

3-01/050.82 - Prohibition - Law Enforcement Gangs and Hate Groups

Purpose

Building and preserving trust between the community and law enforcement is crucial to effectively maintaining Department operations, reducing crime, and ensuring the safety of the County's residents. The Department acknowledges the dedication and commitment exhibited by Department members who protect and serve the community. However, participation in law enforcement gangs or hate groups, and any activities associated with these groups, which can include an associated symbol and/or tattoo, violate California State law, undermine the objectives of law enforcement, create a negative perception of the Department, erode public trust, increase the risk of civil liability to the Department and its members, harm morale, and violate fundamental principles of professional policing. Participation in law enforcement gangs and hate groups creates community distrust, discourages community members from working with law enforcement, and discourages residents from seeking help from the Department. These groups undermine the Department's goals and core values.

Definitions

“Law Enforcement Gang,” as defined in Penal Code section [13670\(a\)\(2\)](#), is a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under Federal or State anti-discrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating Department policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other Department members who threaten or interfere with the activities of the group.

Participation or membership in a law enforcement gang shall mean knowingly engaging with other members of a law enforcement gang in the activities prohibited by Penal Code section [13670\(a\)\(2\)](#).

“Hate group,” as defined in Penal Code section [13680\(c\)](#), is an organization that supports, advocates for, threatens, or practices genocide or the commission of hate crimes, as defined in Penal Code section [422.55](#).

“Membership in a hate group,” as defined in Penal Code section [13680\(d\)](#), means being, or holding oneself out as, a member of a hate group with the intent to further the unlawful aims of the group.

“Participation in any hate group activity,” as defined in Penal Code section [13680\(e\)](#), means active and direct involvement in, or coordination or facilitation of, any hate crime by hate group members.

Policy

Department members shall not participate in, solicit others to participate in, or be members of a law

enforcement gang, as defined above. Such conduct shall be subject to discipline, up to and including termination, pursuant to Penal Code section [13670\(b\)](#).

Department members shall not participate in, solicit others to participate in, or be members of a hate group, as defined above. Any Department member engaged in membership in a hate group, participation in any hate group activity, or advocacy of any public expressions of hate shall be removed from the Department as a peace officer, pursuant to the provisions of Penal Code section [13682\(a\)](#) and [13682\(b\)](#).

If any of the above misconduct involves criminal allegations, the matter may be referred to the District Attorney's Office or other prosecutorial office for possible prosecution.

In addition to conducting its own investigations of alleged law enforcement gangs, the Department shall cooperate with the Office of the Inspector General, the California Attorney General, and/or any other authorized agency investigating the existence or the potential existence of such gangs within the Department, pursuant to Penal Code section [13670\(b\)](#). Employees are required to participate in these investigations, answer questions, and do so honestly.

Pursuant to the provisions of Penal Code section [13510.9\(a\)\(2\)](#), the Department shall report any complaint, charge, or allegation of a peace officer's participation in a law enforcement gang to the Commission on Peace Officer Standards and Training, which can result in the suspension or revocation of certification by the Commission pursuant to Penal Code section [13510.8](#). Except as specifically prohibited by law, the Department shall also disclose the termination of a peace officer for participation in a law enforcement gang to another law enforcement agency conducting a preemployment background investigation of that former peace officer pursuant to Penal Code section [13670\(c\)](#) and shall make all required notifications to State agencies responsible for recording such information.

All personnel will be held accountable for this policy. Failure to adhere to this policy may subject violators to discipline under the Manual of Policy and Procedures (MPP), including sections 3-01/030.05, General Behavior, 3-01/030.73, Hazing, and 3-01/050.10, Performance to Standards.
