

## **Package 1**

California Code of Regulations  
Title 11. Law  
Division 1. Attorney General

### **Chapter x. Fair and Accurate Gang Database Act of 2017 Regulations Specifically Concerning the CalGang Database**

#### **Article 1. Scope**

§ 999.xxx

(a) This Chapter shall be known as the “Department of Justice Regulations for the CalGang Database and is referred to as “these regulations.”

(b) These regulations establish guidelines, procedures, and standards under the Fair and Accurate Gang Database Act of 2017.

(c) These regulations may not be construed to....

(d) These regulations do not address....

Authority: Section 186.36(k) of the Penal Code. Reference: Section...

#### **Article 2. Definitions**

§ 999.xxx

(a) “DOJ” is the California Department of Justice or any of its employees, or contractors acting under the authority of the Department of Justice.

(b) “Node” is a geographically located cluster of participating law enforcement agencies with access to CalGang that may exist from time to time including without limitation.

(c) “Node Administrator” is an appointed person from a node agency who acts as a leader by organizing, providing training, technical support, and coordinating the information collection activities of user agencies in the node.

(d) “Peer audit” as used in these regulations means an audit of a node’s CalGang records conducted by two Node administrators from different nodes.

(e) “User agency” is a law enforcement or criminal justice agency that has met the security requirements for access to CalGang.

(f) The California Gang Node Advisory Committee is herein referred to as “CGNAC.”

Authority: Section 186.36(k) of the Penal Code. Reference: Section 186.36(k)(6)

### Article 3. Audits

#### § 999.xxx

- (a) Audits of CalGang shall ensure that:
- a. Each individual's record has at least two distinct criteria with supporting documentation.
  - b. Each criteria selected is validated by supporting documents.
  - c. Organizations designated as criminal street gangs have no less than 3 members.
  - d. The purge date is in compliance with [\(insert reference to pkg 2, retention schedule section\)](#).
  - e. All active users meet the threshold for access outlined in [\(insert reference to pkg 2, access section\)](#).
- (b) At any time during each calendar quarter, Node Administrators will conduct peer audits on a statistically valid sample of randomly selected records from within their node that provides a 99% confidence level and a 2% error rate 23154. Node administrators will report all results to the DOJ. Any records and/or criteria found to be out of compliance with federal, state, and CalGang Policies and Procedures shall be purged within 30 days of the audit.
- (c) DOJ shall report the results of all audits quarterly and include proposed actions to address any deficiencies on the CalGang website.
- (d) In addition to the other audits required in this section, user agencies shall periodically audit their own records and purge any record that does not meet the criteria for entry.

### Article 4. Training

#### § 999.xxx

- (a) Only those individuals who have been properly trained on CalGang and the CalGang Policies and Procedures will be allowed access to information.
- (b) Instruction from an approved trainer will address, at a minimum, the following:
- a. Definition of a street gang, gang member, and associate
  - b. Accepted gang member, associate and photo input criteria
  - c. Definition and explanation of criminal predicate and reasonable suspicion
  - d. Local, state and federal statues and policies regarding criminal intelligence information
  - e. Physical, technical security and data dissemination
  - f. Practical, hands-on system usage
  - g. Best practices for gathering criminal intelligence during field interviews
  - h. Notification and removal guidelines in accordance with articles 8 and 9
  - i. Any policies, procedures, guidelines pertinent to the specific database being accessed
  - j. Consequences of system misuse and data breaches
- (c) Following instruction, all users must be tested on the curriculum described in subdivision (b) in a manner prescribed by the Node Administrator or agency providing the training.

- (d) Every 24 months, all users shall take an online recertification exam. If users fail to pass the exam, access shall be revoked until they complete a refresher training with a node administrator.
- (e) Approved instructors shall be graduates of CGNAC approved training, with several hours of system user experience verified by a Node Administrator. Instructors shall take a CGNAC approved "Train the Trainer" course of instruction providing an in-depth familiarization with all system applications, intelligence file guideline requirements, proper use and any additional administrative requirements. Personnel shall be functionally tested and affirmed in the proficiency of system use in order to ensure compliance with CalGang Policies and Procedures. DOJ may coordinate other approved trainings from time to time.