

Gang Documentation

604.1 PURPOSE

This procedure is intended to establish a method for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code § 186.20 through 186.36 also known as the "Street Terrorism Enforcement and Prevention Act," and to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants.

604.2 DEFINITIONS

CRIMINAL GANG: Any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in California Penal Code 186.22, paragraphs (1) to (25), inclusive, or (31) to (33), inclusive, of subdivision (e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in, or have engaged in, a pattern of criminal gang activity.¹

SUSPECTED GANG MEMBER: An individual for whom two or more of the following elements have been established:

1. An individual admits membership in a criminal gang.
2. Association with confirmed gang members.
3. Identified by a correctional facility as a gang member.
4. Identified by a past-proven, reliable, informant as a gang member or affiliate.
5. Gang tattoo.
6. Present in a photograph with confirmed gang members.
7. Possession of gang-altered cards, notebooks, backpacks, etc.
8. Participation in gang crime(s) as listed in CA Penal Code § 186.22.
9. Gang-altered clothing.
10. Listed on a gang roster, phone book, list, etc.
11. Identified as a gang member by another law enforcement agency.

GANG AFFILIATE: An individual may be designated as a gang affiliate when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and sound judgment rather than a mere hunch or whim.

GANG FI: A document that records an officer's observations about a subject, including those observations that support an officer's belief that the subject is a member of a criminal gang.

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GANG-RELATED REPORT: A police report that contains any information that is relevant to criminal gang activity. Typically, these reports will describe crimes that are committed for the benefit of, at the direction of, or in association with any criminal street gang, with the intent to promote, further, or assist in any criminal conduct by gang members. Gang reports may also contain non-criminal information, including information that contributes to a better understanding of a criminal gang's membership, trends or activities.

¹Cal. Penal Code section 186.34.

604.3 CIRCUMSTANCES

Complete, well-written Gang FIs are critical for criminal intelligence-gathering and successful gang prosecutions. Officers who write Gang FIs must be prepared to testify about the specific details of the contact, including the reason the person was contacted. Therefore, recording sufficient details on the FI will assist officers in recalling details of the contact.

A Gang FI should be written any time an officer believes they are contacting a known or suspected gang member. These contacts may be the result of a consensual contact, a detention, or even when a person has already been arrested. By itself, membership in a criminal gang is not a crime. However, if the subject is in custody officers must be mindful of Miranda considerations.

All field contacts and interviews should ordinarily be recorded in accordance with Policy #450 (Portable Audio/Video Recorders).

Photographs of faces, clothing, tattoos, etc. are an important component of a Gang FI. However, any photographs obtained during the contact must be taken in compliance with Policy #440.5 (Field Photographs).

604.4 COMPLETING A GANG FI

Front Side

The following boxes are particularly important when filling out a Gang FI:

UNION CITY POLICE DEPARTMENT											
NAME LAST			FIRST			MIDDLE			DOB		PIN
ADDRESS						TELEPHONE		DL/ID#		ST.	
RACE	SEX	HT.	WGT.	HAIR	EYES	POB	SSR		PHOTO YES/NO		
MONIKER			GANG			PROBATION/PAROLE INFO/PO					
YR	MAKE	MDL	COLOR		LIC#	ADOL. VEHICLE INFO.					
TATTOOS/SCARS/MARKS/ODDITIES:											
CLOTHING:						PARENT/GUARDIAN:					
SELF-ADMISSION QUOTE:						FI Card # _____ OF _____					
LOCATION:				DATE/TIME/OFFICER:				INCIDENT/CASE NUMBER:			

1.



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2.

[REDACTED]

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[REDACTED]

■

[REDACTED]

■

[REDACTED]

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[REDACTED]

■

[REDACTED]

■

[REDACTED]

■

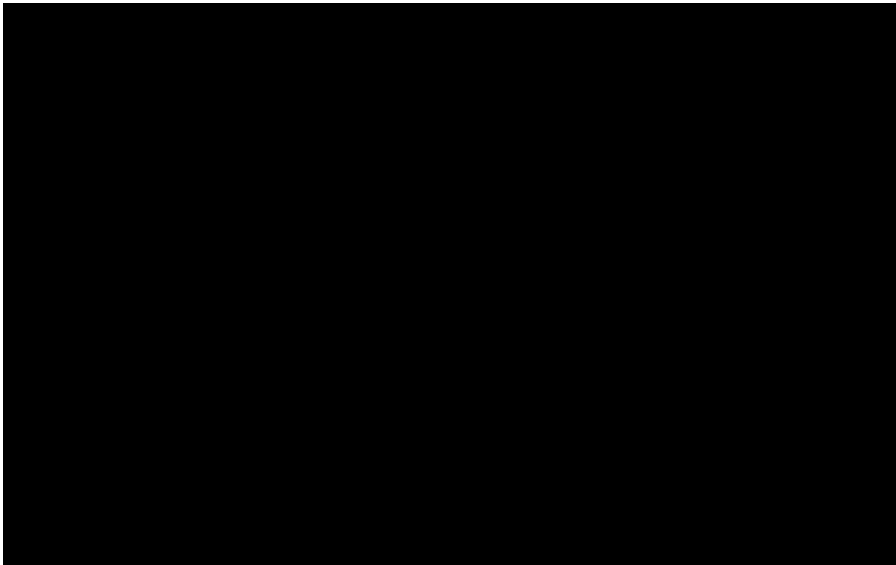
[REDACTED]

Back Side

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Generally, it takes two “Membership or Affiliate Criteria” to document someone on a Gang FI for the first time. Even a self-admission, by itself, is not enough to document someone as a gang member. However, any FI may be referred to SSU detectives for further review.

The “Reason for Contact” is very important. If the reason for the stop is not be articulated, all information about the stop may be suppressed later in court. Simply writing “Consensual Contact” is not sufficient without some additional information.

It may be easier to write the FI under the RMS FI system because there is a spot to write out a narrative and it allows you to be more detailed.

Whether the FI is documented on a FI card, or written directly into the RMS FI system, the officer will make a copy of the FI, associated (color) photos, etc., and place those copies in the SSU Supervisor’s box. The original should be placed in the Patrol Supervisor’s incoming box.

The copy of the Gang FI will be reviewed by the supervisor and then forwarded to Records for data entry into RMS. The RMS entry will include all of the data from the original FI and be entered in the same manner as an ordinary FI. No additional markings or data will be entered to differentiate these FIs from ordinary FIs. For example, the “Reason” for contact field will not be listed as “Gang.” Original copies of all FIs will be retained and filed by Records.

The SSU supervisor will review all potential Gang FIs that are forwarded to him/her, [REDACTED]
[REDACTED]
[REDACTED] Copies of Gang FIs will be retained and filed by SSU.

²See 28 C.F.R. section 23.1 *et seq.*

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604.5 GANG-RELATED REPORTS

Officers who take police reports involving gang activity will mark their police reports by writing “Y” in the “Gang Act?” box. This box can be found under the MO tab of the ARS report. In addition, officers will mark the report for routing to SSU. It is also very helpful to place a printed copy of the report in the SSU supervisor’s mailbox.

Officers should document all gang-related criteria (tattoos, clothing, self-admissions, etc.) for subjects listed in their police reports. However, officers should generally avoid drawing conclusions or taking enforcement action based on their suspicions about a person’s gang membership or affiliation.

The original police report should be routed for supervisory approval as usual.

The SSU supervisor or detective will review all police reports marked as “Gang Act?” or otherwise routed to them for review. [REDACTED]

The SSU supervisor or detective will also notify the charging District Attorney of any appropriate gang-enhancements.

Prior to designating any person as a suspected gang member, associate or affiliate in a shared gang database; or submitting a document to the Attorney General’s office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. The notice shall also describe the process to contest the designation.⁴

³See 28 C.F.R. section 23.1 *et seq.*

⁴See Cal. Penal Code section 186.34.

604.6 SECTION TITLE

Adopted: November 17, 2020