

**Policy to Address Gangs, Gang Activity,
and Similar Destructive or Illegal Group Behavior**

I. Definitions

A. **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 (see page 16), 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.

(Criminal Law §9-801. Definitions, Annotated Code)

B. **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 (*see page 16*) or acts by a juvenile that would be an underlying crime if committed by an adult.

(Criminal Law §9-801 (d). Definitions, Annotated Code)

(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 1,000 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.

(Criminal Law §9-803. Criminal gang activity - Schools, Annotated Code)

II. Procedures for reporting suspected gang activity or similar destructive or illegal group behavior.

A. 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 and to the school security officer, if there is one.
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 or school security officer.
3. A report about gang-related activity or similar destructive or illegal group behavior must be made in writing.
4. 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. This form is a revised version of the form all school employees currently use to chronicle bullying and harassment incidents. The form will be posted on the Talbot County Public Schools and MSDE website and is attached to this Policy.
5. A secured area in the principal’s office will be the central repository for the gang-related activity information and the Reporting Form.
6. Once the Reporting Form is completed, the principal will initiate the appropriate investigation. The school security officer, if there is one, may assist with the investigation as requested.
7. The Reporting Form and the information gathered during the investigation shall not become part of the student’s permanent record.
8. The reporting form and information gathered during the investigation will be forwarded to the office of Student Services. Talbot County Public Schools shall establish a monitoring/tracking system to follow the progress of each to use as a database for evaluation purposes.
9. Building principals are responsible 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.

B. Obtaining Information From External Sources:

1. The Supervisor of Student Services is the point of contact for information received from the police, State’s Attorney, or courts, who can transmit the information to others as allowed by the Safe Schools Act of 2010. The superintendent will inform those agencies of the designated point of contact.

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. A secured area in the principals office will be the central repository for the arrest/disposition information and for information received from courts.
5. The Office of Student Services will maintain a non-student specific log by school year of each notification received from the courts, law enforcement, and the State's Attorneys and provide recommendations to MSDE on ways to improve the notification process.
6. Building principals are responsible for the 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.

C. Sharing Information Within the School System:

1. In order to make schools safer places for students and staff the superintendent/designee will review any information about non-student specific gang-related activity and determine how that information will be shared with parents.
2. (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*)
3. The superintendent/designee, principal, or school security officer will 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.
4. For the purpose of maintaining a safe and secure environment for students and school personnel, the superintendent/designee, 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.

5. The school security officer or principal of each school shall meet regularly with the school counselor(s) or student services 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. Appropriate school personnel shall determine a regular schedule of meetings, perhaps monthly.

D. 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 and elementary schools with a 6th grade 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 principal will contact the appropriate law enforcement officer whenever a report of on-going or threatened gang-related violence appears accurate and reliable. The principal will 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.

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

A quick, thorough investigation is important for school safety reasons and for the implementation of required prevention and intervention strategies. Investigations must comply with COMAR 13A.08.01.11, Disciplinary Action, and 13A.08.03, Discipline of Students with Disabilities. The following procedures for promptly investigating suspected gang activity or similar destructive or illegal group behavior are to be followed.

- A. 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. The Office of Student Services shall be notified when GANG-RELATED INCIDENT REPORTS have been received and are under investigation.
- B. Principals, assistant principals or the administrative designee shall notify parents of the offender and/or victim of the allegation.
- C. 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 the school system's Policy to Address Gangs, Gang Activity, and Similar Destructive or Illegal Group Behavior and in the Code of Student Conduct.

- D. 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.

IV. Information about the types of services, including family support services, for a student suspected of participating in gang activity.

Schools will provide the following information about supports and services available for students who are “at risk” for and/or suspected of participating in gang activity and their families. Information about other available supports and services, that are consistent with the policies and procedures of the local board of education, should also be provided.

- A. Gang awareness education (for students, parents, school faculty/personnel, law enforcement, and community stakeholders) that at the least shows promise of effectiveness based on research. The gang awareness education information should be revised and updated regularly to reflect current trends in gang and gang-like activity.
- B. Culturally and/or linguistically appropriate services/supports for parents and families.
- C. Counseling coupled with mentoring for students and their families.
- D. Community and faith-based organizations (churches, synagogues, fraternities, sororities) and civic groups including grass-roots groups – e.g. Gang Resistance Education And Training (G.R.E.A.T.) Program, Mentoring Male Teens in the Hood, New Visions, Pride Youth Services, Boys & Girls Clubs, programs developed by former gang members and evidenced-based services as appropriate.
- E. Viable, sustainable after-school programs developed in collaboration with other stakeholders.
- F. Job training and employment opportunities as both a deterrent to gang involvement and an incentive to leave gang involvement.
- G. School sanctioned/facilitated extra-curricular activities.

V. 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 should be consistently and fairly applied after timely and appropriate investigation, consistent with due process procedures, has determined that such an offense has occurred. The following list of consequences and remedial actions is presented in no particular order and is provided as a guide that by no means limits principals/designees from implementing other additional consequences and remedial actions.

Standard Consequences

- Time out
- Loss of a privilege
- Verbal reprimand
- Detention
- Reassignment of seats in class, cafeteria or bus
- Reassignment of classes
- Reassignment to another mode of transportation
- Reassignment to another school
- Completion of letter of acknowledgement of action, with apology, to victim (after review by staff)
- Reparation to victim in the form of payment for or repair of damage to possession
- In-school suspension
- Out-of-school suspension
- Extended suspension
- Transfer to an appropriate alternative program
- Referral to law enforcement
- Expulsion

Remedial Actions

- Parent/Student Conference
- Counseling with school counselor or school psychologist
- Gang awareness education
- Behavioral contract
- Positive behavioral supports – e.g. functional behavioral assessment; behavioral intervention plan; remediation of problem behaviors that takes into account the nature of the offense, the development level of the student, and the students history
- Referral to an external agency
- Participation in counseling (delivered by a school or community mental health provider)
- Cooperation with a behavioral management program developed in consultation with a mental health professional
- Satisfactory completion of community service

VI. Recommendations concerning the mandated gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

The following recommendations concerning gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding are presented as a guide as mandated by the law (Education §7-424.2, Annotated Code). Schools are encouraged to collaborate with stakeholders to provide gang prevention and intervention services and programs according to the policies and procedures of the Talbot County Board of Education.

- A. Provide training for staff and teachers (first level responders) on gang prevention and intervention resources at least annually. The gang awareness information should be revised and updated regularly to reflect current trends in gang and gang-like activity.

- B. Create formalized collaboration plans between local school boards and community-based prevention and intervention service providers (possibly using local management boards as points of contact). The formalized collaborations should make effective, coordinated, and maximized use of federal funding a priority.
- C. Work with community partners to identify service providers that effectively deliver prevention/intervention services (possibly develop a service provider certification program).
- D. Coordinate prevention and intervention services at the school level.
- E. Coordinate resources and funding opportunities to support gang prevention/intervention activities.
- F. Use the State's gang website as a resource for gang prevention/intervention information exchange (www.gangs.umd.edu).
- G. Consider infusing the Gang Resistance Education and Training (G.R.E.A.T.) Program into the curricula.
- H. Use the Maryland Community Services Locator Project (www.mdcsl.org) at the school level as a resource for training first level responders (school staff).
- I. Integrate the School Resource Officer Program it with Drug Abuse Resistance Education (D.A.R.E.) and G.R.E.A.T. programs when available/possible.

VII. RESOURCES

1. Annotated Code of Maryland, Education, 2008.
2. Annotated Code of Maryland, Criminal Law, 2008.
3. Code of Maryland Regulations (COMAR), Title 13A, State Board of Education
4. Governor's Office of Crime Control and Prevention, Maryland Statewide Gang Planning Workgroup Strategy Report 2006, May 30, 2006.
5. Maryland Department of Safety and Correctional Services, Kaizen Project: Maryland's Comprehensive Strategy to Reduce Gang Violence, Final Report, January 23, 2009

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.

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 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: _____ / _____ / _____
Month Day Year

School: _____

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): <small>(Please print)</small>	Age	School	Is he/she a student? <small>(if known)</small>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. On what date(s) did the incident happen?
 _____ / _____ / _____ _____ / _____ / _____ _____ / _____ / _____
Month Day Year Month Day Year Month Day Year

4. Please describe what occurred:

5. Where did the incident occur (choose all that apply)?

- On school property
- At a school-sponsored activity or event off school property
- On a school bus
- On the way to/from school*

*Will be collected unless specifically excluded by local board policy

6. What did the alleged offender(s) say or do?

(Attach a separate sheet if necessary)

7. Why did the activity occur? _____

(Attach a separate sheet if necessary)

8. Did a physical injury result from this incident? Place an **X** next to one of the following:

- No
- Yes, but it did not require medical attention
- Yes, and it required medical attention

9. If there was a physical injury, do you think there will be permanent effects? Yes No

10. Was the student victim absent from school as a result of the incident? Yes No
If yes, how many days was the student victim absent from school as a result of the incident? _____

11. Did a psychological injury result from this incident? Place an **X** next to one of the following:

- No
- Yes, but psychological services have not been sought
- Yes, and psychological services have been sought

12. Is there any additional information you would like to provide (e.g. name of gang, clique, crew, or group, if known)?

(Attach a separate sheet if necessary)

Signature: _____ **Date:** _____

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?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> 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)

Criminal Law §9-801, Annotated Code – Underlying Crimes

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