

POLICY

Queen Anne's County Public Schools

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POLICY TITLE: Gangs, Gang-Activity and Similar Destructive or Illegal Group Behavior
Adoption September 05, 2011
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Students // Student Support Services Manual & Calendar Handbook
Amendments:

A. Purpose: The purpose of this policy is to establish the procedures to be used when schools suspect gangs, gang activity, similar destructive or illegal group behavior, and/or reprisal or retaliation against individuals who report gang activity.

B. Policy Statement: It is the policy of the Queen Anne's County Board of Education to prohibit gangs, gang activity, and similar destructive or illegal group behavior on school property or school buses or at school-sponsored functions.

It is also the policy of the Queen Anne's County Board of Education to prohibit reprisal or retaliation against individuals who report gang activity and similar destructive or illegal group behavior or who are victims, witnesses, bystanders, or others with reliable information about an act of gang activity and similar destructive or illegal group behavior.

C. Rationale: These parameters have been established to ensure the efficiency and productivity of school operations and to help ensure the safety and well-being of our students and staff.

D. Definitions:

Gang – "Criminal gang" means a group or association of three or more persons whose

members:

1. Individually or collectively engage in a pattern of criminal activity;
2. Have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and
3. Have in common an overt or covert organizational or command structure.

Underlying Crimes

1. crimes of violence as defined under §14-101 Criminal Law
2. second degree assault
3. wearing, carrying, transporting a handgun
4. inducing false testimony or avoidance of subpoena
5. retaliation for testimony
6. intimidating or corrupting a juror
7. human trafficking

8. receiving earnings of prostitute or house of prostitution
9. felony violation of extortion
10. manufacture or possession of destructive device
11. distribution of CDS
12. manufacturing CDS or equipment
13. second degree arson
14. first degree burglary
15. second degree burglary
16. third degree burglary
17. theft
18. unauthorized use of a motor vehicle
19. felony violation of §5-133 of the Public Safety Article

Gang Activity – “Pattern of criminal gang activity” means the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult.

- a) Activities on or near school vehicles or property. --A person may not threaten an individual, or a friend or family member of an individual with the use of physical force or violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang (1) in a school vehicle, as defined under §11-154 of the Transportation Article; or (2) in, or within 1,000 of real property owned or leased to an elementary school, secondary school, or county board of education and used for elementary or secondary education.
- b) Applicability. – Subsection (a) of this section applies whether or not: (1) school was in session at the time of the crime; or (2) the real property was being used for the purposes other than school purposes at the time of the crime.

E. Implementation: The Superintendent shall develop Administrative Procedures to implement this policy.

F. Evaluation:

The Superintendent will provide the Board of Education a review of this policy in August 2015. The focus of this review will be the effectiveness of the elements of this policy in assisting the Board in fulfilling its mission.

G. References:

Annotated Code of Maryland, Education, 2008.

Annotated Code of Maryland, Criminal Law, 2008.

Code of Maryland Regulations (COMAR), Title 13A, State Board of Education.

Administrative procedures for the implementation of the Gangs, Gang Activity, and Similar Destructive or Illegal Group Behaviors

Obtaining Information from Internal Sources:

1. Under the Safe Schools Act of 2010, all school employees must report "any incidence of suspected gang activity or similar destructive or illegal group behavior" to the principal.
2. If a student, parent, or guardian, or other person tells a school employee about any gang-related activity or similar destructive or illegal group behavior, the school employee must report that information to the principal.
3. A report about gang-related activity or similar destructive or illegal group behavior must be made in writing. The principal or school security officer, upon receiving a "report," whether from a school employee, a student, parent, or other person, will complete the Gang-Related Incident Reporting Form, if it has not already been completed by the person making the report.
4. Each school will establish one central repository for the gang-related activity information and the Reporting Form.
5. Once the Reporting Form is completed, the principal will initiate the appropriate investigation. In addition, the school security officer may assist with the investigation as requested.
6. The Reporting Form and the information gathered during the investigation shall not become part of the student's permanent record.
7. Each school, upon completion of the investigation, shall provide the Student Support Services department with a copy of the Gang-Related Incident Reporting Form.
8. Each school shall develop a procedure for the destruction of the student-specific gang-related records when the student: graduates, permanently leaves school, or turns 22, whichever occurs first. If the allegation is unsubstantiated, the record should be destroyed immediately.

Obtaining Information from External Sources:

1. The superintendent shall be the point of contact for information received from the police, State's Attorney, or courts, and will transmit the information to others as allowed by the Safe Schools Act of 2010.
2. The information received about arrests, dispositions, and/or delinquency adjudication is confidential information.
3. The information shall not be made a part of the student's educational record.
4. Each school shall designate one central repository for the arrest/disposition information and for information received from courts.
5. The Supervisor of Student Support Services shall maintain a non-student specific log by school year of each notification received from the courts, law enforcement, and the State's
6. Attorneys and provide recommendations to MSDE on ways to improve the notification process.
7. Each school shall establish a protocol to trigger destruction of the arrest/disposition information and the information received from the courts when the student graduates, permanently leaves school, or turns 22. If the allegation is unsubstantiated, the record should be destroyed immediately.

Sharing Information Within the School System:

1. The superintendent shall inform all principals and school security officers of the school system's plan for sharing and using information about non-student specific gang-related activity to make schools safer places for students, teachers, and staff. That plan must include the ways school officials will share gang-related activity information with parents.
 - (1) Notwithstanding the provisions of subsection (d), section §7-303. Arrest for reportable offense, nothing shall prohibit a local superintendent or school principal from transmitting the information obtained pursuant to subsections (b) and (c), section §7-303. Arrest for reportable offense, as a confidential file to the local superintendent of another public school system in the State or another nonpublic school in the State in which the student has been enrolled or been transferred in order to carry out the purposes of this section if the disposition of the reportable offenses was a conviction or an adjudication of delinquency or the criminal charge or delinquency is still pending. (Education §7-303. Arrest for reportable offense, Annotated Code)
2. The superintendent, principal, or school security officer should share the information on arrests, dispositions, and reports about gang-related activity with school personnel in the school in which the student(s) is enrolled for use in providing the student(s) appropriate educational programming.
3. For the purpose of maintaining a safe and secure environment for students and school personnel, the superintendent, principal, or school security officer may share the information on arrests, dispositions, and internal reports about gang-related incidents with school personnel in the school in which the student is enrolled as necessary to carry out purposes set forth in the law.
4. The school security officer or principal of each school shall meet regularly with the school counselor(s) or pupil personnel worker to share information about gang-related activity in general and discuss the educational plan for and progress of each student who has been arrested or adjudicated delinquent for gang-related activity or who has been named in an accurate, reliable report of gang-related activity.

Sharing Information with Entities External to the School:

1. In order to coordinate gang prevention, intervention, and suppression efforts, the school security officer and the principal of each middle and high school will conduct regular meetings to share general non-student specific information and de-identified student data with representatives of law enforcement, the State's Attorney, the Public Defender, gang prevention and intervention programs, or any other appropriate individual, about gang-related activity that has been reported internally in the school.
2. In order to coordinate gang prevention, intervention, and suppression efforts to maintain a safe and secure school environment, the superintendent will designate the principal and/or school security officer to contact the appropriate law enforcement officer whenever a report of on-going or threatened gang-related violence appears accurate and reliable. The designee should share with the law enforcement officer information about the specific event and the students involved, and elicit the officer's advice on intervention strategies and how to involve parents or guardians or community systems.

Procedures for prompt investigation of suspected gang activity or similar destructive or illegal group behavior.

Investigations must comply with COMAR 13A.08.01.11, Disciplinary Action, and 13A.08.03, Discipline of Students with Disabilities.

1. Upon receipt of a Gang-Related Incident Report, the principal or designee, assistant principal, and the school security officer shall initiate an investigation within 24 hours. If the report is of a high level of severity (criminal activity, imminent danger or disruption) the investigation shall be initiated immediately but not later than 24 hours.
2. If the report is of a high level of severity (criminal activity, imminent danger or disruption) appropriate school system personnel shall be notified.
3. Principals, assistant principals or the administrative designee shall notify parents of the offender and/or victim of the allegation.
4. Principals, assistant principals or the administrative designee will apply consequences and/or remedial actions consistent with due process rights and in accordance with COMAR 13A.08.01.11 and 13A.08.03 using a range of consequences/remedial actions indicated in their school system's Policy to Address Gangs, Gang Activity, and Similar Destructive or Illegal Group Behavior and in their Codes of Student Conduct.
5. Using the Gang-Related Incident Investigation Form, the principal or school security officer will create a written record of the gang-related incident and the investigation including victim, witnesses, and offender statements. Discussions with all parties should be documented as soon as possible after the event. Any material records or evidence should not be discarded while a criminal investigation or prosecution resulting from the incident is ongoing.

Information about the types of services, including family support services, for a student suspected of participating in gang activity will be provided to families.

1. Gang awareness education opportunities that at the least shows promise of effectiveness based on research should be available for parents. The gang awareness education information should be revised and updated regularly to reflect current trends in gang and gang-like activity.
2. A list of community and faith-based organizations may be shared.
3. Job training and employment opportunities as both a deterrent to gang involvement and an incentive to leave gang involvement.
4. School sanctioned/facilitated extra-curricular activities.

Standard consequences and remedial actions for individuals engaged in gang activity or similar destructive or illegal group behavior or for individuals found to have made false accusations.

Consequences and remedial actions for individuals engaged in gang activity or similar destructive or illegal group behavior or for individuals who have made false accusations shall be consistently and fairly applied after timely and appropriate investigation, consistent with due process procedures, has determined that such an offense has occurred. Consequences and remedial actions shall be consistent with the disciplinary guidelines of the Queen Anne's County Public Schools.

Training and resources allocated to staff, students, and families.

1. Staff and teachers (first level responders) will receive annual training on gang prevention, intervention, and the Queen Anne’s County Board of Education’s Gang, Gang Activity, and Similar Destructive or Illegal Group Activity policy and procedures.
2. The gang awareness information shall be revised and updated regularly to reflect current trends in gang and gang-like activity.
3. Collaboration plans will be established between local school boards and community-based prevention and intervention service providers.
4. Community partners will be identified that provide effective prevention/intervention services.
5. Schools may utilize the State’s gang website as a resource for gang prevention/intervention information exchange (www.gangs.umd.edu).

GANG-RELATED INCIDENT REPORTING FORM

Directions: This is a form to report alleged gang activity and similar destructive or illegal group behavior or to report reprisal or retaliation against individuals who report gang activity and similar destructive or illegal group behavior or who are victims, witnesses, bystanders, or others with reliable information about an act of gang activity and similar destructive or illegal group behavior which occurred on school property, on school buses, or at school-sponsored events.

Gang: “Criminal Gang” means a group or association of three or more persons whose members:

1. individually or collectively engage in a pattern of criminal gang activity;
2. have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed adults; and
3. have in common an overt or covert organizational or command structure.

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(a) Activities on or near school vehicles or property. – A person may not threaten an individual, or a friend or family member of an individual with use of physical force or violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang: (1) in a school vehicle, as defined under §11-154 of the Transportation Article; or (2) in, or within 1,00 feet of real property owned or leased to an elementary school, secondary school, or county board of education and used for elementary or secondary education.

(b) Applicability. – Subsection (a) of this section applies whether or not : (1) school was in session at the time of the crime; or (2) the real property was being used for purposes other than school purposes at the time of the crime.

Today’s date: _____ / _____ / _____ School: _____
Month Day Year

School System: _____

PERSON REPORTING INCIDENT Name: _____

Telephone: _____ E-mail: _____

Place an **X** in the appropriate box: • Student • Student (Witness/Bystander) • School Staff

• Other _____

1. Name of student victim: _____ Age: _____

(Please print)

2. Name(s) of alleged offender(s) (if known): (Please print) Age _____ School Is he/she a student?
(if known)

GANG-RELATED INCIDENT INVESTIGATION FORM

School Personnel Completing Form: _____

Position: _____ Today's date: _____ / _____ / _____

School: _____
Month Day Year

School

System: _____

Person Reporting Incident (From reporting form) Name: _____

Telephone: _____ E-

mail: _____ Place an **X** in the appropriate box: •

Student • Student (Witness/Bystander) • School Staff

• Other _____

1. Name of student victim: _____ Age: _____ Days absent
due to incident: _____

(Please print)

2. Name(s) of alleged offender(s) (If known): Age _____ School Is he/she a student? Days

Absent?

• Yes • No

• Yes

• No _____
• Yes • No _____

(Please print)

Total number of alleged offenders: _____

INVESTIGATION

3. What actions were taken to investigate this incident? (choose all that apply)

Interviewed student victim

Interviewed alleged offender(s)

Interviewed witnesses

Witness statements collected in writing
Interviewed school nurse
Reviewed any medical information available
Interviewed teachers and/or school staff
Interviewed student victim's parent/guardian
Interviewed alleged offender's parent/guardian
Examined physical evidence
Conducted student record review
Obtained copy of police report
Other (specify)

4. Why did the incident occur?

a. Is the victim in danger of retaliation? Yes No
b. Is the incident of a severe nature? Yes No

5. What corrective actions were taken in this case (choose all that apply)?

None were required, this was a false allegation
None, the incident did not warrant any corrective action
Student conference

Program

Student warning
Letter of apology
Mediation
Counseling
Parent letter
Parent phone call
Parent conference
Detention
In-school suspension
Out-of-school suspension/expulsion
Other (specify) _____

6. Additional pertinent information gained during the interview : Offender arrested Offender
detained Offender referred to Alternative



Restitution made Community Service Multi-party dispute resolution Notified law enforcement

7. Investigator notes, if any:

Signature: _____

Date: _____