

## **RESPONSE FOR CRIMINAL INCIDENTS**

### ARSON

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

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

### ASSAULT

Assault is any unprivileged physical contact with another. Assault is a misdemeanor, unless serious physical injury results. For example, 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 must be reported to the Berlin Police Department by state law.

Response Guidelines: Any case of assault will 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, transport to the hospital), then the Berlin Police Department will always be contacted by the school administration.

Misdemeanor assaults (no serious injury) committed by high school or junior high school students will be reported to the administration. The administrator will 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)
- Repeated punches or kicks
- Offender with a past record of violence or aggressive behavior

Misdemeanor assaults committed at the elementary level will 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 incident.

### B-B GUNS/AIR GUN/REPRESENTATION OF A FIREARM/NON-FUNCTIONING FIREARM

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

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

## BULLYING/CYBERBULLYING

Pupil Safety and Violence Prevention, Under N.H. RSA 193-F, conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

Response Guidelines: If a bullying/cyberbullying incident is founded and includes a reportable criminal offense, as listed on the Memorandum of Understanding, law enforcement will be contacted.

## BURGLARY

Burglary is the unlawful entry into 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 will always be reported to the Berlin Police Department immediately after being discovered. School personnel should take care not to clean or otherwise disturb the scene of the crime prior to the arrival of the police.

## FALSE FIRE ALARM

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

Response Guidelines: The principal will contact the Berlin Police Department and the Berlin Fire Department, if they have not already arrived to conduct an investigation.

## 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 will request a police response in any case where a participant in the fight received serious injury or was transported to the hospital. Police should be made aware of students who get involved in fights, if carryover in the community is suspected.

NOTE: If a student is attacked and acts to protect him/herself, then the person provoking the incident may still be guilty of an assault (although the incident may appear to be a "fight").

## FIREARMS/DANGEROUS WEAPONS

Under the law, a firearm is a weapon capable of discharging a projectile as a result of an explosion. A B-B 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.

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

## 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.

Response Guidelines: In this instance, the student is to be immediately segregated and monitored while being brought to the attention of the principal. The principal will question and search the student within legal limits. The police and parents will be called.

## POSSESSION/USE OF FIREWORKS

Response Guidelines: Absent of any injury or extenuating circumstances, administrative action should be conducted at the discretion of the school administration, and no police response need to be requested.

## POSSESSION/USE/SALE OF DRUGS (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 is to be immediately brought to the principal. Any substance observed will be immediately seized and put into a clean envelope and immediately turned over to the police. The principal will promptly call the Berlin Police in every instance where drugs or paraphernalia are discovered.

NOTE: No school employee has the lawful authority to destroy the drugs.

## POSSESSION/USE/SALE OF TOBACCO PRODUCTS

Possession and distribution of tobacco products is a violation of RSA 78:b and includes cigarettes, chewing tobacco, cigars, pipe tobacco, snuff, and similar products by persons under the age of 18.

Response Guidelines: Any student observed possessing, using, or selling any of the above described items is to be immediately brought to the school principal. The principal shall notify the Berlin Police Department promptly. The police shall have discretion to issue the student a warning for the first offense and shall issue a court summons for any other offenses.

NOTE: Action taken by the police shall be separate from the school's disciplinary actions.

## 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 will be immediately notified and a police response will be requested as soon as possible.

## 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, will be immediately reported to the school administration. The administrator will insure that the School Department policy for handling these types of cases is followed.

## STUDENT APPEARS TO BE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL

When a student is suspected of using an illegal substance he/she will be brought to the nurse's office for an assessment. The assessment may include the taking of vital signs and either part or all of the DWI Detection and Standardized Field Sobriety Test. A student who fails to comply with the assessment requirement may be suspended from school.

Response Guidelines: The student will be brought to the attention of the principal. The nurse will conduct an assessment. Parents will be called if there is any suspicion of drug or alcohol use. The police will be called at the discretion of the principal.

## 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 Berlin Police. For practical purposes, however, school personnel should handle thefts involving an insignificant value or thefts involving extremely young children. As a general rule, thefts will not be reported to the Berlin Police Department in the following situations:

The value of the property is **less than** \$50.00

If there is **no suspect**

The students are in **third grade or lower**

## 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 on his or her desk in ink.

In general, any damage in excess of \$50.00 will be reported to the Berlin 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, school administrators will call the police to handle the case after the preliminary inquiry.

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