Book	Policy Manual
Section	5000 Students
Title	CRIMINAL ORGANIZATIONS AND CRIMINAL ORGANIZATION ACTIVITY
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5840 - **CRIMINAL ORGANIZATIONS AND CRIMINAL ORGANIZATION ACTIVITY**

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

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

Definitions

A. "Criminal organization," as used in this policy, means a formal or informal group with at least three (3) members that specifically:

   1. either:

      a. promotes, sponsors, or assists in, or

      b. participates in, or

      c. Has as one of its goals; 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).

B. "Criminal organization activity," as used in this policy, means to:

   1. actively participate in a criminal organization;

   2. knowingly or intentionally commit an act:

      a. with the intent to benefit, promote, or further the interests of a criminal organization; or

b. which is a felony or misdemeanor and would lead a reasonable person to believe results in benefitting, promoting or furthering the interests of a criminal organization; or

c. for the purpose of increasing the person's own standing or position within a criminal organization;

3. knowingly or intentionally solicit, recruit, entice, or intimidate another person to join a criminal organization or remain in a criminal organization;

4. Knowingly or intentionally threaten another person because the other person:

a. refuses to join a criminal organization;

b. has withdrawn from a criminal organization; or

c. wishes to withdraw from a criminal organization;

when engaged in by a student who attends a Corporation school.

Procedures for Reporting and Investigating Suspected Criminal Organization Activity

All Corporation employees shall report any incidence of suspected criminal organization 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 organization 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.

A Corporation employee who in good faith reports an incident of suspected criminal organization activity in compliance with the procedures of this policy and any Corporation 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, designee and/or the Director of School Safety shall conduct a thorough and complete investigation of each report of suspected criminal organization activity and each report of reprisal or retaliation. The principal, designee and/or Director of School Safety shall initiate the investigation promptly but no later than one (1) 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, Corporation 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 five (5) instructional days from the date of the report of the alleged incident.

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

The Superintendent is authorized to issue guidelines to define the range of ways in which Corporation staff and the principal or designee shall respond once an incident of criminal organization activity is confirmed, according to the parameters described in the Corporation's code of student conduct. The Board recognizes that some acts of criminal organization 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.

Appropriate consequences and remedial action will be imposed when students are found to have engaged in criminal organization activity, criminal organization intimidation, or criminal organization recruitment on Corporation property, while riding on Corporation buses or buses used to transport Corporation students, and at school-sponsored events or when they are found to have engaged in retaliatory conduct towards a Corporation employee or student who reported an incident of criminal organization 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 organization 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 Superintendent'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 organization 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 Corporation found evidence of criminal organization 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 organization 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 Superintendent before May 15th of each year.

The Superintendent 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 Corporation's compliance with I.C. 20-26-18. This report shall include the number of investigations of criminal organization activity disposed of internally and the number of cases referred to local law enforcement for the entire Corporation in the past year, disaggregated by race, ethnicity, age, and gender.

Establishment of Education Programs

In its efforts to address criminal organization activity, the Board establishes the following educational programs:

A. An evidence-based educational criminal organization awareness program for students, Corporation employees and parents; and

B. A Corporation employee development program to provide training to Corporation employees in the implementation of this policy.

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

The Superintendent is authorized to provide information about the supports and services available for students who are "at risk" for and/or suspected of participating in criminal organization activity and their families, including:

A. criminal organization awareness education for students, parents, faculty/personnel, law enforcement, and community stakeholders that, at a minimum, shows potential for effectiveness based on research, revised and updated regularly to reflect current trends in criminal organization and criminal organization-like activity;

B. culturally and/or linguistically appropriate services/supports for parents and families;

C. school counseling coupled with mentoring for students and their families;

D. referral to community organizations and civic groups that offer related programs or counseling;

E. viable, sustainable after-school programs developed in collaboration with other stakeholders;

F. related extra-curricular activities;

Recommendations Concerning Criminal Organization Prevention and Intervention Services and Programs for Students that Maximize Community Participation and the Use of Federal Funding

The Superintendent is authorized to seek Federal funding to implement criminal organization prevention and intervention services and programs, including the following:

A. Dissemination of criminal organization awareness information to students and parents. The criminal organization awareness information should be revised and updated regularly to reflect current trends in criminal organization activity.

B. Training for staff and teachers on criminal organization prevention and intervention resources.

C. Creation of collaboration plans between Corporation administration and community-based prevention and intervention providers to address criminal organization prevention and intervention.

D. Coordination of resources and funding opportunities to support criminal organization prevention/intervention activities.

E. Integration of available School Resource Officer Programs.

Publication of the Policy

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

Criminal Organization Intervention Program

In order to foster the continuing coordination of criminal organization prevention, intervention and suppression efforts, the Board establishes a program to provide criminal organization intervention services to students.

An advisory committee shall be established that includes the following members:

A. parents

B. Corporation employees

C. local law enforcement officials

D. the county prosecuting attorney

E. the county public defender

F. a juvenile court judge

G. a school behavioral health or community mental health professional

H. representatives of organizations that have expertise in criminal organization education, prevention, or intervention

The Superintendent shall appoint members of the advisory committee.

The advisory committee will collaborate to recommend an appropriate program for students, subject to Board approval.

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Legal

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