



GENERAL ORDER OPS-50 SCHOOL ISSUES

EFFECTIVE NOVEMBER 7, 2012

This General Order contains the following numbered sections:

- I. POLICY
- II. TRUANT PROCEDURES
- III. TRESPASSERS ON SCHOOL PROPERTY
- IV. SEARCH AND SEIZURE ON SCHOOL PROPERTY
- V. K-9 DRUG SCANS ON SCHOOL PROPERTY
- VI. WEAPONS ON SCHOOL PROPERTY
- VII. TOBACCO PRODUCTS ON SCHOOL PROPERTY
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- IX. ARREST PROCEDURES AND MANDATORY NOTIFICATIONS
- X. INVESTIGATIONS ON SCHOOL PROPERTY
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- XII. SCHOOL BUS COMPLAINTS AND ACCIDENTS
- XIII. COORDINATION OF SPECIAL PROJECTS
- XIV. CANCELLATION

I. POLICY

The Howard County Department of Police (HCPD) will deploy resources to provide a safe environment for students and employees within the Howard County School System.

II. TRUANT PROCEDURES

- A. An officer may **NOT** take a juvenile into custody simply because the juvenile is truant.
- B. An officer may attempt to question the juvenile for the purposes of obtaining the child's name, age, and school. If that information can be obtained, the officer shall notify the school principal.
- C. If any action beyond mere questioning is taken by an officer (voluntary transport, escort back to school, etc.), that officer shall initiate an incident report and document his actions.¹ The officer shall also attempt to contact a parent/guardian and advise what actions, if any, were taken. If the action involved a high school or middle school student, the appropriate School Resource Officer (SRO) shall be notified and provided with a copy of the report.

III. TRESPASSERS ON SCHOOL PROPERTY

- A. The following guidelines are in accordance with the Annotated Code of Maryland, Education Law Article §26-102:
- B. The Board of Education, the Superintendent of the School System, the principal of a school, a designated staff representative, or a School Resource Officer may demand identification and evidence of qualifications from any person who desires to use or enter the premises of the institution or designated restricted areas of the institution.
- C. When a school site is closed and a representative of the Board of Education, the Superintendent of Schools, the principal of the school site, or an authorized staff employee/representative is not in the building or on the grounds of the school site, Howard County Police Officers are authorized to demand identification and evidence of qualifications from any person who desires to use or enter the premises of the institution or designated restricted areas of the school.

¹ CALEA 82.2.2 d

- D. The Board of Education, the Superintendent of the School System, the Principal of a school, or a School Resource Officer may, either orally or in writing, deny access to the building or grounds of a school or to designated restricted areas of the school, to any person who:
1. Is not a bona fide, currently registered student, or staff or faculty member at the institution, and who does not have lawful business to pursue at the institution or in designated restricted areas of the school;
 2. Is a bona fide, currently registered student at the school and has been suspended or expelled from the institution, for the duration of the suspension or expulsion; or
 3. Acts in a manner that disrupts or disturbs the normal educational functions of the institution.
- E. If an officer has personal knowledge that an individual is not authorized to be on school property or in designated restricted areas of the school, the Officer may act, with the authority of the Superintendent of Schools, and deny access to the individual.
- F. An individual who has been denied access to either school property or school-sponsored activities may be subject to a banning notice (also referred to as a "Denial of Access Letter"). An individual who has been issued a banning notice (or "Denial of Access Letter") may, upon entry onto the school grounds, be arrested for trespass.

IV. SEARCH AND SEIZURE ON SCHOOL PROPERTY²

- A. Officers may assist the school system when it initiates an administrative search as articulated in the Annotated Code of Maryland, Education Law Article §7-308:
- "A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises, or on a school-sponsored trip, if the searcher has a reasonable belief that the student has in his possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or rule or regulation of the county board."
- "A search shall be made in the presence of a third party. A principal, assistant principal or school security guard of a public school may make a search of the physical plant of the school and its [property] including the lockers of students. The right of the school official to search the locker shall be announced or published previously in the school."
- B. Officers will not initiate administrative searches of any area of the school system or student.
- C. Officers may conduct searches of school premises with a search warrant **OR** in cases of imminent danger to students, persons, or school property.
- D. Officers may conduct searches of students incident to arrest.
- E. Officers may stop and frisk students if they have a reasonable suspicion that the student is armed and is a threat to the safety of the officer or another person.

² CALEA 1.2.4

V. K-9 DRUG SCANS ON SCHOOL PROPERTY³

- A. The HCPD has entered into a Memorandum of Understanding (MOU) with the Howard County Public School System regarding canine drug scans of high school facilities.
- B. Each Howard County High School principal will ensure that an announcement is made to the student body that periodic police canine drug scans will be conducted on school property. High school principals, and the member designated by the MOU as liaison, will mutually agree on a date and time for the HCPD to conduct canine drug scans. The HCPD supervisor will be responsible for the operational aspects of the drug scan.
- C. During the canine drug scan, the HCPD supervisor will have the final word on any issues regarding the HCPD's administration of the drug scan operation, as well as any criminal charges that may result. The school principal will have the final word on any school administration issues involving students or staff members.

VI. WEAPONS ON SCHOOL PROPERTY

- A. The Howard County Board of Education has adopted procedures concerning weapons on school property. Officers are to be familiar with the policies and the distinction between these policies and those crimes defined in the Annotated Code of Maryland, Criminal Law Article Title 4 Weapon Crimes:
 - 1. Weapons, under the School Board's policy, "the term weapon can include the following: gun, firearm, knife, chemical spray, poison, electronic control device, martial arts weapon (e.g. throwing star, nunchakus) explosive devices, or any implement visible or concealed, possessed under a circumstance that would reasonably lead a person to believe it was a weapon or would be used as a weapon."
 - 2. The HCPD will respond to any school that requests police assistance for enforcement action.
- B. Officers should enforce all laws regarding weapons on school property.

VII. TOBACCO PRODUCTS ON SCHOOL PROPERTY

- A. The Board of Education, in compliance with Maryland state law, has adopted a policy for contacting the HCPD regarding minors in possession of tobacco products or cigarette rolling papers.
- B. Officers dispatched to a school for a report of a tobacco violation shall:
 - 1. Initiate an appropriate investigation.
 - 2. Complete a written report and forward a copy to the appropriate SRO if the juvenile violator involved is a high school student.⁴
 - 3. An officer may charge a juvenile with violation of Criminal Law Article CR10-108: "A minor may not use or possess a tobacco product or cigarette rolling papers." If a school administrator has advised the officer that this is the juvenile's THIRD OFFENSE, the officer shall charge the juvenile with a citation. The officer has discretion, however, when issuing a citation to the juvenile for the possession of tobacco products for the first and second offenses.⁵
 - 4. Seize all evidence. Place all confiscated evidence in the property room pursuant to General Orders.
 - 5. Initiate appropriate parental contact consistent with established juvenile procedures in

³ CALEA 41.1.4 a

⁴ CALEA 82.2.2e

⁵ CALEA 44.2.1b

VIII. HATE/VIOLENCE/BIAS ACTIVITIES

A Memorandum of Understanding exists between the Board of Education and the Howard County Department of Police regarding Hate/Violence/Bias activities. The agreement specifies that certain information reported to respective agencies should be shared and establishes specific procedures:

- A. Information about hate/violence/bias incidents will be exchanged on a quarterly basis between a representative from the Board of Education and a member of the Operations Support Section. Information about hate/violence/bias and juvenile offender trends by elementary, middle, and high school levels will be discussed.
- B. Representatives of the Howard County Public School System, which includes administrators from various elementary, middle, high, and special schools, and the Howard County Department of Police will meet, when needs arise, to discuss trends and indicators for preventative or remediative human relations and programming needed for the Howard County Public School System and the Howard County Department of Police. These meetings will take place between a representative of the School System, the Operations Support Section, School Resource Officer Section, and the Youth Services Section.

IX. ARREST PROCEDURES AND MANDATORY NOTIFICATIONS

A. Custodial Arrests

In certain situations, an officer may be required to conduct a physical arrest. When possible, all arrests should be made during non-school hours and away from school premises. This will be conducted consistent with policy and procedures set forth General Order OPS-04, Arrest Procedures.

B. Juvenile Referral

In the event of a "juvenile referral" on school property; a student will not be removed from the public school premises. Juvenile referrals will be conducted in compliance with General Order OPS-04, Arrest Procedures.

C. The school principal or assistant principal will be notified as soon as possible of any arrests on school property during school hours and they will also be provided with the nature of the charge, the name of the arresting officer, and the officer's destination with the arrestee.

D. Officers are encouraged to notify the principal or assistant principal PRIOR to any actual arrest, but only if practical and when not compromising an investigation or the arrest itself.

E. The Watch Commander or the Area Supervisor will notify the School Resource Officer (SRO) Section Supervisor of any incident, telephone call, letter, or e-mail involving threats to life, property, or disruption of any school activity as soon as possible. This includes incidents that may occur during school and non-school hours (i.e. school sporting events). The SRO Supervisor will make notification to appropriate Board of Education personnel.

- F. In accordance with Maryland law, whenever a Maryland public school student under the age of eighteen (18) years is arrested and charged with a reportable offense as defined by law (see Appendix "A"), the appropriate school district superintendent, administrator or designee shall be notified of the charges. This is only applicable to actual arrests, both on and off school property. These referrals are assigned a JR Number, which are obtained through the Northern District Duty Officer.
- G. The arresting officer shall determine if the arrested juvenile is being charged with a "reportable offense" as defined by law. In the event that the arrest is for a "reportable offense", the officer shall:
1. Determine if the juvenile is enrolled in a Maryland public school or public school program.
 2. Obtain the name of the school or program, including the appropriate school district (i.e. county or city) where the juvenile attends.
 3. Verify the school information with a parent or guardian and include it in the incident report.
 4. Document all relevant school information in the incident report. If the arrested juvenile attends private school or is not currently attending school, the officer shall note this in the report, indicating that notification of school officials is not required. It should be noted that the officer shall notify any school if the arrested juvenile poses a security risk.
 5. The arresting officer's immediate supervisor shall:
 - a. Review the incident/arrest report to ensure that all appropriate information is provided that will be needed for a "School Notification Fax Letter", located in Appendix B.
 - b. Forward a copy of the report and request a "School Notification Fax Letter" be sent by the Records Section.
- H. The Records Section shall:
1. Complete any needed "School Notification Fax Letter" form. The completed "School Notification Fax Letter" shall be attached to the incident and/or arrest report, as appropriate.
 2. Fax all "School Notification Fax Letters" to the identified school superintendent's office within twenty-four (24) hours, or as soon as practical as required by law.
 3. Include the "School Notification Fax Letter" and a fax transmission confirmation in the permanent case file, when appropriate.
- I. The officer will have the discretion to make a juvenile referral for a misdemeanor crime committed on school property.⁶
- J. The officer will notify the parent(s) or guardian(s) and school administrator when such a referral is being initiated.

⁶ CALEA 1.2.6

X. INVESTIGATIONS ON SCHOOL PROPERTY

- A. With the exception of a custodial arrest, an officer may not remove a student from public school premises without the consent of a parent or guardian.
- B. Officers will ensure that timely notification is made to the student's parent or guardian and that the date and time of the notification is documented in the incident report.
- C. Officers may interview students on school premises in connection with a crime committed on the premises or in connection with an investigation which, if not immediately conducted, could compromise the success of that investigation or endanger the lives or safety of the students or other persons. A school official should be present throughout that questioning. (COMAR 13A.08.01.13 State Board of Education). If no school official is present during questioning, that information must be documented in the report.
- D. Officers may attend non-custodial interviews of students/faculty members on school premises that are initiated by the school's administration. Officers must be aware that information obtained during these interviews could be suppressed in a court of law if the court determines that the interview was, in fact, a custodial interrogation. In order to establish that the interview was non-custodial, an alternative to an immediate arrest should be considered.⁷
- E. All interrogations/interviews shall be conducted consistent with the provisions outlined by General Order OPS-15, Investigative Protocols.
- F. When the need arises to secure information from a student who is a possible victim of child abuse or who has knowledge about abuse or neglect cases, the specific procedures to be followed are outlined in General Order OPS-16, Child Abuse Investigations. Questioning may occur, but a school official shall determine, after consultation with the police officer, whether a school official will be present during the questioning.

XI. RESPONSE TO SCHOOL-BASED THREATS

- A. The HCPD, working in conjunction with the Howard County Public School System, has developed a process for evaluating and dealing with school-based threats. Appendix C illustrates the Threat Management Process that has been implemented within the school system.
- B. The HCPD will be immediately contacted in the event a school becomes aware of information classified as either a "high" or "medium" threat. Threats classified as "low" are typically minor in nature and will be handled by discipline or counseling at the school level.
- C. The guidelines for police response to school-based threats are as follows:
 - 1. Calls relating to school-based threats will be dispatched to the appropriate beat officer or SRO, if school is in session. The Communications Division will notify the appropriate area supervisor (or SRO supervisor). The supervisor will provide the Watch Commander with details for inclusion in the Watch Commander's report for the shift. A copy of the report should be forwarded to both the Youth Division Commander and the Operations Deputy Chief by the end of the shift.
 - 2. The threat will be investigated as thoroughly and expeditiously as possible. All reasonable efforts should be made to complete the investigation prior to the beginning of the next school day. This may require the use of overtime or the forwarding of the report to the oncoming shift for further investigation.

⁷ CALEA 1.2.3

3. The investigating officer will share the results of his investigation with school authorities so that they are able to make appropriate decisions as to the placement of the offending student as early as practical. If there are questions relating to the release of specific information to school officials, the Watch Commander should be consulted.

XII. SCHOOL BUS COMPLAINTS AND ACCIDENTS

- A. Complaints regarding vehicles passing a stopped school bus that are observed by school bus operators or other Board of Education representatives will be handled by the Special Operations Bureau (SOB). The SOB office shall mail a warning letter advising of the alleged infraction to the violator's/registered owner's address.
- B. Collisions involving a school bus will be handled in accordance with General Order OPS-18, Collision Investigation and Reporting.

XIII. COORDINATION OF SPECIAL PROJECTS

- A. To enhance cooperation between the agencies and minimize the duplication of efforts involving HCPD personnel, the Youth Services Section Supervisor shall coordinate all special projects with the Howard County Public School System at the Elementary and Middle school levels. Supervisors of the School Resource Officer Section shall coordinate all special projects at the High School level.
- B. Personnel shall direct requests for school system presentations to the Youth Services Supervisor for approval and coordination at the Elementary and Middle School levels and to a School Resource Officer Supervisor for the High School level.
- C. All self-initiated projects require prior approval and coordination by either the Youth Services Section Supervisor or a School Resource Officer Section Supervisor.

XIII. CANCELLATION

This General Order cancels and replaces General Order OPS-50, School Issues dated September 15, 2006.

AUTHORITY:


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