# 00-010 Calgang Procedures And Tracking Of Gang-Related Crimes In LARCIS/Juvenile Entry In CalGang Pursuant To 186.34 P.C.

Los Angeles County Sheriff's Department

**FIELD OPERATIONS DIRECTIVE**

Field Operations Support Services

**CALGANG PROCEDURES AND TRACKING OF GANG-RELATED CRIMES**

**IN LARCIS/JUVENILE ENTRY IN CALGANG PURSUANT TO 186.34 P.C.**

## PURPOSE

This directive establishes policy, procedures, and accountability for CalGang network. This directive also defines the required criteria and procedures for entering all gang- related crime data into LARCIS. Notification to the Los Angeles County Regional Criminal Information Clearinghouse (LA CLEAR) of all gang search operations and surveillance is required.

## BACKGROUND

CalGang is a statewide network of integrated computers in various counties that forms a gang intelligence system. This system is a statewide database which contains intelligence and case information on identified street gangs and gang members. It is managed through a cooperative agreement between the California Department of Justice (CALDOJ), the Los Angeles County Sheriff's Department, the Los Angeles Police Department, and other California law enforcement agencies. There are ten nodes or areas that operate throughout the state. Operation Safe Streets Bureau (OSS) serves as the administrator for the Los Angeles County node.

LA CLEAR provides the ability for de-confliction on all pending gang-related operations.

### Gang Intelligence Files

Federal law requires that there is an established criminal predicate for an individual before that person's information may be placed into an intelligence file. The California Department of Justice governs the proper maintenance of intelligence files.

- Criminal predicate is established when a law enforcement officer can demonstrate a reasonable suspicion that the concerned subject is involved in criminal behavior or criminal enterprises.
- Street gangs, by definition, engage in a pattern of criminal activity and may be considered criminal enterprises due to the propensity of its members to commit criminal acts.
- CalGang files are subject to audit by the California Department of Justice.

## Gang Defined

A group of three or more persons who have a common identifying sign, symbol, or name, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity, creating an atmosphere of fear and intimidation within the community.

## POLICY AND PROCEDURE

Department personnel who are handling gang-related investigations are required to:

- Utilize the standard “Gang-related Crime” definition.
- Input data on required gang-related crimes into CalGang or specific record management systems such as LARCIS.
- Notify LA CLEAR regarding all pending gang-related search operations and surveillance.
- Confer with other entities having concurrent investigative interests.

### Input of Information into CalGang / LARCIS

The input of gang-related crime data into LARCIS is critical to accurately report gang crimes. Gang intelligence information used to identify individuals for CalGang files generally consists of data extracted from Field Interview Reports (FIR) and/or incident reports.

If the individual admits to being a gang member during the incarceration classification procedure, they may be entered into CalGang. If the individual has two of the following qualifiers, they may also be entered into CalGang. The individual is/was/has:

- Required to register as a gang member per Section 186.30 of the California Penal Code.
- Admitted gang membership in a non-custodial situation.
- Identified as a gang member by a reliable informant or source.
- Identified as a gang member by an untested informant or source with corroborative evidence.
- Seen wearing gang-type clothing.
- Seen displaying gang symbols and/or hand signs.
- Identifiable gang tattoos.
- Frequents gang areas.
- Seen affiliating with documented gang members.
- Arrested with known gang members for offenses consistent with usual gang activity.

Personnel may be authorized to input CalGang information only upon completion of the Department-approved CalGang training course. In order to safeguard the integrity of the CalGang system, information shall only be entered after the required qualifying criteria have been verified and reviewed by a “qualified” reviewer. The qualified reviewer shall initial the source document to indicate his or her approval of the information prior to input into CalGang. Information included in CalGang shall be pertinent to the identification of the individual’s gang membership, and/or criminal gang activity. A sergeant or a sworn designee who has completed the Department-approved CalGang training course provided by OSS will be considered a “qualified” reviewer.

When a CalGang record is created, the person inputting the information shall:

- Clearly indicate what source documents were used to create the file.
- Maintain an initialed copy of the source document (FIR or incident report) in a central location at the originating unit for not less than five years.
- Include the file or URN number (if applicable).

The OSS CalGang Node Administrator will conduct periodic audits of the CalGang system. Specific source documents will be checked and verified to ensure compliance with this policy.

- The interval between audits shall not exceed six months.
- The unit commander also has the responsibility for authorizing CalGang access with the following restrictions:
    - No person shall be authorized to access the CalGang system until he or she has completed a Departmentally approved CalGang training course provided by OSS, and they have been approved for access by the CalGang Node Administrator.
      CalGang information shall be treated as confidential criminal intelligence information and with limited dissemination for the purpose of enhancing public safety. It is important to emphasize that there are major responsibilities which accompany the operation of a criminal intelligence system, specifically the protection of the privacy of the persons or entities whose names are entered into the system.
      CalGang information may be released only to law enforcement employees authorized to receive criminal intelligence information, and only to those employees who have a “right to know” as well as a “need to know” regarding the information. CALGANG is a confidential source only for law enforcement use. The terms “CalGang” shall not be referenced in reports, memoranda, correspondence, Statements of Facts, etc.
      CalGang information shall not be relied upon to form an opinion on gang membership or substitute actual expertise regarding criminal street gangs. When a reference is necessary, such documents shall only reflect that the information was obtained from a law enforcement resource.
      If there is a compelling need to have a printed record, the user can contact CalGang Help Desk at [REDACTED TEXT] or [REDACTED TEXT] to obtain a copy of a record. Copies of printouts shall be treated as confidential criminal intelligence information. Any records or listings that are printed shall be maintained in a manner that prevents casual observation by non-authorized parties. Copies shall not be provided to third parties.
      **Convenience does not constitute a compelling need.**

## Juvenile Records

When a juvenile is about to be entered into an intelligence database, such as CalGang, Penal Code Section 186.34 requires CalGang users to check a validation box that the juvenile’s parent/guardian has been mailed a written notice of the entry into the intelligence database unless providing that notification would compromise an active criminal investigation or compromise the health and safety of the minor. This applies to new subject juvenile records when the entry is dated January 1, 2014 or after. The letter is only required one time on new juveniles. The law does not apply to juveniles who have previously been entered into CalGang prior to January 1, 2014.

According to the statute, the juvenile or his/her parent or guardian can contest the designation into the intelligence database. That would require the Department to provide written verification of its decision within 60 days.

## Juvenile Removal Procedures

In order for a juvenile to qualify for removal from CalGang, the juvenile or his/her parent or guardian must contact a Sheriff's station. They will be transferred to the station Watch Commander and request removal from the entry into the intelligence database.

Upon receipt of the removal request, a "Watch Commander's Service Comment Report" (WCSCR) shall be completed as a "Service Complaint, Other." The Watch Commander Service Comment Report shall immediately be forwarded to OSS Bureau Headquarters.

All removal requests will be reviewed by the responsible OSS Lieutenant or Detective Lieutenant. The lieutenant will ensure the following steps are completed in the review process:

- The person requesting removal has been interviewed
- A Removal Application Form has been completed
- All relevant and reliable information has been reviewed
- Character witnesses have been interviewed
- Expert OSS investigators have been consulted

The completed WCSCR will be forwarded to the OSS Captain for final determination. The OSS Captain shall communicate the final determination regarding the removal request to OSS and the requesting person.

## CalGang Removal Criteria

To be eligible for removal from the CalGang database, a person must provide sufficient, relevant, and reliable information for the OSS Captain to positively confirm the following:

- They no longer are or never were a member or associate of the listed gang; and
- They are not now acting and will not in the future act to promote, further, or assist any of the activities of the gang; and
- They are not a member or associate of any other criminal street gang.

The statute states that within sixty (60) days of the removal request, a letter must be sent to the juvenile or his/her parent or guardian that their request was approved or denied. The letter of approval or denial can be obtained by contacting the CalGang Help Desk at [REDACTED TEXT]

## Record Retention

An individual's record will be purged from the CalGang system after five years from the date of its creation unless there is a new qualifying incident within that time. The purge date will be reset with each new qualifying incident.

A purge of the gang file completely removes the individual's record from the active, searchable gang database.

**Non-Custodial Photographs of Street Gang Members**

The procedures for including gang member photographs in CalGang is detailed in MPP Section 5-09/440.00.

**Subpoena Duces Tecum or Court Order - Criminal Cases**

CalGang information is classified as "intelligence" and is afforded limited protection from discovery.

- The OSS CalGang Node Administrator shall be notified immediately whenever a subpoena duces tecum or court order asking for or pertaining to CalGang information is served at a station or bureau.
- A copy of the subpoena duces tecum or court order shall be forwarded to OSS Headquarters.
- If a unit is served with a subpoena duces tecum or court order pertaining to CalGang records, MPP Section 5-07/240.00 shall apply.

**New Statistical Code for Gang-related Crimes**

860 - Gang-related Crime

This statistical code can only be used as a secondary statistical code. It cannot be used alone for the issuance of an URN number, but shall be used in conjunction with another primary statistical code for any gang-related incident.

The purpose of the 860 statistical code is to assist in compiling statistics on gang-related crime in the County of Los Angeles through tracked entries in LARCIS.

**GANG-RELATED CRIME**

All crimes should be considered gang-related when the suspects or victims, acting individually or collectively, are believed to be gang members or gang affiliates. When the suspects are unknown, a crime should be considered gang-related when:

- There are strong indications a crime is gang-related such as the nature of the offense or the fact the participants were wearing/using common identifying signs, symbols, or colors.
- There are indications that a crime is gang-related based upon the circumstances of the crime or the expert opinion of a gang investigator.

The definition of a gang-related crime should not be confused with a gang-motivated crime. Motivation is used for investigative and prosecutorial purposes only.

**AFFECTED DIRECTIVES/PUBLICATIONS**

MPP section 2-11/030.00 - Operation Safe Streets Bureau, Operation Safe Streets Detail responsibilities.

## CITES/REFERENCES

Code of Federal Regulations, Title 28, Chapter 1 Part 23.