

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

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CRIMINAL GANGS AND CRIMINAL GANG ACTIVITY

The Career Center adopts this policy pursuant to State law in order to address the detrimental effects of criminal gangs and criminal gang activity on its students, demonstrate its commitment to preventing and reducing criminal gang membership and eliminating criminal gang activity, educate Career Center students, employees, and parents about criminal gangs and criminal gang activity, and comply with State and Federal laws and regulations.

The Career Center prohibits criminal gang activity and similar destructive or illegal group behavior on Career Center property, on buses owned by the Career Center or used to transport Career Center students, and at school-sponsored functions. The Career Center prohibits reprisal or retaliation against individuals who report criminal gang activity and similar destructive or illegal group behavior or who are victims, witnesses, bystanders, or others with reliable information about an act of criminal gang activity and similar destructive or illegal group behavior.

Definitions

- A. “Criminal gang,” as used in this policy, means a group with at least three (3) members that specifically:
 - 1. either:
 - a. promotes, sponsors, or assists in, or
 - b. participates in, or
 - 2. requires as a condition of membership or continued membership

the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery (I.C. 35-42-2-1).

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- B. “Criminal gang activity,” as used in this policy, means to:
1. actively participate in a criminal gang;
 2. knowingly or intentionally commit an act:
 - a. with the intent to benefit, promote, or further the interests of a criminal gang; or
 - b. for the purpose of increasing the person’s own standing or position within a criminal gang;
 3. knowingly or intentionally solicit, recruit, entice, or intimidate another person to join a criminal gang or remain in a criminal gang;
 4. threaten another person because the other person:
 - a. refuses to join a criminal gang;
 - b. has withdrawn from a criminal gang; or
 - c. wishes to withdraw from a criminal gang;
- when engaged in by a student who attends the Career Center.

Procedures for Reporting and Investigating Suspected Criminal Gang Activity

All Career Center employees shall report any incidence of suspected criminal gang activity to the principal and the school safety specialist. As well, students and parents, who choose to do so, may report an incident of criminal gang activity to the principal. The principal and the school safety specialist may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services.

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A Career Center employee who in good faith reports an incident of suspected criminal gang activity in compliance with the procedures of this policy and any Career Center employee, parent, or student who in good faith participates in any judicial or other proceeding resulting from the report or relating to the subject matter of the report is immune from any civil or criminal liability for damages arising from his/her actions.

Each school principal or designee shall conduct a thorough and complete investigation of each report of suspected criminal gang activity and each report of reprisal or retaliation. The principal or designee shall initiate the investigation promptly but no later than 2 instructional day(s) of the report of the alleged incident. The principal may appoint additional staff and the principal or designee may request the assistance of law enforcement to assist in the investigation for the safety of the administration, Career Center staff, or students. The investigation shall be completed and written findings prepared by the principal or designee as soon as possible but no later than 5 instructional days from the date of the report of the alleged incident.

The principal or designee shall submit the report to the Executive Director within 10 instructional days of completing the investigation. The Executive Director shall report the results of each investigation to the Board on a quarterly basis during its scheduled Board meetings.

The Executive Director is authorized to issue guidelines to define the range of ways in which Career Center staff and the principal or designee shall respond once an incident of criminal gang activity is confirmed, according to the parameters described in the Career Center's code of student conduct. The Board recognizes that some acts of criminal gang activity may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts while other acts may be so serious or involve individuals outside the school that they require a response by local law enforcement officials.

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Appropriate consequences and remedial action will be imposed when students are found to have engaged in criminal gang activity, criminal gang intimidation, or criminal gang recruitment on Career Center property, while riding on Career Center buses or buses used to transport Career Center students, and at school-sponsored events or when they are found to have engaged in retaliatory conduct towards a Career Center employee or student who reported an incident of criminal gang activity, according to the severity of the offense and considering both the developmental age of the student offender and the student's history of inappropriate behavior, per the code of student conduct. Consequences and appropriate remedial action for a student who engages in criminal gang activity may range from positive behavioral interventions up to and including suspension or expulsion. Incidents that result in the expulsion of a student(s) or alternative school placement of a student(s) will be referred to the local law enforcement officials for further investigation. The principal shall proceed in accordance with the code of student conduct, as appropriate, based on the investigation findings and the Executive Director's guidelines. As appropriate, the principal may provide intervention and/or relevant support services (i.e., refer to counseling, establish training programs to reduce criminal gang activity and enhance school climate, enlist parent cooperation and involvement or take other appropriate action). The principal shall inform the parents of all students involved in alleged incidents as provided below, and, as appropriate, may discuss the availability of counseling and other intervention services.

The principal shall provide the parents of the students who are parties to any investigation with information about the investigation, in accordance with Federal and State laws and regulations. This information includes the nature of the investigation, whether the Career Center found evidence of criminal gang activity, and whether consequences were imposed or services provided to address the activity. This information is to be provided immediately upon completion of the investigation and issuance of written findings by the principal or designee.

Annual Reporting of Investigations to the State

Each school principal or designee shall record the number of investigations of criminal gang activity disposed of internally and the number of cases referred to local law enforcement (disaggregated by race, ethnicity, age, and gender) and report this information to the Executive Director before May 15 each year.

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The Executive Director shall submit a written report to the Indiana Department of Education, on forms developed by the Department, before June 2 of each year outlining the activities undertaken as part of the Career Center's compliance with I.C. 20-26-18. This report shall include the number of investigations of criminal gang activity disposed of internally and the number of cases referred to local law enforcement for the entire Career Center in the past year, disaggregated by race, ethnicity, age, and gender.

Information about the Types of Services, Including Family Support Services, for a Student Suspected of Participating in Criminal Gang Activity

The Executive Director shall provide information about the supports and services available for students who are "at risk" for and/or suspected of participating in criminal gang activity and their families, to the sending high schools.

Publication of the Policy

The Executive Director shall ensure that this policy is posted on the Career Center's internet website and annually disseminate this policy to all parents who have children enrolled in a school within the Career Center. This may be done through distribution of student handbooks. The Executive Director shall ensure that notice of the Career Center's policy appears in the student handbooks and all other Career Center publications that set forth the comprehensive rules, procedures, and standards for schools within the Career Center.

See also AG 5840A and AG 5840B.

I.C. 20-18-2-2.8
I.C. 20-19-3-12
I.C. 20-26-18-1 et seq.
I.C. 20-33-9-10.5
I.C. 20-33-9-14
I.C. 35-31.5-2-27.4
I.C. 35-31.5-2-74
I.C. 35-31.5-2-264.5
I.C. 35-45-9-1
I.C. 35-45-9-3
I.C. 35-45-9-4
I.C. 35-45-9-5

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