

Legislation



YCJA s.125 – Disclosure of Information in a Record

- **125(1):** By peace officers to any person during investigation when necessary
- **125(6):** By schools, care providers and peace officers to any professional or other person engaged in supervision or care of the young person to ensure safety, security and rehabilitation.

CC s.117.01 – Limited Access Order

Used when a prohibited person lives with or associates with a person who lawfully possesses firearms

CC s.117.04 – Search and Seizure of Weapons and Application for Disposition

Search for and seize weapons by way of warrant, or without warrant under exigent circumstances, when there are grounds to believe it is not in the interest of safety for a person to possess a firearm. When this section is used, an Application for Disposition (Forfeiture and Prohibition) pursuant to section 117.05 CC is required within 30 days after the seizure. This process may result in a prohibition order if a justice is satisfied that circumstances warrant such an action.

CC s.117.02 – Search and Seizure of Weapons without Warrant

Search for and seize weapons without warrant from a place other than a dwelling house when it is believed on reasonable grounds that an offence is being or has been committed and where conditions exist to obtain a warrant but by reason of exigent circumstances it would not be practicable to obtain a warrant.

CC s.111 – Application for a Preventative Prohibition Order

This process can be used when a person has not committed an offence that would allow or require a mandatory (under section 109 CC) or discretionary (under section 110 CC) prohibition order, and there are grounds to believe that it is not desirable in the interest of safety for a person to possess a firearm.

CC s.487 – Other Provisions on Search and Seizure

Warrant to search for and seize items that will afford evidence with respect to the commission of an offence (Section 487.11 CC may be used during exigent circumstances).

Locker, Bedroom, and Physical Property Searches



- Evidence of planning has frequently been found in the person of concern's locker at school, their bedroom or both.
- Evidence of planning may also be found in backpacks, desks, textbooks, and student vehicles.
- Schools may have already checked the locker for evidence of pre-planning, a plan or the means to carry the threat out.
- Query the person of concern and all associated addresses on CPIC, PRIME and through MCFD and Youth Probation to determine the level of previous police contact and any history of possession and use of firearms or other weapons.
- If needed, consider search and seizure powers under the Firearms Act and the Criminal Code.
- A criminal investigation does not prevent other VTRA team members from collecting further data relative to the threat assessment, including history of prior target selection, site selection and determining the previous behavioural baseline.
- School teams have been trained to ensure the priority of the criminal investigation throughout the VTRA process.
- The totality of this information will support the determination if there is a need to search without warrant (consent search), obtain a search warrant or consider if exigent circumstances exist.

Note: If weapons are found consistent with the threat, consider the file high risk with presence of exigent circumstances.

Social Media Evidence and Digital Data Searches



- Evidence and data is often found on digital devices. Schools can request searches of student digital devices but students can refuse to comply.
- It is important to preserve and protect evidence. Screenshots of images or posts of publicly available online data with time and date stamp embedded are always preferable.
- Forensic searches of devices may be necessary but can take time.
- There is no expectation of privacy from content that has been posted publicly on social media with no user privacy settings restricting view.
- The evaluation of publicly posted digital data and data on devices is imperative to an assessment of risk.
- In cyberbullying cases, it may be necessary for police officers to preserve and access the subscriber data that is retained by social media service providers.
- If the companies are based out of the United States, this presents a jurisdictional challenge that may sometimes require assistance from other agencies. International assistance treaties and agreements are in place with other police agencies and can be accessed and leveraged during investigations.

Note: Exigent circumstances requests can be submitted to social media companies to retrieve data in critical timeframes. If you believe that you will be proceeding with charges, it is important to submit a simple preservation order to these companies. You will then typically have 90 days to submit a production order/search warrant.



Exigent Circumstances

- A police officer may forgo the requirement of a search warrant.
- Exigent circumstances inform the reasonableness of the search due to the existence of the potential for serious and immediate harm.



