01-003 Proposition 21 Gang Registration

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

PROPOSITION 21 GANG REGISTRATION

Purpose

The purpose of this Directive is to provide departmental procedures for handling court- ordered street gang member registration.

Background

With the passage of Proposition 21 on March 8, 2000, street gang members may be ordered by the court to register with local law enforcement as criminal street gang members if they are found guilty of violations of Sections (a) or (b) of 186.22 of the Penal Code or on order of the court if found guilty of any crime the court determines to be gang-related.

Penal Code Section 186.30 provides that any person convicted of the above sections shall register with the Chief of Police of the city in which he or she resides or the Sheriff of the county in which he or she resides within 10 days of release from custody or within 10 days of his or her taking residence in any city or county, whichever event occurs first. This process requires that if the subject is a juvenile, he/she shall appear at the required law enforcement agency with a parent or guardian and that both shall be served with a copy of the California Street Terrorism Enforcement and Prevention (STEP) Act which establishes the subject as a member of a criminal street gang, if applicable.

The registrant is required by law to furnish all the necessary information required to complete the attached court-ordered registration form and to sign the form. If the subject is a juvenile, both the subject and the parent or guardian shall sign the court- ordered registration form. The registrant is also required to submit to a photograph and a complete set of fingerprints to be attached to the form.

If a person subject to this court-ordered registration relocates to a new residence, that person must notify the law enforcement agency within the residential jurisdiction in writing of his new location and submit the required documentation. The registration requirement in this article shall terminate five years after the last imposition of a registration requirement pursuant to 186.30 P.C.

The statements, photographs, and fingerprints required under this section shall not be open to inspection by any person other than a regularly employed peace officer or other law enforcement officer.

Intake Personnel Responsibilities

When applicants present themselves at a Sheriff's station for registration in compliance with Section 186.30 of the Penal Code, desk personnel shall contact Safe Streets Bureau personnel (an OSS detective) at the station in order to have the registrant complete a Gang Registration Form. If an OSS team is not assigned to the station, a trained Gang Deputy may register the individual. If neither is available, a detective assigned to the unit shall complete the registration package. The Unit Commander may designate an employee (sworn or civilian) trained in registration procedures to handle intake responsibilities.

The intake person registering the gang member must take a digital photograph of the individual, obtain two complete sets of fingerprints, and attach the print cards to the completed registration form. The deputy shall mark the appropriate entry on the registration form reflecting the person has registered then furnish a photo copy of the completed registration form to the gang member registrant. The registrant shall be reminded that by law it is his/her responsibility to contact his/her parole or probation officer and furnish proof of registration.

If the registrant is a juvenile, his parent or legal guardian must accompany the subject during the registration process. Both the subject and the parent/guardian shall be served with the registration requirements, and both shall sign the registration form.

Once the registration process has been completed, the OSS detective or Gang Deputy shall enter the registrant into CalGang if the registrant meets the qualifications. The registration package will then be forwarded to Safe Streets Bureau Headquarters for retention. If no OSS team or Gang Deputy is assigned to the station, the intake person completing the registration shall immediately forward the original package to Safe Streets Bureau Headquarters where it will be examined for possible CalGang entry then filed for the retention period. The digital photograph of the registrant shall be e-mailed to the **Gang Member Registration Desk** for processing.

Personnel performing the registration process shall attempt to gather as many of the evident criteria of gang membership that the registrant demonstrates at the time of registration in order to input the subject into CalGang (see list below and on registration form). This would include all verbal and/or physical manifestations of gang membership the subject displays such as scars, marks, tattoos, and gang-style clothing. Any verbal admissions of gang membership by the registrant or companions shall be noted on the registration form.

Entry into CalGang is dependent on the subject meeting the first criterion or any two criteria following the first.

- **Subject admits being a gang member during the incarceration classification procedure. (This is the only criteria that will stand alone for entry into CalGang. If this criterion is not met, any two of the following criteria must be met).**
- Subject admits gang membership in a non-custodial situation.
- Subject has been identified as a gang member by a reliable informant or source or is required to register with law enforcement as a gang member per 186.30 PC.
- Subject has been identified as a gang member by an untested informant or source with corroborative evidence.
- Subject has been seen wearing gang-type clothing.
- Subject has been seen displaying gang symbols and/or hand signs.

- Subject has identifiable gang tattoos.
- Subject has been seen frequenting gang areas.
- Subject has been seen affiliating with documented gang members.
- Subject has been arrested with known gang members for offenses consistent with usual gang activity.

Safe Streets Bureau Headquarters shall be responsible for maintaining the Gang Registrant Database and shall adhere to all instructions regarding storage, maintenance, and destruction of records which are mandated by the applicable Penal Code sections.