

# BALTIMORE CITY PUBLIC SCHOOLS

## GENERAL ORDER 13-1 SECTION B-5

### JURISDICTION

Revisions Approved: September 27, 2022

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This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. Definitions
- IV. General
- V. Baltimore City School Police Force Responsibility
- VI. Baltimore Police Department Responsibility
- VII. Responding to Other Student Misbehavior
- VIII. Effective Date

#### I. **DIRECTIVE**

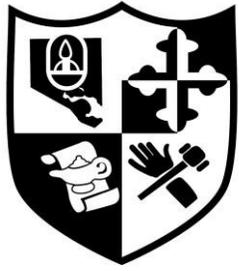
The Baltimore City School Police Force (“BCSPF” or “department”) exercises full law enforcement jurisdiction within the geographic confines of the City of Baltimore, Maryland, pursuant to the authority contained in the laws of the State of Maryland and within the most recent memorandum of understanding between the Police Department of Baltimore City (“BPD”) and the Baltimore City Board of School Commissioners (“MOU”).

#### II. **PURPOSE**

The purpose of this directive is to explain the jurisdiction of the department and its police officers.

#### III. **DEFINITIONS**

- A. **Concurrent Jurisdiction** - those physical areas in which both the BPD and the BCSPF have jurisdiction within the Baltimore City limits.
- B. **Primary** - the first response for patrolling the buildings and property, and responding to and handling of all incidents requiring police action, in areas of concurrent jurisdiction.



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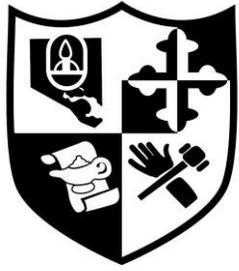
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#### IV. **GENERAL**

Based on increased security concerns raised by the Department of Homeland Security and other events, and subject to the provisions of Md. Code Ann., CRIMINAL PROCEDURE § 2-102 and Md. Code Ann., EDUCATION § 4-318, the BPD, through its Commissioner, has authorized BCSPF to exercise full police powers anywhere within the jurisdiction of Baltimore City, Maryland.

#### V. **BALTIMORE CITY SCHOOL POLICE FORCE RESPONSIBILITY**

- A. The BCSPF shall have first responsibility for patrolling the buildings and property and responding to and handling all incidents requiring police services within its area of primary jurisdiction, which means any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public school operated by Baltimore City Public Schools (“City Schools”) and any other property used for educational purposes owned, leased, licensed or operated by, or under the control of the Baltimore City Board of School Commissioners, as well as in or on a school bus, whether owned and operated by City Schools or a carrier with which City Schools contracts for the transportation of its students, or at a City Schools sponsored event including extracurricular activities on City Schools Properties.
- B. The BCSPF shall not exercise law enforcement authority on any other property, unless (1) engaged in fresh pursuit of a suspected offender; (2) requested or authorized to do so by the Police Commissioner of BPD; (3) the exercise of power is necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the City Schools; or (4) ordered to do so by the Mayor of Baltimore City.
- C. Subject to the provisions of the MOU, the Police Commissioner of BPD has authorized the BCSPF to exercise full police powers anywhere within Baltimore City, provided, however, that the exercise of those powers ordinarily shall be limited to those circumstances where the BCSPF is supporting the BPD in policing regarding special events, augmentation of force, joint task force activities, addressing a school-based incident, or responding to an active shooter or other emergency situation. Whenever BCSPF officer takes law enforcement action outside of the BCSPF’s Primary Jurisdiction, the BCSPF’s officer shall within twelve (12) hours of taking such action, give formal written notice to the BPD’s Chief of Patrol and the BCSPF Chief of Police of such law enforcement action under Md. Code Ann., CRIMINAL



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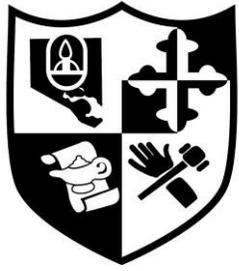
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#### PROCEDURE § 2-102.

- D. The BCSPF shall have primary law enforcement responsibility in areas of concurrent jurisdiction for Part II crimes or other incidents occurring in their presence or reported to them, provided staffing and resources are available. Under the Federal Bureau of Investigation's Uniform Crime Reporting Program, Part II Offenses" are: other assaults, forgery and counterfeiting, fraud, embezzlement, crimes involving stolen property, vandalism, crimes involving weapons, prostitution, sex offenses, drug abuse violations, gambling, offenses against the family and children, driving under the influence, violation of liquor laws, drunkenness, disorderly conduct, vagrancy, and all other offenses that are not Part I Offenses or otherwise described in Section VI below that occur on City School Properties. Subject to available resources, BPD will assist in criminal investigations of Part II Offenses by BCSPF upon request of the BCSPF.

## VI. BALTIMORE POLICE DEPARTMENT RESPONSIBILITY

- A. The BPD exercises concurrent law enforcement jurisdiction on City Schools' properties, subject to the terms of the Memorandum of Understanding.
- B. BPD shall be the lead agency, assuming full and complete responsibility, in any emergency that occurs in the area of concurrent jurisdiction. An "emergency," as defined in Md. Code Ann., CRIMINAL PROCEDURE § 2-101(b), is "a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of a person from actual or threatened harm or from an unlawful act." BCSPF shall provide assistance to the BPD in any emergency that occurs in the concurrent jurisdiction area, when the BPD requests, subject to the availability of BCSPF officers.
- C. Members of the BPD shall assume primary responsibility for the investigations and follow up in cases of Uniform Crime Reporting Program ("UCR") Part I offenses and all cases of death (including homicide, suicide and sudden death) in Baltimore City. Under the Federal Bureau of Investigation's Uniform Crime Reporting Program ("UCR"), "Part I Offenses" are: criminal homicide, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson.
- D. In areas of concurrent jurisdiction, BPD shall assume primary responsibility for the



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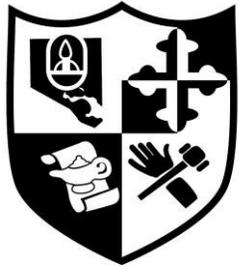
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investigation and follow up in case of aggravated assaults by shooting, or other type of aggravated assaults where the victim is hospitalized, robberies, sexual child abuse, child abuse, all sex offenses, human trafficking, commercial sex acts, prostitution, involuntary servitude, and all hate crimes that occur on School Properties.

- E. If a vehicle accident occurs within the area of concurrent jurisdiction that requires an Accident Reconstruction/CRASH investigation, the BPD will assume the duties as primary investigators.
- F. Where BPD assumes primary responsibility for investigations conducted pursuant to sections B and E above, and the offense occurred on City Schools' property, the BCSPF will assist in these criminal investigations upon request of BPD.
  - 1. BCSPF and other City Schools staff will limit their investigation to ascertaining basic facts and doing what is necessary to stabilize the situation until a BPD officer arrives, absent exigent circumstances. For such incidents, City Schools will defer taking written statements from students or witnesses, thereby permitting the BPD the opportunity to do so. In addition, City Schools shall consult with BPD to determine whether it is appropriate to notify the school community and the timeline for so doing.
  - 2. If requested by City Schools for purposes of conducting student disciplinary or other administrative processes within the timelines mandated by state or federal law for such processes, subject to applicable BPD Policy, the BPD will assist City Schools by providing periodic status updates on its criminal investigations of incidents identified in this Section that occur on City School Properties. Upon BCSPF request, BPD shall promptly notify the BCSPF if it decides not to conduct a criminal investigation in response to a report of any such incident that allegedly occurred on City Schools Properties so that BCSPF may determine whether to commence its own investigation and/or refer to other City Schools staff for student disciplinary or other administrative processes.
  - 3. BPD shall proceed in accordance with BPD Policy 1207, as adopted on January 6, 2020 and as amended from time to time, including but not limited to the provisions regarding parental notification, and all other applicable laws, policies, and administrative orders, including but not limited to COMAR 13A.08.01.12 (regarding arrests on school premises) and COMAR 13A.08.01.13 (regarding questioning students on school premises), as well as the provisions of the MOU.
  - 4. Absent an immediate public safety need to stop an illegal activity, effect an arrest, and/or



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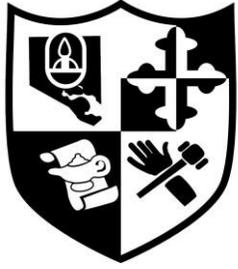
seize evidence, the BPD will collaborate with BCSPF and the principal or the principal's designee prior to a law enforcement action involving students on City Schools Properties to assess the totality of the circumstances and address the matter in a manner that is in the best interest of the student and the welfare of the school community. Circumstances to consider under the totality of the circumstances regarding law enforcement action involving students include but are not limited to: absence or presence of perceived intent; whether the matter is solely administrative in nature or involves a criminal nexus; whether or not the offender was coerced and/or threatened to participate in the inappropriate behavior; which least proposed law enforcement action (physical arrest, paper arrest, citation, suspension, mediation, counseling, etc.) will achieve the desired goal of correcting behavior while being accountable to all stakeholders within the school community; administrative and or criminal history of the offender; the student's age; cultural, equity, or linguistic factors, as well as any student disability or other special needs, which may provide context to understand student behavior; or other mitigating circumstances. If circumstances do not allow for consultation prior to a law enforcement action, BCSPF and BPD will come together as soon as possible thereafter to address the matter. Every opportunity should be made to debrief especially critical incidents at the appropriate time to identify lessons learned, pursuant to the MOU.

### VII. RESPONDING TO OTHER STUDENT MISBEHAVIOR

The BPD and BCSPF shall not use their police powers to intervene in other student misbehavior on City School Properties that is not identified in the preceding sections, including but not limited to behaving in a rude or disruptive manner; making excessive noise; hanging out in school hallways or bathrooms; or violating school dress codes. City Schools principals or their designees will be the primary source of administrative disciplinary consequences and interventions in response to the foregoing student misbehavior. The City Schools Student Code of Conduct provides detailed information on administrative disciplinary consequences and interventions and shall guide the school-based responses to such student misbehavior. When BPD and the BCSPF respond to school-based incidents that are identified in the foregoing sections, they will work with the principal and other City Schools staff, whenever possible, to de-escalate those incidents.

### VIII. EFFECTIVE DATE

This Order shall be effective on the date of publication.



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I certify that I have read and fully understand this Order.

Signature \_\_\_\_\_

Date \_\_\_\_\_