

POLICY TITLE: <b>Prohibition of Gang Related Activities</b>		
ADOPTION/EFFECTIVE DATE: <b>4/25/2005</b>	MOST RECENTLY AMENDED: <b>12/03/2012</b>	MOST RECENTLY REAFFIRMED: <b>12/04/2017</b>
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: <b>Students</b>		

## I. Purpose

The purpose of this policy is to:

- A. Set forth the Board's prohibition of gang activities;
- B. Provide criteria and definitions regarding such prohibition and the reporting and investigating of gang activity; and
- C. Provide direction regarding the distribution of information about gang activity.

## II. Definitions

- A. **Gang** means any ongoing organization, association or group of three or more students, whether formal or informal, having as one of its primary activities the commission of criminal acts or violations of school discipline policies and having a common name or common identifying signs, colors or symbols or having in common an overt or covert organizational or command structure.
- B. **School Sponsored Activities** means any event or function authorized, supervised and controlled by Harford County Public Schools (HCPS) or a school's administration.
- C. **Gang Activity** means:
  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 any gang or gang activity;
  4. Soliciting any person to engage in physical violence against another person in furtherance of any gang or gang activity;
  5. Wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol or items which evidence membership in, identification with or affiliation with any gang and/or is representative of any gang;

6. Engaging in any act, either verbal or nonverbal, including gestures or handshakes which demonstrate membership or affiliation in any gang and/or is representative of any gang.
  7. Violating the provision of Section 9-803 of the Criminal Law Article of the Maryland Annotated Code.
- D. **School Security Officer** means a school administrator, law enforcement officer or other individual employed by a local government who is designated by the Superintendent or a school principal to help maintain the security and safety of a school.

### III. Statement of Policy

- A. Students shall not engage in gang activity or similar destructive or illegal group behavior at or on HCPS school grounds, or school buses or at school sponsored activities.
- B. Reprisal or retaliation against individuals who report gang activity or similar destructive or illegal group behavior, or victims, witnesses, bystanders or other persons with reliable information about an act of gang activity or similar destructive or illegal group behavior is prohibited.
- C. Students who violate the prohibition of gang activity or similar destructive or illegal group behavior or the prohibition of reprisal or retaliation set forth in this policy are subject to disciplinary actions including suspension pursuant to Section 7-305 of the Education Article.

### IV. Procedures for Reporting Gang Activity or Similar Destructive or Illegal Group Behavior

- A. Harford County Public Schools (HCPS) employees shall report any incidence of suspected gang activity or similar destructive or illegal group behavior to the principal or school security officer if there is one.
- B. 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 shall report that information to the principal or school security officer.
- C. A report about gang-related activity or similar destructive or illegal group behavior must be made in writing, preferably using the Gang-Related Incident Reporting Form ("Reporting Form").
- D. The principal or school security officer, upon receiving a report as described above, whether from a school employee, a student, parent, or

other person, shall complete a Reporting Form, if it has not already been completed by the person making the report.

- E. All Reporting Forms received by a principal or school security officer shall be filed in a secured area in the principal's office. Upon completion of the Reporting Form, the principal shall initiate an appropriate investigation and record his/her findings using the Gang-Related Incident Investigation Form ("Investigation Form"). The school security officer, if there is one, may assist with the investigation as requested.
- F. The Reporting Form, Investigation Form, and other information gathered during the investigation shall not become part of any student's permanent record.
- G. The Superintendent shall establish a monitoring/tracking system to follow the progress of each investigation and to use as a database for evaluation purposes.
- H. The Superintendent shall establish a protocol to trigger 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 shall be destroyed immediately.

## **V. Reportable Offenses**

- A. The Superintendent shall designate an individual employee as the point of contact for information received from the police, State's Attorney, or courts, who can transmit information to others as allowed by the Safe Schools Act of 2010. The superintendent should inform those agencies of the designated point of contact.
- B. Information received under Section 7-303 of the Education Article about arrests, dispositions, and/or delinquency adjudication is confidential.
- C. The above information shall not be made a part of the student's educational record.
- D. The Superintendent shall establish one central repository for the arrest/disposition information and for information received from courts, preferably a secured area in the principal's office.
- E. The Superintendent or the school security officer should 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.

- F. The Superintendent 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 shall be destroyed immediately.

## **VI. Sharing Information Within the School System**

- A. 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. This plan shall include the ways school officials will share gang-related activity information with parents.
- B. The Superintendent, principal, or school security officer shall 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.
- C. 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.
- D. 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.

## **VII. Sharing Information with Entities External to the School**

- A. In order to coordinate gang prevention, intervention, and suppression efforts, the school security officer and the principal of each middle and high school shall conduct regular meetings to share general non-student specific information and which is not personally identifiable 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.

- B. In order to coordinate gang prevention, intervention, and suppression efforts to maintain a safe and secure school environment, the Superintendent shall 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 shall share with the law enforcement officer information about the specific event and the students involved, and solicit the officer's advice on intervention strategies and how to involve parents or guardians or community systems.

## **VIII. Procedures for Prompt Investigation of Suspected Gang Activity or Similar Destructive or Illegal Group Behavior**

- A. A thorough investigation of a report of suspected gang activity or similar destructive or illegal group behavior or other violation of this policy shall be conducted as soon as reasonably practicable.
- B. Investigations shall comply with COMAR 13A.08.01.11, Disciplinary Action, and 13A.08.03, Discipline of Students with Disabilities.
- C. Upon receipt of a Reporting Form, 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.
- D. If the report is of a high level of severity (criminal activity, imminent danger or disruption) appropriate school system personnel shall be notified.
- E. Principals, assistant principals or the administrative designee shall notify parents of the offender and victim of the allegation.
- F. Principals, assistant principals or the administrative designee shall apply consequences and/or remedial actions regarding violations of this policy 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.
- G. Using the Reporting Form, the principal or school security officer shall 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.

## **IX. Information About the Types of Services, Including Family Support Services, for a Student Suspected of Participating in Gang Activity**

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 shall be provided. Other information about other available supports and services, that are consistent with the policies and procedures of the local board of education, shall also be provided.

- A. Gang awareness education (for students, parents, school faculty/personnel, law enforcement, and community stakeholders) that has potential for 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 and mentoring for students and their families.
- D. Referral to 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.

## **X. 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 or who have otherwise violated this policy 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 Superintendent shall develop or refine consequences and remedial actions consistent with the policies and procedures of the Board.


### **XI. Gang Prevention and Intervention Services and Programs for Students that Maximize Community Participation and the Use of Federal Funding**

The Superintendent shall make the following gang prevention and intervention services and programs for students available to teachers, staff, parents, students and other relevant parties.

- A. Provision of training for staff and teachers (first level responders) on gang prevention and intervention resources annually. Gang awareness information shall be revised and updated regularly to reflect current trends in gang and gang-like activity.
- B. Creation of formalized collaboration plans between local school boards and community-based prevention and intervention service providers (including local management boards as points of contact).
- C. Collaboration with community partners to identify service providers that effectively deliver prevention/intervention services.
- D. Coordination of prevention and intervention services at the school level.
- E. Coordination of resources and funding opportunities to support gang prevention/intervention activities.
- F. Utilization of the State's gang website as a resource for gang prevention/intervention information exchange ([www.gangs.umd.edu](http://www.gangs.umd.edu)).
- G. Infusion of the Gang Resistance Education and Training (G.R.E.A.T.) Program into the curricula.
- H. Utilization of the Maryland Community Services Locator Project ([www.mdcsl.org](http://www.mdcsl.org)) at the school level as a resource for training first level responders (school staff).
- I. Integration of the School Resource Officer Program with Drug Abuse Resistance Education (D.A.R.E.) and G.R.E.A.T. programs when available/possible.

The above are listed by way of example and do not represent an exhaustive list.

#### **Board Approval Acknowledged By:**

  
Barbara P. Canavan  
Superintendent

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	4-25-2005				
Amended	12-03-2012				
Reaffirmed	12-04-2017				

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE: Mr. Bernard Hennigan	JOB POSITION OF PERSON RESPONSIBLE: Director of Student Services
DESIGNEE NAME: N/A	JOB POSITION OF DESIGNEE: N/A
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005: School Administration - .02.08.026	

### LEGAL REFERENCES<sup>1</sup>

All references are set forth in the Policy.

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<sup>1</sup> All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.