



ARREST OF PUBLIC & NON PUBLIC SCHOOL STUDENTS- REQUIRED NOTIFICATION

INDEX CODE: 1705.1
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Contents:

- I. Background
- II. Reportable Crimes
- III. Procedures
- IV. Proponent Unit
- V. Cancellation

I. BACKGROUND

Effective July 1, 2010, the Maryland Safe School Act 2010 amended Maryland Annotated Code Education Article § 7-303 and mandates the local public school superintendent *and the school principal, both public and non-public*, be notified of the arrest and charges placed against a student 5 years of age or older and under 22 years of age for certain offenses. This notification of arrest and charges shall occur within 24 hours of the arrest or as soon as practical. Reportable offenses are listed in Section II of this directive.

Maryland Annotated Code Education Article § 7-303 also requires the State's Attorney's Office to promptly notify the local superintendent or nonpublic school principal of the disposition of a reportable offense.

The Student Safety and Support Act, effective June 1, 1995, additionally requires law enforcement agencies to contact the public school superintendent or designee within 24 hours, or as soon as practical, whenever a student under the age of 18 is arrested and charged with certain reportable offenses.

This notification will inform both public and non-public school systems in Anne Arundel County about students who commit particular crimes, specifically when the crimes might potentially impact the student's status in the school environment.

The reporting responsibilities will require police officers to include particular information in their reports to initiate the notification process.

II. REPORTABLE CRIMES

A. Whenever a Maryland public or non-public school student under the age of 22 years of age is arrested and charged with any of the following crimes, the appropriate school district superintendent or designee *and principal of a public and non-public Anne Arundel County school* shall be notified of the charges within 24 hours or as soon as practicable after the arrest. Reportable offenses listed below include crimes of violence as defined in § 14-101 of the Criminal Law Article and the Student Safety and Support Act (1995). These offenses include:

- 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).

III. PROCEDURES

A. Police Officers

When an officer charges someone with one or more of the crimes listed in section II, he/she must determine whether the person is an Anne Arundel County school student under the age of 22 years of age. If so, write “SCHOOL NOTIFICATION CASE” across the top of the incident report. Identify on the first two lines of item 58 (Summary) of the Incident Report the name and location of the school the person attends.

The Special Enforcement Team will make the final determination whether an incident is reportable under Maryland Annotated Code Education Article § 7-303 (7)(b); arrest and charges for an offense related to a student’s membership in a criminal gang.

B. Central Records

Upon receipt of an incident report meeting the reporting criteria, Central Records will record the following information *in an electronically formatted file*:

- Student name
- School attends
- Police report number
- Reportable offense(s)

The electronic file will then be transmitted to the Commander of the School Safety Section and the AACPS Office of School Security who serves as the AACPS Superintendent’s designee. The AACPS Office of School Security will verify the student’s current enrollment and electronically notify the appropriate public school principal.

For non-public schools, Central Records will continue to record the above listed notification information on a form letter to fax to the principal of a non-public school. A copy of the faxed letter will be retained as part of the case file.

IV. PROPONENT UNIT: School Safety Section.

V. CANCELLATION: This directive cancels Index Code 1705.1, dated 10-28-09.