risk of harm to staff, students, visitors, and facility users should a violent or serious incident occur.

1.0 MANDATORY REQUIREMENTS FOR SCHOOLS

- 1.1 All schools must establish a secure schools plan that aligns with the secure schools policy directive.
- 1.2 A minimum of two lockdown drills must occur each school year.
- 1.3 Update the SPEAR data sheet by September 15th each year school year.

2.0 SECURE SCHOOLS TERMINOLOGY AND REQUIREMENTS TO INITIATE ACTION

This **provincial terminology is mandatory** to describe the type of situation occurring at or near a school. The terms are to be used consistently in all Ontario publicly funded schools as it allows for easy integration when staff, students, and emergency service personnel are transferred from one jurisdiction to another.

- 2.1 **“Lockdown”**: (usually initiated by Police; can be Principal or school personnel)

***A lockdown is defined by police as the restriction of movement during the time of a potentially serious violent threat or violent incident that would endanger the lives of students and staff.*

- used *only* when there is a major incident or threat of serious violence within the school, or in relation to the school;
- the threat is inside the school, or is on school property, and poses an immediate threat to the students and staff;
- *all movement within the school and into and out of the school is restricted;*
- *doors remain open to permit police immediate entry,*
- Police will notify the school when Lockdown is ended.

2.2 **"Hold and Secure"**: (School most likely to be notified by Hamilton Police Services)

- is used when the school is secured due to an ongoing situation outside and not related to the school that requires all persons to remain in the building(e.g. bank robbery near a school);
- *the school continues to function normally, with the exterior doors locked until the situation is resolved;*
- staff member posted near each entrance to ensure no one leaves the building;
- all movement in and out of the school is restricted;
- exterior facing windows should be covered or blinds drawn, lights dimmed, where possible.
- Police will notify the school when it can come out of 'Hold and Secure.'

2.3 **"Shelter in Place"**: (May be recommended by Police, Fire Dept. EMS, etc.)

- is used for an environmental, or weather related situation, where it is necessary to keep all occupants within the school to protect them (e.g.. may include chemical spills, blackouts, explosions or extreme weather conditions);
- *people enter and remain in the building with the doors and windows closed;*
- Fans, including heating and air conditioning units, should be turned off to prevent outdoor air from entering the building;
- Normal operations may continue within the building.

Terminology used to initiate a secure schools situation should be in clear language, and leave no misunderstanding as to what is expected. Announcement notices using standard language to identify each of the terminology categories were previously sent to school offices to post beside the PA system or to pre-record for use in an emergency.

This information applies to the school buildings, portables, facility users such as Daycares, Recreation Centers, Early Years Centers, etc. Principals need to ensure that announcement notices are provided for each of these locales within the building.

3.0 STAFF, STUDENT, PARENT RESPONSIBILITIES

All members of the school community have responsibility for supporting and implementing the lockdown policy and school level plans.

- 3.1 **Principal**: The Principal is responsible for over-all school planning, the final content of the school plan, scheduling of drills, advising parent/ guardians, inviting police, fire and emergency medical service (EMS) to participate in and be aware of planning and drills; training students

and staff; and the overall safety of staff and students. In an actual incident (not a drill), the police are responsible for management of the threat and subsequent criminal investigation; however, the Principal shall provide full cooperation with police.

- 3.2 **Staff:** School staff have the overall responsibility for the training, safety, and well-being of students. Staff in non-school sites also have a responsibility to take part in training and follow the direction of the site manager. Administrators during a violent incident have additional responsibilities in terms of working closely with police
- 3.3 **Students:** Students have a responsibility to be familiar with the plan and to quickly respond to staff directions during a crisis situation. Any student with prior information or knowledge of an individual or a potential situation which may result in a violent incident must come forward with that information as soon as possible.
- 3.4 **Police:** Police are responsible to respond to and investigate violent incidents. During a violent incident police will assume command and control of the response and investigation and will liaise closely with school administration and other emergency services throughout the process.
- 3.5 **Parents/Guardians:** Parents and guardians must be informed of the existence of the lockdown plans in the school and should reinforce with their children student responsibilities to follow directions during a crisis and disclose any information they may have prior to or during a crisis situation. Parents should be informed they are not to use their cell phones to communicate with their children in lockdown. Parents are responsible for keeping their child's contact information up to date so they can easily be reached by staff in the event of an emergency.

4.0 FLOOR PLANS

4.1 School Level

- Accurate floor plans are a key component of lockdown plans and are important from both a planning and a response standpoint.
- *Consideration should be given to colour coding floor plans using three colours, such as red, green and blue. Red indicates dangers 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. Colour coded master plan is held by the Principal and community partners, and provided to occasional staff.*
- 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 may be identified 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 available as needed.
- *Non-colour 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.*

- It is vitally important that police have current, accurate information about the school emergency personnel.
- Buildings, entrances, and all rooms within buildings need to be clearly identified. *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 and external school buildings shall be clearly identified. All exterior doors shall be clearly identified, for example, doors marked A, B, C, etc. All rooms within the building should be clearly marked with room numbers. Floor plans shall reflect most recent modifications.
- *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 at the command post, for emergency 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 at the command post, to emergency services personnel.*

4.2 Board Level

- Facilities management to send electronic copies of all school floor plans to police, and update as new schools are built.
- Board to consider, over the long term, installing mechanisms to notify persons who are outside and in high noise level areas when lockdown is initiated (eg. outdoor speakers, strobe lights).
- Facilities management will ensure all portables in the system are numbered.
- Numbers will appear on the upper corners under the fascia.
- The portable numbers are to be included on the SPEAR data sheet for Hamilton Police Service.

5.0 FACILITY USERS: Included in planning, training, and drills

- Facility users are those persons/organizations who share school space during the regular hours of the school day (e.g. Daycares, Best Start, Parenting Centres, etc.)
- Facility users and school administrators must have each other's cell phone numbers.
- Facility users locations and cell phone numbers must be on the SPEAR data sheets.
- **Facility users must be aware of, and practice, lockdown drills 2 times per year.**

6.0 INITIATING A 'LOCKDOWN' (e.g. immediate safety threat to staff and students)

- Any adult who receives information requiring a lockdown should initiate it immediately using the PA system.
- *Announce:* "This is a Lockdown" be affixed near the PA or near a microphone.
- All students remain in classrooms.
- Students in halls and washrooms report to the nearest classroom immediately.
- Teachers close (and lock, where possible) classroom doors, shut lights off, direct students to classroom area away from doors, down on the floor, remain quiet.
- The Board provides standard announcements to be posted beside PA systems to ensure correct terminology is used (shelter in place, hold and secure, lockdown in)

6.1 Procedures during Lockdown

Closed Areas: *Where possible, all staff, including occasional, part-time or itinerant teachers, must have the ability to lock their classroom doors. It is recommended that, before closing or 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 make the area appear vacant by doing the following:*

- stay away from doors and windows;
- turn off lights;
- close blinds;
- be aware of sight lines;
- if there is a window in the classroom door, consider covering the window;
- take cover if available (get behind something solid)
- remain absolutely quiet;
- take attendance (to be done by teachers); *and keep copy thereof on person;*
- not use cell phones (students and staff). Cell phones should be shut off or put on vibrate;
- *consider barricading doors where possible, when doors cannot be locked. 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.

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. Cell towers can become jammed and emergency personnel unable to access them when students are using their phones. Emergency personnel will need all available band width.

Open Areas: In open areas including cafeterias, libraries, gymnasiums, hallways, etc., staff should try to direct students to the nearest secure area. If that is not possible, staff should direct everyone to get under tables or behind furniture and follow all other suggestions including the possibility of evacuating to the exterior of the school. This may be the best option in some scenarios. In this case, consider locating to areas adjacent to exterior walls that have doors leading to the outside.

Portables: Tip tables/desks onto their sides with desktops facing out, and all desks placed in a circle, with students/ staff gathered within the circle, down on the floor below the top edge of the desk.

Washrooms: Washrooms cannot be locked, therefore they should be identified during planning as a danger (red) area in the event of a lockdown.

- Students in the washroom should go immediately to the closest classroom if it is safe to do so.
- If it is not safe to leave the washroom, students should lock the stall door and sit on the toilet with their legs up
- In elementary schools, an adult who normally works in close proximity to student washrooms and believes it is safe to do so may check washrooms after gathering in students from the immediate vicinity of a classroom, prior to locking down.
- In secondary schools it is recommended that training include an explanation to students that they are responsible for getting out of the washrooms immediately upon hearing a lockdown announced, and getting to the nearest classroom or other area that is identified as a safe 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.

Fire Alarms

- 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 student must always be aware of other dangers such as fire, and be prepared to respond accordingly in order to ensure their own safety.

7.0 CHILD CARE and PARENTING and FAMILY LITERACY CENTRES

- Principals are to ensure the appropriate staff from organizations sharing facilities are included in the development and implementation of lockdown procedures and that these organizations participate in aspects of planning, training, and drills. A minimum of two lockdown drills per term is required.

8.0 COMMUNITY USE OF SCHOOLS USERS

- It is incumbent upon any organizations who contract to use Board facilities during or after regular hours to assume responsibility for ensuring that their staff and participants are aware of all required safety precautions and drills. Community use groups are required to review the Lockdown, Hold and Secure, and Shelter in Place Policy on the Board website.

9.0 OUTSIDE OF SCHOOL BUILDINGS

- Current procedures address where staff and students outside the school should go in the event of a lockdown, including a lockdown that occurs during recess or during arrival and dismissal times, i.e., alternate evacuation sites as identified in the SPEAR report.
- People outside of the school personnel (e.g. Parents, lunch supervisors, volunteers, bus drivers, etc.) will be advised, at the start of each school year, via school newsletter, letter etc. where the evacuation sites are located.
- In order to ensure that those who are outside school building are aware that the school is locking down, either the PA system must be capable of being activated outside the school or another

means of alert must be determined (continuous ringing of outdoor bell). Consideration should also be given to a visual indicator that can be used to indicate a lockdown has been called.

- Those who are outside the school when a lockdown is called shall not re-enter the schools, but shall proceed immediately to a pre-determined off-site evacuation locations(s). Once at the location, staff and students shall remain in that location until further advised by administration or police. Plans should include the taking of attendance at the off-site evacuation location(s). In the event a "Hold and Secure" situation occurs while staff and students are outside the building, they should re-enter the building prior to the exterior doors being locked.

10.0 CONTROLLED EVACUATION

- In the event of a prolonged situation, or a situation where the threat has been contained (e.g. barricaded individual), school plans should state that Police may initiate a controlled evacuation of the school.
- Police will make the decision as to whether a controlled evacuation of a school under lockdown is a viable option, and will direct the evacuation process. This will normally be done on a room by room basis, with evacuees being escorted by police to the evacuation location.

11.0 PROCEDURES TO END A LOCKDOWN

There is a need to include the same level of authenticity to ending a lockdown as to initiating one. Plans to conclude a lockdown will vary by location.

- The decision to end a lockdown shall be made only after approval of the on-scene police incident commander.
- If possible, the principal should make the announcement to end a lockdown after direction from police.
- Police/school administration should plan sort of identification process as part of the announcement, so that the occupants of a locked room know that whoever is giving the all-clear is in fact authentic
- A room-to-room visit from police/school administration, with staff and students remain in the classroom until the police and/or principal come to get you.
- School plans should include a procedure for notification of end of lockdown at emergency off-site location.
- Notification to parents that a lockdown has ended will be done by synervoice and on the school website by Corporate Communications.

12.0 TRAINING

- Orientation of new hires to the board includes mandatory lockdown training.
- Schools must provide lockdown review training for all staff during each school year, as early in the school year as possible.
- Schools should consider holding assemblies, using the PA system or a specific instructional unit to train secondary students on lockdown procedures.
- Classroom teachers should be responsible for training students in elementary schools.

At the beginning of each school year, Principals shall:

- review the school lockdown policy directive with staff; including facility users, volunteers, etc.
- update the SPEAR data sheet with Police by November 1 annually;
- ensure that students, parents, and staff understand the rationale and expectations of the lockdown drills;

13.0 DRILLS

- Inform parents of the school's lockdown plan through newsletters, as part of student agenda information, through school or board websites, or through information sessions on lockdown plans.
- Any training provided to students with special education needs should be consistent with the expectations outline in the Individual Education Plans.
- It is advantageous to have police partners present to assist with staff and student training.
- Ensure partners in the school either attend or have the materials to do their own training.
- Dates and times of the two lockdown drills must be recorded by the Principal.
- Principals shall set the date of drills and over-see the drill, however, police support/assistance should be utilized whenever possible during drills. Contact your school resource officer for support.
- Area supervisors of caretaking should be involved in drills.
- Staff, students, and parents should be given prior notice of an impending lockdown drill.
- Notify Police, EMS, and Fire Department of impending drills.
- The Board may invite Fire and EMS to a drill to test all of the systems, so they become familiar with HWDSB lockdown plans.

14.0 MEDIA MESSAGES DURING LOCKDOWN, HOLD & SECURE, SHELTER IN PLACE

Communication with parents, guardians, and the community in general is important so as to ensure a good understanding of lockdown procedures, without instilling fear. Coordinated and consistent messaging from all partners is essential in maintaining public confidence.

- Corporate Communications will facilitate communication during lockdowns in consultation with Hamilton Police Services.
- Corporate Communications will provide synervoice, board website announcements, and media outlets with information during a secure schools situation where appropriate.
- Regular updates will be provided if a secure schools situation is prolonged.
- Media personnel from police and school boards should share press releases prior to their release to the media.
- Following a Lockdown, Corporate Communications will prepare a communication for parents to be sent home with each student at the end of the day.
- Police may determine that a Parent/Guardian staging area needs to be established where parents/guardians can go to learn the most up-to-date information about the situation at the school. This site will be an area away from the immediate emergency threat.

15.0 POST LOCKDOWN RECOVERY

- Following a lockdown, a debriefing should occur in all situations. 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 crisis response team will normally be engaged. In all cases, communication with parents is vital.
- Each school plan, as well as the Board system plan, shall be thoroughly reviewed annually, including updated the SPEAR data sheet.
- Following an actual incident requiring “lockdown”, a written report about the event is to be completed and submitted to the Board’s Emergency Preparedness Committee” by the Principal or site manager. The attached Lockdown Incident Form is to be completed in discussion with your Superintendent, with both parties retaining a copy.

16.0 MONITOR AND REVIEW

- This protocol is to be reviewed once every two years via the Police/School Board Liaison Committee agenda.

17.0 ALIGNMENT TO OTHER BOARD POLICIES AND PROVINCIAL LEGISLATION includes but is not limited to:

Government Documents

Part XIII of the Education Act

Access to School Premises – Ontario Regulation 474/00

HWDSB Strategic Directions

Positive Culture and Well-Being

HWDSB Policies

Safe Schools Pillar Policies

Emergency Response Protocol

Police/School Board Protocol

21st Century Learning and Technology

Code of Conduct Policy

Student Behaviour and Discipline

Bullying Prevention and Intervention

BOMB THREAT PROCEDURES (And Other Explosive Devices)

This protocol requires individual schools to develop bomb threat response plans. The protocol provides the framework for developing the response plans at the school level. It also outlines the requirement that staff, students, and other partners are aware of their respective responsibilities in the event of a bomb threat. The Principal is responsible for the overall development and final content of the individual school plan.

RATIONALE

The Ministry of Education, school boards, and police services 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 reported or discovered, or an explosives incident takes place. The protocol outlines the framework for developing a school based response plan that aligns with other boards to ensure a level of consistency across the province regarding emergency response procedures.

1.0 MANDATORY REQUIREMENTS

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.

2.0 ROLES AND RESPONSIBILITIES

Principals will:

- notify Police of all bomb threat incidents;
- be responsible for the overall development and final content of the individual school bomb threat plan;
- prepare and evacuation kit for us in the event of an evacuation;
- invite police to participate in evacuation drills;
- notify parents that fire, lockdown and bomb threat drills will be held throughout the school year;
- ensure training of staff and students;
- oversee safety of staff and students;
- be completely familiar with the bomb threat plan at his/her school;
- be responsible for initial assessment and related decisions, including a decision if evacuation is necessary;

- co-operate with police and strive to ensure that staff and students do the same;
- continue to support emergency responders after he/she has been located to a safe place
- Ensure floor plans are provided to HPS via SPEAR data sheet (update info from Ed. Centre annually);
- ensure evacuation notices are posted in each classroom (provided by Facilities);
- ensure floor plan for the room is located on is posted in each classroom (provided by Facilities);
- record all key distribution for permanent staff and retrieve prior to staff changing schools;
- record all key distribution to occasional teachers and collect at end of assignment(STO or LTO);
- communicate awareness and highlights of the Bomb Threat Procedures to parents/guardians; and
- conduct 1 Bomb Threat Drill per year

School Staff will:

- participate in the overall training , safety, and well-being of students;
- follow the procedures outline in all school safety plans; and
- conduct a visual scan of their immediate areas for suspicious articles if a request is made to do so; report suspicious articles, if any, to Principal.

Office Staff will:

- work closely with Principal;
- work closely with police; and
- record precise details of bomb threat calls, especially the exact wording of the threat.

Custodial Staff will:

- unlock doors when directed by Principals to allow emergency responders to enter.

Students will:

- be familiar with, and respond quickly to the direction of staff; and
- come forward with information regarding a bomb threat as soon as possible;
- understand the importance of not using cell phones.

Parents/Guardians will:

- read information provided regarding the existence of a bomb threat plan at the school;
- reinforce with their children the responsibilities students have to following directions during an incident; and
- be responsible for disclosing information they may have about a threat or incident.

Police will:

- respond to and investigate bomb threats and explosive incidents;
- assume command and control of the response and investigation;
- engage other emergency personnel as required (EMS, Fire Department); and
- work closely with the Principal and other emergency personnel.

All School Community Members:

- staff, students, parents/guardians who become aware of a bomb threat through social media should contact the Principal during or after school hours and contact police on weekends.

3.0 FLOOR PLANS, ROOM IDENTIFICATION, FACILITATION OF ACCESS

- SPEAR data sheet is submitted to Hamilton Police Services at the start of each school year.
- Floor plans that identify entrances and exits of each floor should be posted throughout the school.
- Rooms and portables should be identified.
- Master key should be available to emergency service responders.
- Custodial staff will unlock all exit doors to enable emergency responders to enter.

4.0 FACILITY ASSESSMENT AND PHYSICAL SECURITY

Careful assessment of a school facility and sound security and planning measures may reduce the potential for bomb threats and explosive incidents. Schools plans should detail proactive measures to enhance security to prevent bomb threats and explosive incidents.

5.0 BOMB THREAT INTAKE PROCEDURES – Appendix C-2

Keep the attached “Bomb Threat Intake Checklist” readily available on office administrator and school administrator desks.

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.

- All Bomb Threats should be taken seriously and reported immediately to Principal or designate;
- Bomb threats received through social media or text should be isolated and removed from any external posting;
- Principal or designate :
 - calls the police,
 - reviews the checklist with police,
 - begins evacuation procedure if danger is imminent (see specific time noted on checklist);
- Principal or Designate calls Superintendent and Corporate Communications; and
- Ensure main entrance is unlocked for police to enter.

6.0 BOMB TREAT PRINCIPAL or DESIGNATE ASSESSMENT (Appendix C-3)

The initial assessment is intended to assist the Principal in making a decision about whether to authorize a visual scan and/or evacuation. The safety of students and staff is paramount. Considerations to be taken to determine next steps:

- 1) Review the information recorded on the Bomb Threat Intake Procedures checklist;
- 2) Is the threat imminent? (3 hours from now? tomorrow? No time provided?) **If imminent, evacuate; call Police (police will call Fire Dept. if necessary)**
- 3) Review other notes taken by the caller;
- 4) Determine activities taking place in the school at the time (e.g. Is this an attempt to disrupt school during exams?);
- 5) Determine if threat is to a specific location stated or the entire school;
- 6) Consider likelihood of someone having the opportunity to place a bomb in the stated location;
- 7) Review if there been a recent negative experience with any student, staff or person that could be connected to this threat;
- 8) Review if there have been any other recent bomb threats in your school or other schools; and
- 9) Any reports of suspicious device/package being located.

Immediate Steps

- 1) Is a visual scan appropriate or should evacuation be called? If so, announce: "Staff, please conduct a visual scan and notify office of results."
- 2) **CONTACT POLICE – 911 – This can occur during visual scan**
- 3) Review information from Bomb Threat Report
- 4) Review activities occurring at the school
- 5) Is evacuation underway?
- 6) Status of any safe, visual scan underway, if completed;
- 7) Name, position and contact number of person police should contact
- 8) **Contact Superintendent** Responsible for your school.
- 9) **Review Evacuation Kit**
 - a) Evacuation Team Responsibilities,
 - b) Spear Data Sheet,
 - c) Evacuation Plans for Accommodated Staff and Students,
 - d) Small scale drawing of school including evacuation routes, floor plans
 - e) Staff list,
 - f) Register of locker assignments,
 - g) Emergency contact numbers,
 - h) Pen, paper.

7.0 VISUAL SCANS

Based on the initial assessment, a Principal may decide it is safe to do a visual scan of the school or classroom for suspicious devices or packages. Staff may be asked to do a visual scan of the area in which they are working to identify if there is anything suspicious in the area.

If the threat is to the entire school, and when it is safe to do so, visual scans should be conducted in:

- the parking lot;
- entrances to the school;
- large gathering areas in the school (e.g. Cafeteria, gym);
- hallways, stairways, and elevators;
- washrooms, classrooms, main office, staffrooms, service and mechanical room/ spaces; and
- school plans should designate volunteer staff to do visual scans on non-instructional areas.

Document the areas that have been inspected to assist police.

8.0 PROCEDURES FOLLOWING THE LOCATION OF A SUSPICIOUS DEVICE/ PACKAGE

Under no circumstances should a staff member conducting a visual scan touch a suspicious package or device. Staff must report their findings to the office and evacuate the immediate area.

When a suspicious package/device is located, the following must occur:

- isolation/containment of the device/package, ensuring it not touched;
- immediate communication of the discovery to the Principal;
- call Police to notify them that suspicious package/device has been found (Police call Fire Dept. or EMS if necessary);
- principal conducts immediate re-evaluation of any evacuation decisions in light of the discovery; and
- principal will work with emergency services personnel to evaluate the need to relocate evacuees and or command posts.

9.0 EVACUATION PROCEDURES: (EVACUATION KIT CONTENTS APPENDIX C-4)

Every school must have a detailed evacuation plan to facilitate a safe and effective evacuation of the school. Students should take their belongings in the immediate area with them. Staff should take an attendance list and pen.

The plan must include:

- a clear, concise announcement that an evacuation should begin;
- designated stairwells and alternate stairwells;
- plans for evacuating the physically challenged staff and students;
- evacuation routes and locations;
- attendance taking at the evacuation location;

- direction to staff and students to refrain from using electronic communication devices; and
- consideration of school buses for shelter if it is inclement weather.

Principals or designate should have the following information ready for police arrival:

- Information provided on the bomb threat intake sheet (copy if safe to do so)
- All information gathered during initial assessment;
- Status of any evacuation underway;
- Location of Primary Command Post, Secondary Command Post, Off-site Command Post
(these locations are not to be publicly identified)
- Name of in-school contact person for police, once they are on the scene.

Assessment of the situation should continue until police arrive. Specifically the Principal should be informed:

- if a suspicious package/device is located;
- if any interference with any evacuation is underway.

10.0 RE-ENTRY PROCEDURES

School Plans must include procedures for ending evacuations and ensuring re-entry to school. The decision to end an evacuation shall be made by the Principal in consultation with Hamilton Police Services. Depending on the circumstance, this could be a general announcement, or visiting each classroom if a partial evacuation. It could be a controlled dismissal if students are unable to re-enter the building due to a specific circumstance.

11.0 PROCEDURES FOLLOWING AN EXPLOSIVES INCIDENT

The School Principal shall be notified immediately when an explosives incident occurs.

- Call Police; Police call Fire Department and EMS.
- Evacuate the area around the explosion immediately to a designated evacuation location.
- Provide emergency first aid where necessary.
- Communicate nature of injuries to command post.
- Determine if evacuation from entire site is necessary, or whether partial is sufficient.
- Evacuate entire site if there is evidence of a fire.
- Principal and emergency service personnel will determine the need to relocate evacuees.
- Staff scan their immediate areas and evacuation routes as they proceed to monitor for suspicious devices or packages.

12.0 CONTAINMENT OF THE EXPLOSION SCENE

Once the area has been evacuated, no person is allowed to re-enter. The area will be considered a crime scene.

13.0 COMMUNICATIONS AT THE SCENE

- Principal is the designate for internal communications on site (police, staff, students, other emergency responders).
- Corporate communications will assign staff for external communications (parents, media, other stakeholders).
- Police will determine the need for messages to be released, e.g.: whether a parent/guardian staging area may need to be established where parents can go to learn the most up-to-date information about the situation at the school. This site will be an area away from the immediate emergency threat to safety.

14.0 CHILD CARE AND OTHER FACILITY OCCUPANTS

Principals are to include child care centres and other tenant in the development of the School Bomb Threat Protocol. They should also be included in the training and in the drills. Evacuation notices should also be posted for and reviewed with staff and visitors of after school programs, night school, rentals, etc.

15.0 OUTSIDE OF SCHOOL BUILDINGS

School plans must address the notification of, and the actions to be taken by staff and students, who are outside the school building when a bomb threat is received or a suspicious package or device is located, or an explosive incident occurs.

It is advised that a messenger direct the staff to assemble the students and proceed to an off-site location as per the evacuation plan. Staff should take attendance at the off-site location and await further direction from the Principal or Police.

16.0 TRAINING

- Principals will receive training at the system level;
- A Training segment will be provided for Principals to use on the Professional Activity Compliance Day session;
- New staff shall do the training as part of their orientation;
- Secondary schools should train students regarding their responsibilities regarding reporting bomb threats to the Principal, as well as their responsibility to follow appropriate procedures during a bomb threat;
- Elementary teachers should determine the level of information their students need;
- All teachers will provide specific information to special education students consistent with their needs;
- It may be beneficial to have Hamilton Police Officers assist with the training.

17.0 DRILLS

- One (1) Bomb Threat drill is required each year.
- The Principal is responsible for setting the dates of Evacuation Drills and overseeing the drill, with police assistance/support.

18.0 SCHOOL PLANS (APPENDIX C-1)

Principals will lead the development of the Bomb Threat Plan and Procedures for the School, and work in consultation with the Safe Schools/ Positive School Climate Committee. The plan should include all noted sections in this protocol. Suggestions for creating a climate that is safe and one that builds positive relationships between and among staff and students should be included to help reduce the risk of threatening behaviours, such as bomb threats, within the school setting.

Appendix C-1 Bomb Threat School Plan (and Explosive Devices)

Appendix C-2 Bomb Threat Intake Report Procedures

Appendix C-3 Bomb Threat Principal Assessment

Appendix C-4 Emergency Evacuation Kit

BOMB THREAT SCHOOL PLAN (and Explosive Devices)

SCHOOL NAME: _____

SCHOOL ADDRESS: _____

PRINCIPAL: _____

VICE-PRINCIPAL: _____

DATE PREPARED: _____

ANNUAL REVIEW DATE: _____

ROLES AND RESPONSIBILITIES

Principal will:

- Notify Police of all bomb threat incidents;
- Notify Corporate Communications of all bomb threats;
- Notify Superintendent of all bomb threats;
- Be responsible for the overall development and final content of the individual school bomb threat plan;
- Prepare an Emergency Evacuation kit for us in the event of an evacuation;
- Invite police to participate in evacuation drills;
- notify parents early in the year through the school newsletter that fire, lockdown and bomb threat drills will be held throughout the school year;
- Ensure training of staff and students;
- Oversee safety of staff and students;
- Be completely familiar with the bomb threat school plan at his/her school;
- Be responsible for initial assessment and related decisions, including a decision if evacuation is necessary;
- Co-operate with police and strive to ensure that staff and students do the same;
- Continue to support emergency responders after he/she has been located to a safe place
- Ensure floor plans are provided to HPS via SPEAR data sheet (update info from Ed Centre annually);
- Ensure evacuation notices are posted in each classroom (provided by Facilities);
- Ensure floor plan for the room is located on is posted in each classroom (provided by Facilities);
- Record all key distribution for permanent staff and retrieve prior to staff changing schools;
- Record all key distribution to occasional teachers and collect at end of assignment (STO or LTO); and communicate awareness and highlights of the Bomb Threat Procedures to parents/guardians.

School Staff will:

- Participate in the overall training , safety, and well-being of students;
- Follow the procedures outline in all school safety plans; and
- Conduct a visual scan of their immediate areas for suspicious articles if a request is made to do so; report suspicious articles, if any, to Principal.

Office Staff will:

- Work closely with Principal;
- Keep copy of Bomb Threat Intake In-take Report readily available at all times(blank copy on all office and administrator desks)
- Work closely with police; and
- Record precise details of bomb threat calls, especially the exact wording of the threat;

Custodial Staff will:

- Unlock doors when directed by Principals to allow emergency responders to enter

Students will:

- Be familiar with, and respond quickly to the direction of staff; and
- Come forward with information regarding a bomb threat as soon as possible
- Understand the importance of not using cell phones.

Parents/Guardians will:

- Read information provided regarding the existence of a bomb threat plan at the school;
- Reinforce with their children the responsibilities students have to following directions during an incident; and
- Be responsible for disclosing information they may have about a threat or incident.

Police will:

- Respond to and investigate bomb threats and explosive incidents;
- Assume command and control of the response and investigation;

FLOOR PLANS, ROOM IDENTIFICATION, FACILITATION OF ACCESS

Attach a copy of SPEAR data sheet to the school plan since it should contain all of this information

BOMB THREAT INTAKE REPORT PROCEDURES

Ensure all office administrators and school administrators have this on their desk in print form in the event of a power disruption.

STAFF TRAINING

- Staff training to be conducted annually during compliance day training;
- Training will include a review of the Board Protocol;
- Ensure staff review the evacuation routes from the areas where they teach;
- Ensure staff know the alternate location if they are directed to use it;
- The Safe Schools/Positive School Climate Team will review the School Bomb Threat Protocol annually to ensure it is current;
- Ensure that staff understand announcement “Staff, please conduct a visual scan and report; findings to Office” means that school has received a bomb threat. This information is not shared with students or the public.

BOMB THREAT ANNOUNCEMENT

If Principal or designate determine the need to evacuate; staff and students are to do so.

EVACUATION: Upon hearing announcement (revised) “THIS IS AN EMERGENCY THAT REQUIRES IMMEDIATE EVACUATION; PLEASE TAKE YOUR PERSONAL ITEMS WITH YOU”:

Proceed according to school evacuation procedures, including the following:

- Take attendance list – take attendance once evacuation is completed;
- Remind students not to use cell phones;
- Visually scan exit route for suspicious packages or devices while exiting; if spotted, stop, take alternate route;
- Wait for direction from Principal or Police once outside.

RE-ENTRY PROCEDURES

Each school plan will include procedures for re-entry to the building once it is safe to do so.

EVACUATION DRILLS

School Principal will conduct one (1) evacuation drill per year.

BOMB THREAT INTAKE REPORT PROCEDURES
(Recipient of Bomb Threat Call)

- 1. Remain calm, Listen, Do not interrupt
- 2. Keep Caller on Line as Long as Possible
- 3. Signal for Principal if Possible
- 4. Get as much information as possible

Date: _____ Time: _____ Duration of Call: _____

Telephone Number on Line Call was received: _____

Exact wording of threat (include profanity, etc.):

Questions:

- 1. *When is the bomb going to explode?*
- 2. *Where is the bomb located?*
- 3. *What does the bomb look like? (package, pipe, letter, etc.)*
- 4. *What will cause it to explode?*
- 5. *Did you place the bomb? Why?*
- 6. *Where are you calling from?*
- 7. *What is your name?*

Characteristics of Caller:

Sex: _____ Age Group: _____ Telephone No. if available: _____

Accent: _____

Voice (loud, soft, etc.): _____

Speech (rapid, slow, slurred, etc.): _____

Dictation (nasal, lisp, stutter, etc.): _____

Emotional state (calm, excited, angry, etc.): _____

Was caller's voice familiar? _____

Was caller familiar with site? _____

Background noise (street, music, PA system, factory, etc.): _____

Any other information: _____

Threat received by: _____

BOMB THREAT PRINCIPAL ASSESSMENT

PRINCIPAL OR DESIGNATE ASSESSMENT

1. Review information obtained "BOMB THREAT REPORT - Recipient of Bomb Threat Call and recipient of the threat call
2. Review activities that are occurring within the school on that day.
3. Was there a specific location of the school that was identified?
4. Was the threat made for the current time or identified for a future date?
5. Have there been any recent events involving staff or students that could be connected to this threat?
6. Has there been any recent bomb threats? Your school? Other schools?
7. If there is a stated location, is it possible that a bomb was placed there?

Immediate Steps:

1. Is a visual scan appropriate or should evacuation be called?
2. **CONTACT POLICE - 911** – this can occur during visual scan
 - a. Review information from Bomb Threat Report
 - b. Review activities occurring at the school
 - c. Is evacuation underway
 - d. Name, position and contact number of person police should contact
 - e. Police will contact Fire Department and EMS (if necessary)
3. **Contact Superintendent** responsible for your school.
4. **Review Emergency Evacuation Kit**
 - a. Evacuation Team Responsibilities;
 - b. SPEAR Data Sheet
 - c. Evacuation Plans for Accommodated Staff and Students
 - d. Small scale drawing of school including evacuation routes
 - e. Staff list
 - f. Register of locker assignments
 - g. Emergency contact numbers
 - h. Pen, paper

EMERGENCY EVACUATION KIT

Contents of Kit - Checklist

- ❖ Your particular school evacuation plan.
- ❖ Individual participant kit, i.e. directions and role functions.
- ❖ Instructions for special requirements, i.e. handicapped, wheelchair students.
- ❖ Copies of medical information of identified students
- ❖ Copies of small scale school drawings indicating evacuation routes and exits.
- ❖ List of staff names and functions.
- ❖ List of telephone numbers.
- ❖ Identification, i.e. name tags, bracelets, etc.
- ❖ Supply of paper, pencils and erasers.
- ❖ Charger for portable laptop
- ❖ Portable Lap Top (Principal may take his/her with him as they evacuate

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 his/her rights. It would be of evidentiary value to record this initial interaction with the youth while gauging their level of understanding.
- This requirement involves learning something about the young person's level of education, language and vocabulary skills, ability to comprehend and emotional state.
- This requirement can only be achieved by engaging the young person in conversation. Consideration should be given to the following non-exhaustive list of questions:

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

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

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

La Cour d'appel de l'Ontario a souligné l'importance d'enregistrer sur bande vidéo toute déclaration d'une personne inculpée. Ceci est d'autant plus important lorsqu'on envisage d'inculper un adolescent ou d'enregistrer sa déclaration qu'il faut lui expliquer clairement les éléments d'information prévus par l'art 146 **en des termes adaptés à son âge et à sa compréhension.**

Le meilleur moyen de prouver que vous avez adapté vos explications à l'âge et niveau de compréhension de l'adolescent en question est de procéder à un enregistrement sur bande vidéo.

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

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

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

MITIGATING AND OTHER FACTORS

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

OTHER FACTORS

1. The student's history.
2. Whether a progressive discipline approach has been used with the student.
3. Whether the activity for which the student may be or is being suspended or expelled was related to any harassment of the student 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 student's ongoing education.
5. The age of the student
6. In the case of a student for whom an individual education plan has been developed;
 - i) whether the behaviour was a manifestation of a disability identified in the student's individual education plan,
 - ii) whether appropriate individualized accommodation has been provided, and
 - i) whether the suspension or expulsion is likely to result in an aggravation or worsening of the student's behaviour or conduct.

**RELEVANT LEGISLATION REGARDING
SHARING OF INFORMATION AND DISCLOSURES**

YOUTH CRIMINAL JUSTICE ACT (YCJA)

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

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

The following subsections of Part 6 are of particular relevance for Police/school board protocols:

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

YOUTH CRIMINAL JUSTICE ACT (YCJA) AND POLICE/SCHOOL BOARD SHARING INFORMATION PROTOCOL

The Youth Criminal Justice Act (YCJA) contains a strict, mandatory regime relating to the publication and disclosure of information and reports pertaining to offences committed or alleged to have been committed by young persons.

- Section 110 of the *Youth Criminal Justice Act* provides that, subject to Section 110, no person shall publish the name of a young person or any other information related to a young person if it would identify the young person as the young person dealt with under the *Youth Criminal Justice Act*.
- Section 111 of the *Youth Criminal Justice Act* provides that, subject to Section 111, no person shall publish the name of a child or young person or any information related to a child or young person if it would identify the child or young person as having been the 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.
- For the purpose of both Section 110 and 111 of the *Youth Criminal Justice Act* “Publication” means the communication of information by making it known or accessible to the general public through any means including print, radio or television broadcast, telecommunication or electronic means.

While “publish” has been broadly interpreted by the courts, this provision does not:

- (a) prohibit a school board from exercising its rights to suspend or expel a student, and/or from holding a hearing for this purpose, or
- (b) prohibit the disclosure of certain information to any professional or other person engaged in the supervision or care of a young person, including the representative of any school board or school or any other educational or training institution, by a peace officer or any other person engaged in the provision of services to young persons.
- 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
- Section 123(1) – the Police Service is not authorized to disclose YCJA records to a school board or Principal unless the school board and/or the Principal obtains an order from a Youth Justice Court Judge pursuant to Section 123(1)(a)(ii). Those subsections permit a Justice to order production to any person(s) deemed to have a valid or substantial interest in the record, to the extent directed by the Justice, if he/she is satisfied that the disclosure is desirable or necessary in the interest of the proper administration of justice.

Can HPS let me know if this reference above is still valid please?

- 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.”

Accordingly, without a court order, the Police Service shall not disclose or provide to the School Board / Principal any reports maintained under the YCJA **except** as permitted by s.125(6). Under s.125(6), the Police Service will generally share with the School Board / Principal information pertaining to young persons, including “high risk youth”*, and to young persons who are subject to court ordered bail conditions, probation orders or conditional supervision.

* “High risk youth” means a youth who is determined by a Police Service Divisional Youth Officer to pose a risk to the safety of the community and/or to him/herself, based on an assessment of the youth’s background, criminal convictions, history of involvement in criminal activity and current situation, pursuant to internal Police Service policies.

1. Young person information may only be shared by designated Youth Serving Officers (YSO), and only where the disclosure is necessary:
 - a) to ensure compliance by the young person with an authorization pursuant to s.125(6) of the YCJA or an order of any court concerning bail, probation or conditional supervision, re-integration leave, attending school, or
 - b) to ensure the safety of staff, students or other persons; and
 - c) to facilitate the rehabilitation of the young person.

2. Requests for information from school board staff shall be directed through the Principal to the YSO in the Division in which the school is located. (Please refer to Police Serving Officers chart S.18.1)
 - (a) Requests from grades JK to 5 will be directed to the Divisional Youth Officer (DYO).
 - (b) Requests from grades 6 to 12 will be directed to the School Resource Officer (SRO).

3. The designated YSO's shall provide information to the Principal or to the person in charge of the school facility only.

4. Information may be disclosed by designated YSO's either verbally or in writing. The nature and scope of the disclosure will be determined by the YSO pursuant to Police Service policies and procedures.

School Boards/Principals are responsible for ensuring subsequent compliance with the disclosure, storage and security, and destruction of information sections of the YCJA and any other legislation applicable in relation to any records and/or information disclosed to them by the Police Service. School Boards/Principals shall ensure these issues are appropriately covered within internal policies and procedures and/or protocols, and are adhered to at all times

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

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA)

The Freedom of Information and Protection of Privacy Act includes issues related to disclosure between Provincial Ministries i.e. the Ministry of Education and the Ministry of Children and Youth Services. An institution shall not disclose personal information in its custody and control except where it is to an institution or a law enforcement agency in Canada to aid in an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result [s. 42(g)].

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 for 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.

GENERAL

Where a Principal has a reasonable basis to believe that a student has committed a criminal offence or is likely to commit a criminal offence, the Principal will normally be expected to report the incident to the Police, in accordance with relevant Board and Ministry of Education Policies and Procedures, taking into consideration the safety of any person.

PROVINCIAL OFFENCES ACT (POA)

In cases covered by the *Provincial Offences Act* (POA) (provincial offences such as trespass and careless driving, committed or allegedly committed by students between the ages of 12-15 inclusive), no person shall publish by any means a report of an offence committed or alleged to have been committed by a young person, or of a hearing, adjudication, sentence or appeal concerning a young person, in which the name of, or any information serving to identify, the young person is disclosed (s.99(1)).

There is no provision in the POA allowing Police dissemination of information relating to provincial offences to school personnel. Accordingly, the Police Service is generally unable to disclose to the School Board records or information pertaining to offences under the POA, and neither the School Board nor the Police Service are entitled to publish any information pertaining to the young person who has committed or allegedly committed a provincial offence.

However:

- (a) Section 99(1) does not prohibit the publishing of information by a Police officer for the purpose of investigating an offence which the young person is suspected of having committed, nor the disclosure of information in the course of the administration of justice, but not for the purpose of making the information known in the community [s.99(3)], and
- (b) The POA is subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, which allow a School Board to share information with a Police Service relating to provincial offences for law enforcement purposes (see below).

EDUCATION ACT

Under the *Education Act*, and in accordance with the Regulations and the Guidelines issued by the Ministry of Education, a Principal is responsible for collecting information for inclusion in a student's record. The Ontario Student Record ("OSR") contains information such as transcripts, report cards and photographs. Subsection 266(2) of the *Education Act* states that the Ontario Student Record (OSR) will not be produced in the course of any legal proceedings. There may be occasions, however, when access to the OSR of current students or former students will be sought by the Police during an investigation or for court purposes.

DISCLOSURE DURING COURT PROCEEDINGS

(a) Civil Suits

A Principal may be served with a summons requiring attendance in court on a particular date with part or all of an OSR. If a Principal receives a summons, he or she must comply with it, but should obtain legal advice from the Board's legal counsel about the issues outlined above.

As a general rule, the Principal should go to court with both the original OSR and a complete and exact photocopy of it, and should propose to the Judge that the photocopy be submitted instead of the original. The Principal should also inform the Judge that the summons is inconsistent with ss.266 (2) of the *Education Act*. The Principal must, however, relinquish the documents if ordered to do so by the Judge.

(b) Criminal Cases

If a Principal is served with a subpoena requiring his or her appearance at court with the OSR, he or she is obliged to comply with the subpoena. The Principal should obtain legal advice from the Board's legal counsel about any relevant issues prior to going to court. Since the Criminal Code is federal legislation, it takes precedence over Provincial and Municipal legislation. Therefore the Criminal Code takes precedence over OSR regulations which are Provincial. However, the Principal should inform the Judge that the use of any part(s) of the OSR as evidence in court proceedings is inconsistent with ss.266(2) of the *Education Act*. The Principal should also present the Judge with both the original OSR and a complete and exact photocopy of it, and should propose that the photocopy be submitted instead of the original.

(c) Cases under the *Child and Family Services Act*

Under the *Child and Family Services Act*, R.S.O. 1990, c. C.11, it is possible for a court to order a Principal to produce a student's OSR for inspection and copying. A court may make such an order if it is satisfied that:

- a record contains information that may be relevant to a consideration of whether a child is suffering abuse or likely to suffer abuse, and
- the person in control of the record has refused to permit a Children's Aid Society director to inspect it. If a Principal receives a court order under the *Child and Family Services Act*, he or she should seek Board/legal advice about how to comply with it.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (MFIPPA)

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) applies to the disclosure of records in the possession of both the Police Service and the School Boards.

MFIPPA does not take precedence over the YCJA. Accordingly, disclosure of any information relating to an offence under the YCJA must comply with the provisions of the YCJA. MFIPPA will govern the disclosure of records maintained by the School Board and by the Police Service which relate to:

- students between the ages of 12-17 inclusive which do not pertain to an offence under the YCJA; and
- students under the age of 12 or over the age of 18.

Despite the restrictions contained in the *Education Act* personal information, whether or not contained in the OSR, is subject to MFIPPA. This Act expressly permits a School Board to disclose confidential information to the Police to aid in an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. This section can be relied upon by School Boards to provide to Police information required during the course of law enforcement investigations.

MFIPPA does not authorize Police Services to disclose information to School Boards except in the rare circumstance where there are “compelling circumstances” affecting the health and safety of an individual. The Chief of the Police Service or designate will be required to authorize such a disclosure.

CHILD IN NEED OF PROTECTION REPORTING RESPONSIBILITIES

(Reference Child and Family Services act (CFSA)

It is the responsibility of any person who has the reasonable grounds to suspect that a child is or may be a child “in need of protection”, to report this to a Children’s Aid Society. The *Child and Family Services Act* (CFSA) obligates professionals working with children, including Police officers and teachers/Principals, to report to the appropriate Children’s Aid Society where they have reasonable grounds to suspect that a child is or may be a “child in need of protection”. The suspicion, and the information on, which is it based, must be included in the report. (Reference: s.72) The obligation is continuing. A person with additional suspicions that a child may be “in need of protection” shall make a further report, even if the person has made previous reports with respect to the same child. The definition of a child in need of protection can be found in the *Child and Family Services Act*.

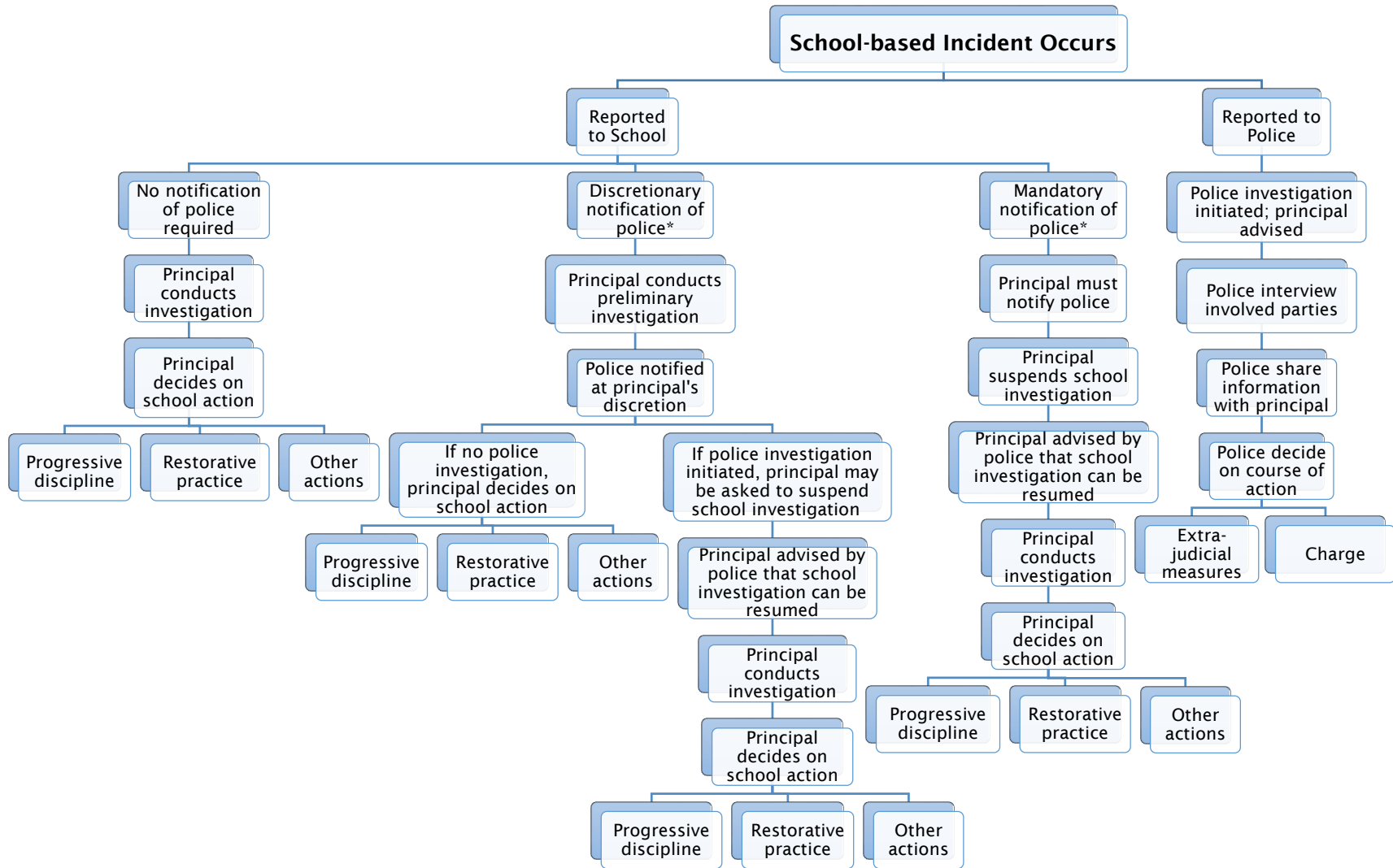
Principals, teachers **and** Police officers shall promptly take appropriate action to document and report to the Children’s Aid Society any case of suspected child abuse, in accordance with applicable internal Police Service/School Board policies and procedures. Information disclosure will occur in a manner which takes into account the situation of any child involved, in order to ensure that appropriate measures are taken to protect that child from further harm and/or repercussions as a result of the report.

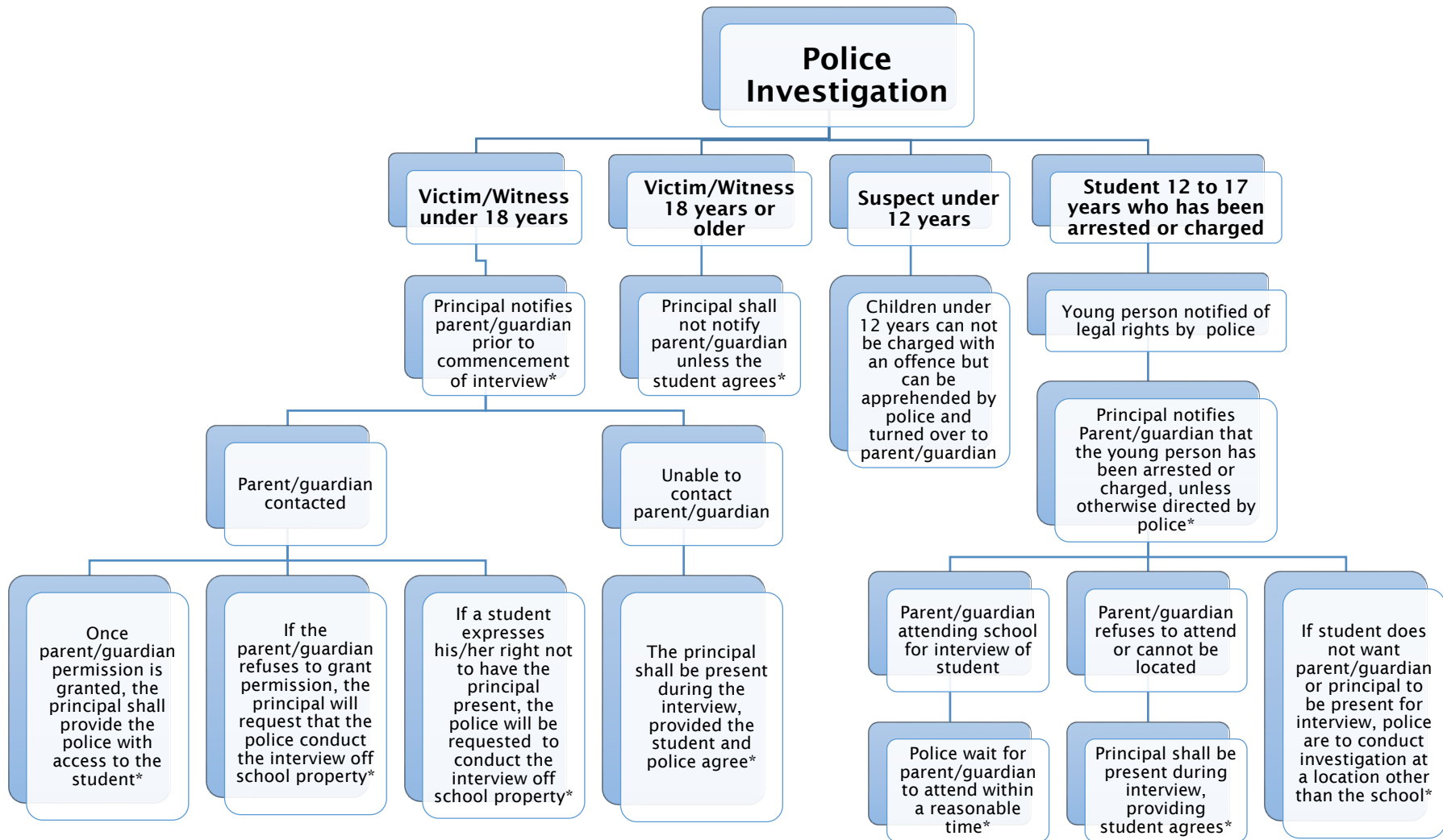
The professional duty to report child abuse overrides the provisions of any other provincial statute, including those provisions which would otherwise prohibit disclosure by the professional. The CFSA does not override the YCJA. The YCJA provides that a Youth Justice Court may at any stage of proceedings against a young person, refer the young person to a child welfare agency for assessment to determine whether the young person is in need of child welfare services. (s.35)

Detailed information as to reporting in cases of child abuse is contained in each of the School Boards child abuse reporting protocols and in the Hamilton Police Service Child Abuse Reporting Protocol, all of which have been established in conjunction with the local Children’s Aid Societies.

There is a Protocol for Co-ordination of Child Abuse Investigations between the Catholic Children’s Aid Society of Hamilton, the Children’s Aid Society of Hamilton, the Ministry of the Attorney General, Crown Attorney and the Hamilton Police Service.

PARALLEL INVESTIGATIVE FLOWCHART





VIOLENCE THREAT RISK ASSESSMENT (VTRA)

Hamilton Community Protocol

REVISED Protocol (dated December 1 2015)

Context

Over the spring, summer and fall of 2015, the VTRA Community of Practice undertook a thorough review of its protocol. The protocol has been revised significantly and endorsed by the VTRA Community of Practice membership. The revised protocol is available in both English and French.

Given the significant changes, sign-off on the revised protocol is required.

Intent

Signatories to the protocol agree to work within the intent of this protocol and the guidelines contained therein. The intent of this protocol is to enable a coordinated, collaborative, multidisciplinary approach to the identification, risk assessment and intervention planning on behalf of children and youth presenting with highly concerning threatening behaviour. We recognize and respect the unique constraints of each organization.

Ability to Activate the VTRA Protocol

Signature agencies to the protocol are able to activate this protocol.

Signatures

Agency/Organization	Signing Authority – Print Name	Signature	Date

VTRA SUMMARY FORM
(IMMEDIATE RISK CONTAINMENT AND REDUCTION)

Date/Time:

Client:

Address:

D.O.B.:

Parent/Guardian Name 1.

2.

Phone Number:

Phone Number:

School:

School contact:

Grade:

School Contact Number:

VTRA initiated by:

VTRA owned by:

Agency:

Agency:

Sources of Information

Behaviours that Activated the VTRA

Risk Evaluation

High Imminent

Comments:

Immediate Actions Taken (check all those that apply)

- Obtained informed consent, when possible
- Called police; occurrence #
- Called on-call psychiatry, if available
- Sent to Emergency Department
- Client's current location
- Warned intended victim(s), if necessary
- Notified caregiver(s)
- Notified others
- Notified agency leadership
- Filed Serious Occurrence Report
- Faxed Summary Form to COAST 905-972-8448
- Completed additional documentation, as necessary
- Other:

VTRA RISK EVALUATION TEMPLATE

****Complete only what you know from your agency's perspective/knowledge****

Demographic Information

Date:

Completed by:

Client:

DOB:

Individual Risk Factors (e.g., past violence, gender, hx maltreatment, substance use, mental health concerns, antisocial behaviours, ADHD, early violence)

Family Risk Factors (e.g., authoritarian parenting, harsh or lax discipline, low parental education and/or income, parental substance use or criminality, poor monitoring, low bonding, poor family functioning)

Peers Risk Factors (e.g., rejection by prosocial peers, antisocial peer group)

School Risk Factors (e.g., academic failure, low bonding to school, truancy, dropped out or at risk of dropping out, frequent school transitions)

Community Risk Factors (e.g., few economic opportunities, low income, high transiency, low community participation, poor social cohesion, community crime and violence)

Contextual Risk Factors (e.g., overarching systems issues that increase client's risk)

Imminent Risk

Violent Ideation Intended victim Clear and plausible plan Means Intent
 Suicidal Ideation (fluidity)

Protective Factors

Name, Designation, and Agency:

Signature: _____

VTRA MEETING FORM
(MULTIDISCIPLINARY RISK EVALUATION AND INTERVENTION)

Date/Time:

Client:

Address:

D.O.B.:

Parent/Guardian Name 1.

2.

Phone Number:

Phone Number:

School:

School contact:

Grade:

School Contact Number:

VTRA initiated by:

VTRA owned by:

Agency:

Agency:

Attendees and their Affiliations

Behaviours that Activated the VTRA

Current Collective Risk Evaluation

Low Medium Medium High High Imminent

Comments:

Safety Plan:

Risk Enhancer	Intervention	Lead Person(s)

Risk Reducer	Intervention	Lead Person(s)

Next Steps

VTRA Follow-Up Meeting scheduled for:
 Current VTRA lead/owner:
 Invitees, agencies, and fax numbers:

Faxed to COAST 905-972-8448
 Faxed to "lead persons"
 Filed on client's record
 Notified the Chair of the VTRA Community of Practice re: debrief

Name, Designation, and Agency:

Signature: _____

VTRA FOLLOW-UP MEETING
(MULTIDISCIPLINARY UPDATE AND PLANNING)

Date/Time:

Client:

Address:

D.O.B.:

Parent/Guardian Name 1.
2.

Phone Number:
Phone Number:

School:
School contact:

Grade:
School Contact Number:

VTRA initiated by:
VTRA owned by:

Agency:
Agency:

Attendees and their Affiliations

Status of Safety Plan Recommendations

Current Collective Risk Evaluation

Low Medium Medium High High Imminent

Comments:

Updated Safety Plan

Risk Enhancer	Intervention	Lead Person(s)

Risk Reducer	Intervention	Lead Person(s)

Next Steps

Another VTRA Follow-Up Meeting needed? No Yes
VTRA Follow-Up Meeting scheduled for:
Attendees, agencies, and fax numbers:

Confirmed VTRA lead:
Tentative expiry date for COAST database (if last follow-up meeting):

 Faxed to COAST 905-972-8448
 Faxed to "lead persons"
 Filed on client's record

Name, Designation, and Agency:

Signature: _____

VTRA Protocol for the Hamilton Community

December 2015 (revised)

Please refer to Kevin Cameron's training materials for context.

Unless otherwise noted, for simplicity, the word 'agency / agencies' will refer to schools, school boards and child and youth serving agencies regardless of sector affiliation.

General

1. Agencies inclusive of school boards, police and child and youth serving agencies will be trained in the VTRA Protocol (multi-disciplinary approach) and engage it as appropriate on behalf of children and youth that pose a potential risk to the wellbeing of the members of the school/community environments.
2. Where possible, agencies will be trained in the VTRA philosophy. At the very least, agencies will have at least one person within their organization that has been trained and serves as a key contact for VTRA related matters and issues, both internally and externally.
3. The VTRA Protocol is multidisciplinary in approach. Risk identification and intervention is everyone's responsibility.
4. Threat assessment is NOT a disciplinary measure.
5. **The agency that activates the VTRA protocol takes on the following responsibilities:**
 - a) **The Lead role in facilitating the process, assigning/delegating duties as required**
 - i. **Ensuring that the Lead role is transferred to another party when required (e.g. agency is no longer involved in providing service to the child/youth or another agency is more suited to that role)**
 - b) **Collating, distributing and storing required information**
 - c) **Ensuring COAST is provided with a copy of all VTRA plans (and follow up plans)**
 - d) **Ensuring that follow up meetings occur as required**
6. Specific to children/youth with special needs, the process of data collection and assessment is NOT modified other than to ensure appropriate interviewing strategies with the child/youth with special needs. Agencies are cautioned to not under-react to serious threats posed by the child/youth (i.e. do not assume threat is related to behaviour consistent with their diagnosis).
7. Where obvious or possible language barriers exist, agencies will use independent interpreters that can speak in the child/youth's/family's first language. Where possible agencies will ensure at least one team member is of the same cultural background.

Protocol Review

8. The VTRA Protocol will be reviewed by the protocol signatories a minimum of two times in the first two years of implementation and then on a regular basis thereafter as determined by the signatories but at a minimum of once every two years.

Sharing of Information

9. “Life trumps privacy.” (Privacy Commissioner of Ontario). Situations of imminent risk of harm justify disclosure of information.
10. However, the general intent is to limit the sharing of personal information without the consent of the person(s) involved to situations when there is a “need to know” due to overriding health/safety concerns. Information will only be shared that is necessary to enable agencies to intervene and/or respond to risk/threat.
11. Refer to relevant legislation. There are legislative exceptions governing when information may be shared without consent. Agencies are responsible for ensuring adherence to their respective legislation and to inform others when they have specific consent requirements.

Communications

12. The agencies involved in the evaluation of risk may decide to develop a joint press release. In all other cases:
 - a. The school board will take the role in managing media relations where the matter is directly related to the school
 - b. The child/youth serving agency will take the role in managing media relations where the matter is directly related the agency
13. School boards and child/youth serving agencies may consider providing “Fair Notice” to youth, parents/guardians.

Protocol

14. The VTRA protocol will be activated by any agency (protocol signatory) where there is an immediate threat to safety present (also known as ‘high risk situations’).
 - a. Threats can come in many forms e.g. verbal, text, physical, voicemail etc.; regardless of how the threat is made, all threats will be taken seriously
 - b. Examples of immediate threat to safety / high risk situations include but are not limited to: possession of a weapon and a specific threat (i.e. intended victim and/or setting); specific plan to injure or kill someone and access to the means; action done in the last week with intent to kill someone; current possession of a firearm (on person or at home); current possession of a weapon and a non-specific threat (e.g. “I’m going to kill someone”); current specific plan to injure/kill someone but no access to means; recent assault causing hospitalization; recent fire setting with intent to damage property or cause injury
 - c. Situations/presentations that re assessed as low and medium risk require the agency/agencies to engage in appropriate planning and intervention but are not part of the VTRA protocol. Please refer to the steps below for details.
15. Identifying and Responding to Risk
 - a. Where danger is imminent, call 911.
 - b. The concerned staff person will connect with their agency’s internal VTRA contact and Manager/Supervisor to discuss their concern.
 - i. Agencies may have specific protocols in place regarding who else should be involved in these types of meetings
 - c. The key objectives are to:
 - i. Obtain information to determine the level of risk
 - ii. Determine level of risk (low, medium or high)
 - iii. Based on level of risk, determine next steps

16. Obtain information to determine the level of risk
 - a. May involve connecting with others outside of the organization for information gathering
 - b. Possible sources for data/information include but are not limited to (as appropriate): current and previous school/discipline records and OSR; police and probation; interview with threat maker and/or target of the threat; interviews with school staff, including teaching, secretarial, custodial and EA staff; interview parent/guardian; witnesses including all participants directly and indirectly involved; evidence obtained in any searches of lockers, backpacks and home; internet histories, diaries and notebooks; psychiatric assessments or other formal assessments/reports; any other sources as deemed necessary

17. Determine level of risk (low, medium, high)
 - a. Based upon the child/youth's baseline behaviours, to what extent does the child/youth pose a threat to their own safety, the school in general or the safety of others either at the school or elsewhere?

18. Based on level of risk, determine next steps:
 - a. LOW and MEDIUM Risk
 - i. Low risk indicators:
 1. Threat is vague and indirect
 2. Information contained within the threat is inconsistent, implausible or lacks detail; threat lacks realism
 3. Available information suggests that the child/youth is unlikely to carry out the threat or become violent
 4. The behaviours are within the general range of typical baseline for the child/youth
 - ii. Medium risk indicators:
 1. Threat is more plausible and concrete than a low level threat; wording in the threat and information gathered suggests that some thought has been given to how the threat will be carried out (e.g. possible place and time)
 2. No clear indication that the child/youth has taken preparatory steps (e.g. weapon seeking) although there may be an ambiguous or inconclusive references pointing to that possibility; there may be a specific statement seeking to convey that the threat is not empty (e.g. "I'm serious!")
 3. A moderate or lingering concern about the child/youth's potential to act violently
 4. This indicates an increase in the child/youth's baseline⁵. The behaviours indicate that the child/youth is at an elevated risk for violence and those measures currently in place or future measures, including monitoring are required to manage the child/youth's future risk
 - iii. Develop appropriate action plans including but not limited to: referral to COAST; notification to existing providers; referrals to appropriate services and supports and; enhanced supervision/monitoring especially where moderate level risk is identified
 - iv. Document the concern and resulting action plan as per the agency's documentation standards
 - b. HIGH RISK
 - i. High risk indicators include;
 1. Threat is specific and plausible; there is an identified target; child/youth has the capacity to act on the threat
 2. Information suggests concrete steps have been taken toward acting on threat, for example, information indicates that the child/youth has acquired or practiced with a weapon or has had a victim under surveillance
 3. Information suggests strong concern about the child/youth's potential to act violently
 4. The behaviour is a significant increase in baseline behaviour
 5. Immediate intervention is required to prevent an act of violence from occurring

- ii. Identify immediate action plans to address imminent risk and communicate these to all relevant parties e.g. youth/family, school, involved service providers, police, COAST etc.
- iii. Complete the VTRA Summary Form (Immediate Risk Containment and Reduction) documenting concerns and actions taken.
- iv. INITIATE THE VTRA PROTOCOL
- v. Organize the VTRA meeting in a timely fashion, i.e. as soon is practical
 - 1. Assemble the invitation package:
 - a. Ensure the VTRA Summary Form (Immediate Risk Containment and Reduction) is completed
 - b. Attach a blank VTRA Risk Evaluation Template – invited agencies will be asked to complete the blank form (where they have information to share) in advance of the VTRA meeting; this template will serve to focus the information sharing that will occur at the meeting.
 - 2. Identify invitees
 - a. Always invite: COAST, Contact Hamilton, Hamilton Police Service, relevant school board, all involved providers regardless of sector and providers that may have a role to play
 - b. Invitees will include the VTRA contact person at each of the invited agencies
 - i. The VTRA contact person will determine who from their agency should be involved (see item 17 for details)
 - c. Discretionary invite: agencies will consider whether the youth/family should be involved in the VTRA meeting and will invite them when deemed appropriate
 - 3. Invitation process
 - a. Phone the VTRA contact person to advise that the invitation package is forthcoming via fax; at this time, confirm the fax number that is to be used

19. VTRA Meeting

- a. Invitees gather
 - i. Invitees will have prepared for the meeting by reviewing the application package and completing the VTRA Risk Evaluation Template
- b. Organization that calls the meeting chairs the meeting and will be responsible for approving the meeting outcomes/action plan
- c. The Chair then identifies the recorder of the outcomes/action plan
 - i. Meeting outcomes/action plans are recorded on the VTRA Meeting Form (Multidisciplinary Risk Evaluation and Intervention)
- d. Agencies verbally share information about their involvement; this information is referenced from the VTRA Risk Evaluation Template; a copy of the VTRA Risk Evaluation Template from each agency is given to the recorder where it will be consolidated
- e. Once information has been shared by all parties, COLLECTIVELY the membership will:
 - i. Determine level of risk
 - ii. Determine action plans – who does what and when
 - iii. Determine the safety plan
 - iv. Determine who should get a copy of the outcomes/action plan
 - 1. At minimum it should include agencies with action items identified and any others deemed relevant by the membership
 - v. Identify at least one follow up meeting date to check on progress/developments etc.
 - vi. Confirm the ‘lead’ or ‘owner’ of this situation
 - vii. Determine where the information will be stored; at minimum it will be stored with
 - 1. Lead agency /owner
 - 2. COAST

- f. The lead will notify the Chair of the VTRA Community of Practice that a VTRA meeting occurred so that a 'debrief' of the meeting can be incorporated into the next Community of Practice standing meeting agenda.
 - i. Where the lead feels it is warranted, the lead may request an ad hoc Community of Practice be scheduled specifically for the debrief session (considerations may include significant nature of the VTRA, serious issues arising).
 - ii. Please refer to item 21 for information about the purpose of the debrief session
20. Follow-Up Meetings
- a. Meeting should include all involved agencies and any others that have since become involved; it is at the discretion of the Lead whether the youth/family should be included
 - b. Chaired by the lead
 - c. Chair identifies a recorder
 - i. Outcomes/actions plans are recorded using the VTRA Follow-Up Meeting Form (*Multidisciplinary Update and Planning*)
 - d. Meet within an established time (as determined at the VTRA meeting) to assess the implementation of the Plan of Action and Safety Plan (active monitoring)
 - e. Identify next steps and action plans including the need for another follow up meeting
 - f. Where this meeting is intended to be the last meeting for the youth, determine for how long the VTRA plan will remain 'active' and record this in the outcomes/action plan (i.e. copy held at COAST)
 - i. Once a VTRA plan has been made 'inactive' or is 'expired' it cannot be shared with others as it is no longer clinically relevant/applicable. The specific VTRA record for the child/youth containing the VTRA plan (i.e. located in the VTRA database at COAST) will not be accessible to others.
 - g. Meeting outcomes/actions will be filed at COAST and with the lead as per the involved agencies' procedures.
21. Debrief of VTRA Meetings
- a. The purpose of the Debrief meeting is to undertake a process review and explore what worked well and what did not work well in order to identify lessons learned that will contribute to the ongoing improvement of the VTRA protocol / process.
 - i. Concerns about specific people or agencies are outside the scope of the debrief meeting. Parties that have concerns about specific people or agency involvement should direct those directly to the person/agency with whom they have the complaint, ideally following that agency's complaints process.



STRATEGIC POLICE EMERGENCY ACTION RESPONSE (SPEAR)

SCHOOL DATA

Updated: _____

SCHOOL BOARD: HWDSB HWCDSB CSDCSO CSDCCS PRIVATE

SCHOOL NAME: _____

SCHOOL ADDRESS: _____

CITY: _____

PATROL ZONE: Div 1 Div 2 Div 3 BEAT _____

PHONE: _____ FAX: _____

GRADES: _____ SCHOOL HOURS: _____

REPEAT DESIGN TO: _____

AFTER HOURS EMERGENCY CONTACT NUMBER: _____

PRINCIPAL		DIRECT LINE	
VICE PRINCIPAL		DIRECT LINE	
VICE PRINCIPAL		DIRECT LINE	

CHILD CARE FACILITY YES NO

EMERGENCY CONTACT FOR CHILD CARE FACILITY

NAME		ON SITE PHONE	
		HEAD OFFICE PHONE	

NUMBER OF STAFF: _____ NUMBER OF STUDENTS: _____

PHYSICALLY OR DEVELOPMENTALLY CHALLENGED STUDENTS or STAFF: _____

OF FLOORS: _____ # OF PORTABLES: _____ # OF CLASSROOMS: _____

AUDIO/INTERCOM LOCATION																									
INSTRUCTIONS FOR USE																									
LOCKDOWN BELL ACTIVATION INSTRUCTIONS FOR USE																									
LOCKDOWN BELL DEACTIVATION INSTRUCTIONS FOR USE																									
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FIRE ALARM PANEL LOCATIONS																									
FIRE ALARM SHUTOFF INSTRUCTIONS																									
ANNUNCIATOR PANEL LOCATION																									

GAS SHUTOFF LOCATION	
GAS SHUTOFF INSTRUCTIONS	
ELECTRICAL ROOM LOCATION	
ELECTRICAL SHUTOFF INSTRUCTIONS	
BOILER ROOM LOCATION	
MAIN TELEPHONE PANEL LOCATION	
ROOF ACCESS LOCATIONS	
ELEVATOR LOCATIONS <input type="checkbox"/> No Elevator	

EMERGENCY POWER

EMERGENCY LIGHTING BATTERY PACKS EMERGENCY POWER SYSTEM

PROVIDES POWER TO WHAT PORTIONS OF THE BUILDING

LOCATION OF DIESEL GENERATOR

ON SITE HAZARDS