

ADMINISTRATIVE PROCEDURE

B3:5

School Operations - Access to School Premises Apprehension or Arrest of Pupils

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1. Purpose

The Catholic District School Board of Eastern Ontario will cooperate with the Children's Aid Society and police officers whenever they find it essential in the interest of justice to arrest a pupil while at school, each in the discharge of their statutory obligation.

2. Regulations:

1) Appointment for Visits/Access

School communities plan and schedule activities for the general benefit of pupils enrolled in the school, or for individual pupils. Persons seeking access to pupils during such times may disrupt these activities to the detriment of the pupils involved. In all cases, therefore, persons seeking access to pupils, including police and children's aid society workers, are expected to make an appointment in advanced so that mutual convenience and minimal disruption may be assured.

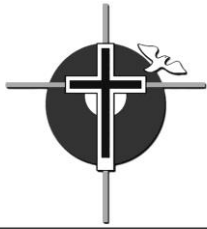
2) Report to the Office

Upon arrival at the school, persons seeking access to pupils are required to report to the office, thus giving the Principal the opportunity to meet them. Such persons will be requested to sign the Visitor's Book, stating name, address and reason for the visit.

3) Identification of the Person

Because of the obligation of the Board, the Principal, the Teachers, and other staff, to safeguard the welfare of the pupils in appropriate cases, the Principal must be satisfied that the police officer or the representative of the children's aid society is the person who he/she purports to be. For the purposes of establishing that the police officer or the representative of a children's aid society (Catholic Children's Aid Society and Children's Aid Society) has the necessary power and authority, the representative should provide proper identification.

- a) in the case of the police, an identification card bearing his/her photograph, badge number and signature, and countersigned, (either by original or facsimile signature) by the Chief of Police, together with his/her badge.
- b) in the case of the representative of the Children's Aid Society, an



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identification card bearing his/her photograph and signature issued by the Children's Aid Society and countersigned (either by original or facsimile signature) by the Executive Director.

In the case of any question or doubt of any sort, the Principal is encouraged to telephone the Police Division to which the police officer is attached, or the Branch Director to verify (by a physical description of the representative, or other suitable means) the identify of the person purporting to be the officer, or to represent a children's aid society

4) Access to Information

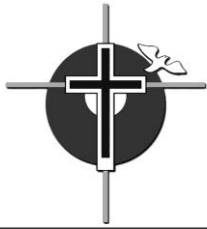
Even if a person has a right to be present in the school operated by the Board, and may be given access to a pupil, such right does not carry with it the right to have access to information in the possession of the Board, the Principal or the school. Staff should consult the specific policy of the Board related to such access.

5) Arrest by Police

Despite the desire to cooperate fully with the police, the Board only reluctantly accepts the arrest of a pupil by police officers while in the school, and then, only when there is no other reasonable alternative. Whenever the police are proposing to arrest a pupil, they should be specifically requested to refrain from doing so in the school or on school property except if there is known of serious risk of harm to one or more persons.

In addition to compliance with requirements of the statement of policy and of Regulations 1, 2, 3 and 4, the following additional provisions apply when police seek to interrogate/arrest a pupil:

- a) the police officers should be requested to attend the school in plain clothes, not in uniform;
- b) the custodial parent(s) must be advised, specifically on that occasion, that it is the preference of the Board that:
 - the arrest and/or interview take place only with the prior knowledge and consent of the custodial parent(s);
 - the process take place in the presence of the custodial parent(s);



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- the custodial parent is requested to be present;
 - c) no part of the process will take place, and no questions will be put to a pupil, in the presence of other pupils;
 - d) unless it is not possible or practical to do so in the circumstances, the arrest, the interview and all questioning shall take place in the privacy of the office of the Principal or in another room designated by him/her;
 - e) every reasonable effort shall be made to cause as little embarrassment to the pupil as is possible in the circumstances.
- 6) Two Separate Procedures for Society Apprehension**

The power and duties of a children's aid society may be exercised with or without a warrant and slightly different procedures should be followed for each (See #7 and #8).

7) Procedure WITHOUT A WARRANT, Taken Under Section 40 (6) of The Child and Family Services Act.

a) Statutory Provisions

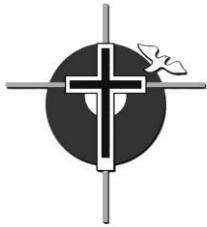
The Child and Family Services Act contains the following relevant Section: 40(6) A child protection worker who believes on reasonable and probably grounds that, (a) a child i) is in need of protection, or ii) is actually or apparently under the age of sixteen years and has left or been removed from a society's lawful care and custody without its consent; and (b) there would be substantial risk to the child's health or safety during the time necessary to bring the matter to a hearing under subsection 43(1) or obtain a warrant under subsection (2), may without a warrant bring the child to a place of safety."

c) Permit Removal:

The Principal should then permit the representative to remove the child from the school.

d) Advise Parents:

At an appropriate time, but on the same day as the child is removed, the Principal



should notify the parent(s) of what has happened.

8) **Procedure WITH A WARRANT, Taken Under Section 40(2) of The Child and Family Services Act.**

a) Statutory Provisions:

The Child and Family Services Act contains the following relevant Section:

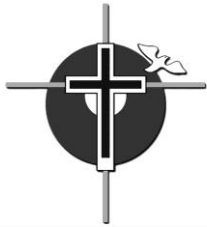
“40(2) A justice of the Peace who is satisfied on the basis on a child protection worker’s sworn information that, a) there is reasonable and probably grounds to believe that a child is in need of protection; or Apprehension or Arrest of Pupils b) a child actually or apparently under the age of sixteen years has left or been removed from a society’ s lawful care and custody without its consent, may, where he or she is also satisfied on the basis of the information that there are reasonable and probably grounds to believe that a less restrictive course of action is not available or will not protect the child adequately, issue a warrant authorizing a child protection worker to bring the child to a place of safety.”

b) Warrant Presented:

The person authorized by the terms of the warrant, in the vast majority of cases, will be the person who delivers and serves the warrant. The person must have the originally signed warrant with him/her, must present that original for inspection and must deliver to the Principal a true copy of the warrant.

c) Identification:

In addition to the requirements set out in Regulation 3, the Principal should be satisfied that such person who attends at the school for the purposes of the warrant is adequately identified as the person named in the warrant.



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d) Acknowledgment:

Once satisfied that the person is who he/she claims to be and upon receipt of the copy of the warrant, the Principal should request the person named in the warrant to endorse on the back of the warrant:

“I acknowledge that _____
(Name of Principal)

the Principal of _____
(Name of School)

has this _____ day of _____, 200__.

delivered to me custody of the child named in this warrant.” Followed by his/her signature. The warrant as endorsed should then be placed in the Ontario Student Record folder of the child.

e) Permit Removal:

The Principal should then permit such person to remove the child from the school.

f) Advise Parents:

At an appropriate time, but on the same day as the child is removed, the Principal should notify the parent(s) of what has happened.

Note 1: In any case in which there is some question, doubt or difficulty, the Principal should seek the guidance of the appropriate Supervisory Officer.