

POLICE AND SCHOOL BOARD RESPONSE PROTOCOL

Purpose of the Protocol

The Rainy River District School Board, the Ontario Provincial Police – Atikokan, Fort Frances, Rainy River detachments and Treaty Three Police believe that schools must be safe, inclusive, and equitable places for learning and teaching. A safe, inclusive, and equitable school environment fosters and supports learning and the ongoing development of respect, responsibility, civility, and other positive behaviours and characteristics.

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

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

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

It is the policy direction of the Ministry of Education and the Ministry of Community Safety and Correctional Services that school boards and police services work together to develop police/school board protocols so that both partners have a clear understanding of the respective roles, procedures, and decision-making authority of both police and school personnel as they relate to school safety.

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

In the development of this police/school board protocol, the Rainy River District School Board and police services have considered all relevant legislation, including, but not limited to, the:

- Canadian Charter of Rights and Freedoms,
- Child and Family Services Act,
- Criminal Code,
- Education Act, and Equity and Inclusive Education Policy.
- Freedom of Information and Protection of Privacy Act (FIPPA),
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA),
- Ontario Human Rights Code,
- Personal Health Information Protection Act, 2004,
- Police Services Act,
- Provincial Offences Act (specifically Part VI, “Young Offenders”),
- Youth Criminal Justice Act,

1. Signatories to the Protocol

The parties to this agreement include the Rainy River District School Board, the Ontario Provincial Police and Treaty Three Police.

Heather Campbell, Director of Education
Rainy River District School Board

Date

The parties to this agreement include the Rainy River District School Board, the Ontario Provincial Police and Treaty Three Police.

John Kendrick, Inspector, Fort Frances Detachment
Ontario Provincial Police

Date

Police and School Board Response Protocol

The parties to this agreement include the Rainy River District School Board, the Ontario Provincial Police and Treaty Three Police.

Dave Lucas, Inspector, Kenora Detachment
Ontario Provincial Police

Date

The parties to this agreement include the Rainy River District School Board, the Ontario Provincial Police and Treaty Three Police.

Larry Indian, Deputy Chief of Police
Treaty Three Police Services

Date

2. Statement of Principles

The guiding principles upon which the terms of this agreement are based are:

- the need for students, staff and all members of the school community to be protected from serious incidents, including incidents of violence, during the regular school day and during school sponsored events;
- the need to have a clear understanding of police and school responsibilities;
- the need to promote respect and civility in the school environment;
- the need to respect the fundamental rights of students, teachers, and staff pertaining to disability, race, creed, ethnic origin, and other prohibited grounds of discrimination under the Ontario Human Rights Code; and
- the need to support both rights and responsibilities.

Policing in Ontario: Six Principles

Ontario is the first province in Canada to have a *Declaration of Principles* written into its statutes. With these principles, Ontario's police are committed to:

- ensuring the safety and security of all people and property in Ontario.
- safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code*.
- working closely with the communities they serve.
- respecting victims of crime and working to understand their needs.
- being sensitive to the diverse, multiracial and multicultural character of Ontario society.
- ensuring that police services are representative of the communities they serve.

3. Introduction

The purposes of and/or the rationale for this protocol are:

- assisting in the greater safety and protection of students, teachers, principals, staff, and volunteers in schools;
- encouraging constructive, ongoing, adaptive, and responsive partnerships between police and the school community;
- facilitating appropriate sharing and disclosure of information in accordance with privacy laws, including *FIPPA and MFIPPA*;
- promoting joint consultation and partnerships between school boards and police services on maintaining a safe school environment;
- ensuring that the obligations and requirements of both the education and police systems are met; and
- ensuring an equitable and consistent approach across a school board's jurisdiction in the way police and schools respond to a school-related occurrence.

4. Role and Mandate of Police Services

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

The specific roles and responsibilities of the local police service related to young people and the school community, may 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 legislated under section 42 of the *Police Services Act*;
- assisting victims of crime;
- conducting police and criminal investigations;
- assisting in the development of young people's understanding of good citizenship;
- promoting and fostering the prevention and reduction of crime, both against and committed by young people;
- providing information on community safety issues;
- diverting young people away from crime and antisocial behaviour; and
- working in partnership with other government and community-based organizations 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 or designate 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.

The specific roles and responsibilities of the school board, principals, teachers, and school staff related to safe and secure schools, will include:

- clearly explaining the Board's Code of Conduct to students and their families, including details such as the definition of the term "weapon" and the potential reach of school discipline with respect to behaviours taking place outside of school that have a "negative impact on school climate";
- engaging and working proactively in partnership with police officials to ensure the effectiveness of this protocol;
- complying with the requirements related to the duties of principals and teachers under the *Education Act* and regulations;
- considering the 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, as set out in Ontario Regulation 472/07 (see the glossary entry for "mitigating and other factors" in Appendix A);
- complying with the requirements legislated under the *Child and Family Services Act* (e.g., "duty to report");

- respecting the Board's Code of Conduct, as required by the *Education Act* (s. 302);
- ensuring that resources (e.g., on drug awareness, on bullying prevention) are accessible to assist school staff in promoting a positive school environment with students and parents;
- developing policies on how to respond to crises, including the development of a communication plan;
- ensuring that appropriate prevention and intervention strategies are available;
- providing staff with opportunities to acquire the skills necessary to promote safe, equitable, and inclusive school environments.

6. Definitions/Explanations of Terms

The police services and school board have identified a glossary of terms, that provides definitions of terms that are important to assist those who will be administering this protocol. This practice will help maintain consistency among interrelated policies and protocols. The glossary is located in Appendix A of this document.

7. Occurrences Requiring Police Response

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

a) Mandatory Notification of Police

The police must be notified of the following types of incidents:

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

b) Discretionary Notification of Police

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, principals should contact the Superintendent of Education to identify circumstances where a police response is neither necessary nor appropriate. Refer to section 14 of this document for further information on dealing with students with special education needs.

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

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

8. Information Sharing and Disclosure

The Rainy River District School Board recognizes that cooperation with the police is essential to the welfare of the staff, students and all members of the school community.

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

a) Criminal Code

The police can access a student's Ontario Student Record (OSR) (and other student records) by warrant or subpoena, or with the written consent of a parent or legal guardian(s) of the student, if the student is 18 years of age or older. In exigent circumstances, the police can access a student's OSR without a warrant, under section 487.1.1 of the *Criminal Code*.

b) Youth Criminal Justice Act (YCJA)

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

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

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

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

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

Further information regarding the release of students’ personal information can be found in the Office of the Information and Privacy Commissioner’s Guide to Ontario Legislation Covering the Release of Students’ Personal Information, at www.ipc.on.ca/english/Resources/Discussion-Papers/Discussion-Papers_Summary/?id=495

d) Reporting Children in Need of Protection – Child and Family Services Act (CFSA)

When a school employee has reasonable grounds to believe that a child is or may be in need of protection as defined by the *Child and Family Services Act*, that employee shall immediately report the concern as outlined in the Board’s *Child Abuse Reporting Protocol (FACS/Weechi-it-te-win)*. The *Youth Criminal Justice Act* [in s.35] also outlines the authority to refer a young person to a child and welfare agency to determine whether the youth is in need of child welfare services.

e) Release of School Information by Warrant or Subpoena

In criminal matters, if a school principal is served with a warrant requesting an OSR or other records, the principal is obliged to comply with the warrant and will provide a copy of the OSR contents and other records as specified. The principal should contact the Superintendent of Education for guidance before releasing information. This should be done immediately upon receiving the warrant.

If a principal is personally served with a subpoena requiring his/her testimony in a criminal case, he/she is obliged to comply with the subpoena, attend court, and produce any records or documents, including the original OSR, to court as specified in the subpoena. In the event that a record or document is ordered by the court to be entered into evidence, the principal should bring the original records or documents, plus three copies, so the school board can request to retain the originals and provide copies to the court. Once again, the principal should contact the Superintendent of Education for guidance whenever a subpoena is received.

f) Other Release of School Information to Police

If the police are conducting an investigation for the purpose of law enforcement proceedings, the school principal shall, upon the request of police and pursuant to section 32(g) of the *Municipal Freedom of Information and Protection of Privacy Act*, release general information to the police officer including, but not limited to the following:

- i) name, address and phone number of the student or staff member;
- ii) name, address and phone numbers of the parent or guardian of the student.

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

9. School Procedures for Reporting to Police

In emergency circumstances, reporting to police shall be done through 9-1-1.

In non-emergency situations that require police involvement, school staff should report the matter to the school principal, who will initiate police contact. The following telephone numbers are available for non-emergency situations:

Ontario Provincial Police
Fort Frances Detachment – (807)274-7777
Atikokan Detachment – (807)597-2120
Rainy River Detachment – (807)852-3271
Treaty Three Police Services – (807)274-1565

When notifying the police of an incident, the caller should be prepared to provide the following information. Additional details may also be required:

- Where and what is happening?
- Is anyone injured and what are the injuries?
- Who and where is the caller?

- Are there any weapons involved? What type? Where are the weapons now and who has them?
- Who is involved (including names, dates of birth)?
- How many people are involved?
- When did the event take place?

Refer to Appendix B *Lockdown Procedures for Elementary and Secondary Schools in Rainy River District School Board* regarding school lockdown procedures. Reporting procedures must comply with the “duty to report” provisions under the *Child and Family Services Act*.

Incidents of Concern

It is expected that all other school related occurrences not specified in Section 7 shall be dealt with at the discretion of the principal on a case-by-case basis.

See Section 7(a) for mandatory reporting.

See Section 7(b) for occurrences that may require police involvement.

10. Initial Police Contact

The following procedures outlines how a police officer who responds to a report of a school-related incident is required to follow. Under exigent circumstances, or if the principal is being investigated, the officer is not required to follow the procedures set out below.

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

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

From time to time, it may become necessary or unavoidable to interview or apprehend a staff member on school property. If this occurs, the Board will proceed as sensitively and unobtrusively as possible, while co-operating with the police. The police may not always be able to discuss or disclose circumstances involved in the investigation, including apprehension.

Where feasible, the police should attempt to contact a supervisor of the staff member or senior administration of the Board regarding the apprehension.

11. 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. In addition, police and schools should cooperate, whenever possible, regarding their investigations.

In the event that school staff are taking a statement while conducting an internal investigation and determine that a criminal offence has been committed, they shall discontinue the statement and notify police immediately, ensure the involved students are separated, and refrain from further statements.

Any statement(s) taken shall then be turned over to police for purposes of an investigation if requested. Principals should also be aware that any contact they have with students, after a police investigation has been initiated, may place them in a position of becoming a witness in a criminal proceeding.

If further clarification is required, school staff should consult with the Superintendent of Education.

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

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

a) Legal Rights

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

- parental notification upon arrest (s. 26, *Youth Criminal Justice Act*);
- right to counsel (s. 25, *Youth Criminal Justice Act*);
- right not to make a statement (s. 146, *Youth Criminal Justice Act*); and
- protection of privacy (s. 110, *Youth Criminal Justice Act*).

b) Search and Seizure

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

- procedures to be followed in personal and premise searches, in accordance with the *Ministry of Community Safety and Correctional Services' Guidelines LE-011* on search of premises, and *LE-012* on search of persons, and relevant federal legislation;

- roles and responsibilities of police and school personnel in conducting searches of persons or property;
- the requirement that police notify the principal before conducting searches on school premises. (Under some exigent circumstances, police may execute a search without a warrant and without notice to the principal); and
- the continuing responsibility of the principal for students even when police are on school premises.

The Canadian Charter of Rights and Freedoms states that, “Everyone has the right to be secure against unreasonable search or seizure.” The Supreme Court of Canada in *R. vs. M.R.M.* (1998) and the Ontario Court of Appeal *R. vs. J.M.G.* (1986) have stated 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 under the guideline of the Search and Seizure Policy.

It is the responsibility of the principal or vice-principal to advise the students at the beginning of the school year that desks and lockers are school property and there is no expectation of privacy; therefore, a search of such property is permissible by the school administration. In this case the principal or the vice-principal is acting as an agent of the Board and not as an agent of the police. It is advisable for the principal to have a witness when conducting a search. Further, it may be advisable that the student be present when the locker or desk is being opened to avoid allegations. In all circumstances, principals should avoid any physical contact with students while conducting searches of property.

A principal has the duty to carry out an investigation to establish the nature and extent of the offence, but when it becomes apparent that an offence has been committed, the police shall be notified. However, in the case of minor offenses, it will be left to the discretion of the principal as to whether or not the police and/or the Superintendent of Education are contacted.

c) Detainment and Arrest

In exigent circumstances, police may not be able to advise the principal immediately of the reason for their actions. As soon as practical, police will advise the principal of these circumstances and of any students charged or arrested.

If police wish to arrest or charge a student on school property, police shall contact the principal and advise of the nature of the visit.

Where an investigation results in detainment or arrest, the police and the principal should pay particular attention to the following procedures and responsibilities:

- **subject to the *Youth Criminal Justice Act*, and in consultation with police, the principal will attempt to contact the student’s parents/guardians to inform them that their child is being arrested or charged;**
- **if a student is a Crown Ward of FACS or Weechi-it-te-win, the legal guardian is FACS or Weechi-it-te-win and shall be contacted in the same way as a parent/guardian;**

- **if the student who is being arrested or charged is 18 years of age or older, and therefore an adult, (or a 16 or 17 year old who has withdrawn from parental control), the principal shall not contact the parents/guardians without the permission of the student.**

There may be times when the police will direct the principal not to contact the parents/guardians of a charged or arrested student, for example:

- the parents/guardians are the suspects of a crime about which the student is being interviewed;
- contacting the parents/guardians could interfere with the police investigation.

In such cases, the police shall determine the proper course of action. The principal will follow police direction in this regard and document the name and badge number of the officer and the direction given.

It is the responsibility of the principal to communicate to the police if any student has a learning disability or other exceptionality that may impede the student from expressing or understanding written/oral communication. Refer to section 14 of this protocol for further information.

If the student is not in attendance at school on that day, the principal shall inform police of the student's date of birth, address, phone number, and the parent's/guardian's home and business phone numbers on file, in accordance with section 32(g) of the *Municipal Freedom of Information and Protection of Privacy Act*, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation of law enforcement proceedings. Refer to section 8 of this protocol for further information.

When possible, non-school related incidents resulting in the arrest of a student shall take place away from school property.

d) Supports for Victims

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

- procedures consistent with the *Ministry of Community Safety and Correctional Services' Guideline VA-001* on victims' assistance;
- roles and responsibilities of police and school personnel, such as the obligation that the principal inform the parents of victims who have been harmed as a result of an activity for which suspension or expulsion must be considered unless, in the principal's opinion, doing so would put the victim at risk of harm from the parents (*Education Act*, s. 300.3(1) and Ont. Reg. 472/07); and the requirement that all Board employees who work directly with students are expected to support all students, including those who disclose or report such incidents, by providing them with contact information about professional supports (e.g., public health units, community agencies, Help Phone lines);
- notice to victims of the services available to them and other considerations, such as:
 - police services for victims;
 - student support services of the local school board;

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

12. Police Interviews of Students

It is the responsibility of police to conduct interviews related to criminal investigations of incidents that involve students.

If police wish to interview a student on school property, the police shall notify the principal. In all cases, the police and the principal shall pay particular attention to the following responsibilities:

- if the student being interviewed is under 18 years of age, the principal will advise the student that his/her parents/guardians shall be contacted, by the school, prior to any interview with the police.
- if the student is a Crown ward or ward of FACS/Weechi-it-te-win, the legal guardian is the FACS/Weechi-it-te-win and shall be contacted in the same way as a parent/guardian.
- parents/guardians shall be informed by the principal of the purpose of the police interview and the right to attend the interview, provided the student agrees (as per the *Youth Criminal Justice Act*).
- once parent/guardian permission is granted, the principal shall provide the police with access to the student. A private room will be made available for such interviews to ensure confidentiality for students and/or parents/guardians.
- if the parents/guardians refuse to grant permission for the student to be interviewed by police, the principal will request that the police conduct their investigation off school property.
- if the parents/guardians of the student under 18 years of age do not wish to attend the school, or the school is unable to contact the parents/guardians within a reasonable amount of time the police will be requested to conduct the interview off of school property.
- if a student expresses his/her right not to have the principal present, the police will be requested to conduct their investigation off school property. The principal and the police will document the details.
- if the student being interviewed is 18 years of age or older and therefore considered an adult (or 16 or 17 years of age and has withdrawn from parental control) the principal shall not contact the parents/guardians without the permission of the student and police will be requested to conduct the investigation off of school property.

There may be times when the police will direct the principal not to contact the parents/guardians of a student to be interviewed, for example:

- the parents/guardians are the suspects of a crime about which the student is being interviewed;

- contacting the parents/guardians could interfere with the police investigation.

In such cases, the police shall determine the proper course of action. The principal will follow police direction in this regard and document the name and badge number of the officer and the direction given.

It is the responsibility of the principal to communicate to the police if any student has a learning disability or other exceptionality that may impede the student from expressing or understanding written/oral communication. The principal shall remain with the student during any interview held at the school. Refer to section 14 of this protocol for further information.

If the student is not in attendance at school on that day, the principal shall inform police of the student's date of birth, address, phone number, and the parent's/guardian's home and business phone numbers on file, in accordance with section 32(g) of the *Municipal Freedom of Information and Protection of Privacy Act*, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation of law enforcement proceedings. Refer to section 8 of this protocol for further information.

a) Notification of Parents

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

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

If FACS/Weechi-it-te-win is involved, school and police officials should discuss and come to agreement with the FACS/Weechi-it-te-win regarding the timing and procedure for notifying the parents.

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

b) Preparation for Interviews

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

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

c) Conduct of Interviews

Procedures and considerations related to conducting interviews include the following:

- the need for police officers to employ appropriate techniques when interviewing children and young persons;
- the requirement that police follow the Guide to Officers for Section 146 *Youth Criminal Justice Act* Statement (see Appendix C);
- the requirement that police provide, upon arrest or detention, a legal caution and notification of the right to counsel where there are reasonable grounds to believe that the student being interviewed has been involved in the commission of a criminal offence;
- taking into account legal considerations respecting the admissibility of statements made to persons in authority (s. 146(2) of the *Youth Criminal Justice Act*);
- involving the local FACS/Weechi-it-te-win in the interview process, which is recommended when an interview involves a child who may be in need of protection;
- the requirement that an adult be present throughout the interview, except when the student can waive and has waived the right to have an adult present.
- best efforts must be made to have the student's parents(s) or another adult of the student's choice present.

13. Reporting of Children Suspected to Be in Need of Protection

The Child and Family Services Act mandates that anyone who has reasonable grounds to suspect that a child is or likely will be a child in need of protection must report these suspicions to FACS or Weechi-it-te-win. Section 72(1) states, "despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect (a need for protection), the person shall forthwith report the suspicion and the information on which it is based to a society."

In cases where a child is suspected to be in need of protection, the principal shall notify the appropriate FACS or Weechi-it-te-win, in accordance with the protocol established by the school board.

When police are advised of a matter where a child is suspected to be in need of protection, the police will conduct an investigation in accordance with the protocol established with the appropriate FACS or Weechi-it-te-win.

For additional information, refer to the document Reporting Child Abuse and Neglect, developed by the Ministry of Children and Youth Services, which is available at: www.children.gov.on.ca/htdocs/English/topics/childrensaid/reportingabuse/index.aspx.

14. Investigations Involving Students with Special Education Needs

School administrators have a duty to ensure that all members of the school community are able to work and learn in a safe and positive environment. As such, they are obliged to report incidents to police as outlined in section 7 of this document. However, in investigations that involve a student known to have special education needs, additional considerations must be taken into account by school personnel and police. Additional considerations to be taken into account when an investigation involves a student (or students) known to have special education needs, who may be identified as having an exceptionality in any of the following categories: behaviour, communication, intellectual, physical, or multiple. Such considerations include:

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

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

15. Occurrences Involving Students Under Age 12

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

an incident for the purpose of school discipline – for example, where a recommendation for suspension or expulsion may be required – regardless of the age of the students involved.

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

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

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.

Please refer to Appendix C.

16. School Board Communication Strategy

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

17. Protocol Review Process

School Boards are required to conduct a review of the local protocol every two years, or sooner if required.

The review is conducted by the police and school board, soliciting input from school staff, students, and parents and will follow board procedures for stakeholder input.

18. School/Police Role in Violence Prevention

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

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

Working from a crime-prevention perspective, police can play an important role in the school community, which presents extensive opportunities for employing the strategy of "crime prevention through social development" (CPSD), preventing and reducing crime by identifying and addressing the risk factors associated with crime and victimization.

Police use proactive measures that focus on the factors that precipitate the onset of criminal and antisocial behaviour. CPSD recognizes that the intersection of multiple and complex social, economic, health, and environmental factors may lead to criminality. CPSD involves long-term, sustainable, multi-agency, integrated actions that deal with the risk factors (e.g., mental health issues, certain types of behavioural issues, involvement in the criminal justice system, victimization/abuse) that can start a young person on the path to crime, and build protective factors (e.g., strong adult role models, enhanced self-esteem, effective personal coping skills and strategies) that may mitigate those risks.

Strategies that schools can use to help prevent violence include:

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

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

- developing positive partnerships with all members of the school community, including parents;
- being visible within the school community;
- being a positive adult role model for students;
- establishing positive relationships with children and youth;
- making referrals based on the best interest of the students;

- helping deliver educational sessions on crime and criminal justice issues;
- being part of an integrated, multi-agency team that can respond to children and youth at risk of conflict with the law;
- facilitating communication and cooperation with school officials, Youth Justice Probation Services, other police officers, courts, and other social services; and
- supporting students as they return to the school community after involvement with the criminal justice system.

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

19. Physical Safety Issues

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

20. Risk-Assessment Services

The Rainy River District School Board is responsible for developing or contacting local police services to obtain training in risk assessment for employees of the Board.

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

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

Various police services, including the Ontario Provincial Police, have Threat Assessment Units which will work with school board staff in threat assessment training sessions.

21. Emergency Planning and Threats to School Safety

Every school of the Board, has developed an Emergency and Crisis Response Plan, which must include but is not limited to a lockdown plan and procedures following a lockdown or other emergency, in keeping with school board and ministry policies. Teachers, staff, parents, and students shall be involved in the development and monitoring of the

Emergency and Crisis Response Plan. The plan will be fully communicated to members of the school community and police services as per Board policy and legislation. Mechanisms for sharing the Emergency and Crisis Response Plan with police services will be done as per Board Policy and current legislation.

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

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

A COPY OF THE SCHOOL BOARD'S LOCKDOWN PROCEDURE IS ATTACHED AS APPENDIX D.

22. Training

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

Training should be based upon effective/leading practices, and where possible, the training should be delivered in collaboration with police and school board personnel.

APPENDIX A

GLOSSARY

The purpose of this glossary is to explain some of the terms that are used in the present document or that may be used in local protocols. The definitions provided here relate only to usages in the context of this document and cannot be attributed to usages in any other document. Although some of the definitions are based on language used in the Criminal Code of Canada, they are not to be taken as the official legal definitions set out in the Code. For the actual legal definitions, please refer to the Code itself.

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.

Child. A child means a person who is, or in the absence of evidence to the contrary, appears to be less than 12 years old. (YCJA)

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

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

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

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

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

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

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

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

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

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

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

Other factors

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

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

Negative Impact on School Climate. A possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school. Actions or behaviours that occur outside school may still have a negative impact on school climate. For example, cyberbullying often occurs outside school, but if it targets individual students

and causes them to be afraid to come to school, it is having a negative impact on school climate.

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

Police. For the purpose of this protocol, means the Ontario Provincial Police and/or the Treaty Three Police.

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.

Principal. Means a teacher appointed by a board to perform in respect of a school the duties of a principal under the Education Act and its regulations. For the purpose of this protocol also includes a person designated by the principal.

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

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

School Board. Means Rainy River District School Board.

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

Suspension. The removal of a student from his or her school and all school-related activities for a minimum of one school day to a maximum of twenty school days. Activities for which suspension must be considered are found in subsection 306(1) of the Education Act. An example is possessing alcohol or illegal drugs.

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

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

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

Young Person. Means a person who is or, in the absence of evidence to the contrary, appears to be 12 years old or older, but less than 18 years old. *YCJA*

APPENDIX B

PROVINCIAL POLICY FOR DEVELOPING AND MAINTAINING LOCKDOWN PROCEDURES FOR ELEMENTARY AND SECONDARY SCHOOLS IN ONTARIO

Publicly funded schools in Ontario are committed to providing and maintaining a safe school environment. Much has been accomplished around the issue of safe schools since the introduction of the Provincial Model for a Local Police/School Board Protocol in 2000, and more recently with the passage of Bill 212, which amended the safe schools provisions of the *Education Act*, in February 2007. The Ministry of Education and school boards and police from across the province continue to work in partnership to create safe school environments, and to prepare plans to be used in the event of a major incident of school violence.

Pages 28 to 39 of “*The Provincial Policy for developing and maintaining Lockdown Procedures for elementary and secondary schools in Ontario*” outline the mandatory requirements in all publicly funded schools in Ontario. This publication is available on the Ministry of Education website,

www.edu.gov.on.ca/eng/document/brochure/protocol/protocol.html

APPENDIX C

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

1. Statement Recording Method:

Méthode d'enregistrement de la déclaration :

Audiotope (No. _____) Written DVD (No. _____) Videotape (No. _____)
Bande vidéo (N° _____) Par écrit DVD (N° _____) Bande vidéo (N° _____)

Police Service: _____ Police Case ID: _____
Service de police : _____ Référence du dossier de police : _____

Occurrence No: _____
N° d'incident : _____

Date: _____ Location: _____ Start Time: _____ Time Completed: _____
Date : _____ Lieu : _____ Heure (début) : _____ Heure (fin) : _____

Interviewing Officer(s): _____
Agent(s) procédant à l'entrevue : _____

Name of Young Person: _____ Date of Birth: _____
Nom de l'adolescent(e) : _____ Date de naissance : _____

Address: _____
Adresse : _____

Name: Parents Adult Relative Other Adult
Nom : Père ou mère Autre parent adulte Autre adulte approprié

Address: _____ Phone Number: _____
Adresse : _____ Numéro de téléphone : _____

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

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

Reply / Réponse:

If at any time you do not understand anything, tell me and I will explain it to you. Do you understand?
Si, à un moment quelconque, vous ne comprenez pas quelque chose, dites-le-moi et je vous l'expliquerai.
Comprenez-vous?

Reply / Réponse:

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

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

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

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

Not Applicable _____ (officer's initials) Warning Read: Yes
Ne s'applique pas (Initiales de l'agent) Avertissement lu : Oui

Do you understand? Yes No
Comprenez-vous? Oui Non

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

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

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

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

Statement of a Young Person / Déclaration d'un Adolescent

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

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

Vous avez le droit de parler sans délai à un avocat en privé. Comprenez-vous?

Reply / Réponse:

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

Vous pouvez aussi obtenir gratuitement l'assistance immédiate d'un avocat de l'aide juridique en appelant le 1-800-561-2561 ou le 1-800-265-0451. Comprenez-vous?

Reply / Réponse:

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

Si vous êtes accusé(e) d'une infraction, vous pouvez faire une demande d'aide juridique auprès d'Aide juridique Ontario. Comprenez-vous?

Reply / Réponse:

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

Vous avez le droit de parler, sans délai et en privé, soit à votre père ou votre mère soit, en l'absence de votre père ou de votre mère, à un parent adulte, soit, en l'absence d'un parent adulte, à tout autre adulte approprié qui, selon vous, pourrait vous aider. Comprenez-vous?

Reply / Réponse:

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

Si vous faites une déclaration à la police, celle-ci a le devoir de faire en sorte que la ou les personnes auxquelles vous avez parlé soient présentes au moment où vous faites votre déclaration, à moins que vous préfériez le faire sans qu'elles soient présentes. Comprenez-vous?

Reply / Réponse:

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

Reply / Réponse:

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

Reply / Réponse:

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

Si votre père ou votre mère ne sont pas disponibles, voulez-vous parler à un autre parent adulte?

Reply / Réponse:

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

Si aucun parent n'est disponible, voulez-vous parler à un autre adulte approprié?

Reply / Réponse:

Statement of a Young Person / Déclaration d'un Adolescent

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

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

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

Reply / Réponse: _____

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

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

Reply / Réponse: _____

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

Do you understand?

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

Reply / Réponse: _____

6. WAIVER OF RIGHTS / RENONCIATION À DES DROITS

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

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

I choose not to talk with any of these people.

Je choisis de ne parler à aucune des ces personnes. _____

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

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

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

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

Witness
Témoïn

Time
Heure

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

Nom de la personne présente : Père et/ou mère Parent adulte Autre adulte approprié : _____

Address: _____ Phone Number: _____
Adresse : _____ Numéro de téléphone : _____

7. CAUTION / MISE EN GARDE

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

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

Reply / Réponse: _____

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

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

Reply / Réponse: _____

Statement of a Young Person / Déclaration d'un Adolescent

8. SECONDARY CAUTION / AVERTISSEMENT SECONDAIRE

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

Si vous avez parlé à un autre agent de police ou si quelqu'un d'autre vous a parlé à propos de la même affaire, je tiens à ce que vous compreniez bien que cela ne doit pas vous influencer à faire une déclaration.
Comprenez-vous?

Reply / Réponse: _____

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

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

Reply / Réponse: _____

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

Reply / Réponse: _____

Signature of Young Person: _____ Time Completed: _____

Signature de l'adolescent(e) : _____ Heure de la déclaration : _____

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