

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 400-87
Subject: GANG ACTIVITY	Issued: 10/3/07
Preparing Office: OFFICE OF THE SUPERINTENDENT	Amended: 2/27/12

I. Policy 423

II. Procedures

In accordance with the Board of Education's position on gang activity as outlined in Policy 423, the following procedures are to be implemented to prohibit gang activity on school property and at school-sponsored events.

A. Definitions

1. Gang – "Criminal gang" means a group or association of three or more persons whose members:
 - a. Individually or collectively engage in a pattern of criminal activity.
 - b. 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.
 - c. Have in common an overt or covert organizational or command structure.
2. Gang Activity - A "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.
3. Principal may also include "designee."
4. School Property - School buildings, school grounds, school system owned or leased vehicles, and any other location that is used for a school-sponsored event. For students, it includes any other location used for official curricular or extracurricular activities, including any field trips.

B. Prohibitions

1. No student on school property, school buses, or at any school-sponsored event shall:
 - a. Wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign or other items that evidences or reflects membership in or affiliation with any gang.

- b. Engage in any act, either verbal or nonverbal, including gestures or handshakes, showing membership or affiliation with any gang.
- c. Engage in any act that will further the interests of any gang or gang activity, including but not limited to:
 - 1) Soliciting membership in or affiliation with any gang.
 - 2) Soliciting a person to pay for “protection” or threatening a person, explicitly or implicitly, with violence or with any other illegal or prohibited act.
 - 3) Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs on school property.
 - 4) Engaging in violence, extortion, or any other illegal act/violation of Frederick County Public Schools (FCPS).
 - 5) Soliciting a person to engage in physical violence against another person.
- 2. Students violating any provisions outlined in this regulation will be disciplined in accordance with FCPS Regulation 400-08 and notification will be provided to law enforcement.

C. 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. On school property.
- 2. In a school vehicle, as defined in the Transportation Article of the Annotated Code of Maryland.

Note: Applicability - Subsections 1 and 2 of this section apply whether or not:

- a. School was in session at the time of the crime.
- b. The real property was being used for purposes other than school purposes at the time of the crime.

D. Reporting Suspected Gang Activity or Similar Destructive or Illegal Group Behavior

1. Obtaining Information from Internal Sources

- a. Per the *Safe Schools Act of 2010*, all school employees must report, in writing, any incidence of suspected gang activity or similar destructive or illegal group behavior to the principal and to the supervisor of Security and Emergency Management.
- b. If a student, parent, or guardian, or other person notifies a school employee about any gang-related activity or similar destructive or illegal group behavior, the school employee is responsible for reporting that information in writing to the principal and the supervisor of Security and Emergency Management.
- c. Upon receiving a report, the principal will complete the Gang-Related Incident Reporting form if it has not already been completed by the person making the report. The Gang-Related Incident Reporting form is a secure document that is to be retained in the principal’s office with a copy sent to the supervisor of Security

and Emergency Management. The supervisor of Security and Emergency Management will review all reports and conduct follow-up as warranted.

- d. The principal will investigate the complaint and utilize the school resource officer where appropriate. The principal shall initiate an investigation within 24 hours of receipt of a Gang-Related Incident Investigation Report and notify the supervisor of Security and Emergency Management of the investigation. If the report is of a high level of severity (i.e., criminal activity, imminent danger or disruption) the investigation shall be initiated immediately but not later than 24 hours.
 - e. The principal will promptly make a written record of the incident and investigation including obtaining victim, witnesses, and offender statements.
 - f. Any evidence should not be discarded while a criminal investigation or prosecution resulting from the incident is ongoing.
 - g. The principal shall notify parents of the offender and/or victim of the allegation of a gang-related incident.
 - h. The supervisor of Security and Emergency Management will develop and maintain a database of incidents reported and the subsequent investigations.
 - i. Destruction of Documents - Information from the reports shall be destroyed when the student graduates, permanently leaves school, or turns 22 years of age, whichever occurs first.
2. Obtaining Information from External Sources
- a. The supervisor of Security and Emergency Management shall serve as the Superintendent's designee to receive information from the police, state's attorney, or courts and will, in turn, transmit the information to others as allowed by the *Safe Schools Act of 2010*.
 - b. Information received about arrests, dispositions, and/or delinquency adjudication is confidential by law and may not be made part of the student's educational record.
 - c. Arrest/disposition information shall be secured and maintained by the supervisor of Security and Emergency Management.
 - d. The supervisor of Security and Emergency Management will maintain a non-student specific log by school year of each notification received from the courts, law enforcement, and the state's attorney and upon request will provide recommendations to the Maryland State Department of Education (MSDE) on ways to improve the notification process.
 - e. Destruction of Documents - The supervisor of Security and Emergency Management will destroy arrest/disposition information and any information received from the courts when the student graduates, permanently leaves school, or turns 22 years of age, whichever occurs first. If the allegation is unsubstantiated, the record may be destroyed immediately.

3. Sharing Information Within the School System

- a. Information received in accordance with Maryland law regarding reportable offenses shall be maintained and shared in accordance with provisions under the law to insure the appropriate educational program for the student.
- b. The principal of each school will meet periodically throughout the school year with the school counselor or pupil personnel worker and staff where appropriate 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.

4. Sharing Information with Entities External to the School

- a. In order to coordinate gang prevention, intervention, and suppression efforts, the principal of each middle and high school will conduct regular meetings to share general 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 supervisor of Security and Emergency Management will serve as the contact with the appropriate law enforcement officer whenever a report of ongoing or threatened gang-related violence appears accurate and reliable. The supervisor of Security and Emergency Management 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, guardians, or community systems.

E. Support Services for Students Suspected of Participation in Gang Activity

The following community based resources are available for students and families regarding gang-related concerns:

1. Maryland Governor's Office on Crime Prevention, Youth and Victim Services:
<http://goccp.maryland.gov/councils-commissions-workgroups/task-force-to-study-marylands-criminal-gang-statutes/>
2. Maryland Community Services Locator (www.mdcs.org) as a resource at the school level for training first-level responders.
3. FCPS brochure "Youth Gang Involvement" is available for students and families in both English and Spanish. The brochure provides additional resources.
https://insidefcps.fcps.org/sites/default/files/FCPS_GANG_BROCHURE_0.pdf (English)
https://www.fcps.org/security/files/documents/FCPS_GANG_BROCHURE_SPANISH.pdf (Spanish)

F. Application and Enforcement

1. As part of the application and enforcement of this regulation, school officials are

- encouraged to exercise discretion and judgment based upon current circumstances in their schools, neighborhoods, and areas in determining whether acts, conduct, or activities are gang-related.
2. The removal of gang-related graffiti shall be a priority in maintenance of school property. All such graffiti on school property shall be photographed, documented and then removed or covered within 24 hours of its first appearance to school officials, or as soon thereafter as possible, unless additional time is needed to obtain replacements for damaged items.
 3. All such evidence shall be sent to the supervisor of Security and Emergency Management.
 4. Annual training on gang prevention and intervention resources will be conducted by the supervisor of Security and Emergency Management, in cooperation with local law enforcement, for first-level responders, i.e., school administrators. Information about gang-related activities in Frederick County, including names and characteristics of local gangs, will be provided. Gang awareness information will be updated regularly to reflect current trends in gang and gang-like activity and will include local law enforcement and gang prevention representatives.

Approved:

Original signed by

Theresa R. Alban
Superintendent

GANG-RELATED INCIDENT REPORTING FORM

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.

Per the *Safe Schools Act of 2010*, all school employees must report, in writing, any incidence of suspected gang activity or similar destructive or illegal group behavior to the principal and to the supervisor of Security and Emergency Management.

Upon receiving a report, the principal will complete the Gang-Related Incident Reporting form if it has not already been completed by the person making the report. The Gang-Related Incident Reporting form is a secure document that is to be retained in the principal's office with a copy sent to the supervisor of Security and Emergency Management. The supervisor of Security and Emergency Management will review all reports and conduct follow-ups as warranted.

The supervisor of Security and Emergency Management will develop and maintain a database of incidents reported and the subsequent investigations.

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 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 by 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 1,000 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.

GANG-RELATED INCIDENT REPORTING FORM

Today's date: _____ / _____ / _____
Month Day Year

School: _____

Date of incident: _____ / _____ / _____

School System: _____

Person Reporting Incident: Name: _____

Telephone: _____ E-mail: _____

Place an X in the appropriate box: Student/Victim Student/Witness School Staff Other _____

1. Name of victim: _____ Age: _____
(Please print)

School Victim attends: _____

2. On what date(s) did the incident occur?

_____/_____/_____/_____/_____/_____/_____/_____/_____/_____/_____/_____
Month Day Year Month Day Year Month Day Year

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

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

4. 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

5. 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

Was the victim absent as a result of the incident? Yes No If yes, how many days? _____

GANG-RELATED INCIDENT REPORTING FORM

7. What actions were taken to investigate this incident? (Choose all that apply.)

- Interviewed 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 victim's parent/guardian
- Interviewed alleged offender's parent/guardian
- Examined physical evidence
- Conducted student record review
- Obtained copy of police report
- Other (specify)

8. 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: _____

