

March 2017

Nova Scotia Provincial
SCHOOL POLICE PROTOCOL



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Nova Scotia Provincial School Police Protocol
Department of Education and Early Childhood Development
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Non-emergency

When contacting police in a non-emergency, dial

(Local contact number)

and give:

- your name
- your position
- your school's name
- your phone number

Alternatively, you can call your police liaison officer/police resource officer.

Emergency

When contacting police in emergency situations, dial **911** and give:

- your name
- your position
- your school name
- your phone number
- the precise location of the incident
- information indicating if the school is in lockdown/hold-and-secure

Note: To ensure you are accessing up-to-date information, please refer to the online version of this document at www.ednet.ns.ca.

Introduction

The Nova Scotia school boards and police agencies serving Nova Scotia believe that students, staff, and members of the school community have the right to learn and work in a safe and positive learning environment. The partners have prepared this document, an agreement between the school boards and the police, to cooperate and communicate with each other when dealing with students and police-related investigations. This document represents the clarification of the respective roles and responsibilities.

The police and school board representatives will monitor the implementation of the protocol and meet periodically thereafter to deal with any problems and issues that might arise.

The partners recognize their shared responsibility for the safety of students, staff, and members of the school community. Each school board has responsibility for maintaining discipline in its schools and ensuring the safety of staff, students, and all members of the school community.

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 work. In addition to responding to and investigating school-related incidents and alleged criminal activity, police are essential partners in the prevention of school crime and violence.

Making schools safe requires a comprehensive strategy between the partners and includes the following elements:

- opportunities 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, responsibility, and rights
- interventions and supports for those who are at risk of, or already engaged in, violent or antisocial behavior
- an effective response to incidents when they occur—one that respects the rights of victims and witnesses as well as those of the alleged offenders

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 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.

Scope and Purpose

The purpose of this protocol, therefore, is to

- promote consultation and partnerships between school boards and police in maintaining a safe school environment
- ensure the obligations and requirements of both the education and law enforcement systems are met
- encourage ongoing, adaptive, and responsive partnerships between police and the school community
- assist all the partners in providing for the greater safety and protection of students, teachers, staff, and volunteers in schools
- facilitate appropriate sharing and disclosure of information
- ensure a consistent approach across the school board's jurisdiction in the way police and schools respond to a school-related occurrence

It is the responsibility of police to maintain law and order in the municipality.

Role and Mandate of the School Board

It is the responsibility of each school board that

- all principals/designates and teachers comply with the requirements related to the duties of principals and teachers under the [Education Act](#) and [regulations](#)
- all principals, teachers, and staff members of the educational community comply with the requirements legislated under the [Children and Family Services Act](#)

- all schools will implement the [Provincial School Code of Conduct](#)
- clear and effective practices on how to respond to an emergency are in place
- prevention and intervention strategies are available where appropriate
- staff are provided with opportunities for acquiring the knowledge, skills, and attitudes necessary to promote safe school environments
- resources (e.g., drug awareness, conflict resolution) are accessible to assist school staff in promoting safe schools

Decision to Involve Police

Whenever possible, resolution of incidents will be attempted at the school level through sanctions that exist under powers granted by the [Education Act](#) and board policy.

Principals/designates should consider the following criteria before involving police:

- the type of incident and whether adequate school interventions are available
- the degree of harm
- previous incidents
- incidents that occur off school property which are school-related and/or could lead to incidents at school
- the age and personal history of the responsible individual
- the attitude of the responsible individual and his/her willingness to repair the harm
- victim input
- incidents involving a suspected breach of any federal or provincial legislation or municipal by-law

If there is any doubt whether police involvement is required, school principals/designates should consult their school board administration and may contact the school response officer/school liaison officer assigned to the school

Role of the School Response Officer (SRO)/School Safety Resource Officer (SSRO)

- The SRO/SSRO will work closely with school administration to address potential issues and ensure school safety.
- Criminal incidents that happen in the school during school hours will, when possible, be responded to and initially investigated by the SRO/SSRO.
- If required, the SRO/SSRO will engage local or specialized police units for continuing investigation.
- The SRO/SSRO will assist school administration and parents/guardians to address incidents utilizing the protocol outlined in the [Provincial School Code of Conduct](#). When warranted, they will engage the court system.
- Any incident involving students after school hours will be investigated and addressed by the investigating officer that is assigned. The investigating officer will make all reasonable efforts to contact the SRO/SSRO to confer and exchange information.

Initial Police Contact

All schools within school boards are to follow the procedures outlined in their emergency management plans for communicating with police.

Where the school contacts the police by way of dispatch, the following information will be communicated:

- the location and nature of the incident
- an assessment of the level of threat and specifics of the incident
- where the principal/designate communicates that a lockdown or hold-and-secure is in progress, the level of safety necessary to end the incident
- the contact person's name at the school and their phone number(s)
- Where an incident occurs in a community that may affect the safety of the occupants of one or more schools, or during the course of an investigation,

the police shall notify the principal(s)/designate(s). The following information will be provided:

- the name and relevant information of the person making the contact
- specifics of the incident
- any additional information that would be valuable to the principal/designate

Upon arriving at the school, the police officer will go directly to the main office and speak with the principal/designate.

Duties and Responsibilities During an Emergency

During emergency incidents, the school principal/designate will meet with the police supervisor in charge at the main entrance, unless it is unsafe or impractical to do so, to direct police officers or other emergency personnel to the location of the incident.

The principal/designate and police will collaborate on the safest and most effective response to the emergency; however, the authority for initiating an emergency response, such as an evacuation, lockdown, or hold-and-secure, remains with the principal/designate.

The principal/designate will have full authority in accordance with the provisions within the [Education Act](#) regarding the safety of students and staff, including the initiation and conclusion of any action outlined in the school emergency management plan.

Each school has an emergency management plan that provides guidance to the principal/designate in the areas of

- **Evacuation** The objective of an evacuation is to ensure that all students, staff, and visitors leave the building in a safe and timely manner.
- **Relocation** The objective of relocation is to move students and staff to a pre-determined location away from the school in a safe and timely manner.
- **Lockdown** The objective of a lockdown is to isolate students and staff in a secure location in response to a threat of violence present within the building.
- **Hold-and-secure** The objective of a hold-and-secure is to maintain the safety of occupants by controlling who enters and leaves

the building. A hold-and-secure is initiated in response to a threat of violence or other dangerous situation outside the building.

When an incident is occurring in a community involving a police response, the police may request that principals in the vicinity of the incident place schools in a hold-and-secure to ensure public safety. The request by police will be done by calling the school board, or in cases where only one school is involved, working directly with the school principal. Designated school board personnel will be responsible for notifying schools of the police request for a hold-and-secure. Police will be responsible for notifying designated school board personnel when principals can release the hold-and-secure.

The police will have full authority in accordance with the provisions of the [Criminal Code of Canada](#) and other relevant legislation, including the investigation of criminal complaints.

When an incident occurs at school involving a police response, representatives from the police will meet with the school principal/designate to debrief the details of the incident in the days following the incident.

Investigating School Incidents

In an investigation, police and school staff will cooperate and consult with each other. The focus of school staff and police will be on the safety and well-being of all students.

A principal/designate has a duty to carry out an investigation to establish the nature and extent of an alleged offence. When it is determined that there are reasonable grounds to believe that a criminal offence has been committed, police must be notified.

A police investigation begins when the principal/designate requests police involvement in an incident where a criminal offence is believed to have been committed. The school will conduct an internal investigation in relation to the [Provincial Code of Conduct](#).

The police, in the course of an investigation, may need to speak with students involved in an incident on or in relation to school property. The students may be potential witnesses, victims, or suspects, or otherwise have knowledge of the incident being investigated.

Legal Rights in Detention and Arrest

If a student is a suspect, accused and being charged, or under arrest, the police have the legal right to question the student subject to certain cautions and rights that must be given to the student by the police officer under the [Youth Criminal Justice Act](#) and the [Criminal Code of Canada](#), according to the age of the student.

It is recognized that if grounds exist for an arrest, any formal interview of the student beyond notification of rights and cautions is better conducted at a police facility and not on school premises.

It is also recognized that the arrest of a student or adult will only be done at school when that arrest is urgent and imperative to ensure public safety. Otherwise, to support an effective learning environment, arrests will not be made at school.

Search and Seizure

Section 8 of the [Canadian Charter of Rights and Freedoms](#) states that “everyone has the right to be secure against unreasonable search and seizure.”

The Supreme Court of Canada in [R. v. M. \(M.R.\)](#) (1998) highlights that “a more lenient and flexible approach should be taken to searches conducted by teachers and principals than would apply to searches conducted by the police.”

Accordingly, principals/designates should not defer to the police in cases where a search is within the scope of their authority unless

- the items being searched for require specific police handling expertise, or
- they anticipate problems in carrying out the search and believe police assistance will be needed.

It is the responsibility of the principal/designate to advise students at the beginning of the school year that desks and lockers are considered school property and there is no expectation of privacy. A search of such property may be permissible by the school administration. In this case, the principal/designate is acting as an agent of the board and not as an agent of the police.

In maintaining proper order and discipline in the school, the principal/designate may conduct a search of a student's possessions, desk, locker, or any other area in the school where the student's possessions may be stored. It is recommended that searches be conducted with two school staff and, if possible, the student present.

Principals/designates and other school officials shall not conduct frisk searches of students. However, that does not preclude them from requesting a student to empty pockets and remove outer layers of clothing (coats, hats, outer shirts) and remove shoes to reveal contraband or prohibited items. A search should never cause a student to reveal undergarments.

If a search, conducted by a principal/designate, reveals evidence of, or the possibility of, a criminal offence, the search is to be well documented, evidence is to be secured and not handled unnecessarily, and police are to be contacted.

To further a criminal investigation, police may have to execute a search warrant on school property. Should this occur, a police officer involved in the search will notify the principal/designate prior to executing the search warrant. However, school board staff recognizes that under extenuating circumstances police may be required to execute a warrant without prior notice.

Illegal Drugs

When drugs which are suspected to be illegal are discovered by school officials, the police shall be called. While awaiting police arrival, every reasonable effort shall be made to preserve the drugs in their discovered condition. The school official who originally takes possession of the drugs shall retain custody of the drugs until able to turn them over to the police.

Possession and/or Distribution of Intimate Images

[Section 163.1](#) of the Criminal Code of Canada, on child pornography, makes clear that the creation and distribution of images depicting sexual activity or the depiction of a sexual organ of a person under the age of 18 is a criminal offence.

If a school administrator is made aware that an electronic device within the school may contain non-consensual intimate images, or that a person is involved in the non-consensual distribution of intimate images, the administrator will

- if possible, confiscate and secure the device in a safe place, in accordance with school board authorized search and seizure practices outlined in the search and seizure section of this protocol
- contact the police to report the incident
- contact the student's parents/guardians to inform them of the events and the involvement of the police

Notification of Parents/Guardians

In accordance with [section 26](#) of the Youth Criminal Justice Act (YCJA), the police officer will notify the parent/guardian of a student who has been charged with, or arrested and detained for, a criminal offence. In accordance with school protocol, the principal/designate will also notify the parent/guardian.

If a student who is being questioned is less than 18 years of age, the principal/designate will consult with the investigating officer to determine whether the student is a witness, suspect, accused, or under arrest. The principal/designate will advise all students being questioned by police that their parents/guardians will be contacted and informed of the student's involvement in the incident.

Whenever possible, attempts will be made by the principal/designate to notify the parents/guardians prior to any interview by the police. Contacted parents/guardians will be notified of their child's involvement.

If the student is 18 years or older, the principal/designate shall not contact the parents/guardians without the consent of the student.

If the student is a ward of Community Services, the legal guardian is considered to be the Department of Community Services.

There may be exceptional circumstances in which parents/guardians should not be contacted. This would apply in cases where the parent/guardian is the subject of the investigation or contacting them could jeopardize a criminal investigation. In such

cases, it is the responsibility of the police to apprise the principal/designate of the reasons why notification will not occur.

Police Interview of Students

The police have a responsibility to conduct interviews related to criminal investigations of incidents that involve students as suspects, victims, or witnesses.

The police will work with the principal/designate to maintain student instructional time as a priority. If it is deemed urgent and imperative to ensure public safety, students may be removed from instructional time to be interviewed in consultation with the principal/designate. In less urgent circumstances, police will arrange to interview students outside of the school day.

When conducting an interview of a person or persons less than 18 years of age who is suspected of committing a criminal offence, the police have a responsibility to inform the individual that he or she has the right to have a responsible adult present.

If the student is not in attendance at school when an incident is being investigated, the school shall inform the police of the student's proper date of birth, address, phone number, and the parent/guardian's home and business phone numbers. This notification is done in accordance with section 27(m) of the [Freedom of Information Protection of Privacy Act](#), which gives the authority to provide such personal information to law enforcement officials who are conducting an investigation of law enforcement proceedings.

Information Sharing and Disclosure

The [Nova Scotia Student Records Policy](#) is in accordance with the Youth Criminal Justice Act (YCJA) and Department of Justice policies, procedures, and practices. It is guided by the following principles:

- Access to information provided under the YCJA is restricted to approved personnel who have a "need to know." Designated school board personnel and principals/designates will work in partnership to ensure accountability for the receipt and sharing of information under the YCJA. Utmost in this process is the need to

maintain the balance between staff's need to know, particularly with regards to maintaining safety, and the young person's right to privacy.

- Information provided under the YCJA is to be filed and stored under secure conditions and separate from any other record the school or central office may have with regard to the young person.
- Ongoing relationships between justice system personnel and school board personnel will be established to facilitate the board's compliance with the YCJA.

Occurrences Involving Children Under Age 12

The police do not have the authority to charge children under the age of 12. However, mandatory reporting is still required for specific incidents. Police may take reports, question students, and act as an intermediary with parents/guardians or other agencies such as the Department of Community Services.

Protocol Evaluation Process

School boards and police shall review the protocol annually.

It is the responsibility of the school boards and police to communicate this protocol to their respective personnel on an annual basis.

This school police protocol is a collaborative effort intended to create a common understanding of the roles and responsibilities in relation to school incidents that require police involvement.

This protocol will remain in place until such time as changes are made to the document.