This document presents guidelines to help school officials and police resolve mutual problems. The common areas of interest discussed are (1) interview and apprehension of students during school hours, (2) enforcement of attendance laws, (3) role of school police officers, (4) law violations during school hours, (5) law violations after school hours, (6) protection of students from bullies, (7) confidentiality and exchange of police and school records, and (8) police services in handling large crowds. (JP)
Guide for Cooperation Between
School Officials and Police

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Edited by Robert F. Cox
Coordinator of Guidance and Counseling
Division of Guidance Services
Bureau of Pupil Personnel Services
Pennsylvania Department of Education
The aim has been to produce a document that all could find acceptable to their particular groups and workable in their local situations. In the belief that we have produced such a document, I recommend its consideration by all school administrators and police officials in the Commonwealth.
"The "Guide" in operation between a state official and a citizen" has been examined and found to be in conformity with the laws of the state relating thereto as of this date. Future decisions of our courts may result in possible change affecting the rights of the parties involved and may necessitate future amendments to this "Guide." However, for the present, anyone utilizing the procedures contained herein is assured of their validity and legality.

Benjamin Frank
Assistant Attorney General
ACKNOWLEDGMENT

The guidelines recommended in this publication were prepared through the cooperative activity of the Departments of Education and Public Welfare, the Pennsylvania State Police and the Pennsylvania Chiefs of Police Association. Drafts of the revision have been reviewed by groups or individuals representing: Pennsylvania Association of County Superintendents, Pennsylvania Association of School Administrators, Pennsylvania State Education Association Department of Administration, Pennsylvania School Counselors Association, Pennsylvania Association of Secondary School Principals, Pennsylvania Interscholastic Athletic Association and Pennsylvania Elementary Principals Association. Finally, it has been reviewed by the Department of Justice as indicated elsewhere in this publication.
AD HOC COMMITTEE
FOR THE REVISION OF THE
GUIDE FOR COOPERATION BETWEEN SCHOOL OFFICIALS AND POLICE

Mr. Robert D. Swab Jr., Chairman
Police Services Supervisor
Bureau of Special Services
Department of Public Welfare

Mr. Donald C. Beacraft
Chief of Police
Upper Marion Township Police Dep't.

Mr. Robert F. Cox
Guidance Consultant
Bureau of Pupil Personnel Services
Department of Education

Lt. Paul F. Fell
Assistant Director
Community Relations Division
Pennsylvania State Police

SPECIAL CONSULTANTS TO THE AD HOC COMMITTEE

Mr. Daniel R. Bernstein
Acting Director
Bureau of Special Services
Department of Public Welfare

Dr. Thomas Burkhart
President
Elementary School Principals Assoc.

Mr. J. Richard Eckenroth
Principal
William Penn Senior High School

Capt. Michael Donahoe
Director, Community Relations Division
Pennsylvania State Police

Mr. William J. Gilmore
Asst. Superintendent of Police, Ret.
Pittsburgh Police Department

Mr. John Litsenberg
Chief of Police
Radnor Township Police Department

Mr. Cecil Yates
Police Consultant
Bureau of Special Services
Department of Public Welfare

Mr. Benjamin Frank
Assistant Attorney General
Department of Education

Dr. Glenn C. Hess
Executive Secretary
Pa. Assoc. of School Administrators

Capt. Francis Voll
Juvenile Aid Division
Philadelphia Police Department
SECTIONS REQUIRING BOARD OF EDUCATION CONSIDERATION AND POSSIBLE POLICY FORMULATION

The degree to which administrative responsibility is directly assumed by the local school board will largely determine the depth and breadth of board policy needed to properly implement the procedures suggested in this document.

In some districts the board will want to concern itself with a detailed consideration of the content of each section of this document. In others, the board may wish to concern itself with only the broader aspects, instituting general policies aimed at providing support for the more detailed procedural decisions delegated to the administrative staff. In all cases the school solicitor should be of invaluable assistance.

For the first mentioned group of boards we recommend a careful examination of the entire document and the passing of policy statements in all applicable areas. For the latter group we call particular attention to the following sections in which board policy support would be of especial value to the administrator making daily procedural determinations:

Part I--Need for school policy dealing with interview and apprehension during school hours.

Part IV, Section D--Need for school policy in the handling of bomb reports or discoveries.

Part IV, Section F--Need for school policy with regard to locker search.

Part VII--Need for school policy on the release of student record information.

Part VIII, Sections A and B--Need for school policy with regard to the control of crowd situations at public functions.

Part VIII, Section C--Need for school policy in the dealing with student unrest.
TABLE OF CONTENTS

STATEMENTS OF ENDORSEMENT BY:
THE SECRETARY OF EDUCATION . . . . . . . . . . . . . . . . . iii
ASSISTANT ATTORNEY GENERAL . . . . . . . . . . . . . . . . . iv
ACKNOWLEDGMENT . . . . . . . . . . . . . . . . . . . . . . . . . v
AD HOC COMMITTEE AND SPECIAL CONSULTANTS . . . . . . vi
SECTIONS REQUIRING BOARD OF EDUCATION CONSIDERATION AND
POSSIBLE POLICY FORMULATION . . . . . . . . . . . . . . . . vii

PART I
INTERVIEW AND APPREHENSION DURING SCHOOL HOURS . . . . . . 1

PART II
ENFORCEMENT OF ATTENDANCE LAWS . . . . . . . . . . . . . . . 4

PART III
SCHOOL POLICE OFFICERS . . . . . . . . . . . . . . . . . . . . . . 10

PART IV
LAW VIOLATIONS DURING THE TIME OF SCHOOL RESPONSIBILITY 12

PART V
LAW VIOLATIONS IN OTHER THAN NORMAL SCHOOL HOURS . . . . 15

PART VI
PROTECTION OF CHILDREN FROM ADULTS LOITERING AROUND
SCHOOL GROUNDS . . . . . . . . . . . . . . . . . . . . . . . . . . . . 16

PART VII
POLICE AND SCHOOL RECORDS . . . . . . . . . . . . . . . . . . . 17

PART VIII
POLICE SERVICES IN HANDLING LARGE SCHOOL CROWDS . . . . . 18
I. INTERVIEW AND APPREHENSION DURING SCHOOL HOURS

On occasions it is necessary for police officers, both state and local, to interview pupils during school hours or to take them into custody. In order to safeguard the rights and interests of children in attendance, to assist police in the performance of their duties, and to acquaint school personnel with their responsibilities in matters of cooperation with police officers, the following policies and procedures are recommended by the Department of Education, Department of Public Welfare, Pennsylvania State Police and Pennsylvania Chiefs of Police Association with the approval of the Department of Justice as guideposts for police-school relationships in matters involving school children:

A. ALL POLICIES GOVERNING POLICE VISITS TO SCHOOLS SHOULD BE:
DISCUSSED JOINTLY IN CONFERENCE BETWEEN THE CHIEF SCHOOL ADMINISTRATOR, THE LOCAL POLICE CHIEF AND/OR A STATE POLICE REPRESENTATIVE; REDUCED TO WRITING AND BROUGHT TO THE ATTENTION OF SCHOOL OFFICIALS, TEACHERS, POLICE PERSONNEL AND PARENTS AS THE CHIEF SCHOOL ADMINISTRATOR AND POLICE OFFICIALS DEEM NECESSARY.

B. Whenever possible, the police officer should first contact the main office of the school by telephone to inform the principal of a planned visit and advise the administrator of the nature and circumstances of the visit.

1. All reasonable efforts should then be made by a school official to locate the parents, to notify them of the nature of the proposed police contact and to secure the presence of at least one of the parents for the interview.

2. If it is impossible to secure the presence of the parents, we
loco parentis and to take such actions in that capacity as he sees fit.

7. Upon arrival at the school, except in cases of "hot pursuit," the police officer should first call upon the principal or a member of the school administrative staff designated to act for the principal in his absence to request permission to interview a pupil. If the principal does not know the officer, he should request identification from the officer. The officer should explain the purpose of the interview. The principal or a member of the school administrative staff designated to act for the principal in his absence and a parent when possible, should be present during all interviews.

D. When a specially trained police juvenile officer is available he should be assigned to such investigation.

E. In emergency situations, where the commission of a criminal offense has been witnessed by the police, the police have the legal right to take direct and unhindered action in schools in such situations where they are engaged in "hot pursuit." The principal must be notified of the action as soon as possible.

F. The use of policewoman is desirable in interviews with female students. In the absence of a policewoman, a female staff member should attend the interview.

G. In the event it becomes necessary to make apprehension during school hours, the police officer should contact the principal to have the child summoned to the principal's office before being released from school into the custody of the police. No policemen should make an arrest in the classroom except in cases of "hot pursuit" or "arrest
on view," or at the request of the principal. The school should record the name and organization of the officer, the time of departure, the juvenile court quarters and the nature of the offense for which the apprehension is made. The parents or legal guardians of the child should be notified immediately as to where the child will be taken. Effort should be continued until contact is made. In addition to notification by school authorities, it is also incumbent upon the police agency to notify parents after an arrest is made.

1. The law of arrest provides that the taking of a person into custody by legal authority constitutes an arrest. There are three classes of arrest: (1) those made with a warrant, (2) those made on view, including those made in immediate pursuit following a crime committed within the officer's sight or hearing, (3) those made for probable cause being defined as a reasonable grounds for suspicion, supported by circumstances sufficiently strong in themselves, to lead a cautious police officer to believe that the party is guilty of a felony.

Note: Films of value to police and school personnel concerned with recent developments in the school involvement and in the juvenile justice process are:

- Search and Questioning of Juvenile Offender - Lease Price $5
- Juvenile Prosecution from Beginning to End - Lease Price $10

These sequential films may be leased or purchased by contacting American Trial Lawyers Foundation, 1400 Leader Building, Cleveland, Ohio 44114
II. ENFORCEMENT OF ATTENDANCE LAWS

A. The Pennsylvania Juvenile Court Act of 1933, as amended, in defining the words "delinquent child" specifically includes "a child who is habitually truant from school or home." Chronic truancy is symptomatic of a major problem and is often the first indication of difficulties resulting in low performance. Truancy is often an attempt to escape difficult and unpleasant situations and thereby giving opportunities for further misconduct. Therefore, all law enforcement officers, and particularly those in the field, should be cognizant of the importance of the proper handling of truants in order to be more effective in the protection of children and the prevention and control of juvenile delinquency.

B. As prescribed in the Pennsylvania School Code, compulsory school attendance is mandatory between the ages of 8 and 17 unless excused by processes and for reasons also outlined in the School Code.* Legal exceptions to compulsory attendance are:

1. Students who have attained the age of 16 years and are regularly engaged in any useful or lawful employment or service during the times schools are in session and who hold an employment certificate issued according to law.

2. Students 16 years of age or older who have been excused from further school attendance following psychological examination.

3. Students 15 years of age engaged in farm work or domestic service in a private home on a permit issued by the local school board.

4. Students 14 years of age engaged in farm work or domestic service in a private home and who have satisfactorily completed the highest grade of the elementary school organization prevailing in the public schools of the district in which they reside on a

* Section 1330, School Laws of Pennsylvania, 1957
permit issued according to law.

5. Children legally excused from school attendance on account of mental, physical and other such urgent reasons.

6. Children who hold a certificate of graduation from a regularly accredited senior high school.

7. Children in districts of the fourth class and those of the third class located wholly within the boundary of a township, or within the boundary lines of a borough which has a population of less than 500 inhabitants to the square mile, reside two miles or more by the nearest public highway from any public school and no proper transportation is furnished to such child to and from school.

C. The School Laws of Pennsylvania provide for the appointment of School Attendance Officers and Home and School Visitors whose duties in part are related to enforcement of the attendance laws. The legal provisions are as follows:

1. Appointment

"The Board of School Directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance.

"Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon."


2. Tenure

"Attendance Officers or Home and School Visitors may be employed for the full calendar year, and shall be paid such amounts and in
such manner as the board of school directors appointing them may decide."

(Section 1342, School Laws of Pennsylvania, 1957).

3. **Duties**

   General--"To enforce the provisions of this act regarding compulsory attendance."

   (Section 1341, School Laws of Pennsylvania, 1957).

4. **Police Power**

   "Such Attendance Officers or Home and School Visitors...may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school."

   (Section 1341, School Laws of Pennsylvania, 1957).

5. **Parent Notification and Child Placement**

   "When an attendance officer arrests or apprehends any child who fails to attend school as required by the provisions of this act, he shall promptly notify the parents, guardian, or person in parental relation to such child, if such person can be found in the district, and unless requested by such parent, guardian, or person in parental relation to place said child in a school other than public school, he shall place said child in the public school in which the child is, or should be enrolled."

   (Section 1343, School Laws of Pennsylvania, 1957).

6. **Delinquent Children**

   "In case any child of compulsory school age cannot be kept in school in compliance with the provisions of this act, on account of incorrigibility, truancy, insubordination, or other bad conduct, or
if the presence of any child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination, or other bad conduct, the board of school directors may, by its superintendent, supervising principal, secretary, or attendance officer, under such rules and regulations as the board may adopt, proceed against such child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or delinquent children."

(Section 1338, School Laws of Pennsylvania, 1957).

It is primarily the responsibility of school authorities to initiate and petition such cases to the Juvenile Court as these authorities deem advisable. In initiating procedures, school officials should be aware of recent appellate court decisions providing safeguards for children accused of an act placing their liberty in jeopardy. Referral should be made to Juvenile Court.

The Juvenile Court Act (Act of June 2, 1933, Public Law 1433, as Amended) is available in booklet form from the Department of Public Welfare. The booklet, published in 1968, contains the Juvenile Court Law as amended through 1953, the year of the most recent change.

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1. Notice of the charge - the essence of the decision requires that a timely and adequate notice of the charge is required in any delinquency proceedings that can lead to an order depriving liberty.

2. Right to counsel - both the child and parents must be notified of the right to be represented by counsel in a proceeding to determine delinquency which may result in commitment.

3. Privilege against self-incrimination - no juvenile shall be compelled to be a witness against himself when he is threatened with deprivation of liberty.

4. Right to confrontation and cross-examination - the juvenile has every right to be confronted by his accusers and the right to have the allegation proved by sworn testimony of witnesses available for cross-examination before being found delinquent and ordered committed to an institution.
D. Procedures in Chronic or Habitual Truancy Cases

1. The School and Attendance Officers
   a. School principal's office should refer specific cases to the attendance officer of the local district.
   b. Duties and functions of attendance officers and police should not overlap. Police should be requested to apprehend an alleged truant only when the attendance officer needs assistance.
   c. Any necessary court action for violation of the compulsory school attendance laws should be initiated by the school district against the parent or in the juvenile court when parental prosecution is not applicable.
   d. It is recommended that schools advise the participating police department whenever any juvenile court action is taken.

2. The Police
   a. If school is in session the officer should return the child to the school principal's office with a brief report of the circumstances, action taken, etc.
   b. If school is not in session, the officer will contact the parents and request their immediate presence, and also notify the school administrator at the earliest possible opportunity during the next school session.
   c. If the parents cannot be located, the police should convey the child to police headquarters and refer the matter to the Juvenile unit or officer in charge.
   d. Police should be particularly interested in the number of days the child has been truant, the child's activity during truancy and the associations made during truancy.
Information concerning truant students should alert police to the possibility of runaway or missing children, who might be assumed to be truant, but could also be victims of foul play or accident.

Police will cooperate with parents or guardians having difficulties keeping children in school. Rather than initiate juvenile court action, when deemed necessary, the police will advise parents of their responsibility to request the assistance of the court.
III. SCHOOL POLICE OFFICERS

The School Laws of Pennsylvania also provide for the appointment of School Police Officers.

A. Both municipal and state police should be aware of the appointment of any special school police officers within their districts.

B. Appointment

"Any school district may apply to any judge of the court of common pleas of the county within which the school district is situated to appoint such person or persons as the board of directors of the school district may designate to act as policeman for said school district. The judge, upon such application, may appoint such person, or so many of them as he may deem proper, to be such policemen, and shall note the fact of such appointment to be entered upon the records of the court."

(Section 778, School Laws of Pennsylvania, 1957)

C. Duties of School Policemen

"Such policemen so appointed shall severally possess and exercise all the powers of a constable in this Commonwealth in enforcing the school laws of the Commonwealth in their respective districts, and in policing the grounds belonging to said school districts, and protecting the property thereof." (Section 778, School Laws of Pennsylvania, 1957).

D. All police officers assigned to duties with juveniles should be familiar with the school laws as they pertain to police authority in schools and on school property. Public school property is state property; and the courts have held that municipal officers have no authority and cannot exercise police authority over schools and school property unless this authority is specifically granted by local school board policy. It is recommended that a person or persons be designated by the school board as having the authority in each school building to summon police to enter
that school property.

E. School authorities should provide police with a copy of the school calendar.
IV. LAW VIOLATIONS DURING THE TIME OF SCHOOL RESPONSIBILITY

A. Normally, school authorities will exercise their right in dealing with disciplinary problems, misconduct, insubordination and law violations on school property.

B. Petty thefts need not be reported to police unless police assistance is desired.

C. Police and school administrators are charged with the responsibility for the protection of children to and from school, and the school with the responsibility for their behavior to and from school, unless police assistance is desired by the school authorities. However, police are charged with the responsibility of investigating all law violations and therefore, have jurisdiction in investigating offenses of this nature while children are going to and from school.

D. Bomb Reports or Discoveries

Section 329 of the Pennsylvania Criminal Code makes it a misdemeanor to give false information concerning the placement of a bomb in a school building and provides for a maximum penalty of $5,000 fine or five years in jail or both. As both school authorities and police are receiving an increasing number of reports warning of bombs being planted within school buildings, it is recommended that school officials, police and fire officials work jointly on procedures in the event a bomb threat is received. In all cases such incidents should be reported to the police. If a bomb is actually discovered in a school building, the building should be immediately evacuated and police and other emergency services notified. In order to prevent panic, evacuations should be carried out as routine fire drills without announcing the bomb discovery.

E. In the best interest of those responsible and for the protection of the student body, teaching and administrative staff, and community, it is strongly recommended that the following type of offenses occurring during school hours on school property be reported to the police or appropriate agencies for further investigation. Information received by police from school personnel should be regarded as confidential. The following list contains examples of offenses, and is not necessarily exhaustive:

1. Serious assaults when victim is injured by use of a weapon, or continued patterns of recurring simple assaults.

2. Reports of knives, firearms, ammunition, blasting caps or any other explosives being brought to school.

3. Drinking and narcotic offenses.

4. Indecent assaults on pupils.

5. Rape or assault with intent to ravish.

6. Morals offenses (pornography, exhibitionism, etc.)

7. Organized gambling (numbers and pools.)

8. Display of any large sums of money, jewelry, not usually in possession of school children.

9. Criminal neglect or abuse of children.

10. Adults loitering on or near school property, particularly before and after school.

11. Unknown persons parked near schools at time pupils are going to and from school.

12. Telephone threats made to school personnel.

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13. Arson or suspicion of arson.
14. Observation of reckless driving and traffic hazards endangering lives of school children.
15. Rumors or observations of any gang rivalries or activities.
16. Reports of incest and sexual exploitation.
17. Evidence of threats of intimidation.
18. Larcenies from teachers, locker rooms or closets.
19. Larceny of school equipment.

F. Search and Seizure

There are an increasing number of incidents which have brought into question the student's (pupil's) constitutional protection against unreasonable search of his person or locker. At the present time there is a lack of sufficient appellate decisions giving clarity to this issue. In the absence of clear judicial dicta, it is recommended that the matter be discussed by the administrator with the solicitor and that written regulations be forthcoming for the information and guidance of the student body, parents and school staff.

It is not suggested that schools become a haven for disruptive behavior. The school administrator and staff clearly have the duty and responsibility of maintaining the educational function. If the school administrator has credible information that a school regulation or law has been violated, it is within his proper scope of authority to prevent disruption or interference with school activities. In coupling the doctrine of loco parentis with current public policy regulating the authority of school officials, the necessary guideline for insuring the protection of the rights of children and the orderly flow of daily business in school should consider the key question: "Does the student's activity materially interfere or substantially disrupt the operations of the school?"
V. LAW VIOLATIONS IN OTHER THAN NORMAL SCHOOL HOURS

It is recommended that the police be officially notified of the following kinds of violations which may occur in other than normal school hours. This list is not intended to be all inclusive, but merely suggestive:

A. Burglaries and any burglary attempts of school buildings.

B. Malicious mischief and school vandalism.

C. Arson and attempted arson of school property.

D. Malicious telephone calls.

E. Disorderly and/or destructive groups enroute to and from school.

F. Trespass on school property.

G. Reports of children being molested or solicited for rides with strangers.

H. Assaults to and from school.

I. exhibitionism along school routes.

J. Reports from parents that their child or children have not returned home from school at the usual time should be referred to police without delay.

Note: A list of person(s) who can be notified in the event of an emergency should be provided to the police department concerned.
VI. PROTECTION OF CHILDREN FROM ADULTS LOITERING AROUND SCHOOL GROUNDS

A. Although loitering *per se* in school areas is not illegal, nevertheless suspicious persons on school property should be reported to the police.

B. Teaching staff and pupils should be advised of the hazards involved when children are picked up or take gifts from strangers.

C. Children should be instructed to report any solicitation or molesting immediately to their parents or teachers, who in turn are strongly advised to notify the police immediately.

D. Regular police cruiser cars manned by uniformed officer(s) should cover school neighborhoods as part of their regular patrol in order to discourage and prevent this type of offense.

E. Complaints received by police from school authorities should be given priority and the results of the investigation should be shared with the proper school authorities.
I. POLICE AND SCHOOL RECORDS

Recognizing the delicate balance between the welfare of the community and the rights of the individual, the school and the law enforcement agencies should cooperate as fully as possible in the exchange of such information from the school and police records as will aid these agencies in the efficient performance of their duties, while, at the same time, assuring the rights of individual privacy.

It is therefore recommended that information of a non-confidential nature be readily exchanged between school officials and the police. Information of a non-confidential nature may be considered to include: attendance and tardiness record, date of birth, last grade completed, such family information as is considered public knowledge, such indication of behavior as has been directly witnessed by the informant, and record of criminal conviction if such record is acquired from official sources other than the student and his parents.

Information of a confidential nature should be released only upon written consent from the parents or guardians, from the child if he is of legal age, or upon court subpoena if such consent is not forthcoming. Information of a confidential nature may be considered to include information gained in confidence directly from the pupil through counseling interviews or confidential conversation, from written questionnaires, and from group or individual testing. Academic grades would thus be considered confidential.

Information secured from psychological, medical, and social referral agencies should be considered to be the property of the referral agency, subject to release only by that agency and with parental permission.

When a school is working with a child who has problems, information which would give a better insight to the child's personality and behavior should be made available by police to school officials. This could best be accomplished by requesting assistance through the head of the police agency.
VIII. POLICE SERVICES IN HANDLING LARGE SCHOOL CROWDS

When events are scheduled involving the handling of large crowds, school authorities should make arrangements for proper police protection and control. When it becomes necessary to use off-duty policemen, financial arrangements should be made when needed.

A. Athletic Events and Other Public Functions

1. Every high school and junior high school athletic director should forward a calendar of home athletic events to the office of the local police administrator indicating events where the need for additional police protection, crowd and traffic control is predicted. It is also deemed beneficial to call a meeting of school and police officials in order to establish procedural guides for the local situation.

2. When police assistance is requested at mass athletic events, police responsibility is the maintenance of order and protection by having sufficient police in the area of the event to direct and control both vehicular and pedestrian traffic.

3. When a mass event is scheduled, if the police department is of sufficient size, the local police administrator should issue a general departmental bulletin indicating when and where the event will be held, the school involved, the anticipated size of the crowd, parking areas and restrictions, necessary street traffic control, and the number of officers needed for patrol in the stands and field. Depending upon the local situation, it is suggested that the following salient points be given due consideration in establishing and determining problem situations which would be of concern to school officials and police:

a. Participating schools
b. Place
c. Time and date of contest

(1) Reporting time for police detail
(2) When do ticket offices open.
(3) When will game end.

d. Estimate of size of crowd.

e. Parking

(1) On and off street.
(2) Reserved areas (school buses, unloading zones, etc.)
(3) No parking areas.
(4) Special public transportation routes.
(5) Erection of necessary temporary barricades and signs.

f. Location of field police headquarters -- adequate radio and telephone communications.

g. Outside traffic control posts before and after game.

h. First aid station and standby ambulance.

i. Outside area cycle patrol if available.

j. Within police jurisdiction having a juvenile unit, it is recommended that one or more juvenile officers be assigned to attend each of these events in civilian clothes.

k. Any uniformed special school officer(s) should be assigned as part of the police detail.

l. When it becomes necessary to provide added police personnel, the following points should be considered:

(1) Required number of police officers needed.
(2) Name of the responsible school and police officials on duty.
(3) Need of protection for bus loads of visiting teams, officials, bands, and spectators.
(4) Areas to be protected such as ticket windows, refreshment stands, exits, etc.
(5) Types of conduct warranting police action, such as gambling, drunkenness, disorderly conduct, throwing of dangerous objects, etc.
(a) Eject or arrest.

(b) If school officials request arrest, they should be willing to press charges.

(6) If a spontaneous victory parade takes place, adequate escort should be provided and necessary action taken to minimize traffic congestion.

(7) If unforeseen difficulties arise, it is recommended that school and police officials discuss methods of eliminating such difficulties in the future.

B. Social Events

1. It is suggested that school administrators of both senior and junior high schools advise local police of large indoor or outdoor social events in order that adequate police assistance may be provided for the handling of parking and traffic.

2. Police officers may be detailed inside of buildings for duty in lobbies, auditorium or gymnasiums when requested by school officials to head of police department.

3. Duties and responsibilities will be to protect persons and property and to prevent and discourage disorderly persons from interfering with the function.

4. Discreetly warn any offenders, and if necessary, or upon request of school official, expel any disorderly juvenile(s).

5. Areas of special concern to police and school officials include drinking, drugs, narcotics, and gate crashing.

6. Any large school social event will usually impose unusual traffic and parking burdens on the police.
C. **School Demonstrations**

The monograph, *Student Unrest*, published in 1969, by, and available from, the Bureau of Administrative Leadership Services, Pennsylvania Department of Education, deals with this complex problem in much greater detail than is possible in this publication. Of particular relevance is Section III which features, "Procedures to Resolve Overt Student Unrest."