

STUDENTS: CONDUCT

GANG ACTIVITY, AND SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR

I. PURPOSE

- A. THE BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS) RECOGNIZES THE HARM THAT CAN OCCUR BY THE PRESENCE AND ACTIVITY OF GANGS IN SCHOOLS, SUCH AS VIOLENCE AND DESTRUCTION OF PROPERTY. GANG ACTIVITIES CREATE AN ATMOSPHERE OF INTIMIDATION IN THE SCHOOL COMMUNITY AND ARE DISRUPTIVE AND OBSTRUCTIVE TO THE EDUCATIONAL PROCESS AND TO SCHOOL ACTIVITIES. THEREFORE, BCPS PROHIBITS GANGS AND GANG ACTIVITIES IN ALL SCHOOLS AND ON SCHOOL GROUNDS AS STIPULATED BELOW.
- B. PURSUANT TO STATE LAW, BCPS DESIGNATES EACH SCHOOL PRINCIPAL OR, IN HIS/HER ABSENCE, A DESIGNATED ADMINISTRATOR, AS ITS SECURITY OFFICER.

II. DEFINITIONS

- A. *APPROPRIATE EDUCATION PROGRAMMING* – A GENERAL OR ALTERNATIVE EDUCATIONAL PROGRAM THAT ALLOWS THE STUDENT THE OPPORTUNITY TO CONTINUE TO RECEIVE EDUCATION IN BCPS.
- B. *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.
 - 3. HAVE IN COMMON AN OVERT OR COVERT ORGANIZATIONAL OR COMMAND STRUCTURE.
- C. *GANG ACTIVITY* – “PATTERN OF CRIMINAL 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.

- D. *CONFIRMED GANG MEMBER* – A PERSON IDENTIFIED BY THE BALTIMORE COUNTY POLICE DEPARTMENT AS A CONFIRMED GANG MEMBER BASED ON CRITERIA USED TO AUTHENTICATE A GANG MEMBER.
- E. *PARENT* – THE BIOLOGICAL PARENT, LEGAL GUARDIAN, OR PERSON ACTING IN THE ABSENCE OF THE PARENT.
- F. *REPORTABLE OFFENSE* – A CRIME OF VIOLENCE AND ADDITIONAL ENUMERATED OFFENSES COMMITTED BY A STUDENT AND REPORTED TO THE SUPERINTENDENT AS DEFINED BY SECTION 7-303 OF THE EDUCATION ARTICLE OF THE *ANNOTATED CODE OF MARYLAND*.
- G. *SCHOOL SECURITY OFFICER (SSO)* – THE PRINCIPAL OF THE SCHOOL OR, IN HIS/HER ABSENCE, A DESIGNATED ADMINISTRATOR ASSIGNED THE ROLE OF MAINTAINING THE SECURITY AND SAFETY OF THE SCHOOL.

II. PROHIBITION OF GANG RELATED BEHAVIOR

- A. STUDENTS SHALL NOT ENGAGE IN ANY ACT FURTHERING THE INTEREST OF ANY GANG OR GANG ACTIVITY INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
 - 1. SOLICITING, WITH OR WITHOUT COERCION, MEMBERSHIP IN, OR AFFILIATION WITH, ANY GANG;
 - 2. PAINTING, WRITING OR OTHERWISE INSCRIBING GANG RELATED GRAFFITI, MESSAGES, SYMBOLS OR SIGNS ON SCHOOL PROPERTY;
 - 3. ENGAGING IN VIOLENCE, EXTORTION OR ANY OTHER ILLEGAL ACT OR OTHER VIOLATION OF SCHOOL DISCIPLINE POLICIES IN FURTHERANCE OF GANG ACTIVITY;
 - 4. SOLICITING ANY PERSON TO ENGAGE IN PHYSICAL VIOLENCE AGAINST ANOTHER PERSON IN FURTHERANCE OF GANG ACTIVITY;
- B. STUDENTS WHO VIOLATE THIS RULE SHALL BE SUBJECT TO THE STUDENT DISCIPLINE CODE, BOARD OF EDUCATION POLICY 5550, AS WELL AS ANY APPLICABLE CRIMINAL OR CIVIL PENALTIES.

III. TRAINING

- A. THE DEPARTMENT OF STUDENT SUPPORT SERVICES, IN COLLABORATION WITH THE BALTIMORE COUNTY POLICE DEPARTMENT (POLICE), SHALL PROVIDE TRAINING ON THE REPORTING OF GANG ACTIVITY FOR SCHOOL STAFF AS NEEDED.
- B. THE DEPARTMENT OF STUDENT SUPPORT SERVICES SHALL TRAIN BCPS SCHOOL ADMINISTRATORS ON REPORTING AND INVESTIGATING GANG ACTIVITY AS MANDATED BY STATE LAW AND REGULATION.

IV. REPORTING

- A. OBTAINING INFORMATION FROM INTERNAL SOURCES
 - 1. ALL SCHOOL EMPLOYEES MUST REPORT ANY INCIDENTS OF SUSPECTED GANG ACTIVITY OR SIMILAR ILLEGAL GROUP BEHAVIOR TO THE PRINCIPAL.
 - 2. IF A STUDENT, PARENT, OR ANOTHER 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. THE PRINCIPAL SHALL MAKE THE STATE REPORTING FORM, *GANG-RELATED INCIDENT REPORTING FORM*, AVAILABLE IN HIS/HER SCHOOL AND NOTIFY STUDENTS, STAFF, AND PARENTS OF ITS AVAILABILITY AT THE SCHOOL. (*SEE*, RULE 5551, FORM A)
 - 4. THE *GANG-RELATED INCIDENT REPORTING FORM* WILL ALSO BE AVAILABLE ELECTRONICALLY ON THE BCPS WEB SITE.
 - 5. THE SCHOOL PRINCIPAL, OR THE PRINCIPAL'S DESIGNEE, SHALL MAINTAIN ALL COMPLETED *GANG-RELATED INCIDENT REPORTING FORMS* IN A SECURE LOCATION IN THE ADMINISTRATOR'S OFFICE.
- B. SHARING INFORMATION WITHIN THE SCHOOL SYSTEM
 - 1. THE FACILITATOR, OFFICE OF SAFE SCHOOLS, SHALL ADVISE THE PRINCIPAL OF THE SCHOOL IN WHICH A STUDENT IS ENROLLED OF ARRESTS, DISPOSITIONS, AND REPORTS ABOUT GANG-RELATED ACTIVITY SO THAT STAFF MAY BE ADVISED AND AN APPROPRIATE

EDUCATIONAL PROGRAM MAY BE IMPLEMENTED FOR THE STUDENT.

2. THE PRINCIPAL SHALL MEET REGULARLY WITH THE SCHOOL COUNSELOR(S) OR PUPIL PERSONNEL WORKER TO SHARE INFORMATION ABOUT GANG-RELATED ACTIVITY IN GENERAL AND TO 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.

C. SHARING INFORMATION WITH EXTERNAL ENTITIES

1. THE PRINCIPALS OF MIDDLE AND HIGH SCHOOLS SHALL MEET TWICE A YEAR WITH THE STAKEHOLDERS TO REVIEW THE EFFECTIVENESS OF THEIR GANG PREVENTION AND INTERVENTION STRATEGIES, AND PROGRAMS TO ENSURE COORDINATION OF GANG PREVENTION, INTERVENTION, AND SUPPRESSION EFFORTS.

V. PROCEDURES FOR INVESTIGATING

- A. UPON RECEIPT OF A *GANG-RELATED INCIDENT REPORTING FORM*, THE PRINCIPAL AS THE SCHOOL SECURITY OFFICER SHALL WITHIN 24 HOURS INITIATE AN INVESTIGATION.
- B. THE PRINCIPAL OR THE PRINCIPAL'S DESIGNEE IN COLLABORATION WITH THE POLICE DEPARTMENT SHALL NOTIFY PARENTS OF THE OFFENDER AND/OR VICTIM OF THE ALLEGATION OF CONFIRMED GANG ACTIVITY.
- C. USING THE *GANG-RELATED INCIDENT INVESTIGATION FORM*, THE PRINCIPAL OR THE PRINCIPAL'S DESIGNEE SHALL CREATE A WRITTEN RECORD OF THE INCIDENT.

VI. PREVENTION, INTERVENTION, CONSEQUENCES, AND REMEDIAL ACTIONS

- A. PREVENTION AND INTERVENTION SUPPORT AND RESOURCES THAT ADDRESS GANG ACTIVITY, AND SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR IS OUTLINED IN BOARD OF EDUCATION POLICY AND SUPERINTENDENT'S RULE 5510 AND DEPARTMENT OF STUDENT SUPPORT SERVICES PROCEDURES.

- B. CONSEQUENCES AND REMEDIAL ACTIONS FOR PERSONS ENGAGED IN GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR SHOULD BE CONSISTENTLY AND FAIRLY APPLIED AFTER AN APPROPRIATE INVESTIGATION HAS DETERMINED WHETHER A CONFIRMED OFFENSE HAS OCCURRED.
- C. CONSEQUENCES AND REMEDIAL ACTIONS FOR PERSONS WHO HAVE BEEN FOUND TO HAVE MADE FALSE ACCUSATIONS SHOULD BE CONSISTENTLY AND FAIRLY APPLIED AFTER AN APPROPRIATE INVESTIGATION HAS DETERMINED NO CONFIRMED OFFENSE HAS OCCURRED.
- D. CONFIRMED GANG ACTIVITY, AND SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR WILL RESULT IN CONSEQUENCES CONSISTENT WITH BOARD OF EDUCATION POLICY 5550.

LEGAL REFERENCES: 20 U.S.C. §7151, *GUN-FREE SCHOOLS ACT*
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE, §7-305, *SUSPENSION AND EXPULSION*.
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE, §7-424.1, *MODEL POLICY PROHIBITING BULLYING, HARASSMENT AND INTIMIDATION*.
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE, §7-424.2, *GANG PREVENTION, INTERVENTION, AND SUPPRESSION EFFORTS*.
COMAR 13A.01.04.03, *SCHOOL SAFETY*
COMAR 13A.08.01.11, *DISCIPLINARY ACTION*
COMAR 13A.08.01.17, *SCHOOL USE OF REPORTABLE OFFENSES*
COMAR 13A.08.03, *DISCIPLINE OF STUDENTS WITH DISABILITIES*

RELATED POLICIES: BOARD OF EDUCATION POLICY 5000, *STUDENTS*
BOARD OF EDUCATION POLICY 5500, *CONDUCT*
BOARD OF EDUCATION POLICY 5510, *SCHOOL DISCIPLINE*
BOARD OF EDUCATION POLICY 5520, *DRESS*
BOARD OF EDUCATION POLICY 5550, *DISRUPTIVE BEHAVIOR*
BOARD OF EDUCATION POLICY 5560, *SUSPENSIONS, ASSIGNMENT TO ALTERNATIVE PROGRAMS, OR EXPULSION*

RULE 5551

BOARD OF EDUCATION POLICY 5561, *SCHOOL USE
OF REPORTABLE OFFENSES*

BOARD OF EDUCATION POLICY 5580, *BULLYING,
HARASSMENT, OR INTIMIDATION*

BOARD OF EDUCATION POLICY 5600, *STUDENTS'
RESPONSIBILITIES AND RIGHTS*

RULE
APPROVED: _____

SUPERINTENDENT OF SCHOOLS

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): (Please print) | Age | School | |
|--|-------|--------|--------------------------|
| Is he/she a student? (if known) | | | |
| _____ | _____ | _____ | <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:** _____