

CRIMINAL ORGANIZATION ACTIVITY

It is the policy of the Lafayette School Corporation to prohibit criminal organization activity and similar destructive or illegal group behavior on school property, on school buses, and/or at school-sponsored functions.

It is the policy of the Lafayette School Corporation to prohibit 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.

“Criminal Organization” 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.

“Criminal Activity” refers to a student who knowingly or intentionally actively participates in a criminal gang, or a student who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal gang.

Per state law, a school employee shall report any incidence of suspected criminal organization activity, criminal intimidation, or criminal organization recruitment to the principal and the school safety specialist. The principal and the school safety specialist may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services. Appropriate consequences and remedial actions are those that take into consideration the severity of the offenses and consider both the developmental ages of the student offenders and the students' histories of inappropriate behaviors per the code of conduct.

Any corporation and school employee who promptly reports an incident of suspected criminal organization activity and who makes this report in compliance with the procedures of this policy is immune from a cause of action for damages arising from any failure to remedy the reported incident.

The principal or designee shall conduct a thorough and complete investigation for each report of suspected criminal organization activity. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident. The principal may appoint additional personnel and request the assistance of law enforcement to assist in the investigation for the administrator's safety. The investigation shall be completed and the written findings submitted to the principal as soon as possible, but not later than five school days from the date of the report of the alleged incident of criminal organization activity.

The principal shall submit the report to the superintendent or designee of the school corporation within ten (10) school days of the completion of the investigation. The superintendent or his/her designee may report the results of each investigation to the school board every quarter during regularly scheduled board meetings.

Each school within the school corporation shall record the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender. Each school shall report this information to the school corporation superintendent, who shall submit a written report to the Indiana Department of Education by June 2 of each year.

The principal shall provide the parents of the students who are parties to any investigation with information about the investigation, per Federal and State law and regulations. The information to be provided to parents 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.

The superintendent of the school corporation is authorized to define the range of ways in which school staff and the principal or the principal's 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 school 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. Other acts may be so serious that they require a response either at the school corporation level or by local law enforcement officials. Consequences and appropriate remedial actions for a student who engages in gang activity may range from positive behavioral interventions up to and including suspension or expulsion.

The principal shall proceed by the code of student conduct, as appropriate, based on the investigation findings. As appropriate to the investigation findings, the principal shall ensure the code of conduct has been implemented, and provide intervention and/or relevant support services (i.e., refer to counseling, establish training programs to reduce 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, and, as appropriate, may discuss the availability of counseling and other intervention services.

This policy must be published in student handbooks and posted on the corporation website.

Legal Reference: IC 20-33-9-10.5;  
IC 35-45-9-1;

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