

Police presence in educational institutions



FRAME OF REFERENCE



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In the present document, the masculine is used without any discrimination and solely for the purpose of simplifying the text.

*The Frame of Reference is also available in French, upon request, by telephone: 514 353-7511
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FOREWARD

This document is an update of the Frame of Reference published in 2005. It takes into account the following changes made since then:

the Act to protect persons with regard to activities involving firearms (referred to below as “Anastasia’s Law”), in which the government of Québec prohibits the presence or possession of firearms on the grounds or in the buildings of educational institutions or day care centres and in public and school transportation;

- changes made to the Youth Protection Act (R.S.Q., c. P_34,1);
- the change of the term Attorney General’s Prosecutor (AGP) to Criminal and Penal Prosecuting Attorney (CPPA)
- changes of context observed with regard to violence involving, for example, street gangs, cybercrime or the risk of lethal violence in schools, and based more on complementary new forms of intervention.

The idea to produce a Frame of Reference on relations between police forces and educational institutions results from a need, expressed both by personnel of these institutions and by police force members, to define the manner in which these relations should prevail. When should the police be called and how should they intervene? These frequently raised questions require an answer. Members of the Provincial Consultation Panel on Violence, Youth and the School Environment, made up of some twenty provincial organizations that want to prevent and counter violence in the school, again examined these questions and, unanimously, agreed to propose a Frame of Reference to the schools and police, which could be of use to them.

The present Frame of Reference is based on existing rules in various environments. It offers beacons and constitutes a working tool which can guide interventions at the local or regional level. It was adopted by the signatory organizations at the national level, and every community is invited to use it within the scope of its responsibilities and respective practices.

It is our wish that the contents of this document, namely its legal aspects as well as its social and educational aspects, encourage collaboration in the prevention of violence in the school environment.

INTRODUCTION

The present Frame of Reference addresses educational institutions and police forces. It first concerns youth in schools, adaptations being necessary for adult education centres. It aims to promote a joint and effective action when the presence of the police is appropriate in an educational establishment or requested by one. Although it encourages the implementation of actions and prevention programs, this framework also clarifies the rules which should prevail during a police intervention.

This document was the subject of a consultation with the (CDPDJ) which considers that this text answers the essence of the concerns which it had expressed.

This document appears first as a means of awareness. It rests on a modern vision centred on the collaboration between organizations, within a democratic society where the police force and the educational institution must be considered as partners having the same objective, namely the general well-being of their community. It invites a better collaboration of these partners, not only to assure the safety of persons and property, but also to attain the objective of education for youth and adults who are receiving academic training.

Besides the statement of guiding principles, general objectives and the role and responsibilities of the parties, three sectors are dealt with in this document with regard a police presence within an educational institution: a context of prevention and community relations (Chapter 1), an emergency context (Chapter 2) and an investigation context (Chapter 3). Whenever necessary, the legal aspect is integrated into each of the sectors.

The user of this Frame of Reference will be able to find documents prepared for management of an educational establishment in the appendix, including an Observation Form to be completed during an emergency situation, a tool to facilitate increased interaction between police forces and educational institutions as well as certain rules concerning relations with the media. Further complementary information is also attached, notably extracts of the *Criminal Code of Canada*, *Quebec Civil Code*, *Public Education Act* and *Charter of Rights and Freedoms of the Person*, *Anastasia's Law* as well as legal measures applicable to students less than 18 years of age.

We consider that the principles expressed in this Frame of Reference apply at all times and wherever the location (school building, schoolyard, park, etc.) wherever the student may be while under the responsibility of school authorities.



GUIDING PRINCIPLES

The guiding principles retained during the preparation of the present document are as follows:

- The educational institution, due to its triple mission to educate, socialize and qualify, has an important role to play in the development of attitudes and responsible social behavior with students, youths and adults.
- A preventive approach favoring open-mindedness as well as education in respect, collaboration and sharing should be promoted.
- With the aim of developing a global approach, joint actions involving the contribution of various partners are encouraged to offer a continuous service and to thus promote youth development in a healthy and secure context.
- The school environment considers parents as preferred partners because they have the primary responsibility for the education and development of their children.
- The school environment considers the police force first and foremost as one of the partners who contribute to the education of rights and responsibilities, which is offered to students, youths and adults, which includes interventions of a preventive and corrective nature.
- The success of this approach depends on the capacity for dialogue of all parties in the said environment seeking the collaboration of the students and their parents.

GENERAL OBJECTIVES

In this Frame of Reference, the following objectives are pursued:

- To invite educational institutions to use the Frame of Reference to reach a protocol of agreement and a plan of action with police forces which promotes dialogue amongst all partners of the environment, and this, with respect for the educational project and for the success plan of the school or, in the case of a centre, its vocation, its objectives and its success plan.
- To supply an instrument to educational institutions and police forces, allowing them to intervene in an appropriate manner and with respect for the rights of the students, whether it is in a context of prevention and community relations, emergency, arrest or investigation.
- To invite the directors or principals of educational institutions and police forces to regularly develop and maintain links of collaboration and communication and to foresee mechanisms encouraging the continuance of the action from one year to the next.
- To propose the means to police forces and educational institutions so that the latter remain places of education where the security and integrity of the students, youths and adults, are protected.



ROLE AND RESPONSIBILITIES OF THE PARTIES

The sections of the applicable laws are attached to annex 4.

The student

The student in a youth sector has the duty to conform to rules of conduct and modalities in effect in his school. As for a student in an adult sector, he must conform to the operational rules at the centre which he attends, which may address the behaviour of the students.

All decisions which concern the student must be taken in his interest and in respect of his rights. Thus, he has the right to protection and security at all times. Furthermore, contrary to youth aged from 12 to 17 years, children less than 12 years old cannot be held criminally responsible for their actions.

The parents

Parents have authority over their child as long as he is a minor (less than 18 years). They are responsible for him and so must assure his development and safety. They must also take necessary measures so that he attends an educational institution from age 6 until age 16 years.

For the purposes of application of the *Public Education Act*, the parent of a minor student has parental authority or, if there is opposition to this person, the person who actually assumes the care of the child. On the other hand, only the parents (father or mother) can, by virtue of the *Quebec Civil Code*, delegate the care, supervision, or education of their minor child.

The school or center

A school is an establishment where primary or secondary education is given. It accomplishes its mission to educate, socialize and qualify the students within the scope of an educational project implemented by a success plan.

A centre is an academic establishment which dispenses professional training services or adult education. It accomplishes its mission to instruct and qualify its clientele by means of orientations and objectives, also implemented by a success plan. Besides their educational mission, the school and the centre must collaborate in the social and cultural development of the community.

The school or centre governing board

A governing board is established in each educational institution. It is comprised of parents, staff members, representatives of the community and students, if necessary.

Not only does the governing board adopt the educational plan, but it approves the rules of conduct, security measures and the success plan, which, amongst other things, contains conditions relative to the supervision of the students. As for the governing board of a centre, it determines its appropriate directions as well as its objectives to improve the success of the students and it approves a success plan, establishing the means to attain it.

The school or centre management

Minor students are, by delegation of the parental authority, under the authority of the management of educational institutions attended and of the teaching staff who have that responsibility. The management of educational institutions must therefore ensure that students of 16 years or less faithfully attend the school, and do so in a healthy and safe environment.

Moreover, under the authority of the head office of the school board, the management of the school or centre assumes the administrative management of the institution and assists the governing board in the exercise of its functions and powers. It then ensures the application of the decisions of the governing board and other stipulations which govern the establishment. When the school or centre includes more than one site, the school board, in the absence of management, may appoint a responsible person for each building. This person exercises his duties under the authority of the management of the institution.

The school or centre personnel

Personnel assigned to a school or centre exercise their duties under the authority of management.

The teacher has the right to direct the behaviour of each group of students which is entrusted to him. He must also take appropriate means to help his students develop respect for the rights of persons.

The school board

The school board promotes the implementation, through the success plan, of the educational plan of every school as well as orientations and objectives of every centre.

At the request of management of an institution, the school board can, for a just and sufficient cause, and after having given the student or his parents the occasion to be heard, enrol a student in another institution or expel him from one of its institutions. In this latter case, it notifies the director of youth protection.

It should be noted that this also applies to the directors general of private elementary and secondary schools.

The police force

The police force has the mission to maintain peace, order and public security as well as to prevent and suppress crime, by virtue of laws in effect in Quebec and Canada as well as regulations, resolutions and statutes of the community and municipal authorities.

The public authorities

Depending on the circumstances, the provincial director of youth protection and the Criminal and Penal Prosecuting Attorney (CPPA) may be involved in activities or programs requiring a close collaboration.

It is important to bring certain clarifications as to the powers and duties of personnel working in an educational institution.

By virtue of the *Criminal Code of Canada* there is no obligation to report a crime to the police force. However, Anastasia's Law creates such an obligation for teachers, professionals and other persons working in designated institutions and drivers of public transportation or school transportation vehicles who have reasonable grounds to believe that there is a firearm present or that a person is contravening the prohibition against the possession of a firearm on the premises of a designated institution or in a public transportation (excluding taxis) or school transportation vehicle.

Certain professionals (physician, psychologist, guidance counsellor, psychoeducator, nurse, social worker, marriage and family therapist) are authorized to report to the police any case in which they have reasonable grounds to believe that a person is behaving in such a way as to compromise the safety of that person or another person by the use of a firearm.

However, the school intervenors, represented by management of their establishment, have particular responsibilities considering the laws which govern them. Thus, by virtue of Section 2 of the *Quebec Charter of Rights and Freedoms of the Person*, "every person must come to the aid of anyone whose life is in peril, either personally or calling for aid, by giving him the necessary and immediate physical assistance, unless it involves danger to himself or a third person, or he has another valid reason".

On the other hand, by virtue of Section 39 of the *Youth Protection Act*, every person or every professional who, in the practice of his profession, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger, must immediately bring the situation to the attention of the director of youth protection.

¹ In such a case, the complaint should be treated in accordance with orientations issued in the *Multisectorial Agreement pertaining to children victims of sexual abuses, mistreatment or a lack of care threatening their physical health*.

INTERVENORS IN THE SCHOOL ENVIRONMENT

The same obligation befalls every member of teaching staff or police forces. Furthermore, any person who has reasonable grounds to believe that a child is a victim of sexual abuse or physical mistreatment must immediately bring these situations to the attention of the director of youth protection¹.

Furthermore, by virtue of the *Quebec Civil Code*, management and teaching staff of the institution find themselves entrusted by the parents with the care, supervision and the education of their children. It consists of an obligation of means², and the criteria examined by the courts is that of a “prudent and diligent person”. To this end, the school must establish and make its rules of conduct and its safety measures known, while the centre must determine and make known its rules of functioning. Management, teachers and other staff members have the responsibility to provide a safe environment for the students and should maintain order and discipline in the educational institution.

Thus, parents expect that school intervenors react or seek assistance if the safety or well-being of the children for whom they have responsibility are threatened.

In this context, school intervenors or teachers must react reasonably and begin to undertake various actions, such as restraining a student who threatens the safety of his companions or staff members.

In other words, school intervenors have the power to decide whether or not to call on a police force.

This power must be exercised with discretion, according to events in question, and the fact that they may be blamed for not having exercised it. The police intervention which ensues from the decision is made in collaboration with, and in respect of the responsibilities appropriate to each.

It is important to bear in mind that the parents must be informed about situations which have the potential to affect the safety or development of their children.

The power to arrest

By virtue of the *Criminal Code*, any person may proceed with the arrest of another person who is in the act of committing a criminal act. In the case of an infraction involving property, the act must be in process and the person making the arrest has to be the owner or an individual authorized to act in his name. The *Criminal Code* allows the use of reasonable force, but this must not exceed that which is necessary. If a person is arrested in this manner, he must be turned over to a police force in the briefest delay.

In practice, the rule of caution to be followed is to call the police unless, because of the circumstances, an arrest is required and can be made without danger.

Search of a student and his personal belongings

School authorities and teachers may proceed with the search of a student. This was established by the Supreme Court of Canada in the case of *R. v. M. (M.R.)*³. Thus, they may search a student and seize prohibited items, drugs or any instrument which may be used as a weapon. However, certain conditions must be met to prevent the search from being deemed abusive.

In an educational institution, students cannot expect a complete protection of their right to privacy. Teachers and school authorities have the obligation to provide a safe environment and to maintain order and discipline. This may necessitate the search of students and their personal belongings. However, this search must be made in a reasonable manner and preferably in the presence of another member of the personnel or management, of the same sex as the student. Persons in charge of the educational institution cannot make a search without having reasonable grounds to believe that a regulation of the institution was violated and that the evidence of this violation can be discovered on the premises or upon the student. The search itself must be conducted in a reasonable and appropriate manner, taking into account the circumstances and nature of the violation to the school regulation. The age and sex of the student must particularly be considered. The search must be conducted in a respectful manner and be the least intrusive possible.

² Obligation of means: expression used when it is a question of observing the manner of doing and not for results obtained, in contrast to a firm commitment to results.

³ *R. v. M. (M.R.)* Supreme Court of Canada, n° 26042 (26 November 1998), <http://www.lexum.umontreal.ca/csc-scc/>

The Supreme Court of Canada (R. c. A.M., [2008] SCC 19) has ruled on the use of sniffer dogs. According to this judgment, sniffer dogs can only be used in very specific contexts. Any random search without sufficient grounds and without a warrant may be judged abusive and the evidence gathered may be excluded. The use of sniffer dogs to detect the presence of narcotics in a place and on persons or in their possession must be legally authorized through a warrant. The Court, however, did not exclude certain situations in which police officers may use sniffer dogs without a warrant if they have reasonable and concrete suspicion leading them to proceed in this way with suspected persons.

Search of a locker

In the case of a locker search, the degree of reasonable violation on the privacy of a student is less than in the case of a search of a person. Moreover, the extent of this inobservance can be reduced even further if the educational institution informs the students and their parents in advance that lockers are their property and that they may be opened at any time. It is preferable that the person making the search is accompanied by another personnel member or by a member of management.

In determining if the search of a locker was conducted in a legal manner, the courts will particularly examine the degree of control exercised by school authorities over the lockers, as well as the reasonable nature of the search.

What to do with seized belongings

In a case where the mere possession of seized belongings is prohibited by law or presents a danger, such as the possession of drugs, weapons or ammunition, it is necessary to avoid handling them needlessly and to immediately request the police force to remove them.

Thus, all objects, substances or psychotropic drugs confiscated by school authorities should be deposited in a bag provided for that purpose in the presence of a witness. The seized objects should be handled as little as possible and the bag sealed at once, then handed to the police officer upon his arrival. It is also possible to have an agreement with the police, providing for a procedure to be followed for the safekeeping and return of the seized possessions.

Request for a police intervention

In the case of a request for a police intervention by management of an educational institution, the latter should avoid taking part in the investigation and allow the police force all latitude to act according to the applicable regulations.

DISCLOSURE OF INFORMATION

Whether it is in prevention or intervention, questions are frequently raised on the subject of the protection of personal information which concerns the students or the personnel of educational institutions. Which information may we reveal and how?

Bear in mind that by virtue of the *Quebec Charter of the Rights and Freedoms of the Person* and the *Quebec Civil Code*, all persons have the right to the respect of their private life. Therefore, a staff member of an educational institution must not reveal information concerning a student or an employee other than in the manner provided by the law.

Institutions of public education are equally governed by the *Act on the Access to Records of Public Organizations and on the Safekeeping of Personal Information*. It is stipulated therein that information concerning every individual in the employ of an educational institution, or attending it, is confidential, and may only be revealed with the permission of the concerned person or with a legal authorization.

However, certain exceptions to this regulation do exist. Thus, Sections 59 and 59.1 of the *Act on the Access to Records of Public Organizations and on the Safekeeping of Personal Information* provide the possibility to communicate personal information without the authorization of the person in question, particularly in the three following circumstances:

- to a person who, by virtue of the Act, is charged to prevent, detect or suppress crime or infractions against laws, or if the information is required for the purposes of a pursuit for an infraction against an applicable law in Quebec;
- to a person to whom this communication must be made by reason of an emergency situation placing the life, health or safety of the concerned person in danger;
- to the person or persons exposed to this danger, to their representative or to any individual capable of bringing them aid and to whom this communication must be made in order to prevent violence, such as suicide, when there is a reasonable cause to believe that an imminent danger of death or serious injuries threatens a person or an identifiable group of persons.

Elsewhere, Section 125 (6) of the *Penal Justice System for Adolescents Act* allows, in certain circumstances, police forces, the provincial director or the Attorney General to communicate information concerning an adolescent and the contents of his file to a professional or to any other individual charged with supervising the adolescent and to take charge of him, particularly to a representative of an educational institution. This is the case when it consists of a question of applying a decision rendered by the Court for adolescents, for example the conditions imposed following the release of an adolescent or within the scope of a probation, of ensuring the security of the personnel of an educational institution, students or other persons as the case may be or to promote the rehabilitation of the adolescent.

In addition, Section 125 (7) of the *Penal Justice System for Adolescents Act* decrees that every individual of an educational institution who receives information in this manner, must retain it without attaching it to the offender's school file and take care that no unauthorized person has access thereto. He must also destroy this information as soon as it is no longer useful.

POLICE PRESENCE WITHIN AN EDUCATIONAL INSTITUTION

The three chapters which follow add precision to the manner in which a police force can proceed when it is called to attend or intervene in an educational institution. This approach is put forward in annex 4. Three different contexts are illustrated; in each, we have sought to respond to two questions:

- When should management of an educational institution request police to intervene?
- When and how should police intervene in an educational institution?

The terms of the police presence vary from one school to another, according to the necessities of the environment and the police organization covering the given sector. Thus, in certain schools, one may find a policeman daily, while, in other cases, police intervene only on request or when their presence is required. Whether this presence is regular or occasional, it must respect the

basic principles of community-based policing recommended by the policy on community-based policing of the ministère de la Sécurité publique du Québec, namely:

- The proximity with the citizens
- The partnership
- The resolution of problems approach
- The intensification of preventative measures

CONTEXT OF PREVENTION AND COMMUNITY RELATIONS

CHAPTER I

Preamble

IN ORDER TO PROMOTE A GLOBAL INTERVENTION WITH STUDENTS, IT IS NECESSARY TO MOBILIZE THE FORCES OF THE COMMUNITY BY DEVELOPING JOINT ACTIONS OF PREVENTION, AND THIS, WITH RESPECT OF THE OPERATING POLICIES OF THE EDUCATIONAL INSTITUTION AND THE POLICE WHO ARE SUMMONED TO INTERVENE.

HAVING ADMITTED THE IMPORTANCE OF IMPLEMENTING PRECAUTIONARY MEASURES IN THE VARIOUS ENVIRONMENTS, IT IS RECOMMENDED THAT THE CREATION OF PROJECTS OR PREVENTION PROGRAMS BE COMPLETED IN ASSOCIATION WITH ALL THE INTERESTED PARTIES IN THE COMMUNITY. THESE PROGRAMS COULD PARTICULARLY ADDRESS PROBLEMS RELATED:

- TO VIOLENCE;
- TO ALCOHOL AND DRUGS;
- TO INTIMIDATION AND BULLYING;
- TO HARRASSMENT;
- TO VANDALISM;
- TO STREET GANGS;
- TO SEXUAL ABUSE;
- TO SUICIDE;
- TO HIGHWAY SAFETY.

REGARDLESS THE PROBLEM TO WHICH THE COMMUNITY CHOOSES TO DEDICATE ITS ENERGY, DIALOGUE AMONGST THE VARIOUS PARTIES MUST BE MADE ESSENTIALLY AROUND A COMMON DEFINITION OF THE MESSAGE TRANSMITTED TO THE STUDENTS. THIS IMPLIES A CONSENSUS AMONG THE VARIOUS INTERVENORS ON THE VALUES TO BE PROMOTED WITH THE STUDENTS.



Objectives

In order to achieve the objectives established in matters of prevention, different means, such as awareness, prevention and intervention programs, are made available to the personnel of the educational institution, the governing board, students, parents and police forces. These means should address the following objectives:

- To promote the development of attitudes, skills and techniques allowing them to resolve conflicts in a peaceful manner and to intervene in a relevant manner towards aggressive behavior (programs based on the learning of social skills, resolution of conflicts, mediation by peers, increase of self-respect or respect for others).
- To inform and to make aware of the variety and complexity of problems connected to violence (phenomenon of “street gangs”, intimidation, violence in love affairs or others).
- To give students the opportunity to help prevent acts of violence.
- To establish a link between the management of the educational institution, staff, students, parents and police forces, with the aim of encouraging discussions to find lasting community solutions to the various problems experienced within the school environment.

Proposed strategies

The police force, in collaboration with other partners, may be asked to associate with the school environment for prevention activities of a general or specific nature, and this, in respect for the rules of conduct and safety measures of the school. Here, as examples, are certain actions for which police may be requested.

General prevention activities

- To make aware and inform students, institution personnel and parents of the diversity and complexity of problems which may arise (“street gangs”, intoxicants, family violence, homophobia or others) and the presence of potentially violent situations.
- To act in the capacity of a resource person to direct the students and parents towards specialists or appropriate organizations.
- To collaborate in the organization of community activities (group outings, sports or other activities).

Specific prevention activities

- To respond to definite needs jointly (plan projects within the school environment, coordinate common activities).
- To participate in common activities in collaboration with the school team and the students (development and implementation of programs, intervention strategies, projects).
- To participate, when necessary, in individual measures to respond to the specific needs of a student.

Steps to follow

During the implementation of a particular program of prevention where dialogue between the partners is desired, it is preferable to proceed according to certain precise steps if one wants to facilitate its success. Here are the proposed steps⁴:

- To establish a diagnostic of criminal activity and security.
- To develop an action plan for each problematic judged to be a priority.
- To implement interventions foreseen in the action plan.
- To evaluate the process and the results of interventions carried out.

The authorities of the educational institution inform the personnel as well as the students, parents and other partners involved in the evolution of the prevention program.

⁴ Gouvernement du Québec, *Politique ministérielle en prévention de la criminalité, Pour des milieux de vie plus sécuritaires, (Ministerial Policy in the Prevention of Criminal Activities, for a Safer Living Environment)* Québec, ministère de la Sécurité publique, 2001, 37 pages.

EMERGENCY CONTEXT

CHAPTER 2

Preamble

WHEN AN EMERGENCY SITUATION ARISES IN AN EDUCATIONAL INSTITUTION OR WHEN A PERSON OR A GROUP OF PERSONS THREATENS THE SAFETY OF ANOTHER PERSON OR SERIOUSLY DISRUPTS THE FUNCTIONING OF THE INSTITUTION, MANAGEMENT ENACTS INTERVENTION MEASURES DEVELOPED IN THE SCHOOL ENVIRONMENT TO DEAL WITH THE SITUATION. IN THE PUBLIC SECTOR, THESE INTERVENTION MEASURES MAY ENSUE FROM THE IMPLEMENTATION OF AN EMERGENCY MEASURES PLAN WHICH A SCHOOL BOARD ADOPTED TO MEET THE NEEDS OF ITS ESTABLISHMENTS. IN SUCH A CASE, THE ESTABLISHMENT SHOULD REFER TO THE EMERGENCY MEASURES PLAN OF ITS SCHOOL BOARD TO EFFECTIVELY MANAGE THE SITUATION.

IN THE ABSENCE OF AN EMERGENCY MEASURES PLAN FROM THE SCHOOL BOARD OR WHEN THIS PLAN IS INCOMPLETE, THE EDUCATIONAL INSTITUTION MUST BE CAPABLE OF APPLYING AN INTERVENTION PROCEDURE ALLOWING IT TO EFFECTIVELY MANAGE THE SITUATION. THE FOLLOWING MEASURES SHOULD ALLOW IT TO IMPLEMENT A FLEXIBLE AND EFFECTIVE PROCEDURE.

IN ALL EMERGENCY SITUATIONS, THE EDUCATIONAL INSTITUTION MUST PROVIDE COLLABORATION AND SUPPORT TO THE POLICE.



Objectives

- Encourage the school board and its educational institutions as well as private institutions, and the police to plan the procedure to be followed in cases where an emergency situation requires a police presence.
- Encourage the school board and its educational institutions, and private institutions to implement mechanisms promoting the disclosure of any act that could threaten the safety of persons or seriously disturb the functioning of the institution, or the management of an educational institution or a staff member in order to ensure a rapid and efficient intervention. Any disclosure of information must respect the rules of confidentiality mentioned earlier.

Proposed strategies

Planning the collaboration procedure

Just as intervention plans exist in case of fire, intervention plans also exist for emergency situations, such as a hostage taking or even an encounter between two gangs. In collaboration with the school board, the police force, public security, community organizations and the municipality where it is located, the educational institution, with its personnel, must therefore prepare an intervention plan, to apply in the event of an emergency.

This collaborative process also applies to private educational institutions.

Emergency situation

The procedure is undertaken by the educational institution

THE MAIN GUIDELINES TO BE RESPECTED ARE AS FOLLOWS:

All adults working in the educational institution and all students are asked to collaborate by quickly reporting any problem to management or to the designated person. Thus, if a staff member or student believes that a person constitutes a danger to the safety of another, he must immediately inform management. This disclosure must be made respecting the rules of confidentiality mentioned earlier.

When the management of an educational institution judges that the behaviour of a person constitutes an imminent danger, it must immediately request the assistance of the police force and take the appropriate measures to protect the health and safety of persons under its care.

Immediately after an emergency situation, management of the educational institution must inscribe the information about the event onto an Observation Form (annex I) and take the necessary steps to inform the school board and the parents, if necessary.

The procedure is undertaken by the police force

THE MAIN GUIDELINES TO BE RESPECTED ARE AS FOLLOWS:

Unless an exceptional situation exists, the police notifies management before intervening in the educational institution, or as soon as possible. However, it may be that the police are unable to notify of their arrival, if they are in the midst of an active pursuit or even in a situation where the life or physical integrity of a person is in immediate danger.

When they intervene in an educational institution, the police force expects collaboration from the personnel of the institution and the school board, to ensure the efficiency of the intervention.

Immediately after a police intervention, management of the educational institution must inscribe the information about the event onto an Observation Form (annex 1) and take the necessary steps to inform the school board and the parents, if necessary.

Feedback (Debriefing)

After a disturbance, it is important to organize a feedback, within which resource persons will be available for the students and personnel of the educational institution. Several intervenors from the entourage may be associated to this feedback.

The feedback may particularly allow the persons concerned to express the emotions felt during the incident or even to understand the emergency of the intervention and the choice of methods used.

Moreover, the collaboration of the main intervenors at this stage of the feedback maintains a healthy relationship between management and personnel at the educational institution, members of the police force and the social intervenors.

Communication strategy

Faced with an emergency situation, it is important to establish a communication plan and a sharing of roles in order to pass on necessary information to the different parties. This communication plan should first address the school team, the school board, the youths and the parents.

Furthermore, when an emergency situation arises, there is a risk of the media streaming towards the location of the event. It is therefore essential to clearly establish the rules of the game and to appoint a spokesperson. Contact with the person responsible for communication services at the school board or the private educational institution and the police force should be established as quickly as possible. An example of information management is presented in annex 2.

CONTEXT OF INVESTIGATION

CHAPTER 3

Preamble

THE EDUCATIONAL INSTITUTION IS AN ENVIRONMENT WHOSE PARTICULAR CHARACTERISTIC MUST BE RESPECTED AT ALL TIMES. INTERVENTIONS BY POLICE ARE PREFERABLY MADE ELSEWHERE THAN IN THE INSTITUTION AND IN CONSULTATION WITH THE SCHOOL. WHEN AN INTERVENTION IS CONDUCTED IN AN EDUCATIONAL INSTITUTION, THE POLICE LIMIT THEIR MOVEMENTS TO THE AREA RESERVED FOR ADMINISTRATIVE SERVICES, UNLESS THE NATURE OF THE INTERVENTIONS REQUIRES THEIR PRESENCE ELSEWHERE IN THE ESTABLISHMENT.

A POLICE INVESTIGATION MAY BE CONDUCTED FOLLOWING A DECISION BY THE POLICE FORCE OR AT THE REQUEST OF THE EDUCATIONAL INSTITUTION, AND THIS, REGARDLESS OF THE LOCATION WHERE THE INFRACTION WAS COMMITTED.

HOWEVER, IT IS IMPORTANT TO BEAR IN MIND THAT, WHEN INFRACTIONS ARE COMMITTED IN AN EDUCATIONAL INSTITUTION, THEY AFFECT THE CLIMATE IN WHICH THE STUDENTS AND STAFF OF THE ESTABLISHMENT DEVELOP. THE DECISION TO INFORM THE POLICE CAN BE DIFFICULT TO MAKE, BUT IT MAY APPEAR NECESSARY FOR PURPOSES OF PREVENTION OR DETERRENCE OR EVEN TO FORCE THE PERSON WHO COMMITTED THE INFRACTION TO ASSUME THE RESPONSIBILITY OF HIS ACTIONS.

UNDER ANASTASIA'S LAW, AS SOON AS THERE IS A FIREARM IN AN INSTITUTION, THE POLICE MUST BE CALLED. IN CERTAIN OTHER CASES (AGGRESSION, DRUG TRAFFICKING, USE OF A KNIVES), CALLING THE POLICE IS STRONGLY RECOMMENDED.

IN CERTAIN CASES (AGGRESSION, USE OF A WEAPON OR DRUG TRAFFICKING), THE CALL TO THE POLICE SHOULD BE IMPERATIVE.

Objectives

- To make management of the educational institution aware of the different grounds which may require a police intervention in the context of an investigation.
- To inform management of the educational institution of the different actions pertaining to a police intervention in the context of an investigation.

When to call the police

Certain criteria may guide management of an institution in the decision to call or not call the police. These criteria can serve as a basis in determining the steps to take at the time an infraction is observed:

- the circumstances, nature or seriousness of the infraction;
- the safety of the persons or the premises;
- the damages caused to the victim;
- the age of the presumed perpetrator of the infraction and his prior conduct;
- the family context;
- the risk of re-offending;
- the seizure of illicit or illegal goods.

Main motives for police intervention

Intervention involving students under the age of 12

Any police intervention involving students aged under 12 years must be authorized by the person having parental authority, unless the latter is himself the object of the investigation.

Children under 12 years cannot be held criminally responsible for their actions. Thus, a police force which, during the investigation, determines that the offender is less than 12 years old takes unofficial measures and communicates with the person having parental authority to advise them of the actions of their child. If the youth demonstrates behavioural problems, the police may propose to the persons having parental authority, if this has not already been done, to ask for assistance from the educational institution, from Social Services (CSSS) or any other organization likely to help them. It is also possible that the police force may refer the case to the director of youth protection, when the situation warrants it.

Intervention involving students aged from 12 to 17

Seeking information

Policing activity in a school environment falls into a variety of diverse contexts. In the case of a continuous presence at the school, the police officer establishes a regular communication with the students and is therefore exempted from obtaining the authorization of the parents to exchange with the youths.



Interrogation of a witness or a victim

When a police officer meets a particular student to obtain a statement in connection with an infraction, the agreement of the parents is then required.

In such a case, no individual is obliged to answer the police officer's questions. The power to force a student to reveal what he knows is a privilege reserved for the court.

Moreover, the act of supplying false information to a peace officer may constitute a criminal offence when the intention is to deceive him.

A procedure is suggested in annex 3.

Interrogation of a suspect

The interrogation is intended to collect information which may eventually lead to charges against the interrogated person.

When the interrogation of a student takes place at the school, it is strongly recommended that the consent of the person having parental authority be obtained. However, if the police officer proceeds to the arrest of the student, the consent of the parental authority is not required. The interrogation may take place either at the school or at the police station, although it is recommended that it be held at the police station.

When a police officer proceeds with the arrest of an adolescent, the director of the institution and the police must inform the parents as soon as possible.

In the case of an adolescent, the *Penal Justice System for Adolescents Act* applies if, at the time of the infraction, he had attained the age of 12 but less than 18 years. This Act points out the procedure which the police must follow in such a case. It foresees that the police officer informs the adolescent, in terms adapted to his age and to his understanding, of the motives for his arrest. He must also inform him of his rights, and this, before making a statement or consulting his parents or an adult of his choice. The adolescent also has the right to consult a lawyer. He must be informed of his right to be assisted by these persons during the interrogation.

Bear in mind that in no circumstance does the *Charter of Rights and Freedoms of the Person* cease to apply. Thus, the individual interrogated by the police has the right to safety and freedom as well as to the protection of his dignity, his honor and his reputation. Furthermore, a youth can not be victim of discrimination based on age and has the right to the protection of his parents.

A procedure is suggested in annex 3.

Arrest with or without warrant

Extracts of the *Criminal Code* are attached to annex 5

As a general rule, the police force must have obtained a legal warrant in order to proceed with the arrest of a student.

A police officer may however arrest without warrant:

- a person who has committed an indictable offence or who, according to what he has reasonable grounds to believe, committed or is about to commit an indictable offence;
- an individual that he finds in the process of committing a criminal offence;
- an individual against whom he has reasonable and probable grounds to believe that an arrest warrant is enforceable within the territorial limits of the jurisdiction in which this individual was found

The management of the educational institution does not have to judge the motives invoked by the police officer to justify the intervention. It is up to a competent court to judge the validity of the arrest. The direction of the institution, as well as staff members, have the duty to collaborate with the police officer.

A procedure is suggested in annex 3.

Search of a person and search of the premises

In all situations where the management of an educational institution requests the police force to intervene, it must leave the task of conducting body searches and property searches to the police in order to ensure that the evidence collected may eventually be used before the courts. Indeed, an inappropriate intervention could render the evidence inadmissible and lead to the dismissal of charges at a later date.

Search of a person

A body search of a person is conducted at the time of all arrests. It is intended to reveal the presence of any weapon capable of being used against another person, including the police officer himself, as well as to seize any evidence.

Search of the premises

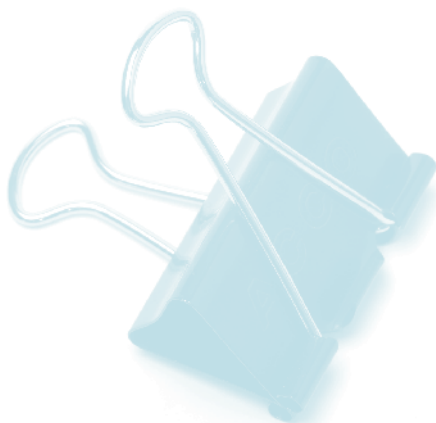
A search of the premises is a search, in a given location, for an object:

- whose possession is illegal;
- which was obtained by means of an infraction;
- which was used during the perpetration of an infraction;
- which may be used as evidence of an infraction;
- which is intended to be used in the perpetration of an infraction;
- which may reveal the location where an individual may be found who is presumed to have committed an infraction.

To conduct a search in an educational institution, the police force must have obtained a warrant, that is a legal authorization based on reasonable grounds. The police officer, armed with a search warrant, identifies himself to the management of the educational institution and clearly states the purpose of his intervention. Management must allow the police intervention and collaborate with it. The search is then under the complete responsibility of the police force.

Management of the educational institution is not always notified of the intervention. The rule intends that, at the time of his arrival, the police officer identifies himself to management and presents his warrant. Management must then allow him to conduct his search.

The police officer who conducts a search may proceed in the presence of the implicated student and management of the educational institution.



Major operations

In the context of a major operation concerning, for example, large scale trafficking of drugs, the roles of each are determined in advance during a preliminary planning stage, followed by meetings allowing to clarify the approach.

It is essential to name the persons responsible for exchanges between the school and police networks. These persons are charged with ensuring a continuous link between the educational institution and the police force. The implementation of a consulting committee is one way of ensuring this link.

Communication strategy

It occasionally happens that certain police operations conducted in educational institutions are surrounded with a large media hype. Together, the police force and the educational institution may then agree on the type of coverage to grant. Should one alert the media to the current operation or limit it to answering their questions? Everything depends on the desired objective. It is necessary to evaluate the effect of media coverage on an educational institution and those who attend it, as well as on the school board, the parents or the local population. A communication plan and the name of a spokesperson are therefore recommended. To do so, one may be guided by annex 2.

Feedback (Debriefing)

After a police intervention, it is important to anticipate some feedback, within which resource persons will be available for the students and personnel of the educational institution. Several intervenors from the environment may be associated to this feedback.

The feedback may allow, amongst other things, the expression of emotions felt and the offer of support for the students or personnel following the disturbing incident.

The collaboration of the principal intervenors (management and personnel of the educational institution, members of police forces and the social intervenors) at this stage of the feedback maintains a healthy relationship between the school environment and the police force.

Conclusion

Each entity has the responsibility to update this Frame of Reference by adapting it to their appropriate needs. We hope that it manages to prompt the representatives of the school and police milieus to discussion, in order to agree on the time and method of police interventions in educational institutions.

The object of a community effort should be to prevent and to check violence in the school environment, based on the dialogue of the different networks of the partners, and begun from preschool education. A constant and regular collaboration between police forces and educational institutions can ensure that the police presence within an educational institution is considered as one of the leading elements capable of contributing to the education of the citizenship of youths and adults while in attendance.

Prevention of violence is the primary purpose. This is what reunites these two partners, namely the school and the police force. Thanks to this collaboration, the police action will gain in efficiency and the school will gain in safety.

OBSERVATION FORM/OCCURRENCE REPORT

Intended for management of the educational institution

Educational institution: _____
Date: _____ Time: _____
Location of occurrence: _____
Student implicated: Name: _____ Given name: _____
Classroom: _____

OCCURRENCE ARISING

DRUGS

- Possession ☐
- Consumption ☐
- Sale ☐
- Substance seized Yes ☐ No ☐
- Refusal by student ☐

THEFT ☐

ASSAULT ☐

INTIMIDATION, BULLYING ☐

HARASSMENT ☐

SEXUAL ASSAULT ☐

VANDALISM ☐

HIGHWAY SAFETY ☐

OTHER ☐ Specify: _____

Explanatory Notes: _____

WITNESSES PRESENT AT THE TIME OF THE OCCURRENCE

	Name	Given name	Class or position
<input type="checkbox"/> Student	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
<input type="checkbox"/> School Personnel	_____	_____	_____
	_____	_____	_____
<input type="checkbox"/> Other	_____	_____	_____
	_____	_____	_____

* To be filed in the student's file and the occurrence file.

Comments: _____

Parents informed: Yes ☐ No ☐ Could not reach ☐

Name of the person: _____

Telephone: _____ Time: _____ Date: _____

Nature of the communication: _____

MEETING WITH THE STUDENT

WITNESS DURING THE MEETING:

Name: _____ Given name: _____

Position: _____

DETAILS: _____

AT THE END OF THE MEETING, WERE THE FACTS ADMITTED BY THE STUDENT?: Yes ☐ No ☐

Management comments: _____

DECISION OF MANAGEMENT

☐ **Measures imposed (educational, disciplinary or legal):**

☐ **Police Intervention requested:**

Name of the police officer who received the call: _____

Date: _____ Time: _____

☐ **No steps taken:**

Comments:

☐ **Other:**

Form completed by: _____

Signature

Position

Date: _____

RELATIONS WITH THE MEDIA IN THE CONTEXT OF AN EMERGENCY

Intended for management of the educational institution

Name a spokesperson

Before an emergency situation even arises, the first step for an educational institution is to appoint a spokesperson in collaboration with the school board. The spokesperson for the educational institution should be in direct contact with the communications service of the school board in the application of measures to facilitate discussions with the media representatives, who will not fail to hasten to the site of the occurrence.

Ensure safety within the educational institution

Ensure that the persons circulating inside the educational institution are authorized to be there. For example, a cameraman must obtain the consent of the spokesperson of the institution before filming.

Prohibit access to the location where the occurrence is happening

Until the proper authorities are in control of the situation, it is recommended that media access be denied to the location of the occurrence, all the while explaining the reasons which justify this restriction (safety, preservation of evidence, etc.).

Set a location for the media to gather

This location differs from the area where the event occurred. It serves to assemble the reporters to hold press conferences or even interviews. It is necessary to provide ready access to electrical sockets, telephones, etc.





Refer everyone to the official spokesperson

To avoid circulation of contradictory or erroneous information, it is important to reduce sources of information to a minimum and to leave it to the spokesperson of the educational institution to answer questions raised by the media. The spokesperson delivers facts and not opinions or perceptions. This person is responsible for receiving the reporters. He stays calm, handles the media representatives with professionalism and with respect for the right of the public to information.

Prepare the meeting with the media representatives

Whenever possible, the spokesperson of the educational institution consults with the police before delivering whatever information it may have on the event which has just occurred. Both agree on the elements of information which will be delivered and, if possible, anticipate questions which will be asked. Reporters want to know what happened: where, when, how and why. It is important to inform them and to tell the truth. The message will be brief, factual, descriptive, without judgment of values and will not contain any personal information. Furthermore, formulated in a simple and clear language, the message should be the same for all media. If a press release is prepared, its contents will be accessible to staff members and parents.

SUGGESTED POLICE INTERVENTION IN THE CONTEXT OF AN INVESTIGATION

N. B.: This procedure is applicable to adolescents aged 12 to 17 inclusively.
Children under 12 years of age can not be held criminally responsables for their actions.

Grounds for intervention

Meeting with a witness or a victim

Context

The police officer meets a student alone to obtain a statement in connection with an infraction.

In this context, no individual is obliged to answer the police officer's questions. The power to force a pupil to reveal what he knows is a privilege reserved for the court.

Moreover, the act of supplying false information to a peace officer may constitute a criminal offence when the intention is to deceive him.

Procedure

Information given to the management of the educational institution

The police officer identifies himself and specifies the purpose of his intervention.

Information given to those holding parental authority

If the persons having parental authority are not themselves the subject of the investigation, the management (who had been notified) has to inform them about the police demand and obtains their authorization to allow the police to meet the student and obtain his statement.

The police force may have advised the persons having parental authority earlier in the process.

Meeting with the student

The principal goes to get the student from his classroom or calls him to his office.

Grounds for intervention

Interrogation of a suspect

Context

The interrogation is intended to collect, from the suspected or accused student, information which may eventually serve as evidence against him in the context of a judicial process.

The interrogation may take place either at the school or at the police station, although it is recommended that it be held at the police station.

In this instance, the police force may place the adolescent under arrest.

Procedure

Information given to the management of the educational institution

The police officer identifies himself and specifies the scope of his intervention.

Information given to those holding parental authority

When the interrogation of a student takes place at the school, it is strongly recommended the consent of the person having parental authority be obtained. However, if the police officer proceeds with the arrest of the student, the consent of the parental authority is not required.

When the police officer proceeds with the arrest of the adolescent, management of the institution and the police force must inform the youth's parents as promptly as possible.

The police force must give the reason and the location of his detention.

Management of the educational institution ensure that the parents or persons having the parental authority have been informed that the student is no longer under the supervision of the school.

Meeting with the student

The principal goes to get the student from his classroom or calls him to his office.

MODEL AGREEMENT OF COLLABORATION BETWEEN EDUCATIONAL INSTITUTIONS AND POLICE FORCES

This document is to be used as a guide to foster the process of collaboration between educational institutions and police forces. It allows them to determine locally the context of the intervention in which the presence of the police is necessary, the type of intervention desired, and considerations related to their spheres of responsibility.

Effective collaboration must first of all bring the parties together around common goals. The goals that are at the basis of this partnership and are pursued jointly by the police forces and the educational institutions are the following:

- a) to prevent and reduce violence and criminal behaviour in the school and the school environment;*
- b) to create a safe climate for everyone in the school community;*
- c) to raise awareness of all persons in the school community regarding their roles and responsibilities as citizens.*

This process of collaboration is based on the document Frame of reference: Police presence in educational institutions. It guides the partners in establishing common goals and suggests specific excerpts from the document. This model of agreement is also the result of a review of the international literature on the subject (Beaumont and Garcia, 2009) and a survey of the administrators of educational institutions conducted in Québec in 2009. Examples of prevention or the investigation of situations, and emergency contexts are provided, taking into account all forms of violence and all types of situations that may require police intervention in educational institutions (bullying, cyberbullying, discrimination, taxing, harassment, vandalism, assault, criminal activities related to street gangs, drugs, suicide).

The general objectives proposed in the model are based on those formulated in the Frame of reference: Police presence in educational institutions (2005), while the key actions are examples of measures to be applied in specific contexts to attain these objectives.

Finally, the parties may make a verbal or written agreement, signed or not, on the objectives of the collaboration established in the various contexts of intervention.

Development:

Claire Beaumont, Ph. D., and Natalia Garcia, Canadian Observatory on School Violence Prevention, and the members of the Table provinciale de concertation sur la violence, les jeunes et le milieu scolaire, June 2009.

Points to be taken into consideration in drawing up an agreement

The educational institution and the police force may select and adapt the general objectives and key actions in keeping with their needs and capacities, while respecting the legal and administrative frameworks, including, where applicable, the orientations and programs of the school board and the educational institution.

I. Intervention in a Context of Prevention and Community Relations		
General Objectives¹	Key Actions (EXAMPLES)	
	Educational Institution	Police Force
I.1 Develop responsible social behaviours and attitudes in students, young people and adults.	<ul style="list-style-type: none"> • Implement a training program in social skills (conflict management, expression of feelings, prosociality, etc.). • Put in place clear rules of conduct and safety measures that allow students to correct their mistakes and bear the consequences of their actions and see that these rules and measures are applied. • Draw up a school policy on the prevention of violence in the school and ensure that it is known to all members of the school community (e.g. the school team) and respected by them. 	<ul style="list-style-type: none"> • Collaborate with community resources in leading workshops in class in order to inform students and raise their awareness of the diversity and complexity of problems related to violence. • Inform students and raise awareness of the legal consequences of their actions. • Organize individual meetings to meet the specific needs of certain students (at-risk students, reporting, requests for support, etc.).
I.2 Maintain a preventive approach based on teaching respect, collaboration and sharing.	<ul style="list-style-type: none"> • Set up peer remediation mechanisms (school cooperatives, peer counselling, etc.). • Organize timetables that allow school staff to work in collaboration (among school teams and with partners). • Become associated with a residence for seniors in order to develop young people's desire to help others and provide seniors with intergenerational contact. 	<ul style="list-style-type: none"> • Determine, where needed, the terms and conditions of police presence in the educational institution in order to promote and strengthen trust among members of the educational community.
I.3 Encourage and undertake joint actions with different partners that can contribute to young people's development in a healthy and safe context.	<ul style="list-style-type: none"> • Invite community organizations to meet with school staff and present the available local resources. • Become associated with university researchers (action research projects) to develop innovative approaches and evaluate their impact or to stay at the forefront of intervention recognized as effective in preventing violence and criminal behaviour. 	<ul style="list-style-type: none"> • With the help of the administration, collaborate on the organization of a theme day on violence in the school, and invite students, parents² and teachers to participate in drawing up a school policy on preventing violence. • Participate actively, along with the school staff, in activities concerning violence in the school.
I.4 Foster the involvement of parents who are key partners and play a primary role in the education of their children.	<ul style="list-style-type: none"> • At the beginning of the year, meet with parents to inform them of the school policy on preventing violence and the importance of their collaboration. • Set up an effective system of communication in order to reach the parents easily, when necessary. • Have parents take part in school activities promoting peaceful behaviour and respect for differences (e.g. different ethnic groups) and in important decisions on interventions. 	<ul style="list-style-type: none"> • Participate in organizing activities to inform parents² and sensitize, such as activities on: <ul style="list-style-type: none"> • the diversity and complexity of problems related to violence (street gangs, bullying, taxing, provisions of the law); • the importance of their collaboration in prevention, emergencies or investigations; • the role of the police in the school, availability and contact information.

2. Intervention in an Emergency Situation

For a collaboration agreement in an emergency situation, refer to the emergency measures plan of the school board or the public or private educational institution and list below the actions already planned by the parties. In the absence of a plan, the objectives and the actions to be carried out concerning emergency measures should address the following points:

General Objectives ³	Key Actions (EXEMPLES)	
	Educational Institution	Police Force
2.1 Plan the procedure to be followed when an emergency situation requires the presence of police, for example, the case of an active shooter.	<ul style="list-style-type: none"> • Establish a climate of trust between the administration and the school community in order to facilitate the reporting of problematic situations in complete confidentiality. • Draw up, implement and validate a procedure to be followed when there is a firearm present or an individual in possession of a firearm is endangering his or her own safety or that of others. • Establish a communication plan to inform and sensitize the school team, young people, the school board, parents and the media⁴. • Once the emergency has been contained, ensure that the information is recorded on an observation form⁵ in order to notify the school board and parents of it. 	<ul style="list-style-type: none"> • Support the schools in the application of their emergency measures plans. • Collaborate in the implementation and validation of the procedure to be followed in situations where an individual in possession of a firearm is endangering his or her own safety or that of others. • Collaborate in actions involving threat prevention, detection and assessment in cases where an individual's behaviour with a firearm may endanger his or her own safety or that of others.
2.2 Put in place measures to counter any form of violence that may harm personal well-being.	<ul style="list-style-type: none"> • Undertake actions involving threat prevention, detection and assessment in cases where an individual's behaviour with a firearm may endanger his or her own safety or that of others. • Undertake, with the help of the local police authority, a lockdown exercise. • When the administration deems that a person's behaviour constitutes an imminent danger, ask the police for help as quickly as possible and take appropriate measures to protect the health and safety of the people for whom it is responsible. 	<ul style="list-style-type: none"> • Collaborate in actions involving threat prevention, detection and assessment in cases where an individual's behaviour with a firearm may endanger his or her own safety or that of others.
2.3 Put in place a feedback (debriefing) process that includes all persons directly or indirectly involved in the critical event.	<ul style="list-style-type: none"> • With the help of the school board, where appropriate, ensure support by a team of psychosocial practitioners (psychologists, guidance counsellors, members of the police force, etc.) and provide follow-up for students and staff members, witnesses and victims. (The team members will identify those persons who need care in the medium-or long term.) • Inform parents, young people and staff of the follow-up to be carried out and encourage them to consult the psychosocial practitioners or take part in a post-event information meeting. 	<ul style="list-style-type: none"> • Give post-event information to the administration of the institution regarding the repercussions of police actions. • Provide support to the administration of the institution in post-event information meetings.

3. Intervention in the Context of an Investigation

An investigation may be carried out at the request of the administration of the educational institution or following a decision⁶ by the police.

General Objectives ⁷	Key Actions (EXEMPLES)	
	Educational Institution	Police Force
3.1 Provide the necessary information and plan the actions to be taken before police intervention in the context of investigation.	<ul style="list-style-type: none"> • With the help of the police, determine the specific situations requiring police intervention. • In collaboration with the police, plan the specific actions to be taken during police operations. • Draw up a communication plan to inform the school team, young people, the school board, parents and media. 	<ul style="list-style-type: none"> • Inform the administration of the educational institution of the various grounds requiring a police investigation.
3.2 Determine the actions to be carried out during a police intervention in the context of investigation.	<ul style="list-style-type: none"> • Facilitate the actions involved in the police intervention (e.g. provide the police with a room, a telephone line and a computer work station, ensure the availability and cooperation of school staff, etc.). • Put in place the existing communication plan to provide information, taking into account the concerns of the parents involved⁴. 	<ul style="list-style-type: none"> • Identify itself and define the framework of its intervention in the educational institution. • When there is a legal authorization based on reasonable grounds, a search takes place under the responsibility of the police force, and the administration of the school must cooperate. • When it is necessary to arrest a student, a police officer may do so with or without a warrant, depending on the grounds and the seriousness of the case.
3.3 Put in place a feedback (debriefing) process.	<ul style="list-style-type: none"> • Ensure the availability of resource persons to provide support for students and staff members in keeping with the situation in order to enable them to express their feelings. • Inform parents of the follow-up to be provided. 	<ul style="list-style-type: none"> • Provide the administration with feedback on all investigative activities.

1 These objectives are based on the document Frame of reference: Police presence in educational institutions, pp. 12,13

2 Parents or holders of parental authority (this note is applicable every time parents are mentioned in this document).

3 Frame of reference: Police presence in educational institutions, pp. 14, 15, 16

4 Frame of reference: Police presence in educational institutions, pp. 25-26

5 Frame of reference: Police presence in educational institutions, Annex 1, p. 22

6 Anastasia's Law provides a set of measures primarily to restrict the presence of firearms in educational institutions and on school transportation vehicles.

7 Frame of reference: Police presence in educational institutions, pp. 17, 18, 19, 20, 21 and 27.

ADDITIONAL INFORMATION

ANNEX 5

EXTRACTS FROM THE CRIMINAL CODE

BY VIRTUE OF THE CRIMINAL CODE, ANY ONE MAY ARREST, WITHOUT WARRANT:

- a person whom he finds committing an indictable offence, or
- a person who, on reasonable grounds, he believes
 - has committed a criminal offence and
 - is escaping from and freshly pursued by persons who have the lawful authority to arrest that person. (Sect. 494 (1)).

WHOMEVER IS, AS THE CASE MAY BE:

- the owner or a person in lawful possession of property, or
- a person authorized by the owner or by a person in lawful possession of property may arrest without warrant a person whom he finds committing a criminal offence on or in relation to that property, without a warrant. (Sect. 494 (2)).

Any one other than a peace officer, who arrests a person without warrant shall forthwith deliver the person to a peace officer. (Sect. 494 (3)).

A PEACE OFFICER MAY ARREST WITHOUT WARRANT:

- a person who has committed an indictable offence or who, on reasonable grounds, he believes has committed or is about to commit an indictable offence;
- a person whom he finds committing a criminal offence or
- a person in respect of whom he has reasonable grounds to believe that an arrest warrant is in force within the territorial jurisdiction in which the person is found (Sect. 495).

Extracts from the Act to protect persons with regard to activities involving firearms and modifying the Act respecting safety in sports (Anastasia's Law)

6. A teacher, professional or other person working at a designated institution who has reasonable grounds to believe that a person is contravening section 2, or that a firearm is on the premises of the institution, must advise the police of the situation immediately. This also applies to public transportation or school transportation admission attendants and drivers with regard to persons who use such transportation.
 7. A teacher or a professional occupying a management position at a designated institution who has reasonable grounds to believe that a person on the premises of the institution is behaving in such a way as to compromise the safety of that person or another person by the use of a firearm, must report that behaviour to the police, providing the latter only with such information as is required to facilitate police intervention. This also applies to public transportation or school transportation admission attendants and drivers with regard to persons who use such transportation.
 8. A professional referred to in the second paragraph who, in the course of exercising his or her profession, has reasonable grounds to believe that a person is behaving in such a way as to compromise the safety of that person or another person by the use of a firearm, is authorized to report that behaviour to the police, providing the latter only with such information as is required to facilitate police intervention, including information protected by professional secrecy and despite any provision binding the professional to maintain confidentiality, particularly in matters regarding health and social services.
- For the purposes of this section, a professional is
 - 1° a physician;
 - 2° a psychologist;
 - 3° a vocational guidance counsellor or psychoeducator;
 - 4° a nurse; or;
 - 5° a social worker or marriage and family therapist.
 - The Government may, by regulation, make the provisions of the first paragraph applicable to a professional not mentioned in the second paragraph.
 - A professional referred to in this section who is in the situation described in this section is not required to comply with section 6.

Extracts from the Youth Protection Act

ARTICLE 38

38. For the purposes of this Act, the security or development of a child is considered to be in danger if the child is abandoned, neglected, subjected to psychological ill-treatment or sexual or physical abuse, or if the child has serious behavioural disturbances.

a) “abandonment” refers to a situation in which a child’s parents are deceased or fail to provide for the child’s care, maintenance or education and those responsibilities are not assumed by another person in accordance with the child’s needs;

b) “neglect” refers to

1° a situation in which the child’s parents or the person having custody of the child do not meet the child’s basic needs,

i. failing to meet the child’s basic physical needs with respect to food, clothing, hygiene or lodging, taking into account their resources;

ii. failing to give the child the care required for the child’s physical or mental health, or not allowing the child to receive such care; or

iii. failing to provide the child with the appropriate supervision or support, or failing to take the necessary steps to provide the child with schooling; or

2° a situation in which there is a serious risk that a child’s parents or the person having custody of the child are not providing for the child’s basic needs in the manner referred to in subparagraph 1;

c) “psychological ill-treatment” refers to a situation in which a child is seriously or repeatedly subjected to behaviour on the part of the child’s parents or another person that could cause harm to the child, and the child’s parents fail to take the necessary steps to put an end to the situation. Such behaviour includes in particular indifference, denigration, emotional rejection, isolation, threats, exploitation, particularly if the child is forced to do work disproportionate to the child’s capacity, and exposure to conjugal or domestic violence;

d) “sexual abuse” refers to

1° a situation in which the child is subjected to gestures of a sexual nature by the child’s parents or another person, with or without physical contact, and the child’s parents fail to take the necessary steps to put an end to the situation; or

2° a situation in which the child runs a serious risk of being subjected to gestures of a sexual nature by the child’s parents or another person, with or without physical contact, and the child’s parents fail to take the necessary steps to put an end to the situation;

e) “physical abuse” refers to

1° a situation in which the child is the victim of bodily injury or is subjected to unreasonable methods of upbringing by his parents or another person, and the child’s parents fail to take the necessary steps to put an end to the situation; or

2° a situation in which the child runs a serious risk of becoming the victim of bodily injury or being subjected to unreasonable methods of upbringing by his parents or another person, and the child’s parents fail to take the necessary steps to put an end to the situation;

- f) “serious behavioural disturbance” refers to a situation in which a child behaves in such a way as to repeatedly or seriously undermine the child’s or others’ physical or psychological integrity, and the child’s parents fail to take the necessary steps to put an end to the situation or, if the child is 14 or over, the child objects to such steps.

SECTION 38.1

The security or development of a child may be considered to be in danger where:

- a) he leaves his own home, a foster family, a facility maintained by an institution operating a rehabilitation centre, or a hospital centre, without authorization, while his situation is not under the responsibility of the director of youth protection;
- b) he is of school age and does not attend school, or is frequently absent without reason;
- c) his parents do not carry out their obligations to provide him with care, maintenance and education, or do not exercise stable supervision over him, while he has been entrusted to the care of an institution for one year.

38.2. A decision to determine whether a report must be accepted for evaluation or whether the security or development of a child is in danger must take the following factors into consideration:

- a) the nature, gravity, persistence and frequency of the facts reported;
- b) the child’s age and personal characteristics;
- c) the capacity and the will of the parents to put an end to the situation in which the security or development of the child is in danger;
- d) the community resources available to help the child and the child’s parents.

SECTION 39

Any professional who, by the very nature of his profession, provides care or any other form of assistance to children and who, in the practice of his profession, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of Section 38 or within the meaning of Section 38.1, must bring the situation to the attention of the director without delay; the same obligation is incumbent upon any employee of an institution, any teacher or any police officer who, in the performance of his duties, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of the said provisions.

Any person, other than a person referred to in the first paragraph, who has reasonable grounds to believe that the security or development of a child is considered to be in danger within the meaning of subparagraph g of the first paragraph of Section 38 must bring the situation to the attention of the director without delay.

Any person other than a person referred to in the first paragraph who has reasonable grounds to believe that the security or development of a child is, or may be considered to be in danger within the meaning of subparagraph a, b, c, d, e, f or h of the first paragraph of or within the meaning of Section 38 may bring the situation to the attention of the director.

The first and second paragraphs apply even to those persons who are bound by professional secrecy, except to an advocate who, in the practice of his profession, receives information concerning a situation described in Section 38 or 38.1.

39.1. Any person who is required to report physical abuse or sexual abuse under section 39 must do so regardless of any steps taken by the parents to put an end to the situation.

ARTICLE 42

An adult is bound to bring the necessary assistance to a child who wishes to seize the competent authorities of a situation that endangers his security or development, that of his brothers and sisters or that of any other child.

ARTICLE 43

No person may be prosecuted for acts done in good faith under section 39 or 42.

Extracts of Acts covering the roles and responsibilities of the parties

THE STUDENT

Every child has a right to the protection, security and attention that his parents, or the persons acting in their stead are capable of providing (*Charter of Rights and Freedoms of the Person*, c. c-12, Sect. 39; *Québec Civil Code*, Sect. 32).

Decisions concerning the child must be taken in his interest and in respect for his rights (*Québec Civil Code*, Sect. 33).

The student has the right not to submit to a body search, property search or excessive seizure (*Canadian Charter of Rights and Freedoms*, Sect. 8).

A student placed under arrest or detained on the occasion of a police intervention must be informed of his rights in terms adapted to his age and his comprehension, namely:

- the right to be informed of the reasons for his arrest or his detention (*Canadian Charter of Rights and Freedoms*, Sect. 10);
- the right to consult with a lawyer and be assisted by a lawyer (*Penal Justice System for Adolescents Act*, Sect. 25 et 146);
- the right to remain silent (*Penal Justice System for Adolescents Act*, Sect. 146);
- the right to consult with his parents or any other adult of his choice and the right to be assisted by his parents or any other adult of his choice (*Penal Justice System for Adolescents Act*, Sect. 146).

Every child resident in Quebec shall attend school from the first day of the school calendar in the school year following that in which he attains 6 years of age until the last day of the school calendar in the school year in which he attains 16 years of age or at the end of which he obtains a diploma awarded by the Minister, whichever occurs first (*Public Education Act*, Sect. 14).

Each year, during the month of September, the students' committee or the association representing the students, if any, shall appoint students' representatives to the governing board of the institution. Failing that, the school principal shall preside over the election of students' representatives to the governing board, in accordance to the rules established by the principal after consulting with the students enrolled at the secondary level (*Public Education Act*, Sect. 51).

THE PARENTS

The child remains under the care of his mother and father until he attains the age of majority or his emancipation (*Quebec Civil Code*, Sect. 598).

With regard to their child, the father and mother have the right and the duty of care, supervision and education. They must provide for and maintain their child (*Quebec Civil Code*, Sect. 599).

The father and mother exercise parental authority together (*Quebec Civil Code*, Sect. 600). The person having parental authority may delegate the care, supervision or education of the child (*Quebec Civil Code*, Sect. 601).

In the *Public Education Act*, “parent” means the person having parental authority or, unless that person objects, the person having custody de facto of the student (*Public Education Act*, Sect. 13, 2°).

Parents must take the necessary measures to ensure that their child attends school as required. (*Public Education Act*, Sect. 17).

Each year, during the month of September, the chair of the governing board or, if there is none, the school principal shall convene by written notice, call a meeting of the parents of the students who attend the school to elect parents’ representatives to the governing board before the meeting is to be held. (*Public Education Act*, Sect. 47).



THE SCHOOL AND THE CENTRE

A school is an educational institution intended to insure the training of the student. It has as its mission to impart knowledge, foster their social development and give them qualification, while enabling them to undertake and achieve success in a course of study. It realizes this mission within the framework of an educational project that shall be defined, implemented and periodically evaluated with the participation of the students, the parents, the school principal, the teachers, other school staff members, representatives of the community and the school board (*Public Education Act*, Sect. 36).

The centre of professional or educational training for adults is an educational establishment intended to distribute educational services foreseen by the applicable educational regime, whether for vocational training or for educational services for adults, as the case may be (*Public Education Act*, Sect. 97).

The school and the centre are also meant to collaborate in the social and cultural development of the community (*Public Education Act*, Sect. 36 et 97).

THE GOVERNING BOARD OF THE INSTITUTION

A governing board is established in every school and centre (*Public Education Act*, Sect. 42 et 102).

The governing board shall analyze the situation prevailing at the school, mainly the needs of the students, the challenges tied to the student success, as well as the characteristics and the expectations of the community served by the school. Based on the analysis and the strategic plan of the school board, the governing board shall adopt, oversee the implementation of and periodically evaluate the school's educational project. (*Public Education Act*, Sect. 74).

The governing board is responsible for approving the school's success plan and any updated version of the plan, proposed by the school principal (*Public Education Act*, Sect. 75).

The governing board of the school is responsible for approving the rules of conduct and the safety measures proposed by the school principal and developed in collaboration with the school staff. These rules and measures may include disciplinary sanctions, other than expulsion from school and corporal punishment; the rules and measures shall be transmitted to all students at the school and their parents (*Public Education Act*, Sect. 76 et 77).

The governing board at the centre has the function of approving the proposals of the director of the centre on the rules of operation for the centre. These are developed in collaboration with the teachers (*Public Education Act*, Sect. 40 et 110.2.)

MANAGEMENT OF THE SCHOOL OR CENTRE

Minor students are, by delegation, under the authority of the management and staff of the establishment who have that responsibility (*Quebec Civil Code*, Sect. 601).

The school principal shall ascertain, in a manner determined by the school board, that the students attend school regularly. (*Public Education Act*, Sect. 18).

Under the authority of the director general of the school board, the principal shall ensure the educational and administrative management of the school or centre and shall see to the implementation of the decisions of the governing board and of the other provisions governing the school or the centre. (*Public Education Act*, Sect. 96.12 et 110.9).

The school principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the school principal coordinates the analysis of the situation prevailing in the school situation and the development, implementation and periodical evaluation of the school's educational project. (*Public Education Act*, Sect. 10 et 96.13).

THE PERSON IN CHARGE OF THE BUILDING

Where the deed of establishment of the school places more than one immovable at the disposal of the school, the school board, after consulting with the school principal, may appoint a person to be responsible for each immovable and determine that person's functions. The persons appointed shall perform their functions under the authority of the school principal. (*Public Education Act*, Sect. 41).

Where the deed of establishment of the centre places more than one immovable at the disposal of the centre, the school board, after consulting with the director of a centre, may appoint a person to be responsible for each immovable and determine that person's functions. The persons appointed shall perform their functions under the authority of the director of a centre. (*Public Education Act*, Sect. 100).

THE PERSONNEL OF THE SCHOOL OR CENTRE

In accordance with the educational project of the school and subject to the provisions of the *Public Education Act*, the teacher has the right to govern the conduct of each group of students entrusted to his care. (*Public Education Act*, Sect. 19).

It is particularly the duty of the teacher to take appropriate means to foster respect for human rights with his students. (*Public Education Act*, Sect. 22).

Each year, during the month of September, the staff members of the school shall hold a meeting to elect, if need be, their representatives to the governing board, according to the procedures set out in their respective collective agreement or, failing that, according to those procedures determined by the school principal after consulting with the persons concerned. (*Public Education Act*, Sect. 48, 49 et 50).

The term of office of members of the governing board of a centre is two years (*Public Education Act*, Sect. 102).

The personnel assigned to a school shall perform their functions under the authority of the school principal and the personnel assigned to a vocational training or adult educational centre shall perform their functions under the authority of the director of the centre. (*Public Education Act*, Sect. 260).

THE SCHOOL BOARD

A school board is a legal person established in the public interest. (*Public Education Act*, Sect. 113).

The school board shall ensure that the persons who come under its jurisdiction are provided the educational services to which they are entitled under this Act. (*Public Education Act*, Sect. 208).

Subject to the territory covered by the school board, the persons who reside in the territory of the school board or who are committed or placed under custody pursuant to the *Youth Protection Act*, of the *Health and Social Services Act* or the *Penal Justice System for Adolescents Act* (*Public Education Act*, Sect. 204).

For the purposes of the provisions of this division relating to vocational training or adult education, any person entitled and wishing to be enrolled in vocational training or adult education whether or not resident in the territory of the school board, comes under the jurisdiction of a school board. (*Public Education Act*, Sect. 204).

The school board shall facilitate the implementation, by means of the success plan, of the educational project of each school and of the aims and objectives of each centre (*Public Education Act*, Sect. 218).

A school board may, at the request of a school principal and for just and sufficient cause and after giving the student and his parents an opportunity to be heard, enrol him in another school or expel him from its schools; in this latter case, it shall inform the director of youth protection. (*Public Education Act*, Sect. 242).

The council of commissioners may, by by-law, delegate some of its functions and powers to the director general, an assistant director general, a school principal, the director of a centre or to any other member of the executive staff. (*Public Education Act*, Sect. 174).

Legal measures relative to a minor student

CHILDREN UNDER 12 YEARS OF AGE

Children under 12 years of age cannot be held criminally responsible for their acts. Thus, if during their investigation a police force realizes that the offender is less than 12 years old, it then takes unofficial measures and communicates with the person having parental authority to advise them of the actions of their child. If the youth is showing obvious behavioural problems, the police may propose to the person having parental authority, if it has not already been done, to seek the assistance of the educational institution or any other body likely to assist them. It is also possible that the police force refer the file to the director of youth protection when the seriousness of the situation warrants it.

STUDENTS FROM 12 TO 17 YEARS OF AGE

The *Penal Justice System for Adolescents Act* has as objectives to protect society and to instill responsibilities in the offending adolescent. It recognizes however that the state of dependence in which the adolescent exists, as well as his degree of development and maturity, creates a need for counsel and assistance. That is why it confers upon adolescents, guarantees aimed at ensuring the protection of their rights, particularly during an interrogation conducted by the police or by a person in authority.

Rather than recommending a criminal pursuit be undertaken, the police officer may, after investigation and if the situation allows, not take any measure towards the adolescent, give him a warning or with the youth's agreement, remand him to a program or to a community organization likely to help him not commit further infractions.

If the police officer feels that there is reason to institute an action, he forwards a request to institute procedures to the Crown Attorney. The latter evaluates the evidence and, by virtue of the program of extrajudiciary sanctions, forwards the case to the provincial director or institutes a case before the courts.

When the Crown Attorney forwards the case to the provincial director, a delegate from youth proceeds to an psychosocial evaluation of the adolescent and may send him, according to certain criteria, to an extrajudiciary sanction.

As an extrajudiciary sanction, the delegate from youth may propose one or several measures to the teenager, such as a mediation session with the victim, a social skills improvement workshop or even the performance of community works.

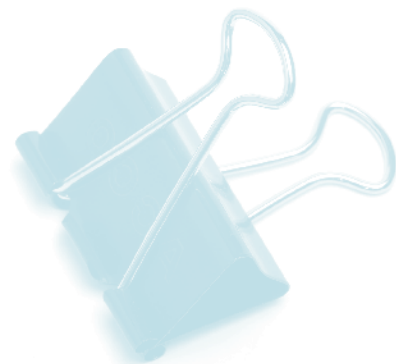
When the Crown Attorney institutes proceedings, the adolescent appears before a judge of the Quebec Court, Youth Division. During the sentencing, the judge imposes one or more of the following conditions

on the adolescent: completion of a voluntary work program, a probation period, an order to confine and supervise in an open or closed environment, a fine, a conditional or unconditional release.

As an exception, the Crown Prosecutor may ask the court that a sentence applicable to adults be given to an adolescent who was declared guilty of an indictable offence liable to a penalty of imprisonment of more than two years and committed after he had reached the age of 14 years. The adolescent may contest this request during the sentencing phase.

PERSONS AGED 18 OR OVER

Persons who committed an offence once they were 18 years old or over are adults, judged by a court for adults.



NOTES



Entities which are members of the Provincial Consultation Panel on Violence,
Youth and the School Environment:



Fédération québécoise des directions
d'établissement d'enseignement
du Québec



Association des administrateurs
des écoles anglaises du Québec



Association des cadres
scolaires du Québec



Association des centres
jeunesse du Québec



Association des commissions
scolaires anglophones du Québec



Association des directeurs
de police du Québec



Association des directeurs généraux
des commissions scolaires
du Québec



Association des directeurs généraux
des commissions scolaires
anglophones du Québec



Association montréalaise
des directions d'établissement scolaire



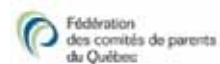
Association provinciale
des enseignantes et
enseignants du Québec



Association québécoise
du personnel de direction des écoles



Centrale des syndicats du Québec



Fédération des comités
de parents du Québec



Fédération des commissions
scolaires du Québec



Fédération des établissements
d'enseignement privés



Service de police de
la Ville de Montréal



Sûreté du Québec
Direction conseil
et soutien aux enquêtes

Québec

Ministère de la Sécurité publique
Ministère de l'Éducation, du Loisir et du Sport
Ministère de la Justice
Ministère de la Santé et des Services sociaux