

ATTORNEY GENERAL'S ANNUAL REPORT ON

CALGANG[®]

FOR 2021



TABLE OF CONTENTS

EXECUTIVE SUMMARY 1

AT-A-GLANCE 3

DOJ CALGANG CONTEXT DOCUMENT..... 8

EXECUTIVE SUMMARY

CalGang is a statewide database used by law enforcement agencies to share gang-related intelligence for criminal investigations. The confidential database is designed to enhance officer safety and improve the efficiency of criminal investigations.

The California Department of Justice (Department) oversees and audits CalGang as a result of Assembly Bill (AB) 90 (Chapter 695, Statutes of 2017), the Fair and Accurate Gang Database Act of 2017. The law tasked the Department with management of the CalGang database beginning January 1, 2018, and with drafting and implementing regulations to improve the quality of the CalGang database. On October 22, 2020, the Department adopted California Code of Regulations title 11, chapter 7.5, Department of Justice Regulations for the Fair and Accurate Governance of the CalGang Database. These regulations govern the use, operation, and oversight of the CalGang database, including, among other things, establishing the requirements for entering and reviewing gang designations, the retention period for listed gangs, and the criteria for identifying gang members.

The regulations prioritize individual rights, data protection, and accountability. Per title 11, chapter 7.5 of the California Code of Regulations, records in CalGang are confidential and are only for the use of law enforcement agencies for criminal investigations. Information and records in CalGang cannot be disclosed to evaluate an individual's eligibility for housing, employment, education, or military screening purposes, or for enforcing federal immigration law, unless required by state or federal statute or regulation. The data is also not part of a “hot file” that is routinely checked when law enforcement has an encounter with an individual. Adults are removed from the database after five years, and minors are removed after three years, unless they continue to meet the criteria for being an active gang member based on additional contact with law enforcement.

This report marks the fifth annual report for CalGang, based on the 34,163 records that were housed in CalGang as of September 30, 2021, and the third year in which the results of agency audits are presented by the Department. As a result of title 11, chapter 7.5, this report provides new transparency of the CalGang database by reporting the following:

- **Proxy queries:** The annual number of times an eligible user searched the database on behalf of another law enforcement official.
- **Information requests:** The annual number of instances that members of the public requested to know whether they were in the database.
- **Gang audits:** Annual submissions by law enforcement agencies verifying that gangs in the system meet the criteria to qualify as a gang.
- **Misuse reporting:** Annual submissions by law enforcement agencies citing the number of times the database was used for a reason other than its intended purpose.

The tables and graphs provided summarize data captured during the immediately preceding 12 months, October 1, 2020 – September 30, 2021. This report includes data that was entered into CalGang by local agencies prior to AB 90 and prior to the regulations issued by the Department.

The full dataset can be found on the Attorney General's website at:

www.oag.ca.gov/calgang.

For 30 days following the release of this data, the public is invited to submit comments to the Department for consideration of developing future reports. Subsequent reports will summarize public comments received and any actions taken in response to those comments. Because the Department did not receive any public comments regarding last year's published report, there are no summarized comments available in this report.

Comments may be submitted by e-mail to **CalGangReports@doj.ca.gov** or by mail to:

**Department of Justice
Justice Data and Investigative Services Bureau
P.O. Box 160968
Sacramento, CA 95816-0968**

AT-A-GLANCE

California law requires the Department to publish an annual report on the CalGang database that contains by ZIP code, referring agency, race, gender, and age the following information for each user agency, as defined in Penal Code section 186.36 subdivision (p):

- The number of records included in the CalGang database on the day of reporting.
- The number of persons added to the CalGang database during the immediately preceding 12 months.
- The number of requests for removal from the CalGang database received during the immediately preceding 12 months.
- The number of requests for removal that were granted during the immediately preceding 12 months.
- The number of requests for removal that were adjudicated, including dispositions, during the immediately preceding 12 months.
- The number of persons removed from the CalGang database due to the expiration of a retention period during the immediately preceding 12 months.
- The number of times an agency did not provide notice or documentation because doing so would compromise an active investigation.
- The number of times an agency did not provide notice or documentation because doing so would compromise the health or safety of the designated minor.
- The results from each user agency's annual audits.
 - Records that fail during auditing are manually removed from the system and removal is verified by the Department.
 - Data from an agency that no longer participate in using the database are removed.

Title 11, chapter 7.5, sections 753.6 and 755.8 subdivision (g) require the following additional reporting requirements:

- The number of times an agency received an information request pursuant to subdivision (d)(1) of Penal Code section 186.34.
 - Please see Column P on the "FULL" tab.
- The number of proxy queries conducted by a participating accessing agency, and the name of each non-participating agency requesting the proxy query.
 - Please see the new tab titled "Proxies."
- CalGang Misuse Reporting.
 - Agencies that failed to submit the Misuse form are listed on the new tab titled "Misuse."
- The results from each agency's annual gang audits.
 - Please see the new tab titled "Gang Audits."

The table below provides summary data. To view the full data set that includes zip codes and demographic information please see the excel file here:

CalGangReports@doj.ca.gov

Between October 1, 2020 - September 30, 2021, number of:	Count
Total records in CalGang	34,163
Records added to CalGang	826
Total requests for removal made to law enforcement agencies	15
Granted requests for removal made to law enforcement agencies	1
Petitions for removal adjudicated, including their dispositions	1
Records purged due to the expiration of the retention period	10,668
Times an agency did not provide notice or documentation because providing that notice would compromise an active criminal investigation	12
Times an agency did not provide notice or documentation because providing that notice would compromise the health or safety of the designated minor	0
Total records audited by the Department	901
- Total records passed in Department audits	816
- Total records failed in Department audits	85
- Total records purged before completion of audits	46
Total Gangs audited by the Department	905
- Total gang audits passed	564
- Total gang audits failed	182
- Total gang audits pending	144
- Total gang audits not completed due to an Agency no longer using CalGang	15
Total Information Requests received	19
Total number of Agencies that reported no misuse	126
Total number of Agencies that did not report misuse to the Department	1
Total number of Agencies that reported misuse	0
Total number of Proxy Queries conducted	194

Chart 1 illustrates the number of individuals* in CalGang by gender:

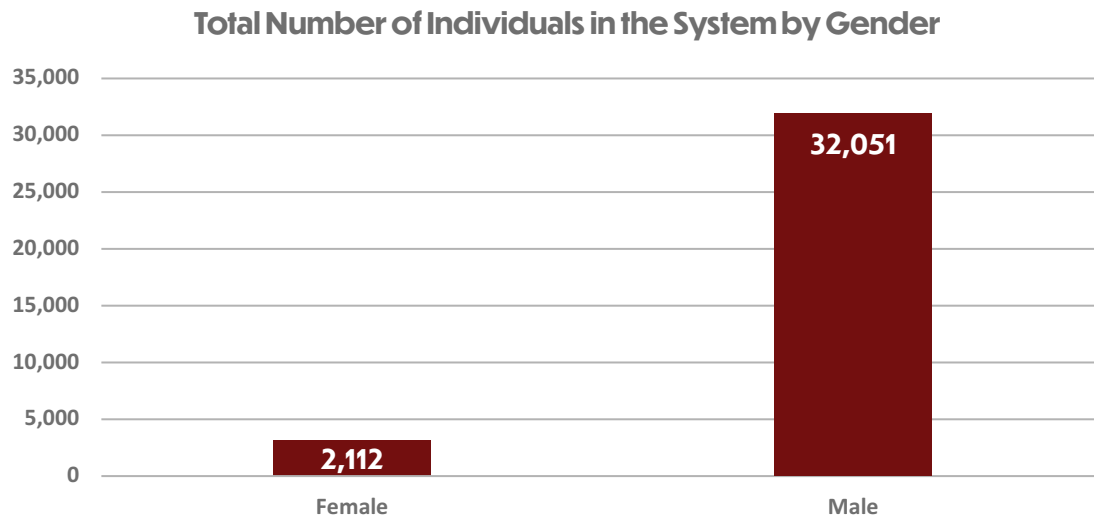


Chart 2 illustrates the number of individuals* in CalGang by race:

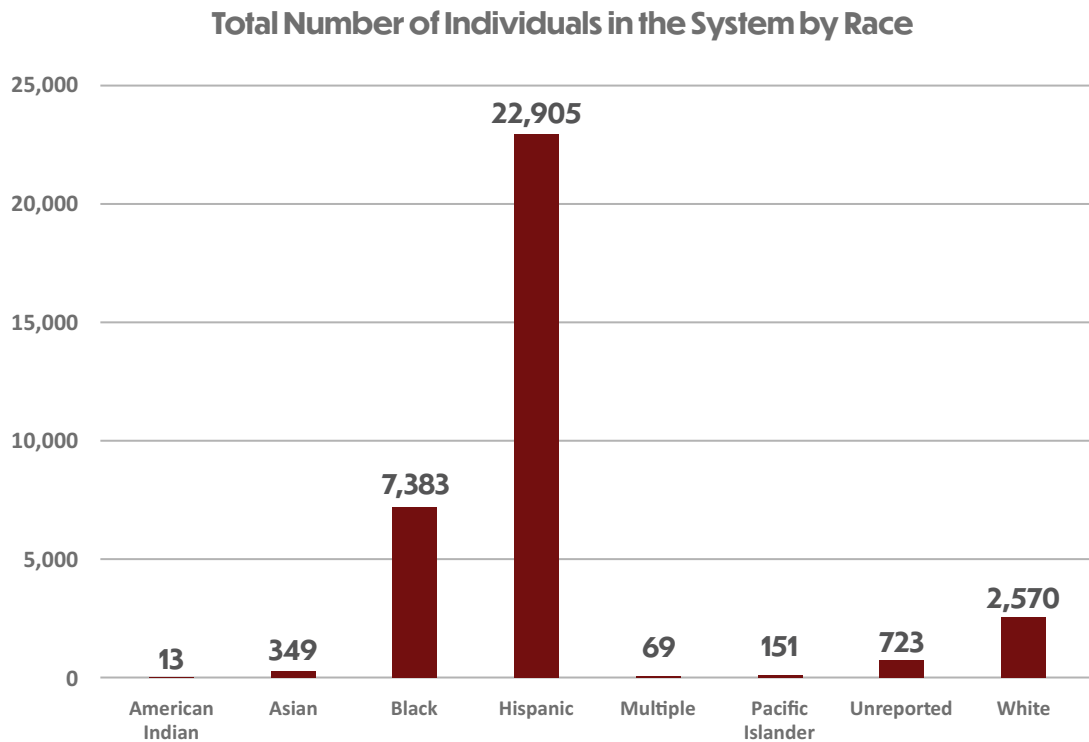
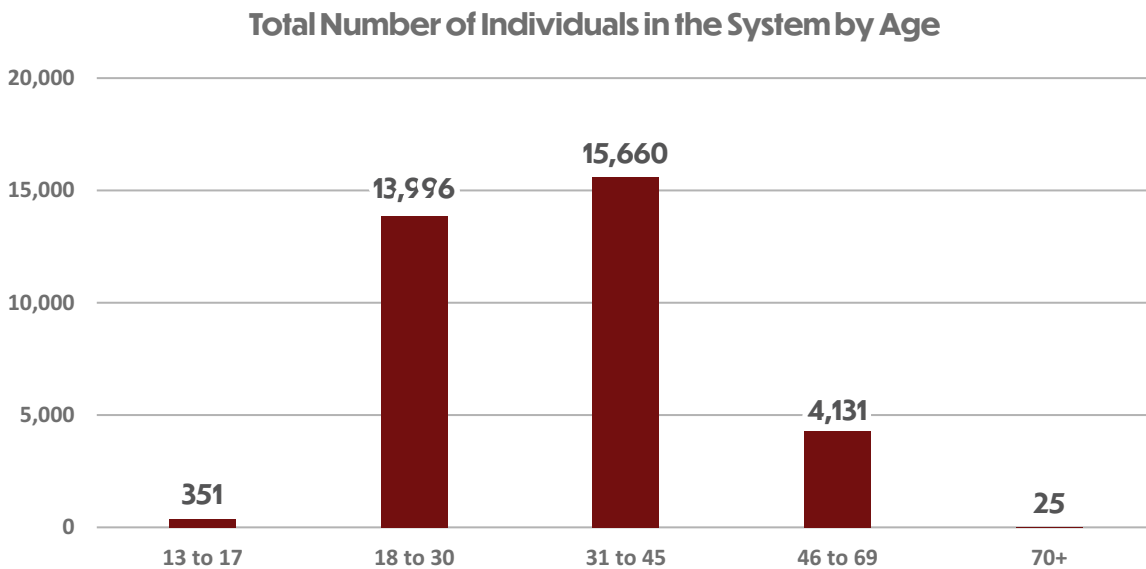


Chart 3 illustrates the number of individuals* in CalGang by age:



*Please see the CalGang Context Document, point 7 on the next page for further clarification on “individuals.”

Chart 4 illustrates the number of records that were added to CalGang and the number of records auto-purged from CalGang:

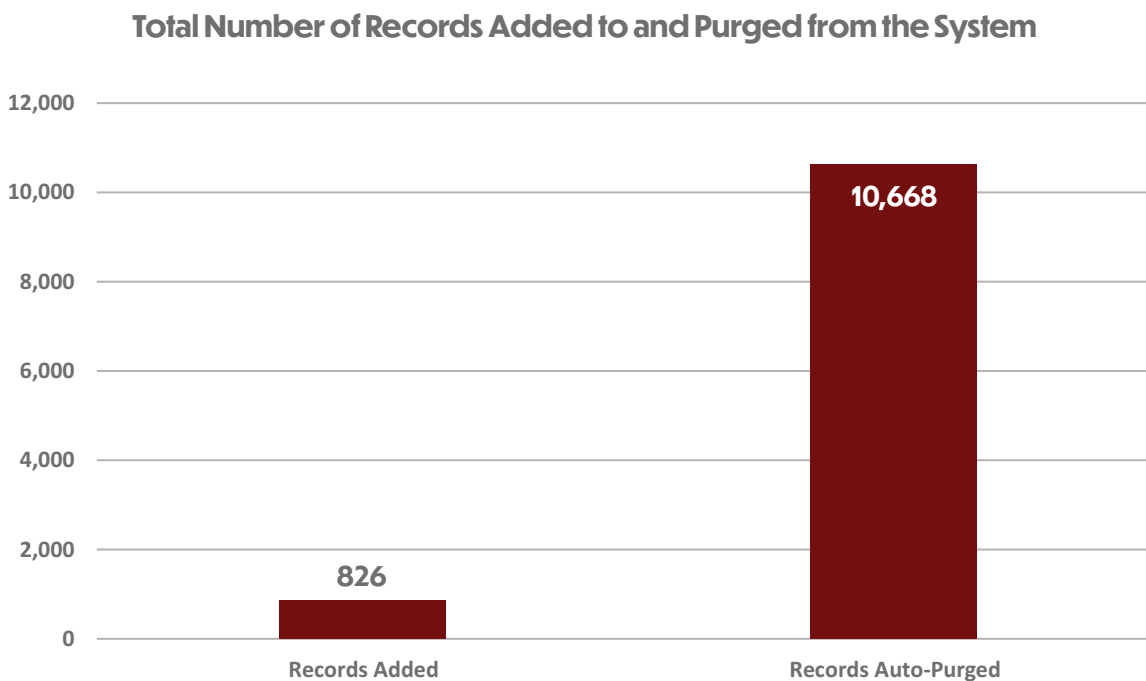
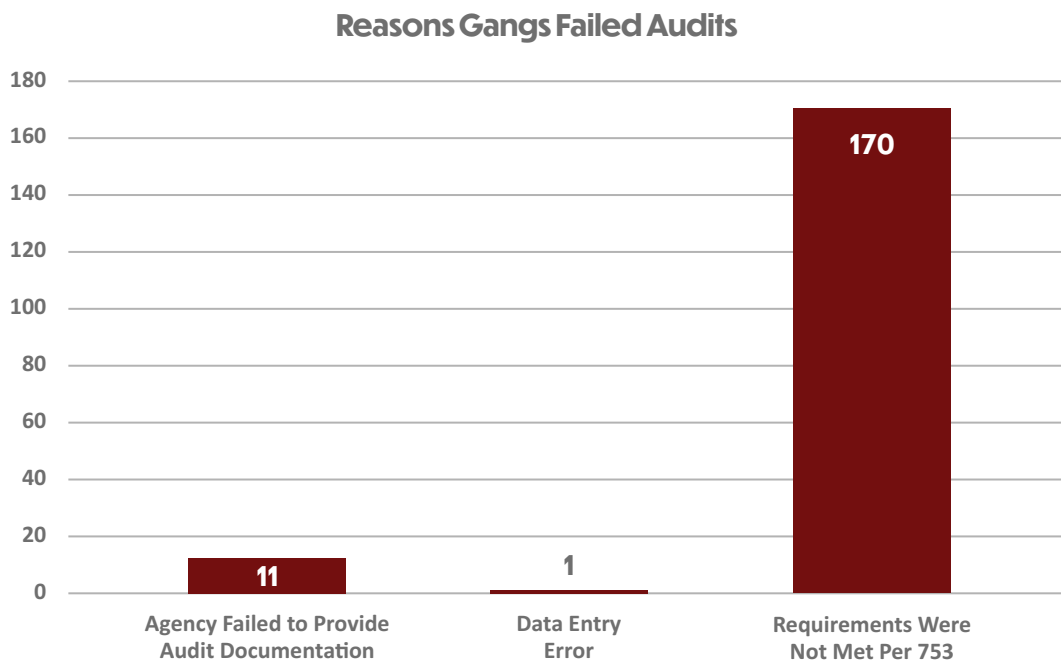


Chart 5 illustrates the reasons records failed during auditing:



Chart 6 illustrates the reasons gangs failed during auditing:



CALGANG CONTEXT DOCUMENT

Dataset Overview and History

The Department is responsible for the oversight of CalGang, the California shared gang database. Data is entered directly into CalGang by law enforcement officers to record and share gang intelligence information across the state. The data reported is an aggregation of individual-level information to provide a summary of data mandated for annual reporting on the Attorney General's webpage.

Statutory Authority

Penal Code section 186.36, and California Code of Regulations, title 11, chapter 7.5, Department of Justice Regulations for the Fair and Accurate Governance of the CalGang Database, grants the Department the statutory authority to collect CalGang data and to report annually on the information included in this dataset.

Data Characteristics and Known Limitations

1. Some of the data released by the Department was entered into CalGang prior to the Department assuming its oversight responsibilities.
2. All values in the 'Reporting Year' column reflect 2021 but the table summarizes data captured during October 1, 2020 – September 30, 2021.
3. The value "Unreported" indicates the field was left blank by user agencies.
4. In the 2020 report, the age category level "10 to 17," on the "FULL" tab, was changed to "13 to 17" as there are no longer any persons under the age of 13 in the system and the new regulations now prohibit anyone under the age of 13 from being included.
5. Approval or denial of court petitions may be reflected in the current year or in a subsequent year's report based on the timing of the adjudication process.
6. On the "FULL" tab, the category "All" is not a sum of the agency's rows. The sum of each category for a selected agency will equal the total listed for that agency. For example, when filtered by the category "All" the total number of individuals entered by Alhambra Police Department is 26; thus, the total for each individual category (Age, Gender, Race) within Alhambra Police Department will equal 26.

7. Due to the method of entry into CalGang, it is possible for an individual to have multiple entries within the database. For example, a verified entry into the database is entered into a node (or region) by Law Enforcement Agency A and another distinct verified entry is entered into a different node by Law Enforcement Agency B. Both entries are valid and counted as separate individuals; however, they correspond to one person. A verified entry means that there are two distinct criteria substantiating that entry.
8. On the “FULL” tab, there may be rows where the ZIP code indicates a value of “0” for records added but there are values indicated for requests for removal and petitions. This is because the ZIP codes that are associated with records and the ZIP codes that are provided to law enforcement agencies from requests/petitions may not be the same. For example, a contact may be made that results in a designation in a ZIP code that is not where the person resides; a person may move after a designation and subsequently submit a request for removal, attorneys can request information on a client’s behalf, et cetera.
9. On the “FULL” and “Agency Totals” tabs, a manual removal of a record does not automatically indicate a failed record. It could also be the result of data clean-up efforts due to a bug, a training issue, or a successful request for removal from the system. Additionally, several agencies have withdrawn from using the system and their data was in the process of being removed.
10. To elaborate on the charts on page 7, record and gang audits failed for the following reasons:
 - a. “agency didn’t provide source documents or provide audit documentation,” this refers to instances where an agency provided no response or source documents when audit documents were requested;
 - b. “agency unable to locate source documents” refers to records where an agency reported to the Department that they could not locate the source documents and removed the record from the system.
 - c. “..Requirements were not met per 753” refers to Title 11, chapter 7.5, section 753 that outlines the requirements for an organization to be designated as a criminal street gang in CalGang. If a gang fails to meet those requirements during an audit, the gang and its members in the system have to be purged.
11. The audit tab now includes a column for “Total Records Auto-Purged.” This captures records that were selected to be audited but reached their automatic purge date prior to completion of the audit.
12. While the Department no longer has law enforcement users who designate people in CalGang, it does act as a law enforcement agency, and as such, has responded to information requests in compliance with Penal Code section 186.34 subdivision (d).

13. On the “FULL” and “Agency Totals” tabs, when a person submits a request to know if they are in the system (also known as an information request) they may not disclose their age, sex, or gender. This results in “unreported” category levels in the “information request” column.
14. Proxy requests can be made by Non-Users from within a User agency and from outside agencies with a need to know and a right to know. For example, a detective at Los Angeles Sheriff’s Department, a current User agency, may not have a caseload that warrants permanent access to CalGang. However, they may have a case that involves a suspected gang member and they can request a proxy search be done by one of their agencies’ Users.
15. There are User Agencies that do not enter data and therefore are not listed on the “FULL” tab. Agencies that are “view only” are still required to report misuse to the Department and any that failed to do so are listed on the “Misuse” tab.
16. The Department granted extensions to agencies that requested additional time to complete their annual gang audits. The results of these of pending audits will be provided in next year’s report.
17. The United States Probation and Pretrial Services, which has view only access and does not enter data into the system, is the only agency that failed to report whether or not they had any misuse of CalGang.

Data Elements and Values Defined

The following is provided as a tool to explain the data provided in the Excel Data extract.

Cell Location	Data Element	Description/Definition	Value
FULL TAB			
A	Agency	Agency name	Alpha; California agency names
B	Reporting Year	Year data was reported	YYYY
C	Category	Reporting categories	All Age Gender Race ZIP Code
D	Category Level	Category Levels	ALL Totals AGE 13-17 18-30 31-45 46-69 70+ Unreported GENDER Female Male Unreported RACE American Indian Asian Black Hispanic Multiple Pacific Islander White Unreported ZIP CODE
E	Total Records	Number of records entered by agency	Numeral count
F	Records Added	Number of records added during the 2020 reporting period	Numeral count
G	Requested Removal	Number of requests for removal received by law enforcement agency/Department during the 2020 reporting period	Numeral count

Data Elements and Values Defined

The following is provided as a tool to explain the data provided in the Excel Data extract.

H	Removal Granted	Number of requests for removal granted by law enforcement agency/Department during the 2020 reporting period	Numeral count
I	Court Petitions	Number of petitions to the court for removal adjudicated during the 2020 reporting period	Numeral count
J	Petitions Approved	Number of petitions to the court for removal approved during the 2020 reporting period	Numeral count
K	Petitions Denied	Number of petitions to the court for removal denied during the 2020 reporting period	Numeral count
L	Records Auto-Purged	Number of records removed by automatic purging due to expiration of the retention period during the 2020 reporting period	Numeral count
M	Records Manually Removed	Number of records manually deleted pursuant to review during the 2020 reporting period	Numeral count
N	Active Investigation	Number of times an agency did not provide notice or documentation due to an active investigation during the 2020 reporting period	Numeral count
O	Minor Safety	Number of times an agency did not provide notice or documentation due to minor's health and safety concerns during the 2020 reporting period	Numeral count
P	Information Requests	Number of times an agency received an inquiry from a person, or their attorney, on whether they were in the system	Numeral count
Proxies Tab			
A	Agency	Agency name	Alpha; Agency names
B	Reporting Year	Year data was reported	YYYY
C	Total Number of Proxies Conducted	Number of times a User from a User Agency conducted a proxy query	Numerical count
D	Total Number of Proxies Requested	Number of times a Non-User requested a proxy query;	Numerical count