

RELATIONSHIPS/PARTNERSHIPS WITH LAW ENFORCEMENT AGENCIES

Requesting the Services of Law Enforcement Agencies

In situations requiring immediate police assistance, the school resource officer is expected to assist if no school resource officer is present or assigned to the school call 9-911 and request that police officers be dispatched immediately to the school. In cases where immediate assistance is required, the school resource officer appearing at the school will be a uniformed police officer from the local precinct. All pertinent information should be communicated to the police officer to enable him/her to determine the type of back-up support needed at the school.

A school situation requiring immediate assistance may involve such circumstances as disorderly conduct, assault on a teacher or student, or possession of a deadly weapon. When the police are asked to assist or called, the parent/guardian of the student or students suspected of being involved should be notified as quickly as possible except in suspected child abuse cases. In the event that a crime has been committed on school premises and the police want to interrogate any student involved, the student should be detained in the presence of the principal or the principal's designee and the interrogation should not proceed until the parents/guardians have been contacted, unless the seriousness of the offense, as viewed by the police officer necessitates immediate investigation. The area assistant superintendent should be advised of the nature of the investigation. It is extremely important that the police be instructed to report to the office of the principal or principal's designee before beginning an investigation.

There may be an occasional need for an investigator of the Baltimore County Police Department to secure information from knowledgeable students in non-criminal cases, such as assistance in locating runaways. When the principal or the principal's designee believes it is in the best interest of a student, it is permissible to permit an interview, assuming the willingness of the student. The parent/guardian should be notified when a student is to be interviewed by a representative of the Baltimore County Police Department.

Following a complete investigation of a juvenile offense by the police, the police, not the principal or the principal's designee, will determine whether the case should be referred to the Department of Juvenile Services with a request that a petition be prepared by the State's Attorney's Office of Baltimore County charging the individual with a specific offense. It is expected that school personnel having firsthand knowledge of the incident would appear in court if summoned. Individuals over the age of 18 responsible for an offense on the school property should be processed by the police as adults.

The statements I-IV below are taken from COMAR 13A.08.01.12 and constitute the policy of the Board of Education of Baltimore County in regard to the interrogation of students at school and arrests on school premises. Statements V-VI are local procedures for dealing with other agencies.

- I. Arrests on School Premises*
 - A. When possible and appropriate, arrests by police should be made during non-school hours and away from the school premises.
 - B. When an arrest on school premises during the school hours is necessary, the responsible school officials should ascertain such facts from the arresting officer

as will enable them to fully advise the parent or guardian and other school officials of the nature of the charge, the identity of the arresting officer, and the location of the student.

- C. When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the parent or guardian immediately and thereafter promptly to advise the superintendent's office.
- D. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid both embarrassment to the student being arrested and jeopardizing the safety and welfare of other students.

II. Questioning of Students by Law Enforcement Officers on School Premises*

- A. School officials shall not permit questioning of a student under arrest on the school premises and shall request the arresting police officer to remove the student from the school premises as soon as practicable after the arrest is made.
- B. Police investigations involving the questioning of students shall not be permitted on school premises unless in connection with a crime committed on the premises or in connection with an investigation which if not immediately permitted would compromise the success of that investigation or endanger the lives or safety of the students or other persons, provided however, that a school official should be present throughout the questioning.
- C. Whenever investigative questioning of students is permitted on the school premises, the school official should promptly advise the parent/guardian and the Office of the Superintendent of the nature of the investigation and such other details as may be required.
- D. In the absence of an arrest, school officials shall not authorize the removal of a student from school for the purpose of investigative questioning without the consent of the student's parent/guardian.

III. Search and Seizures*

- A. 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 such a search.
- B. Investigative searches of the school premises by police officers shall only be permitted upon the authority of a search warrant or in the case where the search is essential to prevent imminent danger to the safety or welfare of the student or other persons or school property. Such searches shall not include a student's assigned locker unless specified in the search warrant.

- C. Every effort shall be made to conduct searches in a manner which will minimize a disruption of the normal school routine and minimize embarrassment to students affected.
- D. In no case may a police officer search the person of a student not under arrest, unless the police officer has a reasonable suspicion that such student is concealing a weapon which poses a danger to others, but under no circumstances shall a school official conduct such a search of a student at the request of a police investigation.
- E. A principal or assistant principal of a Baltimore County Public School may make a search of the physical plant of the school and its appurtenances including the lockers and vehicles of students on school property or at school-sponsored events. The principal or assistant principal may make a reasonable search of a student on the school premises or on a school-sponsored event if he/she has a reasonable belief that the student has in his/her possession an item, the possession of which is a criminal offense under the laws of the State of Maryland or a violation of any other state law or a rule or regulation of the Baltimore County Public Schools. The search shall be made in the presence of a third party.
- F. A principal may authorize a teacher to make a reasonable search of a student on a school-sponsored event if the teacher has a reasonable belief that the student has in his/her possession an item, the possession of which is a criminal offense under the laws of Maryland or a violation of any other state law or policy or rule of the Baltimore County Public Schools. A teacher shall be designated in writing by a principal and receive training to conduct a search commensurate with the training received by the principal. The search shall be made in the presence of a third party.

IV. Reporting Crimes*

- A. School officials shall promptly report to the responsible law enforcement agencies all police matters coming to their attention whether occurring on or away from the school premises which involve students attending the particular school.
- B. Police matters shall not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school, except that all such conduct of a serious nature should be promptly reported to the parent/guardian of the student concerned.

V. Questioning of Students in School by Representatives of Other Agencies

- A. It is permissible for probation officers to confer with students who are on probation or any other court ordered supervision, during school hours without parent/guardian permission. Probation officers may not question students without parent/guardian permission who have not already had a court hearing in relation to the current offense.
- B. It is necessary that the probation officer provide the school with a copy of written parent/guardian permission to interview a student in school who has not had a

court hearing in relation to the current offense. This form should be kept in the student's confidential folder.

- C. Any interview with students by probation officers may take place without the presence of a school administrator or other school person unless it is requested by the parent/guardian or the probation officer.
- D. Case workers from the Department of Social Services (formerly known as Welfare Department) both city and county may interview students in school without parent/guardian permission whose custody has been awarded to the Department of Social Services or students who have been reported to the Department of Social Services for suspected neglect or abuse.

VI. Other Kinds of Investigation

- A. Private Detective and Insurance Investigators
Private detectives and insurance investigators are not authorized to interrogate students in school.
- B. Investigation of Non-School Connected Cases
When a law enforcement officer other than a member of the Baltimore County Police Department (procedures covered, this directive) wishes to question students as part of the investigation of a situation not involving the school, but possibly involving one or more students attending the school, the parents/guardians must be contacted before I interrogation occurs and have the opportunity to be present during the questioning.

It is preferable that investigations of non-school connected cases be conducted during hours other than school hours unless it appears that delayed questioning may unduly hamper the police's investigation. The decision to permit or not to permit questioning will be made by the principal or the principal's designee.

- C. The procedures outlined in Section II will govern investigations conducted in schools by representatives of the Fire Marshall's Office.

*Enactment of Maryland State Board of Education Bylaw 13A.08.01.12 - Guidelines for Arrest on School Premises,

Revised 1978
Revised 1987
Revised 1999
Revised 2008