



# INVESTIGATIONS OF STUDENTS AT PUBLIC SCHOOLS

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### **I. SCHOOL RESOURCE OFFICERS**

School Resource Officers have been assigned to *all county public high schools, alternative schools, and* middle schools and *are* a valuable asset for police officers conducting investigations involving school age children. Some things a School Resource Officer and/or the School Safety Section can provide include the following:

- A. Personal information, including photographs, of students enrolled in a public school.
- B. Providing truancy status to officers encountering school aged children outside the school environment during school hours.
- C. Coordinating with school administration in the event a student must be removed from class for questioning, etc.
- D. Facilitating a private office to investigators who must question students on school grounds.
- E. Providing investigators with intelligence information they have gathered through their daily interaction with students and faculty.

### **II. ARRESTS/QUESTIONING/REMOVAL OF STUDENTS ON SCHOOL PREMISES DURING SCHOOL HOURS**

The courts have recognized the unique duties and responsibilities of a School Resource Officer, affords greater latitude for these officers to assist with school disciplinary policies, questioning of students and other enforcement activities. School Resource Officers, however, are guided by Standard Operating Procedures in addition to Departmental Rules and Regulations concerning student arrests and questioning.

Generally, police officers may arrest students on school property, but student arrests should be made off-premises or during non-school hours whenever possible and appropriate. On-premises arrests during school hours should only result after considering the seriousness of the crime and the possibility of harm to other students or school personnel if an arrest is not made. These policies are not intended to prohibit an officer from taking non-custodial enforcement actions, such as issuing juvenile citations, civil citations or other similar activities that allow a parent to take custody of his/her student directly from school.

**A. Arrest for Serious Crimes**

It is the policy of this department and the Anne Arundel County Public Schools that certain crimes, if supported by probable cause, permit an arrest of the student on school premises if warrantless arrest criteria is met (see Index Code 1700). These offenses are:

- First degree murder – CR 2-201
- Second degree murder – CR 2-204
- Manslaughter, except involuntary manslaughter – CR 2-207(a)
- Mayhem
- Maiming, as previously proscribed under former Article 27 §§ 385 and 386 of the Code
- First degree assault – CR 3-202
- Second degree assault – CR 3-203
- First degree rape – CR 3-303
- Second degree rape – CR 3-304
- First degree sexual offense – CR 3-305
- Second degree sexual offense – CR 3-306
- Third degree sexual offense – CR 3-307
- Robbery – CR 3-402
- Robbery with a dangerous or deadly weapon – CR 3-403
- Carjacking – CR 3-405(b)(1)
- Armed carjacking – CR 3-405(c)(1)
- Kidnapping – CR 3-502
- Abduction – CR 3-503
- Carrying or wearing a concealed weapon – CR 4-101
- Carrying or wearing a concealed weapon on school property – CR 4-102
- Wearing, carrying, or transporting a handgun; unlawful use in the commission of a crime – CR 4-203
- Use of an antique firearm capable of being concealed on the person or any handgun in the commission of an act of violence – CR 4-204
- A crime using assault weapons – CR 4-303
- Sale, transfer, etc. of stolen pistol – CR 4-305/CR 4-306
- Restrictions on sale, transfer, and possession of pistols and revolvers – CR 4-306(b)(1)
- Use of a machine gun for crime – CR 4-404
- Use of a machine gun for aggressive purpose – CR 4-405(a)
- Sale of firearms – PS 5-106
- Possession of a regulated firearm by a prohibited person – PS 5-133
- Selling/transferring regulated firearm to a prohibited person– PS 5-134
- Possession, sale, transfer, or disposal of a stolen regulated firearm– PS 5-138
- Knowingly manufacture, transport, possess, control, store, sell, distribute, or use a destructive device; or possess explosive material, incendiary material, or toxic material with intent to create a destructive device– CR 4-503
- A crime using short-barreled rifles and short-barreled shotguns – PS 5-203(a)
- Manufacturing, distributing or dispensing CDS; possession of CDS in a quantity indicative of an intent to manufacture, distribute, or dispense – CR 5-602
- Manufacturing, distributing or possessing a equipment to produce CDS– CR 5-603
- Manufacturing, distributing or possessing equipment to print, imprint, or reproduce an authentic or imitation trademark, or other identifying mark, onto a drug or the container or label of a drug, rendering the drug a counterfeit substance– CR 5-604
- Maintaining a Common Nuisance– CR 5-605
- False prescription for a CDS with intent to distribute the controlled dangerous substance – CR 5-606
- Possess with intent to distribute a non-controlled substance that the person represents as a controlled dangerous substance– CR 5-617
- Possess or purchase a non-controlled substance that the person believes is a controlled dangerous substance– CR 5-618
- Using firearms in drug-trafficking crimes – CR 5-621(b)(1)
- Manufacturing, distributing or dispensing CDS; possession of CDS in a quantity indicative of an intent to manufacture, distribute, or dispense in violation of § 5-602, or conspire to commit any of these crimes in a

- school vehicle, or in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education– CR 5-627
- Engaging a minor to manufacture, distribute or dispense CDS in a sufficient quantity to indicate intent to distribute the CDS– CR 5-628
  - Arson in the first degree – CR 6-102(a)
  - Malicious destruction to property – CR 6-301
  - Auto theft – CR 7-105
  - Inducing false testimony or avoidance of a subpoena – CR 9-302
  - Retaliation for testimony – CR 9-303
  - Intimidating or corrupting a juror – CR 9-305
  - Making a false bomb threat– CR 9-504
  - Manufacturing, possessing, transporting or placing a device or container labeled as representing a toxic material with intent to terrorize or threaten– CR 9-505
  - Threatening an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang– CR 9-802
  - Threatening an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang in a school vehicle, or in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education– CR 5-803.
  - The arrest and charges for an offense related to a student’s membership in a criminal gang. Maryland Education Article Section § 7-303 (7)(b).
  - Court ordered arrest warrant, re-take warrant or other court order.

**B. Arrest Upon Consultation With a School Official**

Upon consultation with school authorities, and if indicated by the seriousness of the offense in the officer’s discretion, the following crimes warrant an on-premise arrest *if warrantless arrest criteria is met*:

1. CDS use or possession
2. Extortion or theft
3. 4<sup>th</sup> degree sex offense
4. Disorderly conduct; disturbance of school activity; threats against students or school personnel
5. Trespassing

**C. Arrest Guidelines & Procedures**

To the degree possible, all on-premises arrests of students will be conducted in a manner to minimize embarrassment of the arrested student or jeopardizing the safety and welfare of other students. If an arrest on school premises during school hours is necessary, the arresting officer will advise the school principal or other responsible school official of the nature of the charge, the arresting officer's identity, and the location where the student will be taken. If the student is a minor, the police officer must immediately notify or cause to be notified the student's parent or guardian, after taking the minor into custody.

**D. Questioning Arrested Students**

Generally, police officers may not question an arrested student on school premises. The arresting officer will remove the student from the premises as quickly as practicable. An exception to this requirement might be questioning to resolve immediate safety issues. In this event, questioning will be limited to resolving the exigent safety concern and fully documented in the written incident report.

**E. Investigative Questioning**

With the exception of personnel assigned to the School Resource Unit, police questioning of students, who are not under arrest, on school premises is permitted only in the following cases:

1. Questioning involving a crime committed on school premises or a threat toward or against a school property (i.e., a bomb threat called in from a nearby pay phone that is not on school property.)

2. Questioning in connection with a police investigation, which if not permitted, would compromise the success of that investigation or endanger the lives or safety of the students or other persons.
3. Questioning related to an investigation of suspected child abuse or neglect.

Except in child abuse or neglect investigations, a school official should be present throughout all questioning, and should promptly advise the student's parents or guardians, and the school superintendent, of the nature of the investigation and such other details as may be required. In child abuse/neglect cases, the school superintendent or his designee, after consultation with the Department of Social Services or the investigating officer, is authorized to determine whether a school official will be present during questioning.

#### **F. Removal of Student from School**

In the absence of an arrest, school officials may not authorize the removal of a student from school for the purpose of investigative questioning without the consent of the parent or guardians, except as provided below:

A student may be removed from school premises if that student is a suspected victim of child abuse or neglect and the local department of social services has guardianship of the child or a court order to remove the child.

### **III. SEARCH AND SEIZURE OF STUDENT PROPERTY OR PERSON**

#### **A. Search of Premises**

Police officers, upon the authority of a search warrant, may make a search of that part of the school premises described in the search warrant, and school officials should cooperate in performing the search. Investigative searches of school premises by police officers are permitted only:

1. Upon the authority of a search warrant; or
2. In any case where the search is essential to prevent imminent danger to the safety or welfare of the students, other persons, or school property.

The search may not include a student's assigned locker unless specified in the search warrant. Every effort will be made to conduct searches in a manner that will minimize disruption of normal school routine, and minimize embarrassment to students affected.

#### **B. Search of Student**

A police officer may not search the person of a student not under arrest, unless the police officer has a reasonable suspicion that the student is concealing a weapon that poses a danger to others. A school official may not conduct a search of the person at the request of a police officer.

#### **C. Authority of School Officials**

A principal, assistant principal, or school security personnel of a public school may make a reasonable search of a student on the school premises if that individual has a reasonable belief that the student has in his or her possession an item, the possession of which is a criminal offense under the laws of the state. Police officers may stand-by to protect the safety of the school official(s) conducting the search. If illegal contraband is discovered during the course of the search, the police officer may make an arrest based on the on-view violation.

### **IV. DRUG DETECTION DOGS**

A. A school principal who suspects that drugs are contained within the school may request a police search. The principal must be able to identify a specific area of the building or grounds where drugs are suspected. Upon request of a school principal, and when available, a drug detection dog will be dispatched to the school.

B. When the police canine unit arrives at the school, the officer in charge of the dog will confer with the school principal and will, in the company of school officials, tour specified areas of the building and grounds.

C. Dogs will not be used to search students, nor taken into classrooms occupied by students.

D. Should a drug-detecting dog alert on a student's possessions, lockers, or vehicle, the incident will then be handled by the police according to probable cause standards for drug cases.

- E. The investigating officer will provide the following information to the school principal or designee:
1. Name, arrest status and location of any student arrested or charged with a CDS violation;
  2. Arresting officer's name, rank, ID number, and telephone number;
  3. Police case number.
- F. If a student is charged with a CDS violation on a juvenile citation, the complainant's copy of the citation will be given to the school principal or designee.

**V. TRESPASS ON SCHOOL PROPERTY**

A. Under the Maryland Code, Education Article, Section 26-102, the governing board, president, superintendent, principal, or School Resource Officer of any public school (or any person they authorize in writing) may deny access to school property to any person who:

1. Is not a bona fide, currently registered student or staff member and who does not have lawful business to pursue at the school;
2. Is a registered student, but is currently suspended (or has been expelled); or
3. Acts in a manner that disrupts or disturbs the normal educational functions of the institution.

B. A person who trespasses on school property, and who fails or refuses to leave after being requested to do so by an authorized employee of the school, or who willfully damages or defaces any school property, is guilty of a misdemeanor, punishable by a maximum six months imprisonment and a \$1,000.00 fine.

C. If the trespass occurs in the presence of a police officer, the officer may arrest the trespasser and place charges. A witness summons must be requested for the school official who denied access or requested the person to leave the premises. If the school official is not the principal, remind him or her to bring to court the written authorization to deny access granted him/her by the principal.

D. If the trespass does not occur in the presence of the police, the responding officer will attempt to obtain sufficient identification from the trespasser to enable the school official to apply for an arrest warrant or a criminal summons from the District Court commissioner if the suspect is an adult. If the suspect is a juvenile, the officer will issue a juvenile citation per Index Code 1700.

**VI. DISTURBANCE OF SCHOOL ACTIVITY; THREATS TO STUDENTS & SCHOOL OFFICIALS**

Section 26-101(a) of the Education Article makes it a crime to willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any public school. Paragraph b of that section provides that "a person may not molest or threaten with bodily harm any student, employee, administrator, agent, or any other individual lawfully on the grounds or in the immediate vicinity" of any public school, on a school vehicle, at an activity sponsored by a school that is held off school property, or on property that is owned by a county board and is used for administrative or other purposes. Violation of paragraph a or b of Section 26-101 is a misdemeanor, punishable by a maximum six months imprisonment and a \$2,500.00 fine.

**VII. ALCOHOLIC BEVERAGES ON SCHOOL PROPERTY**

A. Under the Maryland Code, Education Article Section 26-103, unless locally approved by the County Board of Education, a person may not drink or possess any alcoholic beverage on the premises of any public school.

B. A person who drinks or possesses any alcoholic beverage and causes a public disturbance at any elementary or secondary school athletic contest may not refuse to comply with a request by a law enforcement officer to stop drinking and causing the public disturbance. If the person complies with the first request, he/she may not be charged under this paragraph.

C. This section only applies to the Maryland Education Article. All other laws concerning the illegal use of alcoholic beverages still apply.

**VIII. DEADLY WEAPONS ON SCHOOL PROPERTY**

With the exception of law enforcement officers, persons hired by the board of education to protect public school property, persons engaged in organized shooting activity for educational purposes, or a person invited by the principal to engage in a historical demonstration, a person may not carry or possess a firearm, knife, or deadly

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weapon of any kind on public school property. A person who violates this section is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both. (MD Criminal Law Article 4-102)

**IX. PROPONENT UNIT:** School Safety Section.

**X. CANCELLATION:** This directive cancels Index Code 1705, dated 09-06-17.