

LA MESA POLICE DEPARTMENT INSTRUCTION

INVESTIGATIONS: GANG FILE

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Ray Sweeney, Chief of Police

I. BACKGROUND

The California State Legislature recognized the growing problem posed by violent activity by gangs, and in Section 13826 of the Penal Code (PC) declares the intent of the Legislature to support increased efforts by local law enforcement agencies to identify, investigate, and apprehend perpetrators of gang violence. Section 13826.4 PC states that law enforcement agencies receiving funds under 13826 PC are encouraged to concentrate enhanced law enforcement efforts and resources on cases that fall under 13826.3 PC. Examples of enhanced law enforcement criteria efforts include the following:

1. The formation of a specialized gang violence unit.
2. Increased efforts to apprehend, prosecute, and convict gang members.
3. Increase the clearance rate of gang related crimes.
4. Establish positive relations with the community and other criminal agencies.
5. Aiding and assisting other criminal agencies in protecting witnesses from intimidation or retribution from gang members and their associates.
6. Maintain a crime analysis capability which contains the following information:
 - I. Identification of gang members
 - II. Identification of evolving or existing crime patterns that are gang related
 - III. Provide investigative leads
 - IV. Maintaining statistical information pertaining to gang related criminal activity.

II. GANG FILE

A Gang File will be developed and maintained for the purpose of fulfilling the requirements of 13826.4 PC.

- A. The Gang File will be developed and maintained by those deemed by the Services Lieutenant as the Custodian of Records. A detective assigned to the Special Investigations Unit (SIU) will generally be deemed the Custodian of Records for the gang file.
- B. Gang files are confidential and must be secure.
- C. In order to protect the right of privacy of individuals contained in the gang file, dissemination of the information is limited to criminal justice agencies (i.e. Law Enforcement and Prosecutorial) only and those with a specific "need to know" as well as "right to know." Only a Custodian of Records shall release any information from the files and CalGang system.
 1. **Right to know:** Requesting agency has the right to obtain criminal offender record information pursuant to court order, statute, or case law.

2. **Need to know:** Requesting agency has the need to obtain criminal offender record information in order to execute official responsibilities.
 3. Under **NO** circumstances will copies of the gang file or CalGang printouts be distributed to anyone (including law enforcement officers) without the permission of the Services Lieutenant.
- D. In order for an individual to be “documented” as a gang member, there must be a minimum of three entries containing any one or combination of these six objective criteria. The individual that is seen frequenting areas with recurring gang activity cannot be used more than one time in the gang member’s initial documentation. The needed criteria to document a person are the following:
1. The individual admits gang membership in a specific gang.
 2. The individual has tattoos, wears or possesses clothing and/or paraphernalia that is only associated with a specified gang or gangs.
 3. The individual is seen frequenting areas with recurring gang activity. Or, is arrested, alone or with other known gang members, participating in delinquent/criminal behavior consistent with gang activity.
 4. Police records and/or observations confirm the individual's close association with known gang members.
 5. Information from a reliable informant identifies the individual as a gang member.
 6. The individual admits gang membership in an in-custody classification hearing, while in a custody facility. This is the only criteria that may stand alone as a single criteria for documenting the individual as a gang member.
- E. In order for a group to be documented as a gang, the following criteria must be met:
1. The group has a name.
 2. The group claims a turf, territory, neighborhood, criminal enterprise, or causes or contributes to the deterioration of a community through a pattern of criminal activity.
 3. The group associates on a regular basis.
 4. The group is involved in criminal activity (commission of two or more of the felonious acts listed in 186.22e PC).

III. FILE SECURITY

Gang files are confidential and must be kept in a secure location with file access restricted to authorized personnel as deemed by the Services Lieutenant. The gang files will be stored in file cabinets located in the SIU office and will be locked when unattended. Physical security of the gang information file is imperative in order to maintain the confidentiality of the information stored in the file and to insure the protection of the individual's right of privacy. No file is to be removed from the SIU office. No copies will be made of the files. File information and photographs will be requested through the Custodian of Records.

IV. FILE ENTRY PROCEDURE

The procedure for documenting an individual as a gang member will utilize the expertise of the detectives assigned to the SIU and ultimately require the approval of the SIU Sergeant.

- A. Detective receives or develops information that an individual may be involved in gang related activity.
- B. Detective investigates to determine which of the six criteria of the file entry criteria are met.
- C. Detective presents gang file card to the SIU Sergeant who reviews the evidence.
- D. If the SIU Sergeant determines that there is insufficient evidence to support categorization of the individual as an associate gang member, the SIU Sergeant will inform the detective that no file entry may be made.
- E. If the SIU Sergeant determines that the evidence supports inclusion in the file, the detective will complete a Gang File card.
- F. The Detective completes the gang file card including all gang related activity meeting any of the six criteria.
- G. The Detective submits the gang file card to the SIU Sergeant for final approval.
- H. Once approved, the SIU Sergeant will give the gang file card back to the detective for entry into the Officer Notification System (ONS). The ONS entry should not make any mention of "gangs."
- I. The detective will then complete and print out a Juvenile or Adult gang documentation letter. The detective will present the letter to the Services Lieutenant for signature. The letter will then be mailed or hand delivered to the subject and the parents or guardian if the subject is a juvenile. The detective should ensure the return address for the station is included.
- J. A copy of the gang documentation letter will be placed in the subject's source file by the detective.
- K. The detective will fill out the appropriate documentation log (juvenile or adult) which is stored in a secured file cabinet in the SIU office. The subject can then be entered into the CalGang system.

V. GANG DOCUMENTATION APPEAL

If the person appeals their inclusion into a shared gang database, the following steps will be taken.

- A. If an appeal is requested by the subject, their parents or guardians (if a minor), or their attorney, it will be forwarded to the Services Commander by the detective or SIU Sergeant. A document must be submitted contesting their inclusion and should include any and all supporting documentation. Proper identification of the person should be requested.
- B. The assigned detective will document the date and time the appeal was received in the adult or juvenile documentation log, whichever is appropriate.

- C. The Services Commander will evaluate the request so that there is no conflict of interest.
- D. The Services Commander will make a decision to accept or deny the appeal. Based on the decision made, the detective will prepare a "Deny removal" or "Agree to removal" letter. This letter will be mailed or hand delivered to the subject or minor's parent/guardian within 30 days of receipt of appeal.
- E. A copy of the appeal documentation will be placed in the subject's source file by the detective. If a Judge orders the subject be removed from CalGang, the subject's file will be shredded.

VI. GANG DOCUMENTATION INQUIRY LETTER

Per 186.31(a)(d)(1)(A) PC, A person, or, if the person is under 18 years of age, his or her parent or guardian, or an attorney working on behalf of the person, may request information of any law enforcement agency as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by that law enforcement agency and the name of the law enforcement agency that made the designation. A request pursuant to this paragraph shall be in writing.

- A. The detective will conduct a CalGang check and determine: Is the person's name and information in the CalGang database? Was the person entered by the La Mesa Police Department (LMPD)? If not, what agency entered the person into the CalGang database?
- B. If the person was entered into the CalGang database by the LMPD, the detective will create a letter notifying the person they are in the database. The letter will be signed by the Services Lieutenant and sent out within 30 days of the receipt of the inquiry letter.
- C. If the person was entered into the CalGang database by another agency, the detective will contact the entering agency and notify them of the written inquiry. The entering agency will determine if release of the information would potentially jeopardize a current investigation.
 - 1. If the release of information would not jeopardize a current investigation, the detective will create a letter notifying the person they are in the database. The letter will be signed by the Services Lieutenant and sent out within 30 days of the receipt of the inquiry letter.
 - 2. If the release of information would potentially jeopardize someone's life, expose a CI, or jeopardize a current investigation, the LMPD will work with the agency to ensure the information is protected within the framework of federal and state laws.
- D. If the person's name is not in the CalGang database, the detective will prepare a "Not in database" letter. The letter will be signed by the Services Lieutenant and sent out within 30 days of the receipt of the inquiry letter.

- E. The detective will place a copy of the letter and inquiry into the subject's source file at the LMPD.

VII. GANG FILE CARD

- A. The gang file is considered a "Criminal Intelligence File" and therefore, subject to the Department of Justice Criminal Intelligence File Guidelines (28 CFR Part 23).
- B. Information on the gang file card will be typed ensuring that the spelling is correct and all the pertinent information is accurate including addresses, telephone numbers, and names.
 - 1. NAME: Last Name, First Name, Middle Name
 - 2. DATE OF BIRTH: Subject's date of birth
 - 3. MONIKER: Put any and all monikers/nicknames on the card.
 - 4. GANG: The gang name should be properly spelled out. If abbreviations are used, place them in parentheses.
 - 5. DIFFERENT NAME: List all the aliases.
 - 6. ADDRESS: List the most current address.
 - 7. CALGANG ENTRY: Date the subject was entered into the CalGang system.
 - 8. PROBATION/PAROLE: Enter any probation/parole conditions as well as the supervision end date.
 - 9. VEHICLES: List vehicles registered to the subject, or vehicles that you can articulate as being driven by the subject.
 - 10. DATE DOCUMENTED: List the date the subject met the criteria for being documented. Not the date the card was filled out or entered into the CalGang database.
 - 11. CRITERIA: These numbers are to correspond with the six criteria used to identify the individual as a gang member. Any criteria circled should have a valid contact documented on the card.
 - 12. DOCUMENTED BY: This is the detective who established the criteria was met.
 - 13. PHOTO: If there is a photo, retain in the photo file with important information (circumstances, officer who the photo, date, etc.). No photo should be retained or placed in the photo file unless it was obtained legally. That is via consent, arrest, surveillance, detention, or investigation. If the photo was taken by law enforcement it should include the subject's name, date taken, name of officer who took the photo, agency, and id number.
 - 14. SUBMITTED BY: Detective who submitted the card.
 - 15. APPROVED BY: SIU Sergeant who approved the card.
 - 16. DATE ENTERED INTO CALGANG: The date the subject was entered into the CalGang database.
 - 17. DECEASED DATE: Date of death if applicable.
 - 18. TATTOOS, SCARS: Describe in detail, especially tattoos or marks specific to the gang.

VIII. SOURCE FILE

- A. Once the individual meets the minimum of three criteria entries containing any one or combination of the six criteria guidelines, a source file should be constructed.
- B. The source file should contain a label on the outside with the following:
 - 1. Gang member's name; Last, First, Middle
 - 2. Date of birth
 - 3. Gang name and moniker
- C. Inside the source file, there should be documents related to a history check from the following:
 - 1. RIO1
 - 2. MA09
 - 3. PR09
 - 4. Arjis (Coplink, SRFRS...)
 - 5. Crime reports, arrest reports, and FI's.
 - 6. Copy of the ONS entry
- D. Inside the source file, there should be a photo file of the subject.
- E. Criminal history information (CII or NCIC) shall not be retained in the source file.

VIII. REVIEW / PURGING PROCEDURE

- A. Reclassifying and purging information in the gang file should be done on an ongoing basis as documents are reviewed and updated.
- B. The Custodian of Records should run monthly purge reports in CalGang to determine which individuals need to be updated.
- C. The Services Lieutenant will do a review of the gang file for purging purposes annually.
- D. Gang members who have been determined to no longer be members of the gang, based on verified information from the detective, shall have their files purged.
- E. Gang members who have had no law enforcement or documented gang related activity for five years shall be purged.
- F. Gang members serving lengthy jail/prison sentences can maintain an active source file with verified gang related activity while in jail/prison.
- G. All material purged from the gang file will be destroyed.

VI. GANG REGISTRATION:

Pursuant to the Street Terrorism Enforcement and Prevention Act of 2000, Penal Code section 186.22 permits the registration of court ordered gang members.

FOLLOWING ATTACHMENTS

GANG REGISTRATION
GANG REGISTRATION PROGRAM
REGISTRATION NOTIFICATION STATEMENT
GANG REGISTRATION PROGRAM INTERVIEW
GENERAL INTERVIEW
COURT ORDERED GANG REGISTRATION RECEIPT

**La Mesa Police Department
Gang Registration
8085 University Avenue, La Mesa, CA 91942
(619) 667-1400**

GANG REGISTRATION REQUIREMENTS

Your responsibility to register is a 5 year requirement from the date of court imposition:

1. You must register with the Chief of Police or the Sheriff of the county in whose jurisdiction you reside within 10 days of release from custody or imposition of sentencing if no custody time is served.
2. You understand that your responsibility to register as a gang offender lasts for 5 years from your last imposition of registration requirement pursuant to Penal Code section 186.30.
3. You understand that within 10 days of changing your residence address you must inform, in writing, the registering agency with whom you last registered, of your new address.
4. You understand that when changing your residence within the State of California you must register with the new local law enforcement agency having jurisdiction over your residence within 10 days of your relocation.
5. You understand that it is your duty to know the legal requirements of Penal Code section 186.30, including changes to the law, which may be made in the future.
6. You understand that the registration requires that the registering policing agency take your photograph and fingerprints.
7. You understand that if you knowingly violate any provisions of Section 186.30 you are guilty of a misdemeanor.
8. You understand that if you knowingly fail to register pursuant to Section 186.30 and are subsequently convicted of any of the offenses specified in Section 186.30, or, if you are a juvenile, that if a petition is subsequently sustained for a violation of any of the offenses specified in Section 186.30, you shall be punished by an additional term of imprisonment in the state prison for 16 months, or 2, or 3 years.

Registration can be done only on Wednesdays 7:00 AM to 12:00 PM

Court ordered gang registration receipt

(Expires 10 days from date)

This receipt is to show proof of compliance that the subject listed has registered with the La Mesa Police Department as a Registered Gang member per 186.30 of the California Penal Code.

Name of Registrant (Last Name, First Name)	Date of Birth
Residence Address	
City, State, Zip	
Name of Registering Agency La Mesa Police Department	Date of Registration
Signature of Registering Officer / ID	
Signature of Registrant	

**LA MESA POLICE DEPARTMENT
COURT ORDERED GANG REGISTRATION PROGRAM
Per section 186.30 California Penal Code**

For Official Law Enforcement Use Only

Type or print neatly and complete all fields. Be sure to have the registrant sign this form and initial each registration requirement.

<input type="checkbox"/> MOVING INTO / WITHIN THIS JURISDICTION						<input type="checkbox"/> MOVING OUT OF THIS JURISDICTION					
FULL NAME OF REGISTRANT			Last			First			Middle		
Aliases				HOME PHONE NUMBER				WORK PHONE NUMBER			
CELL PHONE			PAGER		SCHOOL NAME			SCHOOL CITY			
SEX	RACE	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT	DATE OF BIRTH	PLACE OF BIRTH				
REGISTRATION ADDRESS		STREET NUMBER		STREET NAME				APARTMENT OR UNIT NUMBER			
CITY				COUNTY			STATE		ZIP		
OCCUPATION				EMPLOYER'S NAME			STREET NUMBER		STREET NAME		
CITY				COUNTY			STATE		ZIP		
GANG NAME				CLIQUE NAME							
MONIKERS / NICKNAMES											
SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS					LOCATION			DESCRIPTIONS			
SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS					LOCATIONS			DESCRIPTIONS			
CII NUMBER		FBI NUMBER		CDC NUMBER			CYA NUMBER		XREF NUMBER		
SOCIAL SECURITY NUMBER		COURT NUMBER			DRIVER'S LICENSE NUMBER		STATE		YEAR OF EXPIRATION		
VEHICLE #1	LICENSE/STATE		YEAR	MAKE	MODEL	STYLE	COLOR(S)				
GUARDIAN / RELATIONSHIP			GUARDIAN PHONE NUMBER								
GUARDIAN ADDRESS					CITY		STATE		ZIP		
STREET NUMBER											
UNIT NUMBER											
REGISTRATABLE CONVICTION					ARRESTING AGENCY			DATE OF ARREST			
PROBATION / PAROLE OFFICER				PROBATION / PATROLE LOCATION				PHONE NUMBER			
REGISTERING AGENCY (DO NOT ABBREVIATE)				REGISTERING OFFICER'S NAME AND TITLE				PHONE NUMBER			
<p>I have been notified of my duty to register as a convicted Street Gang Offender, pursuant to section 186.30 of the California penal Code. I have read, understood, and initialed each registration requirement as specified on the reverse side of this form.</p> <p>Under penalty of perjury, I certify the above information is true and accurate.</p>											
REGISTRANT'S SIGNATURE						DATE OF NOTIFICATION / REGISTRATION					

- FINGERPRINTS (MAJOR CASE PRINTS)
- 186.22 WARNING ISSUED
- CALGANG ENTRY
- PROOF OF RESIDENCE
- PHOTOGRAPH(S) (INCLUDING TATTOOS)

ROLLED RIGHT THUMBPRINT



REGISTRATION NOTIFICATION STATEMENT
Read and Initial Each Statement

I have been notified of my duty to register as a convicted Street Gang Offender, pursuant to section 186.30 of the California Penal Code. I understand that:

_____ I must register with the Chief of Police or the Sheriff of the county in whose jurisdiction I reside within 10 days of release from custody or imposition of sentencing if no custody time is served.

_____ I understand that my responsibility to register as a gang offender lasts for 5 years from my last imposition of registration requirement pursuant to Penal Code section 186.30.

_____ I understand that within 10 days of changing my residence address I must inform, in writing, the registering agency with whom I last registered, of my new address.

_____ I understand that when changing my residence within the State of California I must register with the new local law enforcement agency having jurisdiction over my residence within 10 days of my relocation.

_____ I understand that it is my duty to know the legal requirements of Penal Code section 186.30, including changes to the law, which may be made in the future.

_____ I understand that the registration requires that the registering policing agency take my photograph and fingerprints.

_____ I understand that if I knowingly violate any provisions of Section 186.30 I am guilty of a misdemeanor.

_____ I understand that if I knowingly fail to register pursuant to Section 186.30 and am subsequently convicted of any of the offenses specified in Section 186.30, or, if I am a juvenile, that if a petition is subsequently sustained for a violation of any of the offenses specified in Section 186.30, I shall be punished by an additional term of imprisonment in the state prison for 16 months, or 2, or 3 years.

CALIFORNIA STREET TERRORISM ENFORCEMENT AND PREVENTION (STEP) ACT NOTIFICATION
Pursuant to PC 186.32(a)
IF APPLICABLE

FULL NAME OF REGISTRANT	LAST	FIRST	MIDDLE	DOB
JUVENILES ONLY NAME OF PARENT/GUARDIAN	LAST	FIRST	MIDDLE	RELATIONSHIP DOB

STEP ACT NOTIFICATION

_____ I HAVE BEEN NOTIFIED that it has been determined I belong to a criminal street gang whose members engage in or have engaged in a pattern of criminal gang activity as described in subdivision (e) of Section 186.22 of the California Penal Code. Additionally, a Judge of the Superior Court has determined that I have been convicted in a criminal court or have had a petition sustained in a juvenile court for a gang related crime, Superior Court Case Number.

_____ I HAVE BEEN FURTHER NOTIFIED THAT CRIMINAL BEHAVIOR COMMITTED WHILE ACTIVELY PARTICIPATING IN A CRIMINAL STREET GANG CARRIES THE POTENTIAL FOR ADDITIONAL CRIMINAL AND CIVIL PENALTIES. THIS INCLUDES THE PUNISHMENT OF LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE OR EVEN THE DEATH PENALTY. I HAVE BEEN DIRECTED TO THE STREET TERRORISM ENFORCEMENT AND PREVENTION ACT AS CODIFIED IN PENAL CODE SECTION 186.22 et. seq. AND CIVIL CODE SECTION 3479 et. seq.

I have read, understood and initialed the above Registration Notification Statement and STEP Act Notification.

_____	_____
SIGNATURE OF PERSON NOTIFIED	DATE OF NOTIFICATION / REGISTRATION
_____	_____
SIGNATURE OF PARENT / GAURDIAN (JUVENILE)	DATE NOTIFICATION / REGISTRATION

REGISTERING AGENCY (DO NOT ABBREVIATE)	REGISTERING OFFICER'S NAME AND TITLE	PHONE NUMBER
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I certify that I notified the individual described above of his duty to register under the provisions of the applicable statute.

_____	_____
SIGNATURE OF NOTIFYING OFFICER	DATE OF NOTIFICATION

GANG REGISTRATION PROGRAM INTERVIEW

1. How long have you claimed? What gang set?
2. How were you initiated into the gang? When?
3. Who do you associate with?
4. Are you an active member? If not, when did you stop claiming?
5. Who do you live with? What is their relationship to you?
6. Who is your girlfriend/significant other? Where does she/he live? Phone number?
7. Do you have children? Names and ages?
8. Do you have any other vehicles that you own or drive? Vehicle information?
9. How many gang members do you estimate are in your gang? How many are female?
10. What type of weapon do you prefer? What type of weapons does your gang prefer? (make,model,caliber,etc)
11. Do members in your gang deal narcotics? What is the primary drug sold?
12. Does your gang prefer a certain type of vehicle? (make,model,etc)
13. What are the hangouts and boundaries of your gang?
14. Does your gang have a particular color, dress, or symbol? Describe.
15. What gangs does your gang have a rival/conflict with? Why?
16. Does your gang attend car shows? Which shows?

