

CRIMINAL ORGANIZATIONS

4190.1 PURPOSE

The Santa Ana Police Department recognizes the need to have a procedure in place for daily operations of the department's use of criminal intelligence systems and temporary information files for shared gang databases, such as CalGang Network System. The purpose of this procedure is to ensure accountability and consistency of the specific methods and work-flow processes used on a daily basis for the operations of the CalGang Network System in accordance with the department's Policy 419 Criminal Organizations.

4190.2 DEFINITIONS

CalGang Network System – a State of California funded, local law enforcement maintained and controlled criminal intelligence system that focuses specifically on members and criminal associates of criminal street gangs. This system is a statewide database that contains intelligence and case information on identified street gangs and gang members.

Criminal street gang – 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 definable criminal activity creating an atmosphere of fear and intimidation within the community.

Field interview card (F.I.C.) – a method of documenting informal police contacts during the course of patrol.

Police Investigative Specialist (P.I.S.) – Quality Control Reviewer reviews the source documentation of the individual and/or gang entry into the CalGang Network System for quality control review purposes; under general supervision, performs responsible investigative work in the department's Gang Unit.

SAPD CalGang Node Administrator – Analyst determines if the individual and/or gang meet the qualifying gang criteria for entry into the CalGang Network System and the department authorized CalGang coordinator that enters such data into CalGang; under general supervision, performs responsible investigative work in the department's Gang Unit.

Police report – a document detailing a crime or incidence.

S.T.E.P. Notice – Santa Ana Police Department Proof of Personal Service of Determination and Field Interview Report Form, also known as a "Gang Notice."

Senior Office Assistant (S.O.A.) – under general supervision, performs a wide variety of administrative work as necessary in furtherance of the Crimes Against Persons Division. Responsible for the clerical tasks as outlined in the CalGang procedures.

Supervisor – the assigned Detective Corporal or Sergeant to the SAPD Gang Unit; responsible to approve the entry of any information from a report, field interview card, photo or other relevant document into the CalGang Network System.

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4190.3 PROCEDURE

The following procedures define the required criteria and work-flow processes for entering all gang-related crime data into CalGang. Specifically, individual procedures for the work-flow process of entering individual and gang entries into CalGang; supervisory reviews; tracking system for CalGang information sharing; inclusion notifications and removal request requirements. The guidelines below provide detailed descriptions of the responsibilities assigned to specific Gang Unit personnel. The department's CalGang Network System procedures ensure they align with state law, CalGang policy, federal regulations, and state guidelines.

4190.4 INPUT OF INFORMATION INTO CALGANG AND SUPERVISORY REVIEW

The department recognizes the need to identify a process for entering, evaluating, and auditing the data in CalGang. The gang intelligence information used to identify individuals and gangs for CalGang files generally consists of data extracted from source documents (i.e., field interview cards, S.T.E.P. notices, and/or police reports).

4190.4.1 WORK-FLOW PROCESS

1. Gang-related criminal intelligence information is primarily gathered by sworn personnel who may document their contact with a suspected gang member(s) and/or gang in a source document.
2. The field interview cards and S.T.E.P. notices completed by Patrol personnel are dropped off in the Station Supervisor's office. The police reports are forwarded from the Records Division to the Gang Unit Sergeant's office.
3. The Senior Office Assistant assigned to Crimes Against Persons should collect the field interview cards and S.T.E.P. notices from the Station Supervisor's office and the police reports from the Gang Unit Sergeant's office. The collected source documents should be delivered to the SAPD CalGang Node Administrator for review.
4. The SAPD CalGang Node Administrator will determine if the individual and/or gang meet the qualifying gang criteria for entry into CalGang.
 - A. CalGang policy requires, with one exception, that a user agency identify two documented criteria for initially entering a person into CalGang.*
 - B. Criteria to determine gang member profile:
 - I. Subject has admitted to being a gang member
 - II. Subject has been arrested with known gang members for offenses consistent with gang activity
 - III. Subject has been identified as a gang member by a reliable informant/source
 - IV. Subject has been identified as a gang member by an untested informant
 - V. Subject has been seen affiliating with documented gang members
 - VI. Subject has been seen displaying gang symbols and/or hand signs
 - VII. Subject has been seen frequenting gang areas

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- VIII. Subject has been seen wearing gang dress
- IX. Subject is known to have gang tattoos
- X. In custody Classification interview* (All others require two criteria)
- C. Criteria to determine gang profile:
 - I. Analyst will conduct an analysis of the information obtained to establish reasonable suspicion of organization's criminal activity before requesting inclusion of such organizations in CalGang
 - II. Analysis for Gang Review:
 - (a) Three or more members, and
 - (b) Common sign, symbol, or name, and
 - (c) Members individually or collectively engage in a pattern of criminal gang activity
 - III. Organization must meet the criminal street gang definition per CalGang policy
- 5. The SAPD CalGang Node Administrator should forward field interview cards, S.T.E.P. notices, and/or police reports to the Gang Unit's Supervisor who should perform the required supervisory review of the police officer's documentation.
 - A. The Supervisor is responsible for verifying and reviewing such information that would qualify individual and/or gang entries into CalGang.
 - B. The Supervisor will initial the source document to indicate his/her approval of the information prior to input into CalGang (i.e. initials, badge number and date).
- 6. The Gang Unit's Supervisor should forward the field interview cards, S.T.E.P. notices, and/or police reports after his/her supervisory review to the Police Investigative Specialist assigned as the Quality Control Reviewer.
- 7. The Quality Control Reviewer will perform quality control review of the source documentation to ensure the existence of proper support for each criterion and initial the source document to indicate his/her approval of the information meeting required qualifying criteria (i.e. initials, badge number & date).
- 8. The Quality Control Reviewer should forward the field interview cards, S.T.E.P. notices, and/or police reports to the designated SAPD CalGang Node Administrator.
- 9. The SAPD CalGang Node Administrator should enter the data of the individual and/or gang that meet the qualifying gang member/gang membership criteria into CalGang. When a CalGang record is created, the person inputting the information should:
 - A. Accurately enter all data into specified fields in CalGang
 - B. Clearly indicate what source documents were used to create the file
 - C. Maintain original source document in a central location at the originating unit for not less than five years (retention period)

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10. The SAPD CalGang Node Administrator should forward the field interview cards and police reports to the Records Division (responsible for scanning/uploading documents into Laserfiche) and file the S.T.E.P. notices in the Gang's Unit secure storage room.

4190.4.2 CALGANG PURGE CRITERIA

1. The Police Investigative Specialist is responsible for review of SAPD records that have been entered into CalGang to ensure all criminal street gangs entered into CalGang meet reasonable suspicion requirements. At the completion of an initial review/audit of all current criminal street gangs entered into CalGang the Police Investigative Specialist will be responsible for review of any future group, and supporting documentation, being considered for inclusion into CalGang.
2. The Police Investigative Specialist is responsible for review of all existing SAPD individual records to ensure the existence of proper source documentation for each criterion. Congruently the Police Investigative Specialist will be responsible for review of all source documents considered for inclusion into CalGang.
3. On an annual basis, the Police Investigative Specialist and SAPD CalGang Node Administrator will be responsible for conducting an internal review of CalGang records to ensure intelligence remains current, accurate, relevant, and complete.
4. The Investigations Bureau Commander or his/her designee can request additional audits of CalGang on an as needed basis.
5. CalGang records not modified by the addition of new criteria for a 5-year period will be purged.

4190.5 TRACKING SYSTEM FOR CALGANG INFORMATION SHARING PROCESS

CalGang information shall be treated as confidential criminal intelligence information. It is important to emphasize the major responsibilities that accompany the operation of a criminal intelligence system, specifically the protection of the privacy of the individuals and/or organizations whose names are entered into CalGang Network System.

In order to ensure CalGang information is properly shared, the following tracking system procedural guidelines should be followed by the authorized department's CalGang users. CalGang information shall be shared for an official law enforcement purpose only. Information may be released only to law enforcement employees authorized to receive criminal intelligence information, and those employees/requesters that have a "right to know" as well as a "need to know" regarding the information. The department uses CalGang's Proxy Login feature in order to track its information sharing requests.

4190.5.1 WORK-FLOW PROCESS

1. Authorized CalGang users shall log in to the CalGang Network System with their personal user login information.
2. The department's authorized CalGang user must complete the mandatory Proxy User Information field boxes with the Requester's Contact Information (i.e., first & last name,

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badge number, law enforcement agency, phone number, email and comments) in order to enable the Proxy Login feature in CalGang.

3. The authorized user should document under the Proxy Comments field box the requester's "need and right to know" (i.e., regarding criminal investigation/case number, if available).
4. Upon completion of the required Proxy User Information field boxes, the CalGang User should continue with the internal/external requester's search for the individual and/or gang.

4190.6 INDIVIDUAL RECORDS NOTIFICATION PROCESS

4190.6.1 PENAL CODE SECTION 186.4

Effective January 1, 2017 the California Penal Code Section 186.34 states:

1. (d) To the extent a local law enforcement agency elects to utilize a shared gang database, as defined in subdivision (a), prior to a local law enforcement agency designating a 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 local law enforcement agency shall provide written notice to the person, and shall, if the person is under 18 years of age, provide written notice to the person and his or 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 the minor (emphasis added).
2. The notice described in paragraph (1) shall describe the process for the person, or, if the person is under 18 years of age, for his or her parent or guardian, or an attorney working on behalf of the person, to contest the designation of the person in the database. The notice shall also inform the person of the reason for his or her designation in the database (emphasis added).

The department shall provide written notice to the individual 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 the minor. The notice shall describe the process for the person, or an attorney working on behalf of the person, to contest the designation of the person in the database. The notice shall also inform the person of the reason for his/her designation in the database.

The notification letter is only required to be sent for new entries. Any subsequent entries in a shared gang database do not require notification of an individual's possible inclusion.

Individuals shall submit written documentation to the Santa Ana Police Department Gang Unit to contest the designation in our files and shared gang database, such as CalGang.

Refer to the requirements and guidelines under Procedure 419(VIII) CalGang Contestation/Removal Request Process.

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4190.6.2 WORK-FLOW PROCESS

1. An employee of this Department with the requisite training and experience determines if a subject meets the minimum criteria required to be designated as a gang member. The employee's source document (i.e. field interview card, S.T.E.P. notice, and/or police report) is forwarded to the Gang Unit for further review.
2. Upon receipt of the source document in the Gang Unit, the SAPD CalGang Node Administrator will search the individual in the CalGang Network System and verify if a notification letter has been previously sent to the individual. If there is an existing CalGang file for the individual and a notification letter was previously sent, then no further notification is required and the new contact for the individual should be added to their CalGang file.
3. If the individual is not found in the CalGang Network System, the SAPD CalGang Node Administrator shall send to the individual the department's "Notification Pursuant to Penal Code §186.34" letter.
4. The SAPD CalGang Node Administrator should enter the subject's information (i.e. date of incident, name, date of birth, notification letter sent date and notes) into the Gang Unit's internal spreadsheet for PC186.34 Adult Log.

4190.7 JUVENILE RECORDS NOTIFICATION PROCESS

When a juvenile is about to be entered into a shared gang database, such as CalGang, California Penal Code Section 186.34 (law's text is found under Procedure 4190.6 Individual Records Notification Process) requires the law enforcement agency to send a written notice of the designation and the basis for the designation to the juvenile and his/her parent or guardian, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of the minor. The notice shall describe the process for the person, or if the person is under 18 years of age, for his/her parent or guardian, or an attorney working on behalf of the person, to contest the designation of the person in the database. The notice shall also inform the person of the reason for his/her designation in the database.

- This applies to new subject juveniles records when the entry is dated January 1, 2014 or after. The law does not apply to juveniles who have previously been entered into CalGang prior to January 1, 2014
- The notification letter is only required to be sent for an initial entry into a shared gang database

The department shall send written notice of the designation to the juvenile and his/her parent or guardian before adding the juvenile into CalGang. According to the statute, the juvenile or his/her parent or guardian may submit written documentation to the law enforcement agency contesting the designation.

4190.7.1 WORK-FLOW PROCESS

1. An employee of this Department with the requisite training and experience determines if a subject meets the minimum criteria required to be designated as a gang member.

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- The employee's source document (i.e. field interview card, S.T.E.P. notice, and/or police report) is forwarded to the Gang Unit for further review.
2. Upon receipt of the source document in the Gang Unit, the SAPD CalGang Node Administrator should search the individual in the CalGang System and verify if a notification letter has been previously sent to the juvenile and to his/her parent or guardian. If there is an existing CalGang file for the juvenile and a notification letter was previously sent, no further notification needs to be sent and the new contact for the juvenile should be added to their CalGang file.
 3. If the juvenile is not found in CalGang, the SAPD CalGang Node Administrator shall send to the new juvenile the department's "Juvenile Notification Pursuant to Penal Code §186.34" letter and to his or her parent/guardian the department's "Parent Notification Pursuant to Penal Code §186.34" letter.
 4. The SAPD CalGang Node Administrator is required to check a validation box in the CalGang Network System verifying the juvenile and his/her parent or guardian has been sent a written notice of the entry into the intelligence database.
 5. The SAPD CalGang Node Administrator shall enter the subject's information (i.e. date of incident, minor's name, parent/guardian name, date of birth, juvenile & parent notification letter sent date and notes) into the Gang Unit's internal spreadsheet for PC 186.34 Juvenile Log.

4190.8 INFORMATION REQUESTS FROM A PERSON, PARENT, GUARDIAN OR ATTORNEY

Pursuant to California Penal Code Section 186.34(e)(1)(A), "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 what law enforcement agency made the designation."

This information request must be in writing. The department shall provide the information requested, unless doing so would compromise an active criminal investigation or compromise the health or safety of the person if the person is under 18 years of age. The department shall respond to a valid request in writing to the person making the request within 30 calendar days of receipt of the request.

4190.8.1 WORK-FLOW PROCESS

1. The Gang Unit receives a written request from a person or, if the person is under 18 years of age, from his or her parent/guardian, or from an attorney requesting information from the department regarding their designation in a shared gang database.
2. A Gang Unit Supervisor will review the request.
3. A Gang Unit Supervisor should complete the "Information Notification Pursuant to California Penal Code § 186.34" letter and send it to the person who made the request within 30 calendar days of receipt of the request.

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4. A Gang Unit Supervisor, Police Investigative Specialist, SAPD CalGang Node Administrator, or Detective should enter the requester's information, contact date, attorney's information, and response date into Gang Unit's internal spreadsheet for Database Inquiries Pursuant to CPC § 186.34.
5. A copy of the requester's written request will be returned with the completed Database Inquiries Pursuant to CPC § 186.34 form. A digital copy of the written request should be saved to a shared folder, but this is not required by law.

4190.9 CALGANG CONTESTATION/REMOVAL REQUEST PROCESS

In order for a person or juvenile to qualify for removal from CalGang, the individual and or attorney, or if the person is under 18 years of age his or her parent/guardian must contact the Santa Ana Police Department in writing to initiate the contestation process. The subject may appeal their inclusion in our files and the shared gang database, such as CalGang, by submitting written documentation to:

Santa Ana Police Department
Attention: Gang Unit
60 Civic Center Plaza
Santa Ana, California 92702

4190.9.1 WORK-FLOW PROCESS

The following shall be conducted within thirty (30) days of submission of the written documentation contesting the designation (removal request):

1. The department's Gang Unit receives a letter and/or other written notification from a subject contesting inclusion in our files and the shared gang database.
2. A Gang Unit Supervisor should conduct a background of the subject contesting inclusion.
3. Upon review, if insufficient information exists to support inclusion into the shared gang database, the subject should be notified verbally and in writing they will not be included.
4. However, if information exists that would support the subject's inclusion the Gang Unit Supervisor should contact the subject, his/her parent/guardian, or attorney in an attempt to provide further explanation for the decision. The Supervisor should attempt to gain additional insight as to why the subject feels they should not be included in the database. Meeting with the subject, his/her parent/guardian, and/or attorney is highly encouraged.
5. Following the subject's background review and meeting, the Supervisor will consider the information provided and render his/her decision.
6. The Supervisor should conduct a peer review with a secondary gang evaluator and gain a second opinion to decide whether the subject should remain in the shared gang database, or be removed. If overwhelming documentation in support of inclusion exists a peer review is not required.

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- A. If both evaluators agree on the subject's inclusion in CalGang, the Gang Unit Supervisor shall inform the subject they will be included in a shared gang database. Consequently, the department is denying the request for removal and the notice of determination shall state the reason for the denial. The subject may appeal the denial pursuant to California Penal Code Section 186.35.
 - B. If a peer review was conducted and the evaluators disagree about the inclusion, the subject should not be included in CalGang.
7. The Department's practice will be to notify the subject of the department's decision verbally and in writing. If the Supervisor is unable to contact the subject to inform him/her verbally, a written determination notice will suffice.
8. The department shall provide the individual, parent/guardian, and/or attorney with written notification of the outcome within thirty (30) days of receipt of their written documentation.
9. A Gang Unit Supervisor shall complete and send the department's "Determination Review – Inclusion into Shared Law Enforcement Database Notification Pursuant to Penal Code § 186.34" letter to the subject informing the individual, parent/guardian, and/or attorney if the person will or will not be included in a shared gang database.
10. The SAPD CalGang Node Administrator will enter the individual, parent/guardian, and or attorney contestation response date, SAPD determination review outcome, and final response date into the Gang Unit's internal spreadsheet for PC 186.34 Adult & Juvenile Log.

The primary gang evaluator shall be a Gang Unit Supervisor. If a peer review was conducted, the employee used for the peer review should have the requisite training and experience to be a subject matter expert in the field of criminal street gangs. In the event the subject is represented by an attorney to represent him/her, the process will not change. Since this is not a criminal proceeding, the subject is not entitled to legal representation. However, the department will network with an attorney acting on behalf of the subject.

4190.10 GANG UNIT INTERVENTION AND PREVENTION MEETINGS

Individuals (minors and adults) and/or parents/guardians of juveniles may contact the department in person or via phone call inquiring about the Notification Letters they received from the police department. The Police Investigative Specialist will provide general information about the Notification Letter, answer public inquiries, and explain the contestation process.

Individuals may request a meeting with the department's Gang Unit to learn more about their minor son/daughter's contact with police officers. If the parent/guardian of the minor requests an intervention/prevention meeting with the Gang Unit, the Police Investigative Specialist will assist in accommodating such request upon approval from a Gang Unit Supervisor.

The Police Investigative Specialist should enter the individual's contact information (i.e., date of contact, minor's name & date of birth, parent/guardian name(s), phone number, contestation information provided, requested parent meeting, notes, meeting's attendees, and intervention/

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prevention information/service provided) into the Gang Unit's internal spreadsheet SAPD Gang Unit Intervention/Prevention Meetings.

4190.11 TRAINING AND DISCLOSURE

CalGang System training for new users and/or re-certification purposes is provided by the node administrator agency- Orange County District Attorney's Office. The department's Training Division should provide a training course regarding CalGang's Proxy Login Search feature annually through PowerDMS software.

The procedures described above are the specific methods employed to express departmental Policy 419 Criminal Organizations in day-to-day operations of the department. These procedures should be implemented, reviewed, and revised as needed by the department. Guidelines are subject to change to ensure Policy 419 remains in compliance with the state law, CalGang policy, federal regulations, and state guidelines.