

GANG AND GANG-RELATED ACTIVITY

The Plainfield Board of Education recognizes the need for appropriate rules and regulations to ensure a safe and healthy environment that is conducive to teaching and learning.

In that connection, the District acknowledges the existence of criminal gangs in our society, and the importance and necessity of deterring all persons from emulating gangs or contributing to the proliferation of gangs. A gang in this policy is defined as "any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying signs, colors, and/or symbols."

- A. The Board of Education prohibits the following on school property or at school related functions, and off school property if it involves intimidation or an attack on another student in the District:
1. Initiating, advocating, or promoting a gang or any gang-related activities;
  2. Tagging or defacing school property with gang names, slogans and/or insignias;
  3. Conducting gang initiations;
  4. Threatening another with bodily injury and/or inflicting bodily injury on another in connection with a gang or gang-related activity;
  5. Inciting, soliciting, or recruiting others for gang membership or gang-related activities
  6. Aiding or abetting any of the above activities by one's presence or support.

Any student found to have engaged in any of the above shall be subject to school discipline, including but not limited to detention, suspension, and/or expulsion. For any disciplinary matter covered by the above or by any other part of the school's disciplinary code, a finding that the conduct was gang-related or gang-affiliated shall be considered an aggravating factor in determining the appropriate punishment.

- B. The Board further prohibits the following in school and at school-related events:
1. Wearing of gang apparel, accessories, signs, insignias, or symbols on one's clothing or person.
  2. Display of gang apparel, accessories, signs, insignias, or symbols on personal property.
  3. Communication in any method (verbally or non-verbally) designed to convey gang membership or affiliation.

GANG AND GANG-RELATED ACTIVITY (continued)

The Superintendent of his/her designee shall determine, in consultation with law enforcement officials, what types of specific apparel, accessories, signs, insignias, and symbols are to be prohibited at each school under this policy, and shall promulgate and publicize such list to all students and parents. The list may be updated or modified at any time by the Superintendent or his/her designee, and any additions or changes communicated to students via the District's web site or any other reasonable means. The list may be part of a broader dress code applicable to all students at the school.

A student may be disciplined for wearing or display of any apparel, accessory, sign, insignia, or symbol which is specifically prohibited on the list promulgated by the Superintendent or his/her designee.

In the case of other apparel, clothing or accessories which may have a gang association, but which is not expressly prohibited on the Superintendent or his/her designee's list and is often worn for other purposes and with no intended gang affiliation or association (e.g. display of certain sports team colors, logos, or symbols); and/or in the case of a student who is otherwise suspected of gang affiliation through other circumstantial evidence (such as associations with gang members and/or verbal or nonverbal communications to convey gang membership or affiliation), the Superintendent or his/her designee shall conduct an intervention which shall include the principal, the student and (if the student is a minor) the student's parent or legal guardian. Such intervention may include the school resource officer and the Plainfield Police. The purpose of such intervention is to discuss the school's observations and concerns and to offer the student and the parents' information and an opportunity to ask questions or provide other information. No discipline shall be imposed unless and until there is a violation of a specific provision of the school's disciplinary code; including the wearing or display of items prohibited on the list promulgated by the Superintendent or his/her designee.

**Legal References:** N.J.S.A. 2C:44-3h

**Cross Policy:** Cell Phone Use Policy 5516

Date Adopted: December 19, 2006

## **New Jersey 2C:44-3. Criteria for Sentence of Extended Term of Imprisonment**

h. The crime was committed while the defendant was knowingly involved in criminal street gang related activity. A crime is committed while the defendant was involved in criminal street gang related activity if the crime was committed for the benefit of, at the direction of, or in association with a criminal street gang. "Criminal street gang" means three or more persons associated in fact. Individuals are associated in fact if (1) they have in common a group name or identifying sign, symbol, tattoo or other physical marking, style of dress or use of hand signs or other indicia of association or common leadership, and (2) individually or in combination with other members of a criminal street gang, while engaging in gang related activity, have committed, conspired or attempted to commit, within the preceding three years, two or more offenses of robbery, carjacking, aggravated assault, assault, aggravated sexual assault, sexual assault, arson, burglary, kidnapping, extortion, or a violation of chapter 11, section 3, 4, 5, 6 or 7 of chapter 35 or chapter 39 of Title 2C of the New Jersey Statutes regardless of whether the prior offenses have resulted in convictions.

### **18A :11-9 Prohibition of gang-related apparel.**

3. A board of education may adopt a dress code policy to prohibit students from wearing, while on school property, any type of clothing, apparel or accessory which indicates that the student has membership in, or affiliation with, any gang associated with criminal activities. The local law enforcement agency shall advise the board, upon its request, of gangs which are associated with criminal activities.

L.1996,c.93,s.3.