

## **Illinois State Board of Education Funding and Disbursement**

### **Criminal Gang Activity Safety Hazard Guidelines**

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105 ILCS 5/29-3 provides that each school board may provide free transportation and may receive reimbursement from the State Superintendent of Education for the busing of any student who resides less than 1½ miles from that school for which they attend when conditions are such that walking either to or from that school for attendance or to or from a pickup point or bus stop constitutes a serious hazard to the safety of the student due to a course or pattern of criminal gang activity, as defined in Section 10 of the Illinois Street Gang Terrorism Omnibus Prevention Act (740 ILCS 147/10). It provides that a school board may provide free transportation in such cases, but does not mandate such transportation. It also provides that this transportation shall not be provided if adequate transportation for the public is available.

Street gang or gang or organized gang or criminal street gang means any combination, confederation, alliance, network, conspiracy understanding, or other similar conjoining, in law or in fact, of 3 or more persons with an established hierarchy that, through its membership or through the agency of any member engages in a course or pattern of criminal activity. Drug distribution, burglary, theft, assaults and weapon related offenses are typically associated with established street gangs.

Gang members represent all social, gender and economic strata of society and may include but are not limited to juveniles, adults, bikers, hybrids and mafia gangs. Gangs are controlled by leaders who direct criminal activities and enforce rules and orders.

School districts are encouraged to take steps to ensure that pupils who walk to school follow routes that minimize conflicts. Where practical, students should utilize planned school routes since they afford greater protection for the pupils. Students should be encouraged to walk in groups. Students should be thoroughly instructed by the schools and parents on the purpose and proper use of the school walking route plan. Checks should be made to determine that the plans are being used properly. The plans may have to be modified periodically to reflect changed conditions. School officials may receive assistance in preparing school route plans from local engineering firms and law enforcement agencies. Materials on this subject are available from the National Safety Council, the Chicago Motor Club, and the Illinois Department of Transportation.

### **Classification and Documentation of a Gang Member\***

A person must meet two of the following five requirements to be classified as a gang member:

1. The individual has been arrested in the company of known criminal gang members for offenses that are consistent with criminal gang activity.
2. The individual been identified by an individual of proven reliability as a criminal gang member.
3. The individual has admitted membership in a criminal gang and this was a credible self-admission made to a law enforcement officer or agent.
4. The individual possess tattoos that a trained law enforcement officer or agent has reasonable suspicion to believe signify gang membership.
5. The individual resides in or frequents a particular criminal gang's area or affect their style of dress, use of hand signs, symbols, or maintain an ongoing relationship with known criminal gang members, and the law enforcement officer documents reasonable suspicion that the individual is involved in criminal gang-related activity or enterprise.

\*Title 28, Code of Federal Regulations, Part 23 sets the federal guidelines and explains the criteria for classifying and documenting someone as a gang member.

Definition Per 740 ILCS 147/10:

Course or pattern of criminal gang activity, means 2 or more gang related criminal offenses committed in whole or in part within this State when:

1. at least one such offense was committed after the effective date of this this Act (January 25, 2013);
2. both offenses were committed within 5 years of each other; and
3. at least one offense involved the solicitation to commit, conspiracy to commit, attempt to commit, or commission of any offense defined as a felony or forcible felony under the Criminal Code of 1961 or the Criminal Code of 2012.

Course or pattern of criminal activity also means one or more acts of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012, if the defacement includes a sign or symbol intended to identify the street gang.