

JGD-R2

RESPONSE PLAN FOR CRIMINAL INCIDENTS

CONTROLLED DRUGS AND SUBSTANCES

Possession/Use/Sale (Including Paraphernalia):

This includes all illegal and controlled substances such as marijuana, cocaine, opiates, and related substances. Drug paraphernalia is any instrument used in the packaging, processing, weighing or ingesting of any controlled substance. This includes such things as syringes, smoking pipes, and scales.

Response Guidelines: Any student observed possessing, using or selling any of the above described substances shall be immediately brought to the principal. Any substance observed shall be immediately seized and put into a clean envelope, signed and dated, and immediately turned over to the police. The principal shall call the police in every instance where drugs or paraphernalia are discovered. NOTE: No school employee has the lawful authority to destroy any seized substance. Even the police will eventually need to obtain a court order in order to destroy the drugs.

Odor Of Marijuana:

This would include a situation where a school employee detects an obvious odor of marijuana from the clothing or person of a specific individual student. In this instance, the student is to be immediately segregated and monitored while being brought to the attention of the principal or assistant principal. The principal shall question the student and search the student within legal limits. The police and parents shall be called.

Student Appears To Be Under The Influence Of Drugs Or Alcohol:

Response Guidelines: The student shall be brought to the attention of the principal. The principal shall question the student and direct that medical attention be sought as appropriate. Parents shall be called if there is any suspicion of drug or alcohol use. The police shall be called at the discretion of the principal.

THEFT OF PROPERTY/RELATED ISSUES

Robbery:

Under New Hampshire law, robbery is a theft by force or by threat of force. It is a serious crime and is always a felony when committed.

Response Guidelines: The principal shall be immediately notified and a police response shall be requested as soon as possible.

Theft:

Under New Hampshire law, theft is the unauthorized taking of someone's property "with a purpose to deprive the owner."

Response Guidelines: Theft shall be reported to the principal. Technically, any theft committed on school property is reportable to the police. For practical purposes, however, thefts involving an insignificant value or theft involving extremely young children should be handled by school personnel. As a general rule, thefts will not be reported to the Police Department in the following situations.

- The value of the property is less than \$50 and there is no suspect- or
- The students are in third grade or lower.

Burglary:

Burglary is the unlawful entry of a business or home to commit any crime. Most burglaries involving the School Department will result from the entry of a school building for the purpose of committing theft or vandalism.

Response Guidelines: Burglary shall always be reported to the Principal immediately after being discovered. School personnel shall take care not to clean or otherwise disturb the scene of the crime prior to the arrival of the police. The Principal shall call the Police Department immediately upon being notified of a burglary.

VANDALISM (aka CRIMINAL MISCHIEF)

Vandalism:

Vandalism is the intentional damaging or destruction of school property or the property of another. Vandalism can be considered to have occurred if there is a cost incurred in cleaning or repairing an item. For example, if the walls of the building are marked with spray paint or a marker and require special cleaning or repainting, then the property is considered damaged under the law.

Response Guidelines: Technically, all criminal mischief that occurs in a safe school zone is reportable to the police. In practice, some discretion must be used for extremely petty cases. For example, it would not be appropriate to contact the police in the case of a student writing an initial in ink on his or her desk.

In general, any damage in excess of \$50 shall be reported to the police by requesting a police response and investigation, or by filing a written report within 48 hours. The method of reporting will be at the discretion of the principal. However, in any case where a suspect is identified, the police shall be called to handle the case after a preliminary inquiry by school administrators.

Arson:

A person has committed arson if he/she intentionally starts a fire or causes an explosion which damaged someone's property.

Response Guideline: Any employee discovering a fire shall immediately take steps to protect life and property and contact the Fire Department as appropriate. In cases where arson is a possibility, the Police Department shall be notified by a school administrator if the police are not already involved.

False Fire Alarms:

This would include such things as a student pulling an alarm station or otherwise causing a false report.

Response Guidelines: The Police and Fire Departments shall be contacted by the principal if they have not already arrived to conduct an investigation.

WEAPONS RELATED INCIDENTS

Firearms/Dangerous Weapons:

Under the law, a firearm is a weapon capable of discharging a projectile as a result of an explosion. A BB gun is not a firearm. A dangerous weapon would be considered any blackjack, stiletto, switch knife (spring loaded blade), dagger (blade sharpened on both sides), sling shot, metallic knuckles or dirk knife or any other object when used as such.

Response Guidelines: Any student possessing any of the above items shall be brought immediately to the principal and the weapon shall immediately be seized. The principal shall request a police response in every situation. Possession of any of the above weapons is a misdemeanor under New Hampshire law without the proper authorization or permit.

BB Guns/Air Guns/Representation of a Firearm/Non-functioning Firearm:

Under New Hampshire law, a BB gun cannot be possessed by a person under the age of 18 except in his/her own home or under parental supervision.

Response Guidelines: The student shall be brought to the attention of the principal and the item described above shall be seized. The school administrator shall call the police at his or her discretion.

Use or Possession of Fireworks:

Response Guidelines: Absent any injury or extenuating circumstance, administrative action should be conducted at the discretion of the school administration and no police response need be requested unless actually used. Any use shall be reported to the Police Department.

ASSAULT AND RELATED OFFENSES

Sexual Assault or Physical Abuse:

Under New Hampshire law, it is a serious offense for any school employee to fail to report any suspected case of physical or sexual abuse of a child.

Response Guidelines: Suspected incidents of sexual abuse or physical abuse, or any disclosure thereof, shall immediately be reported to the school administration. The administrator shall insure that the School Department Policy for handling these types of cases is followed.

Assault:

Assault is any unprivileged physical contact of another. Assault is a misdemeanor unless serious physical injury results. The New Hampshire courts have considered an assault a felony when an individual has received a scratched eyeball that caused blurred vision. Distinguishing when an assault becomes a felony is important for school personnel because any felony assault shall be reported to the Police Department by state law.

Response Guidelines: Any case of assault shall be brought to the attention of the school administration. If the assault results in a victim requiring any degree of medical attention (to include stitches and transport to the hospital), then the Police Department shall always be contacted by the school administration.

Misdemeanor assaults (no serious injury) committed by high school or junior high school students shall be reported to the administration. The administrator shall conduct an initial inquiry and contact the police immediately in cases where the assault involved one or more of the following:

- The assault was very aggressive or violent in nature (as in driving someone into lockers or slamming the victim to the floor)
- A strike to the head or groin or other sensitive area.
- Repeated punches or kicks.
- Offender with a past record of violence or aggressive behavior.

Misdemeanor assaults committed at the elementary level shall be reported based on the discretion of the school administrator. The administrator will take into account such factors as the age of the students, past problems, and the level of aggressiveness involved in the accident.

Fight By Mutual Consent:

A fight that is undertaken by the mutual consent of both parties involved is a violation of the assault statutes in New Hampshire.

Response Guidelines: School employees shall notify the administration of any fight that occurs between two or more students, two or more school employees, or a combination of school employees and students. The school administration shall request a police response in any case where a participant in the fight received serious injury or was transported to the hospital.

Threatening:

Threatening includes any behavior which purposely places or attempts to place another in fear of imminent bodily injury or physical contact.

Response Guidelines: Any case of threatening shall be brought to the attention of the school administration. When threatening behavior which is of such seriousness that another student's continued presence in school is jeopardized, then the Police Department shall be contacted by the school administration.

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