



California Code of Regulations


Title 11, Division 1


Chapter 7.5: Regulations for the Fair and Accurate Governance of the CalGang Database.

**Color Key**

 = definitions taken from AG’s Model Standards.

 = definition made up from explanations in CalGang System Policies and Procedures.

 = new text

 = topics for discussion

**Article 1. General**

**§ 750. Title and Scope.**

This Chapter shall be known as the “Department of Justice Regulations for the Fair and Accurate Governance of the CalGang Database,” may be cited as such and referred herein as “these regulations.” Commencing on January 1, 2020, the provisions of these regulations shall govern the policies and procedures of the CalGang Database. Additionally, these regulations do not apply to any other shared gang databases in the state of California; those shall be regulated by Chapter 7.6 of the California Code of Regulations, title 11, sections 770 to 781.

Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, 186.35, and 186.36, Penal Code.

**Article 2. Purpose of the CalGang Database and Definitions**

**§ 750.5. The Purpose of the CalGang Database**

(a) CalGang is an intelligence database, designed to enhance officer safety, improve the efficiency of criminal investigations, and track gang activity. The CalGang database is not designed to provide users with information upon which official actions may be taken. Rather, its purpose is to provide users with sources of information upon which official action may be taken. The fact that a record exists cannot be used to provide probable cause for an arrest or be documented in an

1 affidavit for a search warrant. The facts, which led to the creation of the record, must be used to  
2 establish the probable cause in the affidavit. The database can identify the agencies, which must  
3 be contacted to obtain and verify those facts.

4 (b) Records from CalGang are not intended to be relied upon to form an opinion of gang  
5 membership or substitute actual expertise regarding criminal street gangs.

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7 Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, 186.35, and  
8 186.36, Penal Code.

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10 **§ 751. Definition of Key Terms.**

11 (a) “Access” means the ability to view, query, add, delete, or retrieve records in the CalGang  
12 database.

13 (b) “Agency” means any law enforcement agency that has access to the CalGang Database.

14 (c) “Audit” means the process of objective examination of the CalGang system pertaining to  
15 the maintenance of records – as well as examination of the files or a meaningful sample of the  
16 files to determine whether the CalGang database is ensuring compliance with these regulations.

17 (d) “CGNAC” means the California Gang Node Advisory Committee.

18 (e) “Committee” means the Gang Database Technical Advisory Committee.

19 (f) “Contacts” are any lawful interactions between an individual and a peace officer.

20 (g) “Criminal Predicate” means that there exists a “reasonable suspicion” based on the analysis  
21 of legally obtained information that the subject of the information is or may be involved in  
22 definable criminal conduct and/or activity that supports, encourages, or otherwise aids definable  
23 criminal conduct

24 (h) “Department” means the California Department of Justice.

25 (i) “Dissemination” means the sharing of criminal intelligence among law enforcement  
26 authorities in any agency or agencies on a need to know, right to know basis.

27 (j) “Gang Associate” means an individual, not a gang member, who joins with a gang  
28 member(s) on a regular or periodic basis and who contributes to or derives a benefit from the  
29 gang including, but not limited to, active involvement in gang activities.

1 (k) “Gang Member” means a person who collectively identifies himself/herself by adopting a  
2 group identity, which s/he uses to create an atmosphere of fear or intimidation, frequently  
3 employing one or more of the following: a common name, slogan, identifying sign, symbol,  
4 tattoo or other physical marking, hand sign or graffiti.

5 (l) “Information” means data from “any legal source” that can be analyzed to determine if it  
6 provides intelligence.

7 (m) “Intelligence” means the gathering, analysis, storage/maintenance, and sharing of  
8 information about persons and organizations in support of legitimate policy objectives.

9 (n) “Need to know” means a state of facts that supports the legitimacy of access to specific  
10 intelligence by a person with a right to know. The need to know must be pertinent to and  
11 necessary to the performance of a specific law enforcement activity.

12 (o) “Node” means a geographically located cluster of participating law enforcement agencies  
13 with access to CalGang that may exist from time to time.

14 (p) “Node Administrator” means an appointed person from a “Node Agency” who acts as a  
15 leader by organizing, providing training, technical support, and coordinating the information  
16 collection activities of user agencies in the node.

17 (q) “Node Agency” means the law enforcement agency where a Node Administrator is located.

18 (r) “Offenses consistent with gang activity” mean either those offenses that are listed in  
19 subdivision (e) of Penal Code section 186.22; Penal Code sections 186.26, 186.28, 186.30; or  
20 those offenses committed with the intent to enhance or preserve the association’s power,  
21 reputation, economic resources of the gang.

22 (s) “Peer audit,” as used in these regulations, means an audit of a node’s CalGang records to be  
23 conducted by two Node Administrators, or their designees, who do not represent the agency  
24 being audited.

25 (t) “Purge” means the elimination of any record from the CalGang database and/or any printed  
26 form of the record when it is no longer in compliance with Article 10 of these regulations.

27 (u) “Reasonable suspicion” means that state of known information which establishes sufficient  
28 facts to give a trained law enforcement or criminal investigative agency officer, investigator, or  
29

1 employee a basis to believe that there is a reasonable possibility that an individual or  
2 organization is involved in a definable criminal activity or enterprise.

3 (v) “Record” means information contained in the CalGang database that pertains to one  
4 individual.

5 (w) A “reliable source” may be, but is not limited to, a law enforcement officer, family  
6 member, friend, neighbor, associate, crime victim, fellow gang member, or court pursuant to  
7 Penal Code section 186.30. The source’s information is deemed reliable unless proven otherwise  
8 through the course of investigation, audits, the judicial process, and/or testimony.

9 (x) “Right to know” is the status of being a person or entity engaged in a law enforcement  
10 activity that, because of official capacity and/or statutory authority, may have access if there is a  
11 need to know. The “right to know” must be in the performance of a law enforcement activity.

12 (y) “Social media intelligence” means information gathered from posts and/or profiles on an  
13 online social network.

14 (z) “Source document” means documentation that adequately supports each entry made to the  
15 CalGang database. Such documents may include, but are not limited to, arrest reports, field  
16 interview cards, and jail documentation.

17 (aa) “System misuse” is unauthorized access or misuse of data in the CalGang database.

18 (bb) “Unauthorized access” means access by an individual who does not have a need to know  
19 or a right to know.

20 (cc) “Unique” means different from other criteria listed.

21 (dd) “User Agency” means a law enforcement agency that has access to the CalGang database.

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23 Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, 186.35, and  
24 186.36, Penal Code.

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26 **Article 3. Access to the CalGang Database, Admission, and Dissemination of Intelligence.**

27 **§ 751.5. Access to the CalGang Database.**

1 (a) Unless a user is a part of task force, user agencies shall enter into Memorandums of  
2 Agreement with their respective Node Agency before an individual employed by the agency may  
3 receive access.

4 (b) Access is not automatically granted to all employees of a participating agency, rather its use  
5 shall be limited to sworn officers and individuals listed within subdivision (k) of Penal Code  
6 section 186.36.

7 (c) The CalGang database shall be accessible to a user that has undergone the training prescribed  
8 by the Department pursuant to section 754 of these regulations.

9 (d) If the Department is contacted by an out-of-state agency with a request to access records in  
10 the CalGang database, the Department shall review the request and determine if the Department  
11 will enter into a Memorandum of Agreement with that agency.

12  
13 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.  
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15 **§ 752. Admission as a Node Agency.**

16 (a) Node Agencies are responsible for maintaining operational control and system supervision  
17 over their node. The Node Agency shall ensure that all users in the node adhere to these  
18 regulations and any policies and procedures related to the CalGang database, which shall protect  
19 the system and data integrity.

20 (b) The Department shall be responsible for creating administrative accounts for each Node  
21 Administrator. Requests to create an administrative account shall be made in writing directly to  
22 the Department. The Department shall notify the requesting party in writing if authorization is  
23 granted. Such written requests and authorizations shall be made either via email or U.S. mail.

24 (c) Written requests submitted from agencies interested in becoming a Node Agency shall be  
25 reviewed by the Department. The Department shall base its decisions on such requests based on  
26 the following factors:

27 (1) The ability of an agency to serve in a leadership role in organizing and coordinating  
28 information collection activities of the law enforcement agencies within a region to be  
29 served by a new node.

1 (2) The geographic area to be covered.

2 (3) The ability of the prospective agency to provide technical support to maintain the  
3 Node Agency.

4 (4) The ability of the prospective agency to meet the costs associated with becoming a  
5 Node Agency; including recruitment, training of users, sufficient staff to manage the Node,  
6 and travel expenses for participation in CGNAC meetings.

7 (5) An appointed member of each Node shall participate in the CGNAC, which includes  
8 attending all meetings and participating in audits.

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10 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

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12 **§ 752.5. CalGang User Agreement Forms and Terms.**

13 (a) Each user shall complete a CalGang Database Agreement form. These forms shall be kept  
14 on file by the Node Administrator. The Node Administrator shall forward a copy of this form to  
15 the Department.

16 (b) Each Agency shall identify an agency point of contact(s) to their respective Node  
17 Administrator and the Department.

18 (1) The agency point of contact(s) will help facilitate training requests, retrieval of source  
19 documents, and any updates or changes to the database.

20 (2) Any time the agency point of contact is changed, the Node Administrator shall  
21 contact the Department to update the contact information within 30 calendar days.

22 (c) Agencies entering information are responsible for its legality, relevance, accuracy,  
23 timeliness, and completeness.

24 (d) All login IDs and passwords shall be consistent with the security procedures established by  
25 the Department and CGNAC

26 (e) Node Administrators are responsible for the prompt deactivation of accounts within their  
27 node when necessary.

28 (1) The accounts of users separated from their agencies shall be disabled, and/or revoked  
29 from the CalGang database when the Node Administrator is notified of the separation.

1 (A) A user agency shall inform its Node Administrator of a separation within 30  
2 business days from the date of the separation.

3 (B) A Node Administrator or the Department shall disable and/or revoke the  
4 account within 10 business days after receiving the notice of separation.

5 (f) An account shall be disabled and/or revoked if account privileges are no longer applicable  
6 to a user's functions or need to know basis changes due to changes in the user's status.

7 (g) An account shall be disabled and/or revoked, if it is determined that the account has been  
8 compromised or misused and may only be reinstated at the direction of the Department's system  
9 personnel, the Node Administrator, or the Node Administrator's designee.

10 (1) Users who share their passwords with others shall be barred from using the system and  
11 their accounts shall be disabled.

12 (h) Any user account that has been inactive for 90 days shall be disabled. The user shall submit  
13 a written request to the Node Administrator within 180 days for reactivation of the user's  
14 account. If reinstatement is not requested, access to the user account shall be revoked.

15 (i) Node agencies and user agencies may establish more restrictive policies and procedures for  
16 their agencies than those set out by these regulations, but they shall not operate under less  
17 restrictive guidelines.

18 (1) Node agencies and user agencies that establish more restrictive policies shall notify  
19 the Department before those policies are implemented to ensure that the more restrictive  
20 policies are consistent with the mission of the CalGang database.

21 (2) Node agencies shall not impose more restrictive guidelines on user agencies than  
22 those adopted by the Department.

23 (j) User agencies may establish internal written administrative policies and procedures, if they  
24 do not already exist, to ensure computer security, data access, and that the dissemination of data  
25 complies with these regulations.

26 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

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28 **§ 753. The Committee's Access to the CalGang Database.**

1 The Committee shall not have access to or discuss individual records contained in the CalGang  
2 database during its open or closed sessions. However, a Committee member may access or  
3 discuss records outside of the meetings provided such access is permitted by law.

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5 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

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7 **§ 753.5 Proxy Access to the Information contained in the CalGang Database.**

8 (a) A CalGang user may release information from the database only to an agency or other party  
9 who demonstrates a right to know and need to know.

10 (1) The user that disseminates the information shall utilize the proxy feature on the  
11 CalGang database to conduct a search for the requesting agency and/or party.

12 (2) When performing a proxy search, the user shall capture pertinent information within the  
13 CalGang database that identifies the requesting agency or party and the reason for its request.  
14 Subdivision (3) of this section provides a list of the information the user shall collect. This  
15 information will be a part of the individual's record in the CalGang database and shall be  
16 retained as long as the individual's record is not purged from the database.

17 (3) The user conducting the proxy search shall record the following information:

18 (A) First and last name of the requestor.

19 (B) ID number (badge number or other identifier unique to this requestor only).

20 (C) Email of the requestor.

21 (D) Agency the requestor represents.

22 (E) Telephone number of the requestor.

23 (F) The reason for the search.

24 (G) The court case number, if any exists. This shall only be included if it does not  
25 compromise an active investigation.

26 (H) The direct report number, report number, incident number, or any corresponding  
27 number that would identify which source document the individual was referenced  
28 within.

29 (b) Nothing in subdivision (a) limits section 758.5 or Penal Code sections 186.34 and 186.35.



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**Article 4. Training, Exam, and Requirements to be an Instructor.**

**§ 754. User Training.**

(a) Training shall only be conducted by an approved instructor. Requirements to become an approved instructor are set forth in section 755 of these regulations.

(b) At a minimum, instruction from an approved instructor shall address the following:

- (1) Definition of a street gang, gang member, and associate.
- (2) Accepted gang member, associate, and photo input criteria.
- (3) Definition and explanation of criminal predicate and reasonable suspicion.
- (4) Local, state and federal statutes and policies regarding criminal intelligence information.
- (5) Physical, technical security, and data dissemination.
- (6) Practical, hands-on system usage.
- (7) Best practices for gathering criminal intelligence, including the limits outlined in Article 6 of this chapter.
- (8) Best practices for mitigating the entry and dissemination of false or incorrect information.
- (9) Notification, responses to inquiries, and removal guidelines in accordance with Articles 8 and 10 of this chapter.
- (10) Any policies, procedures, guidelines pertinent to the CalGang database.
- (11) Consequences of system misuse.
- (12) Consequences of the unauthorized use of data.
  - (A) Such consequences may include, but are not limited to, affecting immigration proceedings and the denial of employment, housing, military, and public benefits.
- (13) Recommend that each user review that user’s specific agency’s training on implicit bias.
- (14) Entry of proxy requests.

(c) Additional training hours may be added by the training instructor or Node Administrator.

1 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

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3 **§ 754.5. Initial Exam Information and Recertification Exam.**

4 (a) Once instruction is completed, all users shall be tested on the curriculum described in  
5 subdivision (b) of section 754 in a manner prescribed by the Node Administrator.

6 (b) Every 24 months after the date of certification or recertification, all users shall take a  
7 recertification exam and electronically complete a CalGang User Agreement Form. The  
8 recertification exam, results, and forms shall be stored within the CalGang system and be  
9 viewable only to the Node Administrators, IT contractors, and the Department so that the  
10 Department can verify the authenticity of this process.

11 (c) The CalGang database will prompt the user to take the recertification test upon login once  
12 the certification has expired. Upon completing the exam, the user will be immediately notified  
13 as to whether the user passed or failed the exam.

14 (d) The Node Administrator shall allow a user no more than three opportunities to retake the  
15 exam. If the user fails to pass the exam after three opportunities, the user's access shall be  
16 revoked. Once the user's access is revoked, the user shall contact the Node Administrator to  
17 complete a refresher training. The Node Administrator shall restore access once the user passes  
18 the recertification exam.

19 (e) A failure to login for 180 days will require the user to take the online recertification training  
20 upon reinstatement of the user's account. A failure to login for one year will result in the user  
21 having to be retrained by any Node Administrator or his or her designee.

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23 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

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25 **§ 755. Requirements to Become an Approved Instructor.**

26 (a) Approved instructors shall be graduates of training outlined in subdivision (b) of section  
27 754, and they shall be tested in system proficiency. Instructors shall take an approved course of  
28 instruction that shall provide an in-depth familiarization with all system applications, intelligence  
29 file guideline requirements, proper use and any additional administrative requirements.

1 (b) Recertification training of approved instructors by Node Administrators or their designee  
2 shall include, but not be limited to, system changes or updates and new mandates and  
3 regulations.

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5 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

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7 **Article 5. Designation Criteria for Entry into the CalGang Database.**

8 **§ 755.5. Criteria for an Individual to be Designated as a “Gang Member” or “Gang**  
9 **Associate.”**

10 (a) An individual’s information may be entered into the CalGang database and designated as a  
11 “gang member” or “gang associate” when at least two of the unique criteria listed below, coupled  
12 with the officer’s reasonable suspicion, training, and expertise are found to exist through  
13 investigation which indicate a level of gang involvement or membership. The designation shall  
14 be supported by source documents. The unique criteria are:

15 (1) Subject has admitted to, claimed, or expressed being a gang member or gang associate  
16 (must document what was said);

17 (2) Subject has been arrested for offenses consistent with gang activity;

18 (3) Subject has been identified as a gang member by a reliable source;

19 (4) Subject has been arrested with or seen associating with documented gang members;

20 (5) Subject has been seen displaying recognized gang symbols and/or hand signs (must  
21 document specific gang symbols or hand signs);

22 (6) Subject has been seen at one or more gang locations (must document specific  
23 location(s));

24 (7) Subject has been seen wearing a gang style of dress or accessories (must document  
25 specific items and associated gang); and

26 (8) Subject has gang tattoos, marks, scars, or branding indicating gang membership.

27 (b) The unique criteria requirement for initial entry may be satisfied by contacts made between  
28 law enforcement and the individual on separate occasions upon which the individual may be  
29 designated as a “gang member” or “gang associate” and entered into the CalGang database.

1 (c) Any subsequent entries into the database require only one unique criterion to be met. If the  
2 initial entry has purged, an individual shall only be entered into the database if at least two of the  
3 unique criteria in subdivision (a) are met.

4 (d) For the purpose of entering an individual into the CalGang database, a user shall not  
5 designate the individual as a gang member or gang associate of a criminal street gang if that  
6 criminal street gang does not exist within the database.

7 (e) A tattoo located in the same place on an individual's body that is the exact same tattoo used  
8 previously to satisfy the "gang tattoo" criterion during a contact shall not be used as a criterion  
9 twice unless the tattoo tied to that criterion has been purged from the CalGang database.

10 (f) If an individual has multiple tattoos that are the same or similar, and each one of those  
11 tattoos is on a different location on the individual's body, each tattoo may be used to satisfy the  
12 "gang tattoo" criterion multiple times during one contact. However, each one of those tattoos  
13 shall only be documented to meet the "gang tattoo" criterion once each, and cannot be re-entered  
14 into the database as a criterion on subsequent contacts, unless the tattoo tied to that criterion has  
15 been purged from the CalGang database

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17 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

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19 **§ 756. Criteria for an Organization to be Designated as a "Criminal Street Gang"**

20 (a) An organization shall only be designated as a criminal street gang and entered into the  
21 database if it meets the definition provided in subdivision (a) of Penal Code section 186.34.  
22 Thus, it shall not be entered into the database as an organization if it does not have at least three  
23 members.

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25 **Article 6. Mandatory Review Criteria**

26 **§ 756.5. Mandatory Review Criteria.**

27 (a) Prior to any entry into the CalGang database, all gang intelligence data shall be reviewed by  
28 the appropriate supervisory classification pertinent to the organizational structure of the agency.

1 The review shall determine that the gang intelligence data was not obtained in violation of any  
2 applicable Federal, State or local law, policy or ordinance.

3 (b) At its discretion, an agency that entered a specific record and/or criteria may manually  
4 delete an individual's entire record and/or criteria if:

5 (1) During self-auditing the agency finds that the supporting documents are missing or  
6 incomplete;

7 (2) The agency finds that the record is not in compliance with Article 10 of these  
8 regulations; or

9 (3) The agency can show other good cause for its removal.

10 (c) If the record to be deleted has additional contacts and reports from other agencies, the  
11 deleting agency shall send a written authorization to the agency that originally designated the  
12 subject in the system. The written authorization shall convey the deleting agency's intent to  
13 delete the individual's record.

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15 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

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17 **Article 7. Notification of Inclusion in the CalGang Database**

18 **§ 757. Notifying an Individual of Inclusion in the CalGang Database.**

19 (a) Any notice under subdivision (c) of Penal Code section 186.34, may, at the discretion of the  
20 agency delivering the notice, be delivered in person at the time of contact, or to the mailing  
21 address provided by the individual at the time of contact.

22 (b) If such an address is unavailable at the time of contact, notice shall be provided to an  
23 address, email address, or a cellular telephone via text message, if such contact information is  
24 available. A user agency may utilize other databases that are accessible to the user agency to  
25 search for an individual's contact information, provided that such access is permitted by law. In  
26 addition to the requirements set forth under subdivision (c) of Penal Code section 186.34, a  
27 written notice required thereunder shall clearly indicate:

28 (1) Whether the person is designated as a member or associate.

29 (2) The basis for the designation.

1 (3) A description of the process to contest designation, including the name of the agency  
2 to contact.

3 (4) Agencies issuing the notice may include the following additional information within  
4 the notice:

5 (A) The name of the gang that the individual is connected to in the database if the  
6 release of such information complies with the internal written administrative policies  
7 and procedures of the agency issuing the notice.

8 (B) A link to the CalGang page on the Attorney General's website.

9 1. This link to the Attorney General's website shall provide an explanation of  
10 how the information entered into the CalGang database will be used and the  
11 length of time that the individual's information shall remain within the CalGang  
12 database.

13 (c) An agency shall maintain a record of the delivery of each notice. Each record shall  
14 contain:

15 (1) The name of the recipient of the notice.

16 (2) The date the notice was sent to the recipient.

17 (3) If the notice was undeliverable, the agency shall document the date it received the  
18 "returned to sender" notification and retain a copy of the notification in its files.

19 (d) The notice requirement shall be satisfied upon the first attempt if the notice is not returned  
20 to sender as undeliverable. If the notice is returned as undeliverable after the first attempt, the  
21 notice requirement will only be satisfied if:

22 (1) The agency has no alternative method to contact that individual; AND

23 (2) The agency complied with the documenting requirements set out in subdivisions (c)  
24 and (e) of this section.

25 (e) The notice requirement will not be satisfied on the first attempt if the notice fails to be  
26 delivered and the agency possesses more than one method of contacting the individual. In such a  
27 situation, the agency shall make a second attempt to deliver the notice to the recipient and it shall  
28 use a different method of contact than the one that was used for the first attempt. The agency  
29 shall document both attempts as set out in subdivision (b) of this section.

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Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, and 186.36, Penal Code.

**§757.5. Retention Period for Notifications of Inclusion**

An agency shall maintain copies of all notification letters that were issued pursuant to subdivision (c) of Penal Code section 186.34, and any other related documents, for the length of time that an individual’s record is housed in the CalGang database or for five years, whichever is longer. Other related documents include, but are not limited to, records that indicate when the notice was sent to the individual and if the notice was returned to the sender.

Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, and 186.36, Penal Code.

**Article 8. Information Requests and Responses.**

**§ 758. Information Requests and Responses.**

(a) The Department authorizes each agency to develop a verification of identity form that the agency may use to determine whether the information request is made by an authorized person.

(b) If an agency chooses to develop a verification of identity form, the form may seek information verifying the requesting person’s name, address, date of birth, driver license number, state identification number, or state bar number. The agency shall not have the authority to request a copy of a birth certificate or a proof of citizenship document to satisfy its written verification of identity requirement.

(c) An agency’s response to an information request pursuant to subdivision (d) of Penal Code section 186.34 shall include:

- (1) Verification that the request was received and the date of its receipt.
- (2) Whether the person is designated as a gang member or associate.
- (3) The basis for the designation.

1 (4) A reference to Penal Code section 186.35 as regarding the person's right to petition  
2 the court to review the designation.

3 (5) A description of the process to contest designation, including the name of the agency  
4 to contact.

5 (6) Agencies issuing the notice may include the following additional information within  
6 the notice:

7 (A) The name of the gang that the individual is connected to in the database if the  
8 release of such information complies with the internal written administrative policies  
9 and procedures of the agency issuing the notice.

10 (B) A link to the CalGang page on the Attorney General's website.

11 1. This link to the Attorney General's website shall provide an explanation of  
12 how the information entered into the CalGang database will be used and the  
13 length of time that the individual's information shall remain within the CalGang  
14 database.

15 (d) If an agency receives an information request from an individual who has a record in the  
16 CalGang database, the responding agency shall contact the agency that created the entry to  
17 ensure that its release of the information does not compromise an active investigation or the  
18 health or safety of a minor.

19 (e) If responding to an information request that would compromise an active investigation or  
20 the health and safety of a minor, the receiving agency shall respond with the following  
21 information:

22 (1) Verification that the request was received and the date of its receipt.

23 (2) A link to the CalGang page on the Attorney General's website.

24 1. This link to the Attorney General's website shall provide an explanation of  
25 how the information entered into the CalGang database will be used and the  
26 length of time that the individual's information shall remain within the CalGang  
27 database.

28 Note: Authority cited: Section 186.36 of the Penal Code. Reference: Sections 186.34, and  
29 186.36, Penal Code.



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**§ 758.5. Retention Period for Information Requests and Responses**

An agency shall maintain copies of all information requests and responses for the length of time that an individual’s record is housed in the CalGang database or for five years, whichever is longer.

Note: Authority cited: Section 186.36 of the Penal Code. Reference: Sections 186.34, and 186.36, Penal Code.

**Article 9. Retention of Records, Purging, and Source Documents.**

**§ 759. Retention Period for Records.**

(a) An individual’s record shall be retained in the CalGang database for up to five OR three years. The database shall automatically purge the record once the retention date has expired.

(b) Anytime additional criterion is added to an individual’s existing record in the CalGang database, the retention date will programmatically reset based on the new entry data. Thus, the individual’s record shall not be automatically purged until three years OR five years have elapsed from the date the last criterion was added to the individual’s record.

Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

**§ 759.5. Source Documents.**

(a) An agency that enters any information into the CalGang database shall maintain all source documents to demonstrate adequate support for each entry. The source documents shall be retained for the same duration as the CalGang record it supports.

(b) Photographs are permitted to be used with source documents only if they are captured with the consent of the individual.

(c) At any time source documents are found to be missing or incomplete to adequately support a criterion, the agency shall remove the unsupported criterion.

1 (1) Removal shall be conducted within 30 days from the date the agency discovered that  
2 the source documents was lacking or inappropriate.

3 (2) If a record in the database contains both adequate and inadequate source documents,  
4 the record shall remain in the database, on the basis of the adequate source documents if  
5 there is enough information present to satisfy the two unique criteria requirement pursuant  
6 to section 755.5 of these regulations.

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8 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.  
9

10 **Article 10. Audits**

11 **§ 760. Audits.**

12 (a) At least a minimum of three times a year, Node Administrators shall hold CGNAC  
13 meetings where they shall conduct peer audits on a statistically valid sample of randomly  
14 selected records from within their node that provides a 95% confidence level and a 4% error rate.  
15 Peer audit assignments will be randomly assigned by the Department. Node Administrators shall  
16 report all results to the Department. Any records and/or criteria found to be out of compliance  
17 with these regulations shall be purged within 30 calendar days of completion of the audit.

18 (b) If a Node Administrator or designee cannot attend a CGNAC meeting, the Node  
19 Administrator shall conduct peer audits, as assigned by the Department. The Node  
20 Administrator shall conduct the audits and report the results of the audits to the Department no  
21 later than 30 calendar days from the last day of the corresponding CGNAC meeting.

22 (c) Audits of CalGang shall ensure that:

23 (1) Each record has a minimum of two criteria validated by supporting documents.

24 (2) Organizations designated as criminal street gangs have no less than three members.  
25 Node Administrators shall verify that the gang is an active gang in another node, provide  
26 supporting documents, and comments.

27 (3) The purge date is in compliance with the time period provided in section 759.5.

28 (d) The Department shall report the results of all audits annually on the Attorney General's  
29 website.

1 (e) In addition to the other audits required in this section, user agencies may audit their own  
2 records and purge any record that does not meet the criteria for entry or does not have supporting  
3 documents. The Department reserves the ability to audit the records of each user agency.

4 (1) Agencies that audit their own records shall report their results to the Department in  
5 writing every time they conduct their own audit.

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7 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.34 and 186.36, Penal  
8 Code.

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10 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

11  
12 **Article 11. Information Sharing, Disclosures and CalGang Database Integrity**

13 **§ 760.5. Information Sharing and Disclosures.**

14 (a) Release of criminal intelligence information is on a right to know and need to know basis  
15 only. Nothing in this subdivision limits section 758.5 or Penal Code sections 186.34 and 186.35.

16 (b) Records shall not be attached to, or referenced, in any report, with the exception of  
17 statistical reports pursuant to subdivision (d). When a reference is necessary, such documents  
18 shall only reflect that the information was obtained from a law enforcement source.

19 (c) Records contained in a database shall not be disclosed for employment, military, and  
20 housing screening purposes.

21 (d) Records contained in a database shall not be disclosed for purposes of enforcing federal  
22 immigration law, unless required by state or federal statute or regulation.

23 (e) Users are not prohibited or restricted from sending to, or receiving from, federal  
24 immigration authorities, information regarding the citizenship or immigration status, lawful or  
25 unlawful, of an individual or from requesting from federal immigration authorities information  
26 regarding a person's immigration status, maintaining such information, or exchanging such  
27 information with any other federal, state, or local government entity, pursuant to Sections 1373  
28 and 1644 of Title 8 of the United States Code.

1 (f) All requests for statistics shall be submitted in writing to the Node Administrator and may  
2 be released with the approval of the Department. A copy of the request and released statistics  
3 shall be forwarded to the Node Administrator and the Department.

4 (g) Each year before January 15, user agencies shall provide the following data to the  
5 Department:

6 (1) Number of times an agency did not provide notification pursuant to Article 7 of this  
7 chapter in the immediately preceding 12 months because doing so would have  
8 compromised an active criminal investigation.

9 (2) Number of times an agency did not provide notification pursuant to Article 7 of this  
10 chapter in the immediately preceding 12 months because doing so would have  
11 compromised the health or safety of a designated minor.

12  
13 **§ 761. Printing Privileges and Other Forms of Extracting Information.**

14 (a) Printing privileges shall generally be restricted. Privileges may be granted at the discretion  
15 of each Node Administrator. Users shall demonstrate a compelling need to print before print  
16 privileges are extended. Convenience is not a compelling need.

17 (b) Node Administrators shall report all users with printing privileges to the Department in  
18 writing at or before each CGNAC meeting.

19 (c) Each agency shall ensure that any printed copies of intelligence and investigation  
20 information is afforded security to prevent unauthorized access to or use of the data.

21 (d) Disseminated documents no longer needed shall be destroyed.

22 (e) A user is prohibited from using any other tool, including but not limited to taking  
23 photographs, screenshots, or using computer or cellular phone applications, that would enable a  
24 user to copy intelligence and investigation information.

25 (f) If this section is violated, the Department and CGNAC have the power to take appropriate  
26 action as follows:

27 (1) Issue a letter of censure.

28 (2) Temporary suspension of access.

29

1 (3) Removal of access (applicable to individual user or entire user agency).

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3 **§ 761.5. Press Policy**

4 (a) Though each local agency is governed by its particular policies regarding contacts with the  
5 media, each user agency shall notify their respective Node Administrator of any press contacts or  
6 inquiries that have potential for significant impacts upon the system. The Node Administrating  
7 Agency shall in turn notify the CGNAC Chairperson and the Department.

8 (b) Release of information shall not be case specific intelligence information. Any reference to  
9 the CalGang database is strictly prohibited.

10 (c) Violations of this policy shall be reported to the Department and the Chief Executive  
11 Officer of the agency.

12  
13 **Article 12. Equipment.**

14 **§ 762. System Equipment.**

15 Upon request, the Department shall provide a list of recommended equipment, which is  
16 compatible with the current needs and future expansion, to authorized Node Agencies. This  
17 listing will be developed in coordination with appropriate vendors.

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19 **§ 762.5. Equipment Security and Missing Equipment Notification.**

20 (a) Measures shall be taken to place terminals and equipment that transmit or receive database  
21 information in an area with physical security to provide protection from theft, damage,  
22 vandalism, or sabotage, and preclude access to confidential information by unauthorized  
23 personnel. This includes protection from unauthorized viewing of any information displayed on  
24 the actual terminals/devices or manually stored/printed data at all times.

25 (b) User agencies shall notify the Node Administrator in writing within one business day of  
26 any missing equipment that could potentially compromise the confidentiality of the CalGang  
27 database.

1 (c) The Node Administrator shall notify the Department within one business day after  
2 discovery of any missing equipment that could potentially compromise the confidentiality of the  
3 CalGang database.

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5 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

6  
7 **Article 13. System Misuse.**

8 **§ 763. System Misuse.**

9 (a) The Department, with the advice of CGNAC, is responsible for overseeing system  
10 discipline and conformity with policies and procedures. Any violations shall be investigated by  
11 the agency head or his or her designee and reported to the Department and CGNAC.

12 (b) The Node Administrator shall revoke access to the CalGang database for any user who  
13 shares information from the CalGang database for employment, military, or housing screening  
14 purposes.

15 (c) The Node Administrator shall temporarily suspend or revoke access to the CalGang  
16 database for any user who shares information from the CalGang database for federal immigration  
17 purposes, unless such sharing is required by state or federal statute or regulation.

18 (d) Node Administrators are prohibited from creating administrative accounts without express  
19 written authorization from the Department.

20 (e) If any of the sections in this subdivision are violated, or if any other form of system misuse  
21 occurs that violates state or federal law, including these regulations, the Department, with the  
22 advice of CGNAC, shall have the authority to take the following actions:

23 (1) Issue a letter of censure.

24 (2) Temporary suspension of violator's access.

25 (3) Removal of violator's access (applicable to individual user or entire user agency).