

HHS/PS COMMITTEE #1  
October 21, 2010  
**Briefing**

**MEMORANDUM**

October 19, 2010

TO: Health and Human Services and Public Safety Committees

FROM: Vivian Yao, Legislative Analyst   
Susan J. Farag, Legislative Analyst 

SUBJECT: Coordination of Gang Prevention Activities

The Health and Human Services and Public Safety Committees will receive a briefing on the County's current efforts to coordinate gang prevention activities among County departments, local municipalities, and other neighboring jurisdictions.

Those expected to participate in the briefing include:

Gabriel Albornoz, Director, Montgomery County Recreation Department (MCRD)  
Kate Garvey, Chief, Children, Youth and Families, Department of Health and Human Services (DHHS)  
State's Attorney John McCarthy, Office of the State's Attorney (SAO)  
Chief Ronald Ricucci, Takoma Park Police Department  
Frank Stetson, Chief School Performance Officer, Montgomery County Public Schools (MCPS)  
Chrisandra Richardson, Associate Superintendent, Student Support Services, MCPS  
Edward Newsome, Director of School Performance, MCPS  
Darryl Williams, Principal, Montgomery Blair High School, MCPS  
Renay Johnson, Principal, Takoma Park Middle School, MCPS  
Michael Bayewitz, Principal, Broad Acres Elementary School, MCPS  
Luis Cardona, Youth Violence Prevention Coordinator, DHHS  
Lieutenant Dinesh Patil, Montgomery County Police Department (MCPD)  
Robert Green, Warden, Detention Services Division, Department of Corrections

**I. OVERVIEW**

In November 2009, the Council received a briefing on the County Executive's Positive Youth Development Initiative. The briefing provided updates on efforts to serve youth along the continuum of prevention, intervention, and suppression. The briefing also covered efforts to

benchmark the progress of the initiative, which included decreasing incidences of juvenile crime, increasing student academic performance, and creating a better environment for County youth.

On May 26, 2010, Education Committee Chair Ervin requested (©1-2) that the Public Safety Committee discuss the coordination of gang suppression, prevention, and intervention activities due to recent alleged gang activity in the Silver Spring/Takoma Park area. The Public Safety and Health and Human Services Committees met on June 24 to discuss the coordination of suppression and intervention efforts for individuals who are or have been gang-involved.

At the June meeting, the Committees requested the scheduling of a briefing on the coordination of gang prevention activities. Councilmembers expressed interest in understanding the strategies and services provided to youth and their families that prevent gang involvement at all levels. Consequently, this briefing will cover a broad range of services offered by government agencies, including intervention services targeted at students who are at-risk for joining gangs or already involved with gangs.

The geographic focus of the prevention discussion has been intentionally narrowed to target the down county region. To that end, the principals from three schools in the down county area, i.e., Langley Park, Takoma Park, and Silver Spring, will also participate in the discussion and report on trends that they have observed related to gang activity at their schools and how the schools address the needs of at-risk youth either on their own or in conjunction with other County agencies. The Committees may wish to schedule discussions related to other areas of the County in the future.

In addition, the Committees will receive updates on gang crime statistics; the anticipated Congressional earmark for a bi-county gang task force with Prince George's County; the status of service delivery at the Upcounty Youth Opportunity Center (YOC); follow up information requested at the June meeting; and the Safe Schools Act of 2010.

Agency responses providing updates and answers to Council staff's questions on the coordination of prevention efforts are attached to the packet at ©3-14.

## **II. UPDATES**

### **Gang Crime Statistics**

Updates on gang crime statistics are attached to the packet at ©16-23. Highlights from gang crime updates for the County include:

- The number of active gangs and the individuals and associates who make up these gangs has remained constant through FY09 and FY10 (©6).
- The number of gang-related crimes has decreased by about 19% from 309 incidents in FY09 to 249 incidents in FY10 (©6).
- The average age of documented individuals of 20 years is higher from previous years' average of 17 years (©6).

- In the past two years, the Criminal Street Gang Unit has observed that gang-related crimes are more serious; more suspects are involved in each serious incident, and suspects involved in serious crimes are younger than in years past (© 6).
- Of the 228 gang incidents in FY09 (omitting vandalism and graffiti), the SAO prosecuted 292 cases (©16).
- The district where the largest number of prosecuted cases occurred was District 3 Silver Spring at 94 cases, at least 100% more than each other district. The next highest number was for District 6 Montgomery Village at 47, and District 4 Wheaton and District 5 Germantown at 38 each (©16).
- In the 2<sup>nd</sup> Quarter of 2010, there were 69 criminal gang-related incidents, up from 54 incidents in 1<sup>st</sup> Quarter of 2010, but down from 76 incidents in the 2<sup>nd</sup> Quarter of 2009 (©18).
- On average, the majority of gang crime (67%) falls within one of the following categories: assaults, drug possession, robbery, vandalism/graffiti, weapons offense (© 20).

**The Committees may be interested in understanding to what extent the number of prosecutions for each district is in proportion to the number of gang crimes committed there. Is the number of gang incidents occurring in District 3 at least two times that of other districts? If not, what factors account for the higher number of prosecutions for incidents occurring in Silver Spring?**

**Does MCPD have access to information that tracks gang crimes by reported incident start time that could potentially be used to target specific prevention services?**

#### **Upcounty Youth Opportunity Center (© 5-6)**

The Upcounty YOC began its work on July 1. The center has two Intensive Case Managers (ICM) who work with clients to develop and implement service plans with internal and external providers. One ICM is an Identity employee who focuses on Latino youth, and the other ICM is a Family Services employee who focuses on African-American youth. Services provided at the center include education support services; workforce development services; mental health support; group activities such as workshops and field trips; and referrals to other agencies related to food, medical assistance and other needs.

The main focus for the first three months of the program has been on institutional outreach to area schools, agencies including the City of Gaithersburg's Department of Recreation-Youth Programs, policy committees such as the City of Gaithersburg's Youth Opportunities Committee and the Disproportionate Minority Contact Reduction Committee, and specific school populations e.g., Multidisciplinary Education, Training, and Support Program (METS), Alfred Noyes clients, and other clients referred by partners including the Street Outreach Network (SON).

The center currently has 10 clients, mostly males between 17-21 years old.

#### **Federal Earmark Funding for Bi-County Task Force (© 3-4)**

The purpose of the earmark is to conduct a regional approach to curb gang crime and trends along the shared County border between Montgomery and Prince George's County. The

total funding anticipated to flow to Montgomery County from this earmark is almost \$1.3 million. County agency representatives report that the University of Maryland, the grant administrator, has received the grant award letter, but as of September 29, has not accepted the funds. The grant performance period is October 1, 2010 to September 30, 2011. Grant resources are targeted for the following:

***Suppression:*** Funding of \$120,323 will support the hiring of two detectives, a sergeant position, and a Takoma Park detective in Police; a gang-focused attorney in the SAO; a correctional officer that is a member of the Criminal Street Gang Unit in Corrections. In conjunction with the grant, the Police has changed the leadership structure at the Special Investigations Division by redeploying the Criminal Street Gang Unit in a team-based geographic manner with north/south components. The unit is expected to be functional by the 2<sup>nd</sup> quarter of 2011 and will receive support from the Takoma Park Police and the FBI. Collaborative relationships have been established with the federal ATF Regional Area Gang Enforcement (R.A.G.E.) Task Force, U.S. Immigration and Customs Enforcement, FBI, and Prince George's County.

***Intelligence and Information Sharing:*** Funding of \$120,323 will support gang intelligence analyst and data entry specialist positions.

***Intervention and Prevention:*** Funding of \$260,000 will support the Upcounty YOC for overall operations; substance abuse treatment and education at the Crossroads Youth Opportunity Center; training and intervention certification; and cross-jurisdictional/regional website and public information strategies.

#### **Follow Up Data Requests**

Information provided by Executive staff at ©7 responds to requests for information by Committee members at the June meeting.

- ***Gang-related crime compared to total crime:*** Gang-related crime remains a small percentage of overall crime. **In FY09, there were 309 documented gang crimes out of a total of 70,727 crimes, or 0.4%.** The total number of crimes for FY10 was not reported.
- ***Closure rates for gang-related crime compared to total crime:*** MCPD as a whole operates at a 44% closure rate, above the national average of 30% for large departments. MCPD does not record closure rates for gang-related crimes independently, but reports that its closure rate for gang-related crimes is generally very high.
- ***Number of MCPS students who have become involved in the juvenile justice system:*** MCPS reports that it cannot track the number of students who have become involved in the juvenile justice system. The best estimate of the percentage of school age youth involved with gangs is derived from demographic data related to current active gangs with 90% of active gangs having school-age members. Out of the 1559 juveniles prosecuted in juvenile court in Montgomery County, 71 were gang-related.

- **Outcomes data for gang intervention services that demonstrate the effectiveness of services provided:** Out of the total number of youth served by the Street Outreach Network, 118 in FY09 and 235 in FY10, only 28 youth were re-arrested and 14 youth had repeat suspensions. Other program successes including the following: 30 youth received tattoo removal services; 5 youth have been relocated for safety reasons; 35 youth have transitioned out of being active gang members; and 26 mediations (school and community-based) in two years resulted in no further retaliation between youth involved.

### III. COORDINATION OF GANG PREVENTION ACTIVITIES

#### **Safe Schools Act of 2010 (©24-37)**

The Committee will hear about recent legislation enacted in the State of Maryland that is intended to improve communication between law enforcement and school officials and address gang-related activity in schools. Governor O'Malley signed the Safe Schools Act of 2010 on May 4 of this year.

The Act provides that for students arrested for an offense that is related to the student's membership in a criminal gang, the law enforcement agency (LEA) making the arrest must notify the local superintendent, the school principal, and any applicable school security officer of the arrest and charges within 24 hours of the arrest or as soon as practicable. The LEA may notify the State's Attorney of the arrest and charges. The State's Attorney must promptly notify the local superintendent or the school principal of the disposition of the offense.

MCPS currently has a memorandum of understanding (MOU) in place among MCPS, local enforcement agencies, and the SAO. See ©38-43. The MOU provides for the reporting and investigation of critical incidents that occur on MCPS property; releasing student information; notification to the SAO regarding student arrests; notification to MCPS of serious incidents in the community that impact MCPS operations; and collaboration, training, and review.

In addition, the Act also requires the State Board of Education to develop a model policy to address gangs, gang activity, and similar destructive or illegal group behavior after consultation with other State departments and local school systems. Local school systems are required to establish their own policies or regulations to be submitted to the State Superintendent by September 1, 2011.

Local school systems must also develop a gang awareness education program for key stakeholders and a teacher/administrator development program that provides training on implementing the school system's gang policy. The statute also mandates school employee reporting processes, the delivery of appropriate intervention services, and the coordination of gang prevention, intervention, and suppression efforts.

#### **Gang Prevention Strategies and Coordination**

The chart on the following page summarizes gang prevention strategies of County agencies.

### GANG PREVENTION STRATEGIES BY COUNTY AGENCY

Agency	Services	Outreach	Coordination	FY11 Budget Impact
<b>MCRD</b> (serves ~5,000 youth in the Down County clusters)	<p><b>FUTSOL League:</b> Includes games on weekend attracting 3000+ youth during the season. Credited by law enforcement with contributing to reduction of gang violence during program.</p> <p><b>Sports Academies:</b> Supervised after school activities at 5 high schools. Open to all students. Draws those academically ineligible to participate in other school sponsored sports/activities.</p> <p><b>RecExtra:</b> Supervised after school activities at 16 middle schools.</p> <p><b>Wheaton Cluster Elementary Pilot:</b> After school program to address perceived gap in services.</p> <p><b>Summer Programming:</b> Camps including summer school pilot.</p>	Marketing efforts; Partnership with schools; Word of mouth.	Solicit partnerships with community-based organizations. Participation in Excel Beyond the Bell initiative to strengthen system of out-of-school time programming.	Ability to collaborate in prevention efforts impacted. Fewer staff; fewer program offerings, higher staff/participant ratios for youth programs. Reduced options for transportation for youth programs
<b>DHHS Street Outreach Network</b>	<p><b>Positive Activities:</b> DJ, graffiti alternative, positive youth development, and leadership classes.</p> <p><b>Intervention Partnership Meetings:</b> Bi-weekly/monthly meetings with key county stakeholders and community-based providers. Develops strategies to address gang-related incidents and or needed interventions. Focus: Silver Spring, Wheaton, Rockville, Gaithersburg, and Germantown.</p> <p><b>School and Neighborhood Mediations:</b> SON Staff work in conjunction with MCPS and Gang Investigative Officers to de-escalate tension between feuding groups. 16 mediations at schools resulted in no further acts of violence at schools.</p>	Word of mouth; Referrals from schools, law enforcement, providers, and family intervention specialists; YVPC outreach to community.	YVPC meets quarterly with gang prevention coordinators from neighboring jurisdictions to share information, best practices, and developing regional strategies.	Limited training opportunities for SON staff and partners; reductions in purchasing affected services to youth; coordination of prevention, intervention, and suppression affected.
<b>Corrections</b>	Fatherhood and Parenting program through Identity. DOCR programs are important to maintaining security through supervised inmate activity and provide opportunity for individual growth. A number of job skills programs were eliminated due to budget reductions.		Has collaborative partners/programs like Fatherhood program with Identity.	Closed Job Shop; Digital Imaging Partnership; Bakery Program; Remedial Reading; Class Acts.
<b>MCPD</b>	Supports intervention and prevention efforts of DHHS. With SAO, refers intervention candidates to prevention partners including Identity and YOCs. Uses target letters to ensure parental involvement		Relationship with Northern VA Gang Task Force; Formalizing MOU with Prince George's	Reduction of EFO/SRO positions impact investigation and identification of gang members.

## DISCUSSION ISSUES AND QUESTIONS

1. What are the school principals seeing in terms of gang activity at their schools in the down county area? If school staff has identified a student as gang-involved or at-risk of gang-involvement, what is done to link the student and the student's family with school or community-based supports?
2. Please describe the primary methods used for gang recruitment. Is gang recruitment school-based? Neighborhood street-based? Family-based?
3. What are common venues where gang recruitment takes place? To what extent are public facilities targeted by gangs to recruit members, e.g., middle schools, high schools, recreation facilities? What strategies are in place or should be put in place to dissuade gang recruitment in public facilities?
4. How confident are different agencies with their gang tracking data? Are we getting a fairly accurate picture of the numbers of gang members and activity in the County? If not, are there ways to track the information better? If so, what is needed to do so?
5. To what extent does MCPS already have a system in place that addresses the requirements of the Safe School Act of 2010? Does the existing MOU with MCPS, local law enforcement agencies, and the SAO need to be updated? What gang prevention, education, or intervention services does MCPS offer on its own or in conjunction with community partners? If the Act requires the County to have additional infrastructure or services, what is the fiscal implication of those increases?
6. When is MCPS expected to provide comments to the State Board of Education on the development of a model policy to address gangs, gang activity, and similar destructive or illegal group behavior in schools? Will MCPS solicit feedback from other County agencies in developing its comments?

### **This Packet Contains:**

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MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

VALERIE ERVIN  
COUNCILMEMBER  
DISTRICT 5

**Memorandum**

Date: May 26, 2010

To: Councilmember Phil Andrews, Public Safety Committee Chair

From: Valerie Ervin, Council Vice President

**Re: Coordination of Gang Suppression, Prevention and Intervention**

I would like to request the Council's Public Safety Committee take up gang suppression, prevention and intervention initiatives this summer. I would like to discuss these initiatives currently employed by the County, those initiatives used by municipalities in the County, and coordination with municipalities and neighboring jurisdictions.

As you know, the Public Safety (PS) and Health and Human Services (HHS) Committees have met periodically over the years to discuss County gang prevention and intervention initiatives. The most recent meeting of the full Council took place in November 2009 to discuss these public safety and youth programs in response to recommendations from the May 2009 Safe Silver Spring Summit. Alleged gang activity in the Silver Spring/Takoma Park area in the last month has made such an update timely.

Specifically, I would like a status update on locations of gang activity; the characteristics of current gangs in the County; and initiatives specifically targeted to gang members or youth at-risk for gang membership. I would also like an update on coordination among the Police Department; other County agencies; municipal gang programs; the State's Attorney's Office; Department of Juvenile Justice; the Criminal Justice Coordination Commission; the Montgomery County Public School System; and police departments from neighboring jurisdictions.

Thank you in advance for your consideration of this request. If you have any questions, please contact my office at 240-777-7960.

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c: Councilmembers  
Timothy Firestine, Chief Administrative Officer  
Chief J. Thomas Manger, Montgomery County Police Department  
Gabriel Albornoz, Department of Recreation  
Uma Ahluwalia, Director, Department of Health and Human Services  
John McCarthy, State's Attorney's Office  
Honorable Mike Subin, Criminal Justice Coordinating Commission  
Patricia O'Neill, Montgomery County Board of Education  
Dr. Jerry D. Weast, Superintendent of Montgomery County Public Schools  
Mayor Bruce Williams, City of Takoma Park  
Linda McMillan, Council Staff  
Susan J. Farag, Council Staff  
Vivian Yao, Council Staff

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## **Coordination of Gang Prevention and Intervention Efforts**

### **Information Updates**

1. Please provide an update on the Congressional earmark for a bi-county gang task force with Prince George's County. When are funds anticipated? What is the anticipated timeline for implementing grant funding? How will resources be used for suppression, intervention, and prevention activities?

### **Bi-County Task Force Update - Police**

The Congressional Bi-County Task Force is moving forward. In early September the Police received indication that the funding was in motion. The University of Maryland is administering the funding in coordination with HIDTA. Currently the University of Maryland and the U.S. Department of Justice are working to resolve minor administrative issues involving the grant and the Police anticipate funding to be available within 30 days. The Police suppression effort is multifaceted. The grant will allow for the hiring of two additional detectives and a sergeant's position, as well as a Takoma Park detective. Part of the overall effort includes the addition of a gang focused attorney to the State's Attorney's office as well as Correctional Officer to DOCR that is a direct member of the Criminal Street Gang Unit.

In conjunction with the grant the Police have also changed the leadership structure at the Special Investigations Division which is working to reexamine the gang effort. The Criminal Street Gang Unit is being redeployed in a team based geographic manner with closer oversight and supervision. The teams will be split in to north / south components and focus on their respective areas while collaborating when needed.

### **Time Line of Police Implementation**

- 4<sup>th</sup> Quarter 2010 – Receive funding, hire staff, redeploy gang unit.
- 1<sup>st</sup> Quarter 2010 – Vehicle / support equipment purchases
- 2<sup>nd</sup> Quarter 2010 – unit fully supported / functional

### **Funding Outline – Police**

The line item budget for the Congressional Ear Mark is included as an attachment to this document.

**Suppression- Police**

The Criminal Street Gang Unit is being directly supported with manpower by the Takoma Park Police and the FBI. Collaborative investigative relationships continue with the ATF RAGE Task Force, ICE and now the FBI. The Criminal Street Gang Unit has reestablished a good working relationship with the Prince George’s County police both at the local and management levels. Plans are being developed to implement the bi-county task force to be ready when funding is executed. The Criminal Street Gang Unit will continue suppression efforts in a multi-pronged manner to address gang issues on all fronts. This effort will be directly supported by the State’s Attorney’s office and the department of corrections.

**Suppression - Corrections**

DOCR reports additional inmates positively identified in the adult correctional system due to vastly improved communications and information/.intelligence gathering. This comes through a variety of relationships and processes such as, Northern Virginia communications and information sharing with Police, SAO and other sources. As a maximum security correctional environment is largely a closed environment it is essential to have solid information on the identification of validated gang members to diminish the potential for gang activity, violence and security challenges to staff operations.

**Intervention / Prevention – Police/State’s Attorney Office**

While most of the intervention and prevention efforts are performed by the Department of Health and Human Services, the Police continue to be involved in supporting these efforts. The Police and State’s Attorney Office communicate with prevention partners, such as Identity and the Youth Opportunity Center and refer possible intervention candidates and utilize tools such as target letters to ensure parental involvement.

**Intervention / Prevention - HHS**

The University of Maryland has received the grant award letter, but had not accepted the funds as of 9/29/10. It is anticipated that the funds will be made available in the near term. The grant performance period will be 10-1-2010 to 9-30-2011. The resources will be distributed in the following way in Montgomery County:

Intelligence and Information Sharing	\$120,323
Suppression	\$915,489
Prevention and Intervention	\$260,000

The funding for Prevention and Intervention will be used for the following:

- \$200,000 for the Up County Youth Opportunity Center for overall operations
- \$25,000 for substance abuse treatment and education for the Crossroads Youth Opportunity Center
- \$15,000 for training and Intervention Certification
- \$20,000 for cross jurisdictional/regional website and public information strategies

2. Please provide an update on the implementation of the Upcounty Youth Opportunity Center grant. When did service delivery begin? What services are being provided? How many youth have been served to date? How are services coordinated with other County agencies or the City of Gaithersburg?

**Up County YOC - HHS**

- The Up-County Youth Opportunity Center (UYOC) began its work on July 1, 2010.
- The Center has two Intensive Case Managers (ICMs) who lead the relationship with clients. They meet with potential clients and complete an Intake Form developed to identify personal needs. Once the intake is completed, the ICM drafts a Service Plan and meets with the Site Manager and Identity's Mental Health Supervisor to analyze each case and to finalize and approve the service plan.
- Once approved, the ICM coordinates the implementation of each service plan with internal and external providers.
- Clients at the Center receive educational support services (there is an on-site GED program), workforce development services (both on-site and out-of-site), mental health support, group activities such as workshops and field trips, and referrals to other agencies (including County and City agencies) related to food, medical assistance, and other needs.
- One of the ICMs is an Identity full-time employee, and the other is a full-time employee of Family Service. Identity's ICM is bilingual (English-Spanish), and her focus is Latino Youth. FSI's ICM is focused on African-American youth.
- The main focus during three first months has been institutional outreach, presenting the Center to different potential partners. Staff has met with principals and other staff members of schools (Col. Magruder HS, Gaithersburg HS, Watkins Mill HS, Quince Orchard HS, Forest Oak MS, Gaithersburg MS, Neelsville MS, and Montgomery Village MS), committees such as the City of Gaithersburg's Youth Opportunity Committee and the DMC Reduction Committee, and other agencies such as the City of Gaithersburg's Department of Recreation –Youth Programs. The Center has also conducted outreach targeted to specific school populations (such as METS students), Alfred Noyes clients, and potential clients referred by partners such as the Street Outreach Network.
- Currently the Center has 10 clients, most of them males between 17 and 21 years old.

3. For the period from FY09-FY10, please provide:
- a. A summary of crime statistics for gang-related crimes and any new trends or data that your agency or department has observed or compiled related to the recruitment or involvement of young people in gangs.

### **Crime Statistics Analysis – Police**

The number of active gangs and the individuals and associates who make up these gangs has remained constant through FY09 and FY10. However, the number of gang-related crimes has slightly decreased during the same period. For FY09 there were 309 documented gang crimes. For FY10 there were 249, resulting in a decrease of gang crime by 20% (See FY09 & FY10 Gang Crime Chart). The average age of documented individuals in gangs or associating with gangs is twenty years old with the mode age being nineteen. These ages are slightly higher from years past where the average was seventeen years old.

The Criminal Street Gang Unit has observed several trends in the past two years. Although the Unit is pleased with the sustained and decreasing statistics of gang membership and crime, the Unit has noticed that gang-related crimes are more serious, more suspects are involved in each serious incident and the suspects seem to be younger than in years past. The average age of individuals reported to be involved in gangs does not accurately reflect the age of the individuals committing the most violent gang crime. Assaults still tend to be the most prevalent crime committed by gang members and the Gang Unit is encountering multiple suspects in these incidents. Of the 228 gang incidents in FY09 (vandalism and graffiti omitted) the State's Attorney Office prosecuted 292 cases (See FY10 SAO Gang Prosecution Chart). The below incidents are a glimpse of the recent serious incidents and support the aforementioned trends.

- November 2008: Ride On Bus homicide in Silver Spring, MD. The three suspects were members of MS-13 and the three victims were 14-16 years old.
- January 2009: 18<sup>th</sup> street homicide in Gaithersburg with eleven defendants ranging from age 16 – 30 years old.
- March 2009: Lil R homicide in Aspen Hill, MD with the defendants being 14, and 16 years old.
- July 2009: Homicide in Wheaton, MD involving members of the Latin Kings gang with seven defendants ranging from 14 -21 years of age.
- September 2009: Homicide in Silver Spring involving a member of MS-13 with the defendant being 17 years old.

- b. Comparative crime statistics including the number of gang related crimes committed in the County; the percentage that these crimes are out of the total number of crimes committed; the number of crimes for which there has not been an arrest; and the percentage that the crimes for which there has not been an arrest are out of the total number of crimes reported.

The total crimes in Montgomery County for FY09 were 70,727 which indicate that gang-related crime still remains a very small percentage of overall incidents. Closure rates on crimes investigated measure and determine how effective and efficient a unit operates. Montgomery County Department of Police as a whole operates at a 44% closure rate with the national average being 30% for large departments. Closure rates for gang-related crimes are not recorded independently but traditionally gang incidents have a very high closure rate. Most gang crime is gang versus gang and therefore suspects are identified by their affiliation and intelligence which identifies rival groups.

- c. The number of MCPS students who have become involved in the juvenile justice system and the extent to which the students were gang-involved.

Montgomery County Public Schools can not track the number of students who have become involved in the juvenile justice system. The best estimate of the percentage of school age youth, involved with gangs, can be derived from the demographics of current active gangs with 90% of our active gangs having members of school age. Probably the most revealing statistic is that of the total respondents (1500) prosecuted in juvenile court, 70 were gang-related.

- d. Outcomes data for programs that provide gang intervention services and other data that demonstrates the extent to which gang intervention services have been effective

#### **Response D - HHS**

The Street Outreach Network (SON) served a total of 118 youth in FY09, and 235 youth in FY10. Only 28 youth were re-arrested and 14 youth had repeat suspensions. Through the services of the Crossroads Youth Opportunity Center (CYOC) 30 youth have received tattoo removal services, five youth have been relocated for safety reasons, and 35 youth have transitioned out of being active gang members. In the two years combined there were 26 mediations both school and community based that resulted in no further retaliation between the youth involved. These were done in partnership with MCPS and MCPD.

4. To what extent have FY11 budget reductions affected the ability of your agency or department to deliver or coordinate gang prevention/intervention services? To what extent have services been eliminated or reduced? If the Council was able to increase funding for gang prevention efforts in the future, what would be the funding priorities for your agency or department? Have you identified any best practices in delivering of gang prevention/intervention services? Are there any critical areas of unmet need that have been identified?

### **Budget Reductions – Police**

The reduction of Educational Facility / School Resource officer positions has directly impacted Police, HHS, and Recreation. The EFO/SRO positions are a front line connection with the students of MCPS. EFO/SROs would often forward gang related information to the Gang Unit and conversely the Gang Unit and EFO/SROs worked well on investigations to identify gang members involved in crimes. The reduction of these positions will impact the department in being proactive, gathering valuable intelligence and ultimately will mean more patrol personnel running calls for service in the schools. This last factor means that there will be less proactive time on the street from patrol to spend time on enforcement and special projects. With the fiscal concerns over FY12 the Police are concerned the Criminal Street Gang Unit would be considered as part of a reduction plan. This function is too critical to lose in the midst of gang issues countywide.

A positive local benchmark in the region is the Northern Virginia Gang Task Force. This group is highly successful in both the prevention and suppression arenas and was the model for the current Bi-County congressional earmark. The Police have met with the NVGTF and will continue the positive relationship. Currently the Montgomery County / Prince George's County memorandum of understanding, formalizing this relationship is being prepared.

## **Budget Reductions – DOCR**

Programs in our correctional system are not simply for individual growth and development. They are a core element of the security program focusing on providing serious, focused and well supervised inmate activity. This current fiscal year (FY2010) DOCR experienced its first major program reductions.

They include -

**Job Shop/Workforce Training and Production Shop** closed losing variety of work assignments for public and non profit community organizations and of 480 bed days through reduced diminution credits that reduces good time and expands average daily population)

**Digital Imaging Partnership with Department of Permitting Services** - closed down due to the absence of work and a loss of 480 hours of diminution credits and all work assignments for inmates

**Bakery/Food Service License Program** closed down ending repetitive 12 week training program and a reduction of 1080 diminution credits focused on gang members with no funds to handle internally for FY11 and lost community focused job placements for those departing the jail for the community

**Remedial Reading**—this was a life-skills oriented literacy instruction program for individuals reading below a third grade level, and was facilitated by a contract educator. The abolishment of this program resulted in an increase in approximately 600 bed days. We have attempted to utilize alternate methods to serve this population; however, there remains a wait list for many of the school programs

**Class Acts**—this was a county community grant funded program. It provided numerous opportunities for inmates to participate in cultural experiences. A large number of these programs were concentrated in the Youthful Offender Program, teaching them about diversity and tolerance. Each of these programs involved gang members. These programs and other played a major role in diminished violence and inappropriate behavior in the correctional environment. Gang members clearly now have more unstructured time and we are experiencing an increase in gang related behavior of a negative nature. We monitor this carefully and County Stat has begun to review the broader internal jail impacts of program reductions. In the Montgomery County adult correctional system programs play a core safety and security role - it has diminished as a function of very clear budget reductions.

### **Budget Reductions – HHS**

For the SON, it has limited training opportunities that can be provided to staff and partners in the community. The freeze in purchasing had an impact of the number of youth served through the SON and the amount of resources could be provided. In addition, these reductions have also have impacted the coordination of prevention, intervention, and suppression efforts.

In pursuing additional funds, our priorities are focused on family intervention services, as well as focusing efforts on elementary age children. There are also unmet needs in the area of working with fathers of gang involved work. We will partner with other fatherhood efforts in order to maximize resources to address this gap.

With regard to best practices, the SON has been extremely effective in reducing repeat suspensions and re-arrests of youth. This has largely been due to effective coordination with MCPS PPW's, MCPD SRO's and the Gang Unit. We have also been successful at reducing further acts of violence through our mediation efforts at middle and high schools in the County. In FY10 the SON and partners from MCPS and MCPD successfully did 16 mediations that resulted in no further acts of violence at the school.

### **Budget Reduction Impact – Recreation**

The budget reductions have compromised the Department of Recreation's ability to fully participate in collaborative gang prevention efforts because there are now fewer staff members within the Department to deploy to meetings, gatherings, etc. The reduction of staff has also led to fewer program offerings and the program offerings that are still available have increased their participant to staff ratio from 10 to 1 to 15 to 1, which impacts the ability of staff to reach all participants as affectively as before. Lastly, one of the Department's roles in prevention activities has been to help facilitate transportation for students to participate in programs, meetings, and collaborative efforts. This has also become compromised because of both the loss of staff and the elimination of some County vehicles as a budget saving measure.

### **Best Practices – Recreation**

Best practices have been developed both formally and informally. Informally, MCRD staff has strong personal relationships with staff members involved in direct service at all County agencies involved in the gang prevention, intervention, and suppression efforts. This has helped to streamline referrals, improve communication which has led to the direct reduction of conflict and beefs before escalation to violence. Also, the strong relationship and collaboration among the leadership of the corresponding agencies has also led to improved communication and helped to foster a collaborative environment.

Formally, MCRD has piloted several programs that are specifically designed to reach youth at the highest risk of negative behavior, including gang involvement. Two programs occurred this summer in a partnership with MCPS and several non profit organizations. We secured three grants to carry out a summer camp experience for students participating in summer school. The rate of participation in summer school increased by over 40% over the previous year and kept students engaged in a positive and educational activity.

Lastly, another formal program that has produced great success is MCRD's FUTSOL league. FUTSOL is a type of in-door soccer that is very popular among youth. The Department hosted a league this year with games on weekend evenings at several MCRD facilities that attracted more than 3,000 youth over the course of the season. Law enforcement has credited this specific program with helping to contribute to a reduction on gang violence during this program.

The hours between 2-6 p.m. on school days (referred to by law enforcement officials as a "danger zone") are the prime time for violent juvenile crime. After school programs in Montgomery County called Sports Academies provide safe and supervised environments for teens during this high risk time.

Open to all students, the Sports Academies are critical in drawing in young people who, due to low GPA's, are not eligible by MCPS to participate in school-run activities or sports. Typically these students are at greater risk for low adult supervision after school, lack of pro-social after-school encounters, as well as low attachment to school and/or positive peer and adult role models.

Sports Academy programs are in place in five high schools. The five schools are Blair, Wheaton, Springbrook, Paint Branch and Einstein High School. Activities include soccer, basketball, flag football, ping pong and board games. On a daily basis each sports academy serves from 100-125 students.

### **Gaps - Recreation**

MCRD has identified a gap in services at the elementary school level. MCRD has a strong presence at the Middle School and High School level, but not as much at the Elementary School level. The Department is piloting a program in the Wheaton cluster this school year, where by MCRD is offering programs at the Elementary, Middle School and High School level. However, there is a demonstrated need for this approach at all at-risk clusters.

### **Coordination of Gang Prevention Activities**

1. Please describe the strategies developed or services provided by County agencies and departments to prevent participation in gang activity at all levels by young people who are already gang-involved or who are at-risk of gang recruitment in the down county area. How do young people, or the important people in their lives, e.g., parents, other relatives, school staff, learn about and access these services?

### **Gang Prevention Strategies – HHS**

The HHS SON attempts to reduce involvement of current gang members in further criminal gang activity or those youth at risk of gang involvement by engaging them and involving them in positive, life affirming activities that include DJ classes, Graffiti alternative classes, positive youth development classes, and youth leadership classes. All these projects are offered in the down county area, as well as in the Takoma Park, Silver Spring, and East County areas. The youth hear about these programs through word of mouth from other youth, referrals from school personnel, law enforcement, and community providers. The parents of the youth usually are referred to the program or hear about it through the family intervention specialist or other organizations. In addition, the Youth Violence Prevention Coordinator (YVPC) spends significant amount of time educating residents of the county of these services.

In addition, each SON staff member is responsible for coordinating bi-weekly or monthly intervention partnership meetings with key county agency stakeholders. Organizations that are represented include MCPD Gang Unit and SRO's, State's Attorney's Office Community Prosecution, Recreation Department's Sports Academy, MCPS PPWs and Security, as well as community service providers including MMYC, Pride Inc, Lead for Life, Germantown Hard Knocks, Identity, and City of Rockville. This multi disciplinary approach is utilized to focus on hard core gang members or youth who are in danger if gang involvement. Some of the strategies that are developed include relocation for youth who seek to exit gang life, emergency mediations to prevent retaliation as a response to a gang conflict, or helping gang involved youth to seek needed services to avoid participating in further criminal or gang activity. These intervention partnerships focus on the Silver Spring, Wheaton, Rockville, Gaithersburg, and Germantown areas of the County.

### **Gang Prevention Strategies – REC**

MCRD has numerous prevention based programs in the Down County area. They include Sports Academies at three High Schools and Rec Extra programs at seven Middle Schools. In addition, the Department offers after school programs at Recreation Centers that are targeted to Elementary aged youth. The schools chosen have indicators that demonstrate greater need among its student population. Those indicators include FARM rates, drop out rates, and truancy statistics.

These programs are designed to provide children and youth with a safe, engaging, and supervised activity during the hours they are the most at risk of engaging in risky behavior such as gang involvement. Through programs in the Down County clusters, the Department provides services to approximately 5,000 children and youth. In addition to direct after school programs, MCRD is the largest provider of summer programming for children and youth in the Down County area as well.

Programs are promoted through grassroots marketing and by strong partnerships with the school administrations. Communication methods include, flyers sent home, presentations at PTA meetings, staffed information booths at school activities, and word of mouth.

In addition to programs, MCRD has worked with the Collaboration Council to fully implement the Excel Beyond the Bell initiative. While this initiative is not designed to exclusively prevent youth from joining gangs, it is designed to improve the quality of program offered, ensure that those programs are well funded, provide clear communication to key stakeholders informing of these opportunities, and establish a formal system to ensure there is minimal duplication and programs are where they have the greatest impact.

2. How do County agencies and departments coordinate their efforts or work with local municipalities, neighboring jurisdictions, State or Federal agencies, or community-based nonprofits to deliver services or activities in the down county area intended to prevent young people from participating in gang activity. Are any measures taken to ensure that there is no overlap or duplication of services? Is there need for additional coordination of efforts, and if so, what barriers may inhibit this additional coordination from happening?

### **Coordination – HHS**

Currently the YVPC meets on a quarterly basis with other gang prevention coordinators from neighboring jurisdictions to share information, best practice approaches to prevention and intervention. In addition the YVPC works closely with other community providers primarily from DC to work on potential regional strategies to address youth violence. There is no overlap in these processes as there is no such effort going on throughout the region. We do however make sure we engage as many potential stakeholders in this process in order to avoid overlap or duplication. The challenges faced in utilizing a regional prevention and intervention strategy are funding, as well as differences in each jurisdictional approach to address gang activity or youth violence.

### **Coordination – REC**

As a matter of policy, MCRD has actively solicited partnerships with community based organizations to enhance its program offering and establish a more holistic approach to service delivery for at-risk youth. This has resulted in dozens of programs that MCRD could not have carried out along. Examples of programs include the Down County Soccer League, the Latino youth internship program, summer camp pilots, and more. Partners have included the Hispanic Business Foundation, Identity, YMCA Youth and Family Services, Gap Busters, the Maryland Multicultural Youth Centers, the Gandhi Brigade, Class Acts Arts, Books and Boxing, Imagination Stage, and many more.

As mentioned earlier one of the goals of the Excel Beyond the Bell effort is to ensure that there is minimal duplication of services and that those services are carried out in communities where they are the most needed. One of the barriers to inhibit duplication is ensuring that the policies and procedures of all agencies regarding confidentiality are met. To overcome this obstacle, MOU's have been established between various agencies to be able to share information, but ensure that confidentiality standards are met and adhered to.

### **Coordination - Corrections**

Under a Community Grant, Identity has provided superior services in a Fatherhood and Parenting Program taught completely in Spanish. Many veteran gang members have joined this exceptional parenting effort and work on skill building and rolled playing during their tenure within DOCR at Clarksburg. Many DOCR programs engage members in a positive manner. Jail should never be down time in real efforts to seek to improve personal growth and development.

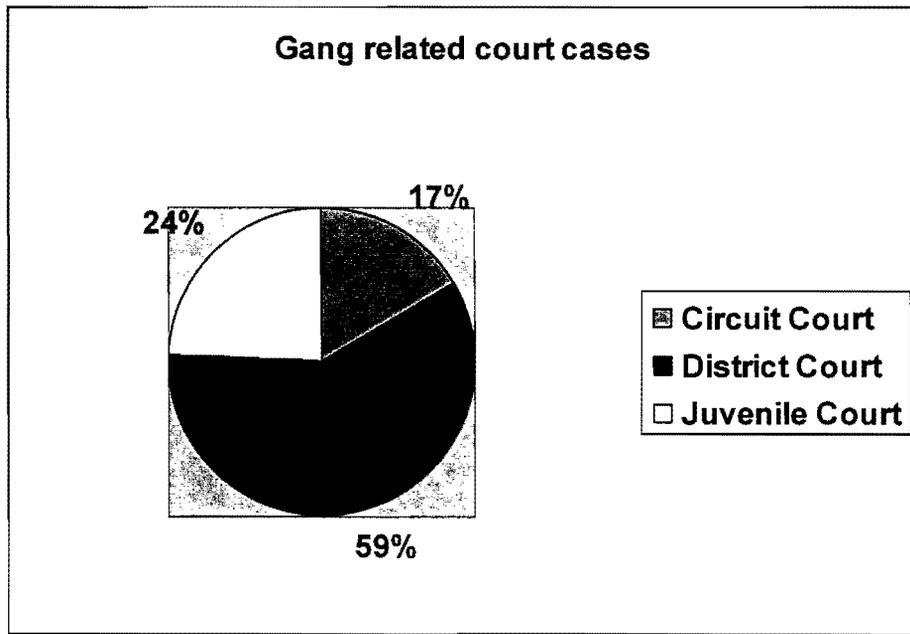
Prince George's - Montgomery County Gang Initiative - 2010

IEI	\$278,421 Intelligence and Information Sharing		\$1,430,939 Suppression		\$882,264 Intervention and Prevention		
	MoCo	PGC	MoCo	PGC	MoCo	PGC	
Data Entry Specialist (Hourly)	\$42,000	\$42,000					
Gang Intelligence Analyst	\$50,000	\$50,000					
Gang Sergeant			\$63,267				
Police Officer (2)			\$101,610				
State's Attorney			\$105,000	\$75,000			
Correctional Officer			\$68,118				
Takoma Park Officer			\$47,550				
Outreach/Community Developers (FT)						\$50,000	
Outreach/Community Developers (2-PT)						\$50,000	
<b>TOTAL SALARY AND WAGES</b>	<b>\$92,000</b>	<b>\$92,000</b>	<b>\$385,945</b>	<b>\$75,000</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$744,945</b>
<b>FRINGE BENEFITS</b>							
Data Entry Specialist	\$0	\$0					
Gang Intelligence Analyst	\$14,000	\$14,000					
Gang Sergeant			\$33,912				
Police Officer (2)			\$53,652				
State's Attorney			\$31,500	\$9,750			
Correctional Officer			\$36,882				
Takoma Park Officer			\$24,065				
Overtime Officers							
Outreach/Community Developers (FT)						\$7,700	
Outreach/Community Developers (2-PT)							
<b>TOTAL FRINGE BENEFITS</b>	<b>\$14,000</b>	<b>\$14,000</b>	<b>\$180,211</b>	<b>\$9,750</b>	<b>\$0</b>	<b>\$7,700</b>	<b>\$225,661</b>
<b>TRAVEL</b>							
Investigative/Training		\$10,000		\$10,000			
Gang Conferences						\$5,000	
Training/Staff Development				\$5,850		\$15,000	
<b>TOTAL TRAVEL</b>	<b>\$0</b>	<b>\$10,000</b>		<b>\$15,850</b>	<b>\$0</b>	<b>\$10,000</b>	<b>\$45,850</b>
<b>EQUIPMENT</b>							
Unmarked vehicle(4)			\$102,880				
<b>TOTAL EQUIPMENT</b>			<b>\$102,880</b>		<b>\$0</b>	<b>\$0</b>	
<b>SUPPLIES</b>							
Projector						\$1,300	
Portable Screen						\$700	
Print Media/Communication						\$27,000	
Computer	\$3,000	\$3,000					
Scanner	\$200	\$200					
TransGlobal Bus Sys Software Tracking/Gangs		\$25,000					
Apple Mac LapTops (2)		\$2,775					
<b>TOTAL SUPPLIES</b>	<b>\$3,200</b>	<b>\$30,975</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$29,000</b>	<b>\$63,175</b>
<b>CONSULTANTS/CONTRACTS</b>							
Enrichment/After School Program						\$100,000	
Community Athletic & Recreational						\$100,000	
Crossroads Youth Opportunities Center						\$100,000	
UpCounty Youth Opportunity Center					\$200,000		
<b>TOTAL CONSULTANTS/CONTRACTS</b>					<b>\$200,000</b>	<b>\$300,000</b>	<b>\$500,000</b>
<b>OTHER DIRECT COSTS</b>							
Sergeant Operating Equipment			\$8,880				
Police Officer Operating Equipment			\$17,760				
Vehicle Maintenance (4)			\$46,920				
Overtime Officers			\$72,893	\$380,000			
Computers				\$19,550			
S&O computer printer				\$3,300			
Cell Phones	\$1,248	\$1,248		\$12,000			
Postage	\$500	\$500					
Office Supplies	\$2,500	\$2,500				\$1,500	
Witness Security			\$100,000				
MD Treatment Center					\$25,000		
Regional Intervention Cart Program					\$15,000		
Regional Website Creation/Maint.					\$20,000	\$24,064	
Safe Havens/Safe Place						\$100,000	
Regional Anonymous Helpline						\$40,000	
<b>TOTAL OTHER DIRECT COSTS</b>	<b>\$4,248</b>	<b>\$4,248</b>	<b>\$246,453</b>	<b>\$414,850</b>	<b>\$60,000</b>	<b>\$265,564</b>	<b>\$895,363</b>
<b>INDIRECT COSTS</b>							
27.5% First \$25,000 each subcontract	\$6,875	\$6,875					
<b>TOTAL REQUESTED SUPPORT</b>	<b>\$120,323</b>	<b>\$158,098</b>	<b>\$915,489</b>	<b>\$515,450</b>	<b>\$260,000</b>	<b>\$621,264</b>	<b>\$2,591,624</b>
	\$1,295,812						
PG	-\$1,295,812						
Subcontract F&A(2)							
Administration	\$108,376						
Overall	\$2,700,000						
Available	\$0						\$0

# Montgomery County State's Attorney's Office Validated Gang Member Prosecution Report *FY 2010*

	Total Offenders	Male Offenders	Female Offenders
Circuit Court	49	48	1
District Court	172	172	0
Juvenile Court*	71	69	2

\* 1559 total juveniles prosecuted in Montgomery County

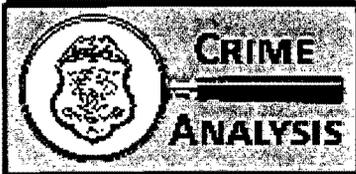


**Cases by District of Occurrence:**

- D1 Rockville District      21
- D2 Bethesda District      21
- D3 Silver Spring District    94
- D4 Wheaton District        38
- D5 Germantown District    38
- D6 Montgomery Village     47
- Gaithersburg City PD      4
- Metro Transit PD            6

## Gang Related Incidents by Crime Type (FY 2009-2010)

<b>Crime</b>	<b>FY09</b>	<b>FY2010</b>
Arson	2	0
Assault – 1 <sup>st</sup> Degree	28	21
Assault – 2 <sup>nd</sup> Degree	29	21
Auto Theft	7	12
Burglary	13	14
CDS Distribution	7	4
CDS Paraphernalia	4	1
CDS Possession	23	25
Disorderly	9	9
Extortion	0	1
False Statements	2	2
Fraud	1	0
Home Invasion	1	1
Homicide	5	4
Larceny	15	17
Rape	1	0
Robbery / Carjacking	1	0
Robbery / Street	36	27
Threats	3	7
Trespassing	9	2
Vandalism / Graffiti	62	50
Vandalism / Destruction	19	12
Weapons	31	19
Witness Intimidation	1	0
<b>Grand Total</b>	<b>309</b>	<b>249</b>

**F.Y.I.**

CAS # 10-474, 6 August 2010

Prepared by: Felicia Hobbs

## 2<sup>nd</sup> Quarter 2010 Gang Report

There were 69 criminal incidents reported in the 2<sup>nd</sup> quarter of 2010 that were classified as a gang related incidents. Crimes that were gang related are committed by an individual who is a gang member or an associate; or crimes committed to benefit the gang, gang status or for financial gain in furtherance of the gang.

### Comparison between Quarters:

The following table below displays the type and number of incidents reported for the 2<sup>nd</sup> quarter of 2010 and 2009, as well as, the 1<sup>st</sup> quarter 2010. These totals have been updated for late entries and changes due to continuing investigations therefore they may differ from previously reported incidents.

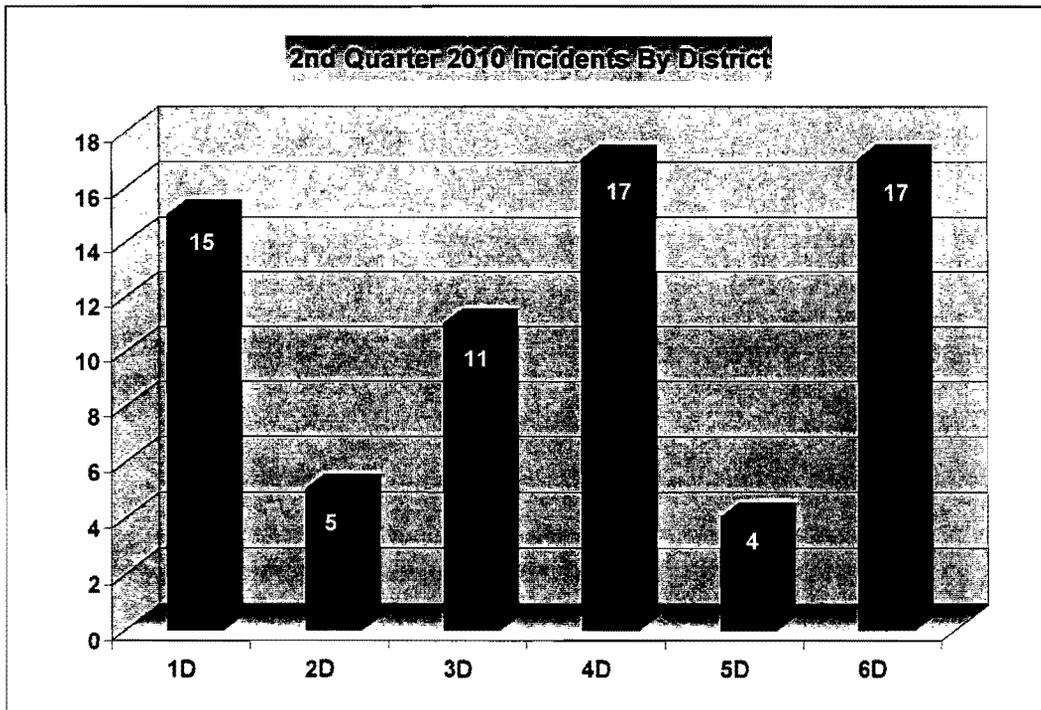
Reported Crime Type	2010 2nd Quarter	2009 2nd Quarter	2010 1st Quarter
Assault	10	19	9
Alcohol/DWI	--	--	2
Arson*	--	1	--
Auto Theft	6	--	--
Burglary	4	1	3
CDS/Distribution	1	2	1
CDS/Possession	8	5	5
Disorderly	--	1	2
Extortion	1	--	--
Home Invasion*	--	1	--
Homicide*	1	2	1
Larceny	7	2	5
Rape*	--	1	--
Robbery*	4	10	7
Threats	--	--	2
Trespassing	--	2	--
Vandalism/Graffiti	20	17	11
Vandalism	4	2	1
Weapons Offense	3	10	5
Grand Total	69	76	54

\* The Gang Unit assists other investigative units on major cases including homicide and robbery.

2<sup>nd</sup> Quarter 2010 District Totals:

The table and chart below shows crimes that are committed by district and crime type. For the reporting period, the 4<sup>th</sup> and 6<sup>th</sup> Districts reported the most gang incidents with 17 each; followed by the 1<sup>st</sup> District with 15 incidents; the 3<sup>rd</sup> District with 11 incidents and the 5<sup>th</sup> and 2<sup>nd</sup> Districts with five and four incidents respectively.

Crime Type	1D	2D	3D	4D	5D	6D	Total
Assault	3	--	1	4	--	2	10
Auto Theft	1	1	4	--	--	--	6
Burglary	--	1	1	--	--	2	4
CDS/Distribution	--	--	--	1	--	--	1
CDS/Possession	1	--	1	1	--	5	8
Extortion	--	1	--	--	--	--	1
Homicide	--	--	1	--	--	--	1
Larceny	1	1	2	1	--	2	7
Robbery	2	--	--	--	--	2	4
Vandalism/Graffiti	4	1	1	8	4	2	20
Vandalism	2	--	--	2	--	--	4
Weapons Offense	1	--	--	--	--	2	3
Grand Total	15	5	11	17	4	17	69



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# Understanding Gang Crime Trends

**For operational purposes and to provide the public with the highest level of clarity, gang crime data should demonstrate which types of crimes are most prevalent**

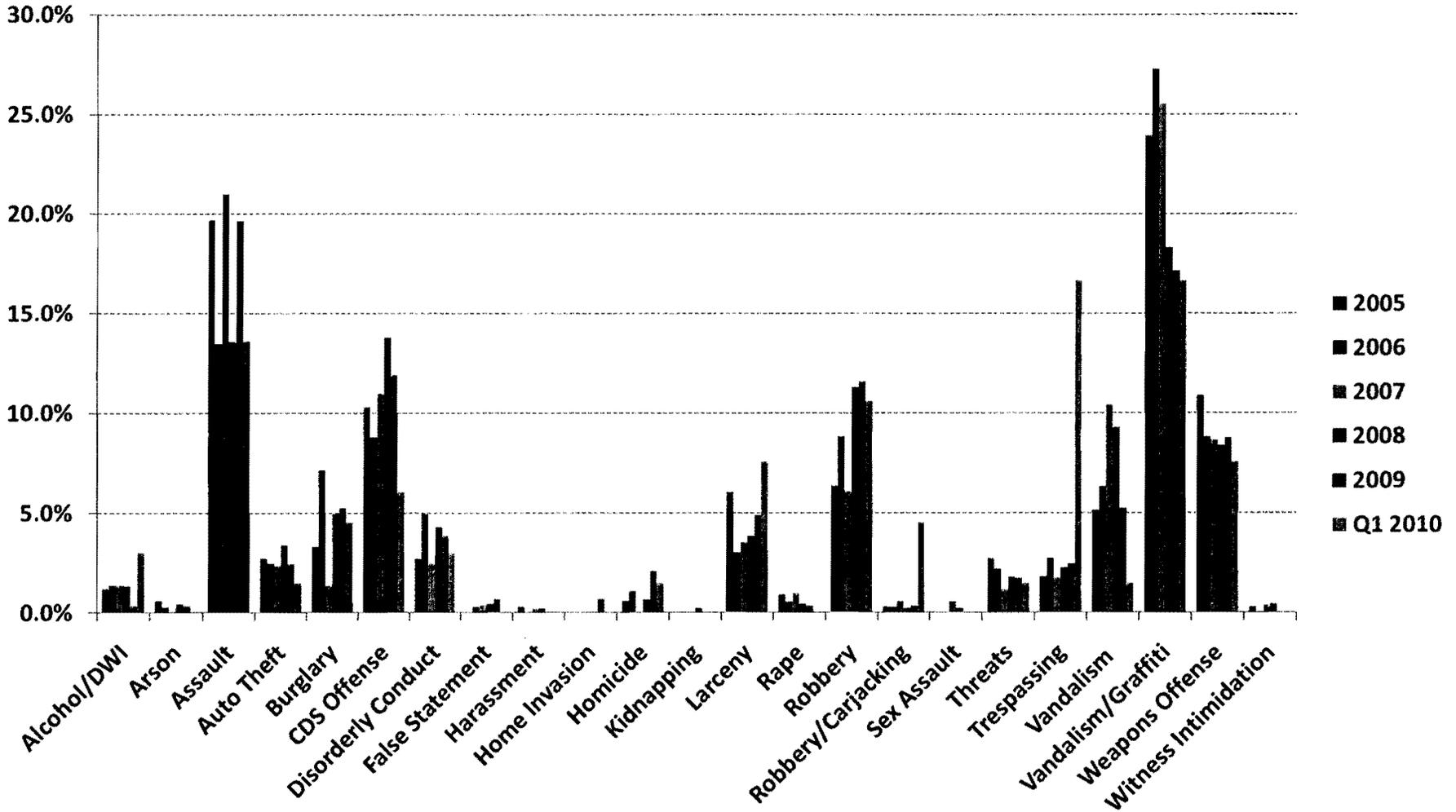
## ■ Analysis Methodology

- Calculated respective frequency of each type of identified gang crime as a percentage of overall gang crime for that year
- Analyzed data from calendar years 2005 through 2009 as well as Q1, 2010

## ■ Initial Observations

- On average, the majority of gang crime (67%) falls within one of the following categories
  - Assaults; Drug Possession; Robbery; Vandalism/Graffiti; Weapons Offense
- On average, Graffiti Vandalism accounts for the largest portion of gang crime at 21% followed by Assaults at 17%

# Percentage of Total Gang Crime by Type 2005 - 1<sup>st</sup> Quarter 2010



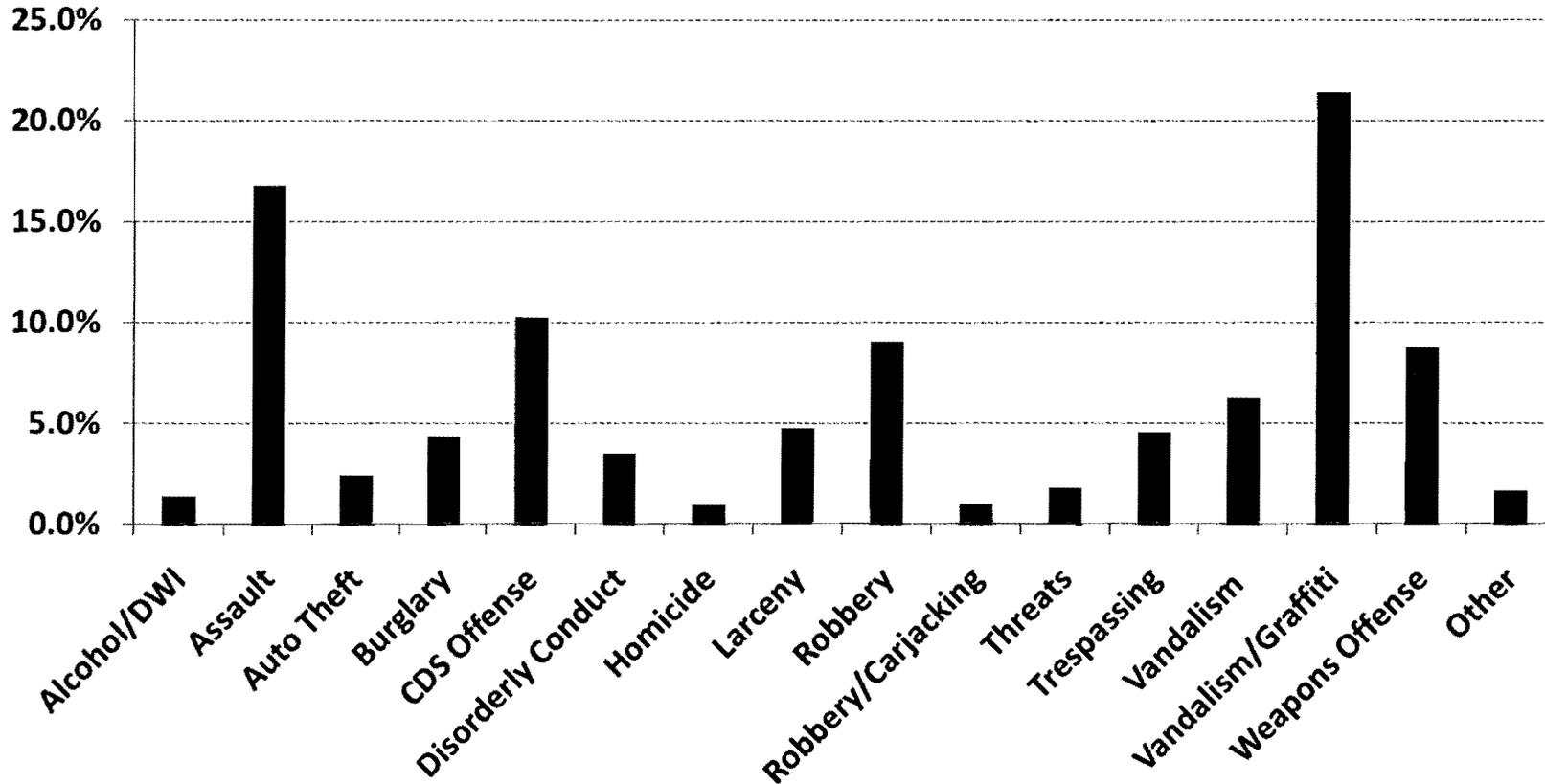
21



Source: Analysis of MCP Data



# Average Percentage of Total Gang Crime by Type 2005 - 1<sup>st</sup> Quarter 2010



**Comparing these proportions to overall County crime figures would quantify the need for specialized anti-gang crime initiatives**

72



Other = Any Gang Crime type that accounts for less than 1% average percentage

Source: Analysis of MCP  
Data



# Percentage of Total Gang Crime by Type 2005 - 1<sup>st</sup> Quarter 2010 without Types less than 1%

	2005	2006	2007	2008	2009	Q1 2010
Alcohol/DWI	1.2%	1.4%	1.4%	1.4%	0.4%	3.0%
Assault	19.7%	13.5%	21.0%	13.6%	19.6%	13.6%
Auto Theft	2.7%	2.5%	2.4%	3.4%	2.5%	1.5%
Burglary	3.3%	7.2%	1.4%	5.0%	5.3%	4.5%
CDS Offense	10.3%	8.8%	11.0%	13.8%	11.9%	6.1%
Disorderly Conduct	2.7%	5.0%	2.6%	4.3%	3.9%	3.0%
Homicide	0.6%	1.1%	0.0%	0.7%	2.1%	1.5%
Larceny	6.1%	3.0%	3.5%	3.8%	4.9%	7.6%
Robbery	6.4%	8.8%	6.1%	11.3%	11.6%	10.6%
Robbery/Carjacking	0.3%	0.3%	0.6%	0.2%	0.4%	4.5%
Threats	2.7%	2.2%	1.2%	1.8%	1.8%	1.5%
Trespassing	1.8%	2.8%	1.8%	2.3%	2.5%	16.7%
Vandalism/Graffiti	23.9%	27.1%	25.5%	18.3%	17.2%	16.7%
Weapons Offense	10.9%	8.8%	8.6%	8.4%	8.8%	7.6%

23



Source: Analysis of MCP  
Data



## Chapter 188

(House Bill 1160)

AN ACT concerning

### Safe Schools Act of 2010

FOR the purpose of ~~requiring~~ *clarifying the authority of* the juvenile court to notify ~~a~~ certain school ~~official~~ *officials* that a child has been found to be delinquent, in need of assistance, or in need of supervision and committed to a certain agency under certain circumstances; ~~requiring~~ *authorizing a court to notify certain school officials if a child found to be delinquent, in need of assistance, or in need of supervision is no longer committed to the custody of certain agencies;* ~~requiring that certain information transmitted by the juvenile court to certain school officials relating to a child found to be delinquent, in need of assistance, or in need of supervision is confidential and may not be made part of the student's permanent educational record;~~ *authorizing a local superintendent of schools to transmit certain information as a confidential file to certain persons under certain circumstances;* adding certain offenses to a list of offenses for which a student is arrested that are required to be reported to certain school officials under certain circumstances; requiring a certain local law enforcement agency to notify a school security officer of the arrest of a student for a certain offense within a certain period of time under certain circumstances; authorizing a certain law enforcement agency to notify the State's Attorney of the arrest of a student for a certain offense; ~~requiring the State Board of Education to adopt certain regulations;~~ requiring a local school superintendent and a school principal to consider prohibiting a student who is arrested for a reportable offense *involving rape or a sexual offense* from attending the same school or riding on the same school bus as the alleged victim under certain circumstances; prohibiting a student who is convicted of or adjudicated delinquent for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the victim; requiring ~~each public middle and high school~~ *certain public schools* to designate at least one school security officer; requiring the State Board of Education to develop a model policy to address gangs ~~and gang-like activity, gang activity, and similar destructive or illegal group behavior~~ *in schools;* specifying the components of the model policy; requiring each ~~county board of education~~ *local school system* to establish a policy *or regulations* to address gangs ~~and gang-like activity, gang activity, and similar destructive or illegal group behavior;~~ requiring each ~~county board~~ *local school system* to develop the policy *or regulations* in consultation with certain groups; requiring each ~~county board~~ *local school system* to publicize its policy *or regulations* in a certain manner; requiring each ~~county board~~ *local school system* to submit its policy *or regulations* to the State Board by a certain date; requiring each ~~county board~~ *local school system* to develop certain

educational programs to address gangs ~~and gang-like activity~~, gang activity, and similar destructive or illegal group behavior in schools; requiring a school employee to report suspected ~~gang or gang-like activity~~ gang activity or similar destructive or illegal group behavior to certain school officials; authorizing certain school officials to take certain actions; requiring each county superintendent of schools to require certain school security meetings for certain schools; requiring the participation of certain individuals in school security meetings; requiring each county superintendent to enter into a certain memorandum of understanding with the county State's Attorney's Office; requiring the State Department of Education to submit a certain report to the General Assembly on or before a certain date each year; requiring the Governor's Office of Crime Control and Prevention to perform certain actions and submit a certain report to the General Assembly on or before a certain date; requiring the Administrative Office of the Courts, the Department of Human Resources, the Department of Juvenile Services, and the State Department of Education to report to the Governor, the General Assembly, and certain legislative committees on or before a certain date regarding a certain process, certain notification, and certain recommendations; defining certain terms; repealing a certain definition; altering a certain definition; making certain clarifying and conforming changes; and generally relating to school safety, gang prevention and intervention in schools, and truancy.

BY repealing and reenacting, with amendments,  
 Article – Courts and Judicial Proceedings  
 Section 3–819(b–1) and 3–8A–19(d)(5)  
 Annotated Code of Maryland  
 (2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,  
Article – Education  
Section 7–302  
Annotated Code of Maryland  
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section ~~7–302~~ and 7–303  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2009 Supplement)

BY adding to  
 Article – Education  
 Section 7–424.2  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Courts and Judicial Proceedings**

3-819.

(b-1) (1) If the court finds that a child ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL is in need of assistance and commits the child to the custody of a local department, the court ~~{may}~~ ~~SHALL~~ notify the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent of the fact that the child has been found to be in need of assistance and has been committed to the custody of a local department.

(2) IF THE COURT RESCINDS THE COMMITMENT ORDER FOR A CHILD ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL, THE COURT ~~SHALL~~ MAY NOTIFY THE COUNTY SUPERINTENDENT, THE SUPERVISOR OF PUPIL PERSONNEL, OR ANY OTHER OFFICIAL DESIGNATED BY THE COUNTY SUPERINTENDENT OF THE FACT THAT THE CHILD IS NO LONGER COMMITTED TO THE CUSTODY OF A LOCAL DEPARTMENT OF SOCIAL SERVICES.

~~(2)~~ (3) The notice ~~REQUIRED~~ AUTHORIZED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION may not include any order or pleading related to the child in need of assistance case.

~~(4) EXCEPT BY ORDER OF A JUVENILE COURT OR OTHER COURT ON GOOD CAUSE SHOWN, THE INFORMATION OBTAINED BY AN INDIVIDUAL UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION:~~

~~(I) IS CONFIDENTIAL AND MAY NOT BE REDISCLOSED BY SUBPOENA OR OTHERWISE EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION; AND~~

~~(II) MAY NOT BE MADE PART OF THE STUDENT'S PERMANENT EDUCATIONAL RECORD.~~

~~(5) A LOCAL SUPERINTENDENT MAY TRANSMIT THE INFORMATION OBTAINED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION AS A CONFIDENTIAL FILE TO THE LOCAL SUPERINTENDENT OF ANOTHER PUBLIC SCHOOL SYSTEM IN THE STATE OR A NONPUBLIC SCHOOL IN THE STATE IN WHICH THE STUDENT HAS ENROLLED OR BEEN TRANSFERRED IF THE STUDENT IS STILL COMMITTED TO THE CUSTODY OF A LOCAL DEPARTMENT.~~

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~~(6) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT PARAGRAPHS (4) AND (5) OF THIS SUBSECTION.~~

3-8A-19.

(d) (5) (i) If the court finds that a child ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL is DELINQUENT OR in need of supervision and commits the child to the custody or under the guardianship of the Department of Juvenile Services, the court ~~may~~ **SHALL** notify the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent of the fact that the child has been found to be DELINQUENT OR in need of supervision and has been committed to the custody or under the guardianship of the Department of Juvenile Services.

(II) IF THE COURT RESCINDS THE COMMITMENT ORDER FOR A CHILD ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL, THE COURT SHALL MAY NOTIFY THE COUNTY SUPERINTENDENT, THE SUPERVISOR OF PUPIL PERSONNEL, OR ANY OTHER OFFICIAL DESIGNATED BY THE COUNTY SUPERINTENDENT OF THE FACT THAT THE CHILD IS NO LONGER COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES.

~~(iii)~~ (III) The notice REQUIRED AUTHORIZED UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH may not include any order or pleading related to the DELINQUENCY OR child in need of supervision case.

~~(IV) EXCEPT BY ORDER OF A JUVENILE COURT OR OTHER COURT ON GOOD CAUSE SHOWN, THE INFORMATION OBTAINED BY AN INDIVIDUAL UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH:~~

~~1. IS CONFIDENTIAL AND MAY NOT BE REDISCLOSED BY SUBPOENA OR OTHERWISE EXCEPT AS PROVIDED IN SUBPARAGRAPH (V) OF THIS SUBSECTION; AND~~

~~2. MAY NOT BE MADE PART OF THE STUDENT'S PERMANENT EDUCATIONAL RECORD.~~

~~(V) A LOCAL SUPERINTENDENT MAY TRANSMIT THE INFORMATION OBTAINED UNDER SUBPARAGRAPHS (I) AND (II) OF THIS SUBSECTION AS A CONFIDENTIAL FILE TO THE LOCAL SUPERINTENDENT OF ANOTHER PUBLIC SCHOOL SYSTEM IN THE STATE OR A NONPUBLIC SCHOOL IN THE STATE IN WHICH THE STUDENT HAS ENROLLED OR BEEN TRANSFERRED IF THE STUDENT IS STILL COMMITTED TO THE CUSTODY OF A LOCAL DEPARTMENT.~~

(27)

~~(VI) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH.~~

Article - Education

7-302.

(a) The principal or head teacher of each public or private school in this State shall report immediately to the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent the name of each child enrolled in his school who has been absent or irregular in attendance, without lawful excuse, or who shows evidence of maladjustment, so that the causes may be studied and solutions worked out.

(b) On receipt of a report from a principal or head teacher of a public school that a student has been habitually truant without lawful excuse, the appropriate representative of the school system:

(1) Shall initiate an investigation into the cause of the child's truancy;

(2) May provide counseling regarding the availability of social, health, and educational services; and

(3) Following the investigation or intervention:

(i) May notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse;

(ii) ~~{Shall} FOR A STUDENT DESCRIBED IN § 3-819(B-1) OF THE COURTS ARTICLE, SHALL~~ notify the appropriate local department that the student has been habitually truant, without lawful excuse~~†~~, if a court has given the notice authorized by § 3-819(b-1) of the Courts Article~~†~~; and

(iii) ~~{Shall} FOR A STUDENT DESCRIBED IN § 3-8A-19(D)(5) OF THE COURTS ARTICLE, SHALL~~ notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse~~†~~, if a court has given the notice authorized by § 3-8A-19(d)(5) of the Courts Article~~†~~.

(c) The county superintendent, the superintendent's designee, or the supervisor of pupil personnel shall provide to the local education agency for inclusion in the report of the local education agency under § 7-304(f)(1) of this subtitle information regarding the number of students identified as being habitually truant.

7-303.

(a) (1) In this section the following words have the meanings indicated.

(2) “Criminal gang” has the meaning stated in § 9–801 of the Criminal Law Article.

(3) “Law enforcement agency” means the law enforcement agencies listed in § 3–101(e) of the Public Safety Article.

(4) “Local school system” means the schools and school programs under the supervision of the local superintendent.

(5) “Local superintendent” means:

(i) The county superintendent, for the county in which a student is enrolled, or a designee of the superintendent, who is an administrator; or

(ii) The superintendent of schools for the:

1. Archdiocese of Baltimore;
2. Archdiocese of Washington; and
3. Catholic Diocese of Wilmington.

[(6) “Nonpublic school principal” means the principal of the nonpublic school in which a student is enrolled, or a designee of the principal, who is an administrator.]

[(7) (6) “Reportable offense” means:

(i) A crime of violence, as defined in § 14–101 of the Criminal Law Article;

(ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the Courts Article;

(iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the Criminal Law Article;

(iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through 5–614, § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;

(v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal Law Article;

(vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the Criminal Law Article; [or]

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(vii) A violation of § 9-802 or § 9-803 of the Criminal Law Article;

(VIII) A VIOLATION OF § 3-203 OF THE CRIMINAL LAW ARTICLE; ~~OR~~

(IX) A VIOLATION OF § 6-301 OF THE CRIMINAL LAW ARTICLE;

(X) A VIOLATION OF § 9-302, § 9-303, OR § 9-305 OF THE CRIMINAL LAW ARTICLE; OR

(XI) A VIOLATION OF § 7-105 OF THE CRIMINAL LAW ARTICLE.

(7) "SCHOOL PRINCIPAL" MEANS THE PRINCIPAL OF THE PUBLIC OR NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE OF THE PRINCIPAL, WHO IS AN ADMINISTRATOR.

(8) (I) ~~"SCHOOL SECURITY OFFICER" MEANS AN INDIVIDUAL DESIGNATED BY THE COUNTY SUPERINTENDENT OR A SCHOOL PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL~~ INCLUDES A SCHOOL PRINCIPAL, ANOTHER SCHOOL ADMINISTRATOR, A LAW ENFORCEMENT OFFICER, OR OTHER INDIVIDUAL EMPLOYED BY A LOCAL SCHOOL SYSTEM OR A LOCAL GOVERNMENT WHO IS DESIGNATED BY THE COUNTY SUPERINTENDENT OR A SCHOOL PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL.

(II) "SCHOOL SECURITY OFFICER" DOES NOT INCLUDE A TEACHER.

[(8)] (9) "Student" means an individual enrolled in a public school system or nonpublic school in the State who is 5 years of age or older and under 22 years of age.

(b) If a student is arrested for a reportable offense or an offense that is related to the student's membership in a criminal gang, the law enforcement agency making the arrest:

(1) [shall] SHALL notify [either] THE FOLLOWING INDIVIDUALS OF THE ARREST AND THE CHARGES WITHIN 24 HOURS OF THE ARREST OR AS SOON AS PRACTICABLE:

(I) [the] **THE** local superintendent [or];

(II) [the] **THE** [nonpublic] school principal [of the arrest and the charges within 24 hours of the arrest or as soon as practicable]; **AND**

(III) **FOR A SCHOOL THAT HAS A SCHOOL SECURITY OFFICER, THE SCHOOL SECURITY OFFICER; AND**

**(2) MAY NOTIFY THE STATE’S ATTORNEY OF THE ARREST AND CHARGES.**

(c) The State’s Attorney shall promptly notify either the local superintendent or the [nonpublic] school principal of the disposition of the reportable offense required to be reported under subsection (b) of this section.

(d) Except by order of a juvenile court or other court upon good cause shown, the information obtained by [a local superintendent or nonpublic school principal] **AN INDIVIDUAL** pursuant to subsections (b) and (c) of this section:

(1) Is confidential and may not be redisclosed by subpoena or otherwise except as provided pursuant to subsections (e) and (f) of this section; and

(2) May not be made part of the student’s permanent educational record.

(e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing shall prohibit a local superintendent or [nonpublic] school principal from transmitting the information obtained pursuant to subsections (b) and (c) of this section as a confidential file to the local superintendent of another public school system in the State or another nonpublic school in the State in which the student has enrolled or been transferred in order to carry out the purposes of this section if the disposition of the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending.

(2) A local superintendent or [nonpublic] school principal who transmits information about a student under this subsection shall include in the transmittal information regarding any educational programming and related services provided to the student.

(f) The State Board shall adopt regulations to ensure that information obtained by a local superintendent [or nonpublic school principal], **A SCHOOL PRINCIPAL, OR A SCHOOL SECURITY OFFICER** under subsections (b), (c), and (e) of this section is:

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(1) Used to provide appropriate educational programming and related services to the student and to maintain a safe and secure school environment for students and school personnel; ~~and~~

(2) Transmitted only to [the school principal of the school in which the student is enrolled and other] school personnel **OF THE SCHOOL IN WHICH THE STUDENT IS ENROLLED AS** necessary to carry out the purposes set forth in item (1) of this subsection; **AND**

**(3) DESTROYED WHEN THE STUDENT GRADUATES OR OTHERWISE PERMANENTLY LEAVES SCHOOL OR TURNS 22 YEARS OLD, WHICHEVER OCCURS FIRST.**

**(G) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LOCAL SUPERINTENDENT AND THE SCHOOL PRINCIPAL SHALL CONSIDER PROHIBITING A STUDENT WHO IS ARRESTED FOR A REPORTABLE OFFENSE INVOLVING RAPE OR A SEXUAL OFFENSE FROM ATTENDING THE SAME SCHOOL OR RIDING ON THE SAME SCHOOL BUS AS THE ALLEGED VICTIM OF THE REPORTABLE OFFENSE IF SUCH ACTION IS NECESSARY OR APPROPRIATE TO PROTECT THE PHYSICAL OR PSYCHOLOGICAL WELL-BEING OF THE ALLEGED VICTIM.**

**(2) IF A STUDENT IS ARRESTED FOR A REPORTABLE OFFENSE INVOLVING RAPE OR A SEXUAL OFFENSE AND IS CONVICTED OF OR ADJUDICATED DELINQUENT FOR THE RAPE OR SEXUAL OFFENSE, THE STUDENT MAY NOT ATTEND THE SAME SCHOOL OR RIDE ON THE SAME SCHOOL BUS AS THE VICTIM.**

**[(g)] (H) Nothing in this section is intended to limit the manner in which a local school obtains information or uses information obtained by any lawful means other than that set forth in subsections (b), (c), and (e) of this section.**

**(I) EACH PUBLIC ~~MIDDLE SCHOOL AND HIGH SCHOOL~~ SCHOOL THAT ENROLLS STUDENTS IN GRADES SIX THROUGH TWELVE IN THE STATE SHALL DESIGNATE AT LEAST ONE SCHOOL SECURITY OFFICER.**

**7-424.2.**

**(A) (1) IN THIS SECTION, "SCHOOL SECURITY OFFICER" ~~MEANS AN INDIVIDUAL DESIGNATED BY THE COUNTY SUPERINTENDENT OR A SCHOOL PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL~~ INCLUDES A SCHOOL PRINCIPAL, ANOTHER SCHOOL ADMINISTRATOR, A LAW ENFORCEMENT OFFICER, OR OTHER INDIVIDUAL EMPLOYED BY A LOCAL SCHOOL SYSTEM OR A LOCAL GOVERNMENT WHO IS DESIGNATED BY THE**

COUNTY SUPERINTENDENT OR A SCHOOL PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL.

(2) “SCHOOL SECURITY OFFICER” DOES NOT INCLUDE A TEACHER.

(B) BY ~~JANUARY 1, 2011~~ MARCH 31, 2011, THE STATE BOARD, AFTER CONSULTATION WITH AND INPUT FROM THE DEPARTMENT OF JUVENILE SERVICES, THE DEPARTMENT OF STATE POLICE, THE DEPARTMENT OF HUMAN RESOURCES, AND LOCAL SCHOOL SYSTEMS, SHALL DEVELOP A MODEL POLICY TO ADDRESS GANGS, GANG ACTIVITY, AND ~~GANG LIKE ACTIVITY~~ SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR IN SCHOOLS.

(C) THE MODEL POLICY DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

- (1) A STATEMENT PROHIBITING GANG ACTIVITY IN SCHOOLS;
- (2) A STATEMENT PROHIBITING REPRISAL OR RETALIATION AGAINST INDIVIDUALS WHO REPORT SUSPECTED GANG ACTIVITY;
- (3) A DEFINITION OF GANG AND GANG ACTIVITY;
- (4) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR INDIVIDUALS ENGAGED IN ~~GANG OR GANG LIKE ACTIVITY~~ GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR;
- (5) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR INDIVIDUALS FOUND TO HAVE MADE FALSE ACCUSATIONS;
- (6) MODEL PROCEDURES FOR REPORTING SUSPECTED ~~GANG OR GANG LIKE ACTIVITY~~ GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR;
- (7) MODEL PROCEDURES FOR THE PROMPT INVESTIGATION OF SUSPECTED ~~GANG OR GANG LIKE ACTIVITY~~ GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR;
- (8) INFORMATION ABOUT THE TYPES OF SUPPORT SERVICES, INCLUDING FAMILY SUPPORT SERVICES, FOR A STUDENT SUSPECTED OF PARTICIPATING IN GANG ACTIVITY; AND

(9) RECOMMENDATIONS CONCERNING GANG PREVENTION AND INTERVENTION SERVICES AND PROGRAMS FOR STUDENTS THAT MAXIMIZE COMMUNITY PARTICIPATION AND THE USE OF FEDERAL FUNDING.

(D) (1) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL ESTABLISH A POLICY OR REGULATIONS TO ADDRESS GANGS, GANG ACTIVITY, AND ~~GANG-LIKE ACTIVITY~~ SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR IN SCHOOLS BASED ON THE MODEL POLICY.

(2) THE POLICY OR REGULATIONS SHALL ADDRESS THE COMPONENTS OF THE MODEL POLICY SPECIFIED IN SUBSECTION (C) OF THIS SECTION.

(3) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL DEVELOP THE POLICY OR REGULATIONS IN CONSULTATION WITH REPRESENTATIVES OF THE FOLLOWING GROUPS:

- (I) PARENTS OR GUARDIANS OF STUDENTS;
- (II) SCHOOL EMPLOYEES AND ADMINISTRATORS;
- (III) SCHOOL VOLUNTEERS;
- (IV) STUDENTS;
- (V) LOCAL LAW ENFORCEMENT;
- (VI) GANG PREVENTION AND INTERVENTION PROGRAMS;
- (VII) THE OFFICE OF THE PUBLIC DEFENDER;
- ~~(VII)~~ (VIII) THE MARYLAND STATE'S ATTORNEYS ASSOCIATION; AND
- ~~(VII)~~ (IX) MEMBERS OF THE COMMUNITY.

(E) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL SUBMIT ITS POLICY OR REGULATIONS TO THE STATE SUPERINTENDENT BY SEPTEMBER 1, 2011.

(F) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL PUBLICIZE ITS POLICY OR REGULATIONS IN STUDENT HANDBOOKS, ON SCHOOL SYSTEM WEBSITES, AND AT ANY OTHER LOCATION OR VENUE THE ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM DETERMINES IS NECESSARY OR APPROPRIATE.

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(G) ~~EACH COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL DEVELOP THE FOLLOWING EDUCATIONAL PROGRAMS IN ITS EFFORTS TO ADDRESS GANGS, GANG ACTIVITY, AND ~~GANG-LIKE ACTIVITY~~ SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR IN SCHOOLS:

(1) AN EDUCATIONAL GANG AWARENESS PROGRAM FOR STUDENTS, STAFF, VOLUNTEERS, AND PARENTS; AND

(2) A TEACHER AND ADMINISTRATOR DEVELOPMENT PROGRAM THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE POLICY OR REGULATIONS.

(H) (1) A SCHOOL EMPLOYEE SHALL REPORT ANY INCIDENCE OF SUSPECTED ~~GANG OR GANG-LIKE ACTIVITY~~ GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR PROMPTLY TO THE PRINCIPAL AND, FOR A SCHOOL THAT HAS A SCHOOL SECURITY OFFICER, TO THE SCHOOL SECURITY OFFICER.

(2) THE PRINCIPAL AND THE SCHOOL SECURITY OFFICER MAY TAKE APPROPRIATE ACTION TO MAINTAIN A SAFE AND SECURE SCHOOL ENVIRONMENT, INCLUDING THE PROVISION OF APPROPRIATE INTERVENTION SERVICES.

(I) (1) EACH COUNTY SUPERINTENDENT SHALL REQUIRE REGULAR SCHOOL SECURITY MEETINGS FOR EACH MIDDLE SCHOOL AND HIGH SCHOOL TO ENSURE COORDINATION OF GANG PREVENTION, INTERVENTION, AND SUPPRESSION EFFORTS.

(2) THE FOLLOWING INDIVIDUALS SHALL PARTICIPATE IN THE MEETINGS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION:

(I) SCHOOL PRINCIPALS;

(II) SCHOOL SECURITY OFFICERS;

(III) GUIDANCE COUNSELORS;

(IV) LOCAL LAW ENFORCEMENT OFFICERS;

(V) REPRESENTATIVES FROM THE COUNTY STATE'S ATTORNEY'S OFFICE;

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**(VI) REPRESENTATIVES FROM THE OFFICE OF THE PUBLIC DEFENDER;**

~~(VI)~~ **(VII) GANG PREVENTION AND INTERVENTION PROGRAM REPRESENTATIVES; AND**

~~(VII)~~ **(VIII) ANY OTHER INDIVIDUALS THAT THE COUNTY SUPERINTENDENT CONSIDERS APPROPRIATE.**

(J) EACH COUNTY SUPERINTENDENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY STATE'S ATTORNEY'S OFFICE TO FOSTER COORDINATION OF GANG PREVENTION, INTERVENTION, AND SUPPRESSION EFFORTS.

(K) ON OR BEFORE JANUARY 1, 2011, AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF STATE AND LOCAL POLICIES AND REGULATIONS TO ADDRESS GANGS, GANG ACTIVITY, AND ~~GANG-LIKE ACTIVITY~~ SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR DESCRIBED IN THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2011, the Governor's Office of Crime Control and Prevention shall: (1) perform a community services survey to determine which gang prevention and intervention services exist in each county; (2) develop criteria for gang prevention and intervention programs that are evidence-based and produce measurable outcomes; (3) make recommendations for a pilot program to provide comprehensive gang prevention and intervention services for a high school where gang activity is prevalent and the high school's middle school feeder system; and (4) report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, the Administrative Office of the Courts, the Department of Human Resources, the Department of Juvenile Services, and the State Department of Education, shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly, the Senate Education, Health, and Environmental Affairs Committee, the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the House Committee on Ways and Means regarding:

(1) the process for notifying school officials under § 3-819 and § 3-8A-19 of the Courts and Judicial Proceedings Article;

(2) how often school officials are actually notified under these statutes;  
and

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*(3) recommendations, if any, to improve this process and better serve these students.*

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2010~~ July 1, 2010.

**Approved by the Governor, May 4, 2010.**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
AND  
MONTGOMERY COUNTY DEPARTMENT OF POLICE  
AND  
MONTGOMERY COUNTY STATE'S ATTORNEY'S OFFICE  
AND  
CHEVY CHASE VILLAGE POLICE DEPARTMENT  
AND  
GAITHERSBURG CITY POLICE DEPARTMENT  
AND  
ROCKVILLE CITY POLICE DEPARTMENT  
AND  
TAKOMA PARK POLICE DEPARTMENT**

The purpose of this memorandum of understanding (MOU) is to establish a working protocol for exchanging information and addressing matters of mutual concern cooperatively among the Montgomery County Public Schools (MCPS), the signatory agencies, and the Montgomery County State's Attorney's Office (SAO) to maintain and to enhance a safe learning and working environment for students and staff.

**I. Offenses by Students or Others on School Property where Police Take the Lead**

a. **Investigative Responsibilities.** The parties agree that the following offenses, termed "critical incidents," that occur on MCPS property, including school buses, or at an MCPS sponsored event, including extra-curricular activities, shall be reported to the appropriate police agency by the administrator-in-charge or designee as soon as practicable so that the police agency can investigate in accordance with the procedures in Part II. Such notification must be made by direct communication with the educational facilities officer (EFO), if immediately available, or to the Public Safety Communications Center (911) or 301-279-8000. Voice mail messages to the EFO will not suffice and must be followed with a call to 911. (Note that MCPS Regulation JFA-RA, Student Rights and Responsibilities, requires police notification for other kinds of student misconduct which are not listed here and for which MCPS has the primary investigative authority.)

- Any physical attack on another that requires medical attention outside of the school health room
- Any death
- Rape and/or sexual assault with another by force or threat of force<sup>1</sup>

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<sup>1</sup> Meaning engaging in a sexual act or sexual contact, without consent, by force or threat of force, and/or employing or displaying a dangerous weapon or object reasonably believed to be a weapon (sexual offense in the first, second, or third degree)

- Robbery/attempted robbery (taking property of another from his person or in his presence by force, reasonable fear of violence, or intimidation whether the perpetrator is armed or unarmed)
- Arson (willful and maliciously set fire) or verbal or written threat of arson
- Manufacture or possession of destructive device (explosive, incendiary, or toxic material combined with a delivery or detonating apparatus or modified to do so) or look-alike
- Knowingly make false reports about the location or detonation of a destructive device
- Theft (any single incident or series of incidents committed by the same perpetrator where the value of the stolen property is \$500 or more)
- Possession of a firearm; possession of other dangerous or deadly weapon, including any device designed or manipulated to shoot any projectile, knowingly brought onto or brandished upon school property
- Possession with intent to distribute, distribution, or manufacture of controlled dangerous substance
- Gang<sup>2</sup> related incident/crime
- Hate crime (harassing<sup>3</sup> a person or damaging property of a person because of his race, color, religious beliefs, sexual orientation,<sup>4</sup> or national origin)

b. **Releasing Student Information.** Information obtained by school staff may be shared with the police agency or SAO as long as the information was not derived from school records.<sup>5</sup> For example, information received orally from a student may be shared, even if later recorded in a written statement used by school staff for disciplinary purposes. Information from school records can be shared under any one of the following circumstances:

- “Directory information” unless the parent/guardian has asked specifically that such information be kept confidential
- With consent of the parent/guardian or adult student
- In response to a subpoena, including a subpoena from the SAO<sup>6</sup>
- In a specific situation that presents imminent danger to students or members of the community or that requires an immediate need for information in order to avert or diffuse serious threats to the safety or health of a student or other individual

<sup>2</sup> A formal or informal ongoing organization, association, or group of three or more persons who: (a) have a history of criminal street gang activity; (b) have a common name or common identifying signs, colors, or symbols; and (c) have members or associates who, individually or collectively, engage in or have engaged in a pattern of criminal activity.

<sup>3</sup> Harassment is defined as a persistent pattern of conduct intended to alarm or seriously annoy another, without a legal purpose, after receiving reasonable warning or request to stop.

<sup>4</sup> Sexual orientation means the identification of an individual as to male or female homosexuality, heterosexuality, bisexuality, or gender-related identity.

<sup>5</sup> School records are those records, identifiable to an individual student, governed by federal law (the Family Educational Rights and Privacy Act/FERPA).

<sup>6</sup> Release of documents from a student record requires that the school first make reasonable efforts to notify the parent/guardian or adult student of receipt of the subpoena in advance of complying with the subpoena so the parent/guardian may seek protective action, unless the issuing authority has ordered that the existence or contents of the subpoena not be disclosed.

## **II. Investigation of Critical Incidents Occurring on School Property**

MCPS shall immediately notify the appropriate police agency of all critical incidents as described in Section I of this agreement. The police agency will respond promptly to such incidents or will keep the school staff advised of any delay in the response of officers.

Absent exigent circumstances, MCPS will limit its administrative investigation to ascertaining basic facts and doing what is necessary to stabilize the situation until a police officer arrives. For critical incidents, MCPS will defer taking written statements from students and/or witnesses, thereby permitting the police agency the opportunity to do so. Copies of written student and witness statements will be provided to MCPS within seven days with the approval of the SAO which shall make the determination after consultation with the police agency. The police agency will assist MCPS with its administrative procedures by providing the relevant information requested (including a synopsis of relevant facts) in order that statutory and administrative deadlines may be met and by providing witness statements in any closed investigation and as otherwise authorized by the SAO.

The principal or his/her designee shall be present, whenever possible, during any interview conducted by the police agency on school property and may interview the individual after the police officer has concluded his/her interview.

In the event that the police agency has not arrived and school dismissal is about to occur, MCPS will notify the police agency, and MCPS may conduct an administrative investigation, including taking student statements. The police agency understands that MCPS does not have the authority to arrest individuals and hold them for the police agency.

## **III. Notification of State's Attorney's Office**

The MCPS Department of School Safety and Security will make reasonable efforts to notify the SAO when it receives notice that a student has been arrested by the police agency and charged with one of the following offenses in order for the SAO to obtain the information necessary to present the State's case at a detention hearing or other judicial proceeding which generally will be held within the next business day following the student arrest:

- Violent physical or sexual attack on another
- Manufacture or possession of destructive device (explosive, incendiary, or toxic material combined with a delivery or detonating apparatus or modified to do so) or a look-alike
- Knowingly make false reports about the location or detonation of a destructive device
- Possession of a firearm brought knowingly or use of any weapon to cause bodily harm
- Possession with intent to distribute or distribution or manufacture of controlled dangerous substance
- Gang related incident/crime

When legally permissible, the SAO shall advise MCPS of whether the student was or was not prosecuted for the offenses listed in this Section III. (See attached form.)

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#### **IV. Serious Incidents in the Community**

In addition to the required notification of reportable offenses committed by students in the community, the police agency will notify MCPS as soon as practicable of any serious incident involving MCPS schools, facilities, students, or staff that the police agency reasonably believes will impact MCPS operations in order for appropriate measures to be taken by MCPS to address the impact. Examples include:

- Death of a student, staff member
- Serious or life-threatening injury to a student and/or staff member
- Hostage-barricade, criminal suspect at large, or hazardous materials incident that may affect students and/or staff
- Gang related incident/crime
- After-hours property damage to an MCPS facility, school, bus, or other vehicle

During normal business hours, the police agency will provide notice to the MCPS Department of School Safety and Security at 301-279-3066. At all other times, the police agency will notify the Electronic Detection Section, the MCPS 24-hour communication center, at 301-279-3232.

#### **V. Collaboration, Training, and Review**

School administrators and officials of the police agencies are encouraged to periodically meet at the school community level to establish and foster good working relations between the agencies.

MCPS, the police agencies, and the SAO agree to participate in joint training opportunities for administrators, EFOs, and MCPS security staff on matters that are the subject of this MOU and other topics of mutual interest. MCPS and the police agencies will make available, annually, a block of time for training of administrators and other staff by the signatory agencies on the MOU and related matters. The SAO will make available, annually, a block of time for training assistant state's attorneys and other staff, as appropriate, on the MOU and related matters.

The signatory agencies agree that this MOU and its implementation will be reviewed by the parties annually in order to determine if any inadequacies exist and further agree to revise the MOU as may be appropriate, upon the agreement of the parties, in order to further the safety and welfare of the school community. Furthermore, the signatory agencies will meet annually thereafter to review the provisions contained within this MOU as well as the implementation of it. Amendments, with the agreement of each agency, may be made from time to time, as desirable.

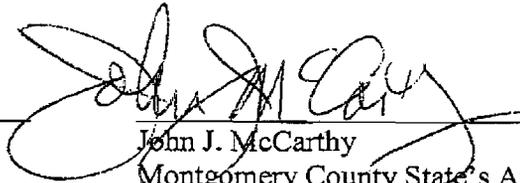
This MOU is not intended to supersede any other memoranda of understanding or legal obligations of the parties.

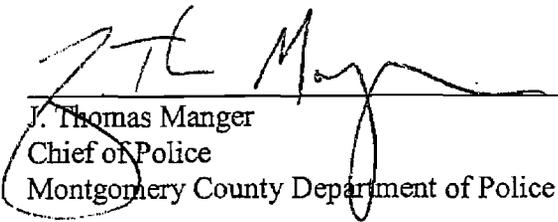
(41)

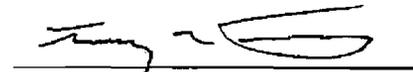
In witness, thereof, the parties have executed this memorandum of understanding on this 4<sup>th</sup> day of JUNE, 2010.

**APPROVED**

  
Jerry D. Weast, Ed.D.  
Superintendent of Schools  
Montgomery County Public Schools

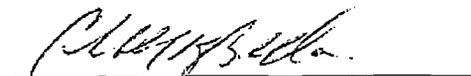
  
John J. McCarthy  
Montgomery County State's Attorney

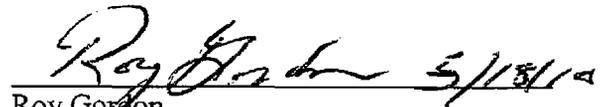
  
J. Thomas Manger  
Chief of Police  
Montgomery County Department of Police

  
Timothy L. Firestine  
Chief Administrative Officer  
Montgomery County, Maryland

  
Terrance N. Treschuk  
Chief of Police  
Rockville City Police Department

 4/8/10  
Ronald Ricucci  
Chief of Police  
Takoma Park Police Department

  
Christopher Bonvillain  
Interim Acting Chief of Police  
Gaithersburg City Police Department

 5/18/10  
Roy Gordon  
Chief of Police  
Chevy Chase Village Police Department

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State's Attorney for Montgomery County  
50 Maryland Avenue  
Rockville, Maryland 20850

(Date)

Dr. Jerry D. Weast  
Superintendent  
Office of the Superintendent of Schools  
Carver Educational Services Center  
850 Hungerford Drive, Room 122  
Rockville, MD 20850

**Respondent Name:**

**Date of Birth:**

Dear Dr. Weast:

Pursuant to Educational Article 7-303 of the Annotated Code of Maryland, Arrest of Students; Reportable Offenses, the student listed above was charged with a reportable offense. The following is a list of those charges and the associated disposition.

**Reportable Offense**

**Disposition**

**Disposition Date**

If you have any questions, please call the Juvenile Division at 240-777-7300.

Respectfully submitted,

John J. McCarthy  
State's Attorney for  
Montgomery County, Maryland

By Margaret Burrowes  
Assistant State's Attorney  
Juvenile Division