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## TALBOT COUNTY SHERIFF'S OFFICE

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February 3, 2016

### GENERAL ORDER NO. 16-014

**TO: All Talbot County Sheriff's Office Personnel**

**SUBJECT: Student Offenses – Mandated Reporting to School Authorities**

### PURPOSE

The purpose of this policy is to establish guidelines and procedure for the prompt notification to school authorities of students that have been charged with specific offenses and crimes. This Order also is designed for compliance with the legal mandates that obligate such formal reporting of student crimes and offenses to school officials.

### INTRODUCTION

The school network and management of student activities in and outside of school have potential impact for the school system, and for the students and the learning environment. School administrators have tools at their disposal that can be used to assist each student, and to effectively deal with students that have unique needs or specific situations.

Students involved in crimes, in or outside of the school setting cause unique demands and obligations on the school administrators, the students, the school, parents, and the public. Public trust and confidence in the school system and the ability to promote a healthy learning environment are at the center of this issue.

Information and knowledge of students involved in crimes can lead school officials to direct energy and resources to address the needs of the affected student, as well as to be able to take the means necessary to protect the integrity of the school environment. Actions and decisions taken towards a student charged with reportable offenses can serve to benefit not only that student, but the others as well.

### DEFINITIONS

- A. School System** – The organization of a school, or school setting in which an approved statewide sanctioned curriculum is taught through instruction in a classroom setting. This includes a formal environment in which there is an educational setting or building in which an administrative staff provides teaching staff and security oversight for the responsibility of students who are part of their charge. This includes public and private schools in Talbot County.
- B. Reportable Offenses** – Those crimes or offenses in which a person is formally charged with a crime so determined to be of a serious nature, or is an offense of such significance or magnitude that are classified as a serious crime for a minor, or an adult that is participating in a sanctioned Talbot County High School system.

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**C. Student** – A person, either as a minor child or as a person of age who is obligated, or enrolled in a Talbot County school system, or approved school facility (public or private) in which instruction is taught from kindergarten through and including twelfth grade. A student can be a legal age adult who may be enrolled, or continue to be enrolled in a school system receiving formal class instruction (special needs, etc.). For the purposes of this Order, a student does not include a child who is home schooled, or a person who attends class instruction that is not part of the daily curriculum that leads to a high school completion or diploma.

**D. Notification** – The formal transmission and receipt of documents essential for compliance with this Order. Notification will be in express form, with transmission occurring by U.S. mail, or by hand delivery of documents; with confirmation of receipt acknowledged.

**E. Charged with a crime** – When a student is charged through a formal charging document, indictment, criminal information, or juvenile referral; to include minors who are charged as adults. “Charged” with a crime infers charges/referrals that have been placed or preferred, and not cases in which a person is a suspect or person of interest.

### **POLICY**

**A.** Reports of students involved in crimes and reportable offenses will be promptly reported to the appropriate school, school system, or school administrator.

**B.** The process used for the reporting of an eligible offense will be formal, with supporting documentation becoming part of, and included in the base case file.

**C.** An approved Reportable Offense Notification worksheet will become the source document that accounts for the completion, notification, transmission, and acknowledgement of notification to the proper authorities.

**D.** Investigations, reports, evidence, and information concerning persons charged with crimes specific to this Order will be forwarded to the Criminal Investigation Division Commander for review, approval, and required notification. The CID Commander will be notified immediately when persons are arrested and charged with crimes eligible under this Order. It will then be the CID Commander’s responsibility to initiate and facilitate the notification process.

### **OPERATIONAL PROCEDURES**

#### **A. Students involved in Crimes**

Investigations that involve minors or other students in serious crime or reportable offenses will become part of this process. Initial charging of students can trigger the reporting process. Further, applications for charges that are initial or follow on to an investigation can also trigger this reporting process. In other charging situations, when the investigator receives knowledge that a reportable crime or offense has been charged (criminal information, indictment, etc.) the process will be initiated.

#### **B. Reportable Offenses**

An addendum to this Order details and lists those crimes that are considered reportable offenses. This list of crimes is subject to review and modification as determined by legislative change or implementation of new qualifying statutes.

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**C. Student Status**

A person is considered to be a student if they are properly enrolled, assigned, or under obligation to attend or participate in a formal school system; either public or private. Home schooled students are not students for the purpose of this Order and notification process. A person is considered to be a student if they are: suspended, truant, expelled, serving in school suspension, participating in a work sharing program approved by the school, attending college while in a high school system or in any status that causes their short or long term absence from attending school.

**D. Investigation of Information**

When a student has been arrested or charged with a qualifying offense, subsequent processing/questioning will solicit information pertaining to the school system or school facility that they attend. This procedural questioning will occur in those cases in which it is suspected or believed that the person charged may actually be a student attending a county or private high school. In the absence of statements provided by the student, information will be solicited and obtained from others associated with the investigation to include parents, other responsible adults, persons associated with the investigation, or from any source that can serve to verify that the person arrested or charged is a student. Absent all attempts to verify the qualification of the person as a student, if it is suspected that the person arrested is a student, contact will be made with the Talbot County Board of Education to determine the person's status and student classification.

**E. Out of County Information**

If during the course of an investigation it is learned that the student attends a school system outside of Talbot County, the required Reportable Offense Notification worksheet will still be completed with the information provided. Contact will be made with the Sheriff's Office in the county claimed by the student, and school board/private school information will be obtained for processing.

**F. Reportable Offense Notification Worksheet**

When charged with a crime or reportable offense, the Reportable Offense Notification worksheet will be used in narrative form to provide a synopsis of the case material, and the specific charge that has been placed against the student. All blocks on this form will be completed or addressed. Additional information will not be provided beyond the general synopsis of the case materials that directly support the charge. Brevity is preferred. This report can be handwritten or completed electronically.

**G. Approved Notifications**

All notifications under this Order will be made by the CID Commander, School Resource Officer, or a member of the Command Staff. Deputies involved in the case and charges will not formally, or informally release information pertaining to juveniles charged with the enumerated crimes, unless specifically authorized to do so by a member of the Command Staff. Notifications will occur in a timely manner. Immediate telephonic notifications can be made, though an express method will prevail; providing a documented means of assuring that notification was made. The Reportable Offense Notification worksheet specific to this notification process will be used. Communication is deemed to have been completed when the Reportable Offense Notification worksheet has been mailed via return receipt, or provided by hand to the proper authority.

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**H. Privacy – Protection of Information**

Information concerning a juvenile's involvement in a serious crime, or the intended or unintended disclosure of personal or private information concerning a juvenile charged with a crime can violate certain portions of state statutes. A juvenile/student charged as an adult can generate a public record that is subject to disclosure. The initial release of information concerning a juvenile charged with any crime, and reported through this notification process will be controlled, and additional information will not be released. Inquires requesting additional information will be directed to the Sheriff or member of the Command Staff for review and approval.

**I. Required Reports**

The Reportable Offense Notification worksheet specific to this notification process will be used. The case specific Reportable Offense Notification worksheet will be included in the criminal case file. A single line notation will also be made in the body of the investigative report that indicates that the mandates for the notification of charges to school officials has been made. Additional reports detailing the crime, details, or others involved in the crime will not be made available or included as part of this notification process.

**J. Media – School Liaison**

Requests for more specific information or issues that form the basis for the reported crime, or the details of the student involved in the crime will be directed to the Sheriff or any member of the Command Staff. The rule and provisions of the Maryland Public Information Act will prevail.

**RELEVANT LAW**

Maryland Criminal Laws Annotated, Public Safety Article, Criminal Law Article

**EFFECTIVE DATE**

This order is effective immediately and supersedes General Order No. 08-001, and all orders and memoranda, in conflict therewith.

**Joseph J. Gamble  
Sheriff of Talbot County**

**JJG:tj**

*Office of the Sheriff of Talbot County*

**TALBOT COUNTY SHERIFF'S OFFICE  
REPORTABLE OFFENSES – NOTIFICATION TO THE  
COUNTY SCHOOL SUPERINTENDENT OR PRIVATE SCHOOL ADMINISTRATOR**

Date of notice: \_\_\_\_\_ Case Number: \_\_\_\_\_

Deputy completing report: \_\_\_\_\_

Student name: \_\_\_\_\_  
Last First Middle

School of enrollment: \_\_\_\_\_

Name of School Superintendent: \_\_\_\_\_

Method of notification: \_\_\_ E-mail \_\_\_ U.S. mail \_\_\_ Hand delivery

Synopsis of Investigation/Charges:

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### **Reportable Offenses**

#### **SS 3-8A-03(d) (4) of the Courts Article**

Abduction  
Kidnapping  
2<sup>nd</sup> Degree Murder  
2<sup>nd</sup> Degree Rape  
Manslaughter  
Robbery (Criminal Law 3-403)  
2<sup>nd</sup> Degree Sex Offense (CL 3-306(a)(1))  
3<sup>rd</sup> Degree Sex Offense (CL 3-307(a)(1))  
Possession of a Regulated Firearm (PS 5-133)  
Sale/Transfer of a Regulated Firearm (PS 5-134)  
Possession of a stolen Regulated Firearm (PS 5-138)  
Wear, Carry Transport a Firearm related to drug trafficking (CL 5-621)  
Prohibited Possession of Firearms (CL 5-622)  
Carjacking/Armed Carjacking (CL 3-405)  
First Degree Assault (CL 3-202)  
Attempted 2<sup>nd</sup> Degree Murder (CL 2-206)  
Attempted 2<sup>nd</sup> Degree Rape (CL 3-310)  
Attempted 2<sup>nd</sup> Degree Sex Offense (CL 3-312)  
Attempted Robbery (CL 3-403)  
Wear, Carry, Transport a Firearm (CL 4-203)  
Use of a Handgun in the Commission of a Crime (CL 4-204)  
Use of a Machine gun in a Crime of Violence (CL 4-404)  
Use of a Machine Gun for an Aggressive Purpose (CL 4-405)  
Possession of a Short Barreled Rifle or Shotgun (PS 5-203)

#### **Criminal Law Article**

Certain Weapons Violations (CL 4-101)  
Deadly Weapons on School Property (CL 4-102)  
Disarming a Law Enforcement Officer (CL 4-203)  
Manufacture a Destructive Device (CL 4-503)  
Manufacture with intent to distribute CDS (CL 5-602)  
Equipment to produce, sell, distribute a CDS (CL 5-603)  
Creating or possessing a counterfeit CDS (CL 5-604)  
Keeping a Common Nuisance – CDS (CL 5-605)  
False Prescription – CDS (CL 5-606)  
Certain felonies, repeat offenders – CDS (CL 5-607)  
Narcotic Drug Felonies – Repeat Offenders – CDS (CL 5-608)  
Schedule I, II offenses, Repeat Offenders – CDS (CL 5-609)  
Volume Dealer – CDS (CL 5-612)  
Drug Kingpin – CDS (CL 5-613)  
Importer – CDS (CL 5-614)  
Distribution of Fake CDS (CL 5-617)  
Possession or Purchase of a non-Controlled Substance (CL 5-618)  
Distribute, Possess a CDS near School (CL 5-627)  
Use of a Minor, Distribution of CDS (CL 5-628)  
Certain False Statements (CL 9-502)  
Representation of a Destructive Device (CL 9-505)

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**Reportable Offenses - Continued**

**SS 14-101 of the Criminal Law Article – Crimes of Violence**

Abduction  
Arson 1<sup>st</sup> Degree  
Kidnapping  
Manslaughter (not involuntary)  
Mayhem  
Maiming  
Murder  
Rape  
Robbery (CL 3-402, 403)  
Carjacking  
Armed Carjacking  
1<sup>st</sup> Degree Sex Offense  
2<sup>nd</sup> Degree Sex Offense  
Use of a handgun in the comm. of a felony or crime of violence  
1<sup>st</sup> Degree Child Abuse (CL 3-601)  
Sex Abuse of a Minor (CL 3-603)

Attempts to commit any of the preceding crimes listed above.

Continuing Course of Conduct with a Child – 3 or more acts with a child under 14 (CL 3-315)  
Assault 1<sup>st</sup> Degree  
Assault w/ intent to murder  
Assault w/ intent to rape  
Assault w/ intent to rob  
Assault w/ intent to commit 1<sup>st</sup> degree sex offense  
Assault w/ intent to commit 2<sup>nd</sup> degree sex offense