



DEPARTMENT OF EDUCATION

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*Working Together for Student Success*

# **Indiana Model Policy to Address Criminal Organizations and Criminal Organization Activity in Schools**

**A collaboration of the Indiana Department of Education, the  
Indiana Criminal Justice Institute, Indiana Department of Child  
Services, and the Indiana State Police**

Indiana Department of Education

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## **Introduction**

Effective July 2013, several new sections were added to Indiana Code requiring state agencies and local school corporations to develop policies addressing criminal organizations in schools, establish educational materials to address criminal organization activity, and monitor data based upon criminal organization investigations.

A major component of this legislation is the requirement for the Indiana Department of Education, in collaboration with the Indiana Criminal Justice Institute, the Department of Child Services, the Center for Evaluation and Education Policy at Indiana University, and the State Police to develop and maintain a model policy to address criminal organizations and criminal organization activity in schools.

Per legislation, this model policy shall include:

- A statement prohibiting criminal organization activity in schools;
- A statement prohibiting reprisal or retaliation against an individual who reports suspected criminal organization activity
- Definitions of “criminal organization” as set forth in IC 35-45-9-1 and “criminal organization activity”;
- Model procedures for:
  - o Reporting suspected criminal organization activity
  - o The prompt investigation of suspected criminal organization activity
- Information about the types of support services, including family support services, for a student suspected of participating in criminal organization activity; and
- Recommendations concerning criminal organization prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

Following the release of the model policy, school corporations must also create a local policy for their schools to utilize. Per Indiana Code 20-26-18, each corporation in Indiana must establish a written policy to address criminal organizations and criminal organization activity in schools. Further detail on this code and other relevant criminal organization codes are provided below:

### **Indiana Code 20-26-18**

Sec. 1. This chapter applies to every school corporation and to a school city to which IC 20-25 applies.

Sec. 2 (a) Not later than June 1, 2016, the governing body of each school corporation shall establish a written policy to address criminal organizations and criminal organization activity in schools. The governing body of a school corporation shall develop the policy in consultation with:

- (1) parents;
- (2) school employees;
- (3) local law enforcement officials;
- (4) the county prosecuting attorney;

- (5) the county public defender;
- (6) organizations that have expertise in criminal organization education, prevention, or intervention;
- (7) a juvenile court judge;
- (8) a school behavioral health or community mental health professional; and
- (9) any other person or entity the governing body of the school corporation determines to be appropriate.

(b) The policy must meet all the requirements for the department's model criminal organization policy set forth in IC 20-19-3-12(d).

(c) Not later than September 1, 2016, each school corporation shall submit a copy of its criminal organization policy to the department.

Sec. 3. A school corporation shall put a copy of the school corporation's criminal organization policy established under section 2 of this chapter:

- (1) on its Internet web site;
- (2) in school student handbooks; and
- (3) in any location the school corporation determines to be appropriate.

Sec. 4. A school corporation shall establish the following educational programs in its effort to address criminal organization activity:

- (1) An evidence based educational criminal organization awareness program for students, school employees, and parents.
- (2) A school employee development program to provide the training to school employees in the implementation of the criminal organization policy established under section 2 of this chapter.

Sec. 5. To foster the continuing coordination of criminal organization prevention, intervention, and suppression efforts, the governing body of a school corporation may establish a program to provide criminal organization intervention services to students. If a school corporation chooses to develop a program under this section, the governing body shall establish an advisory committee that includes the following members:

- (1) Parents.
- (2) School employees.
- (3) Local law enforcement officials.
- (4) The county prosecuting attorney.
- (5) The county public defender.
- (6) A juvenile court judge.
- (7) A school behavioral health or community mental health professional.
- (8) Representatives of organizations that have expertise in criminal organization education, prevention, or intervention.
- (9) Any other person or entity the governing body determines is appropriate.

Sec. 6. (a) Not later than June 1, 2017, and before June 2 of each year thereafter, each school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation's compliance with this chapter. The report must include school based data to monitor for disproportionality, with each school reporting the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender.

(b) Not later than November 1, 2017, and before November 2 of each year thereafter, the department shall submit a comprehensive report concerning criminal organization activity in schools to the governor and the general assembly. A report submitted to the general assembly under this subsection must be in an electronic format under IC 5-14-6. The report must include the following:

(1) A summary of the activities reported to the department under subsection (a).

(2) Any recommendations or conclusions made by the department to assist in the prevention of, education about, and intervention in criminal organization activity in schools.

#### **Indiana Code 20-33-9-10.5**

Sec.10.5 (a) This section does not apply to a charter school or an accredited nonpublic school.

(b) A school employee shall report any incidence of suspected criminal organization activity, criminal organization intimidation, or criminal organization recruitment to the principal and the school safety specialist.

(c) 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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#### **Indiana Code 35-45-9-5**

##### **Criminal organization recruitment**

Sec. 5. (a) Except as provided in subsection (b), an individual who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal organization commits criminal organization recruitment, a Level 6 felony.

(b) The offense under subsection (a) is a Level 5 felony if:

(1) the solicitation, recruitment, enticement, or intimidation occurs within one thousand (1,000) feet of school property; or

(2) the individual who is solicited, recruited, enticed, or intimidated is less than eighteen (18) years of age.

## **Indiana Model Policy to Address Criminal Organizations and Criminal Organization Activity in Schools**

### **A. Statement prohibiting criminal organization activity in schools and reprisal or retaliation against individuals who report suspected criminal organization activity; a definition of criminal organization and criminal organization activity**

It is the policy of the **(Local School System)** to prohibit criminal organization activity and similar destructive or illegal group behavior on school property or school buses or at school-sponsored functions.

### **B. Statement prohibiting reprisal or retaliation against an individual who reports suspected criminal organization activity**

It is the policy of the **(Local School System)** 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.

### **C. Definition of “criminal organization” and “criminal organization activity”**

“Criminal organization” defined (per IC 35-45-9-1)- “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 (IC 35-42-2-1).

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

### **D. Model procedures for reporting suspected criminal organization activity and the prompt investigation of suspected criminal organization activity**

Model procedures for reporting suspected criminal organization activity are presented as a guide that by no means limits school systems from implementing additional procedures for reporting acts of suspected criminal organization activity or similar destructive or illegal group behavior.

Per IC 20-33-9-10.5, a school employee shall report any incidence of suspected criminal organization activity, criminal organization 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 are graded according to the severity of the offenses and consider both the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the code of student 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 of the school corporation within ten (10) school days of the completion of the investigation. The superintendent or his/her designee shall report the results of each investigation to the board of education on a quarterly basis 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, in accordance with Federal and State law and regulation. 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. This information is to be provided in an expedited manner.

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 criminal organization activity may range from positive behavioral interventions up to and including suspension or expulsion.

The principal shall proceed in accordance with 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 student conduct has been implemented, and 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 corporation 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.

The superintendent of the school corporation shall annually disseminate this policy to all parents who have children enrolled in a school within the school corporation. The superintendent shall ensure that notice of the corporation's policy appears in the student handbooks and all other publications of the school corporation that set forth the comprehensive rules, procedures and standards for schools within the school corporation.

**E. Information about the types of services, including family support services, for a student suspected of participating in criminal organization activity.**

School systems should 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. Information about other available supports and services, should be consistent with the policies and procedures of the local board of education.

1. Criminal organization awareness education (for students, parents, school faculty/personnel, law enforcement, and community stakeholders) that at the least shows promise of effectiveness based on research. The criminal organization awareness education information should be revised and updated regularly to reflect current trends in criminal organization and criminal organization-like activity.
2. Culturally and/or linguistically appropriate services/supports for parents and families.

3. Counseling coupled with mentoring for students and their families.
4. Community and faith-based organizations and civic groups.
5. Viable, sustainable after-school programs developed in collaboration with other stakeholders.
6. Job training and employment opportunities as both a deterrent to criminal organization involvement and an incentive to leave criminal organization involvement.
7. School sanctioned/facilitated extra-curricular activities.

**F. Recommendations concerning the mandated criminal organization prevention and intervention services programs for students that maximize community participation.**

These recommendations are presented as a guide that by no means limits school systems from collaboration with community stakeholders to provide additional services. School systems are encouraged to collaborate with stake holders to provide criminal organization prevention and intervention services and programs according to the policies and procedures of their local boards of education. These strategies are based on evidence proven models for criminal organization awareness as outlined by the Office of Juvenile Justice and Delinquency Prevention.

1. Provide training for staff and teachers on criminal organization prevention and intervention resources within a jurisdiction on a periodic basis. The criminal organization awareness information should be revised and updated regularly to reflect current trends in criminal organization activity.
2. Create formalized collaboration plans between local school administration and community based prevention and intervention providers (possibly using the existing County Safe School Commissions as points of contact). The formalized collaborations should make effective, coordinated, and maximized use of federal funding a priority.
3. Coordinate resources and funding opportunities to support criminal organization prevention and intervention activities.
4. Integrate School Resource Officer Programs when available.
5. Consider integrating the Gang Resistance Education and Training (G.R.E.A.T.) Program into curricula.

Source: This document is modeled, in part, on information provided through the Maryland State Department of Education "Model Policy to Address Gangs, Gang Activity, and Similar Destructive or Illegal Group Behavior"



