



California Gang Node Advisory Committee

POLICY and PROCEDURES for the CALGANG® SYSTEM

Revised: September 27th, 2007

1. MISSION STATEMENT: The CALGANG® Executive Board (CEB) and the California Gang Node Advisory Committee (C.G.N.A.C.) oversee the operations of the CALGANG® System, and participating law enforcement agency's access, in an effort to provide an accurate, timely, and electronically generated base of statewide gang related intelligence information.

2. SYSTEM OPERATION:

2.1. DOJ Central Node: C.G.N.A.C. and the CEB will develop policies and procedures relating to the operation of the CALGANG® Central Database; designed to provide rapid access and response to gang related inquiries to authorized agencies.

2.2. Node Distribution / Qualifications for Becoming a Node: C.G.N.A.C. will review requests from all agencies interested in becoming a Regional Node and forward recommendations to the CALGANG® Executive Board. C.G.N.A.C. will base recommendations on several issues, including but not limited to:

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

2.2.2. The geographic area to be covered.

2.2.3. The ability of the prospective agency to provide technical support to maintain the Regional Node.

2.2.4. The ability of prospective agency to meet the costs associated with becoming a Regional Node; including purchase of required equipment, communication lines, recruitment, training of End Users, sufficient staff to manage the Node, and travel expenses for participation in C.G.N.A.C. and Executive Board meetings.

2.3. Individual Node and End User Roles and Responsibilities: Node Agencies and End User Agencies agree to adhere to policies and procedures established by the C.G.N.A.C. and the CALGANG® Executive Board. Node Agencies and End User agencies can establish more restrictive policies and procedures for their agency, but cannot operate under less restrictive guidelines. Node Agencies who establish more restrictive policies must notify the C.G.N.A.C. and the CEB before those policies are implemented to ensure that the more restrictive policies are consistent with the mission of the CALGANG® system. Node Agencies shall not impose more restrictive guidelines on End User agencies than those adopted by C.G.N.A.C.

Node Agencies and individual End Users who violate established policies and procedures shall be referred to the CALGANG® Executive Board for review and resolution of issues.

2.4. Purpose and System Description: The Regional Node Agency serves the region's criminal justice community including, federal, state, and local; by providing a computerized database of criminal justice intelligence and investigation information on gang activity to authorized users demonstrating a right and need to know. The goal is to improve the effectiveness of the regional law enforcement and criminal justice agencies through the efficient handling and exchange of criminal justice intelligence and investigative information on gangs and gang activity.

2.5. Node Administrator Agency (NAA): The Node Administrator Agency is responsible for maintaining operational control and system supervision over the node. The Node Administrator Agency has the responsibility to ensure that all users in the node adhere to the system policies to protect the system and data integrity.

2.6 CALGANG® Executive Board Mission Statement: The CALGANG® Executive Board provides management oversight to the CALGANG® system working through the California Gang Node Advisory Committee (C.G.N.A.C.). The C.G.N.A.C. and its members are the operational 'subject matter' experts to the CALGANG® system. The CALGANG® system is designed to enhance officer safety, improve the efficiency of criminal investigations and identify and track gang members. This is accomplished through information sharing via a statewide, automated gang database. This database affords participating California and other states law enforcement agencies the ability to impact the effects of violent crime, thereby ensuring the safety of their communities.

2.6.1. The CALGANG® system will comply with 28 CFR 23 ad. Seq and the California Attorney General's Intelligence File Guidelines.

2.7. Qualifications for Participation In CAL/GANG® System: The CALGANG® system will provide services to law enforcement and criminal justice agencies qualified by C.G.N.A.C. which, at the End User's expense, connect through the Regional Node.

2.7.1. A law enforcement agency is defined as a governmental agency or sub unit thereof having statutory powers of arrest, and whose primary function is detection, investigation and apprehension of criminal offenders including authorized support staff.

2.7.2. A criminal justice agency is defined as a governmental agency or sub unit thereof whose primary duties include detention, pre-trial release, post-trial release, correctional supervision, and the collection, storage, and dissemination of criminal history record information.

2.7.3. Each participating agency must complete an End User Agreement approved by C.G.N.A.C and signed by the Chief Executive Officer of the organization. The agreement shall be updated when the agency's Chief Executive Officer changes or upon request of the Regional Node.

2.7.3.1. The End User Agreement contains the minimum criteria established by C.G.N.A.C. and any additions shall be in addendum form.

2.7.4. Each End User Agency shall establish internal written administrative policy and procedures, if they already do not exist, to ensure computer security, data access, and dissemination of data is complied with according to existing laws, regulations and guidelines.

2.8. System Policies and Procedures: Policy and Procedures are designed to provide the most efficient operating system consistent with the needs of criminal justice. Adherence to the policies, procedures, regulations and guidelines, will ensure End User Agencies standardization and maximum return on information queried. Violations of procedures will result in an investigation and disciplinary action as determined by the CALGANG® Executive Board.

2.8.1. Users must confirm the validity of a positive computerized response on the record by contacting the entering agency prior to taking enforcement actions based solely on the record. CALGANG® records are not probable cause for detention or arrest.

2.9 Any requests for CALGANG® records received by End User agencies shall immediately be brought to the attention of the Node Administrator. The End User agency may satisfy the request after notifying the Node Administrator by providing the source documents.

2.9.1 The term CALGANG® shall not be placed in reports, memorandums, correspondence, statements of facts, etc. CALGANG shall not be relied upon to form an opinion of gang membership or substitute actual expertise regarding Criminal Street Gangs. When a reference is necessary, such documents shall only reflect that the information was obtained from a Law Enforcement Source. CALGANG® records shall not be attached to, or referenced in, any report. *With the exception of statistical release pursuant to Section 5 of this policy.*

2.10. ALL FILES ARE CONFIDENTIAL AND ARE FOR OFFICIAL USE ONLY. SYSTEM INFORMATION, E.G. GANG LISTS ARE TO BE PRINTED ONLY WITH PERMISSION OF THE NODE ADMINISTRATOR.

2.11 Training: C.G.N.A.C. will develop, review, and modify as the need arises, approved standardized training for all End Users and Node Administrators. End User Agencies are responsible for obtaining approved training of personnel within their respective agencies from the Node Administrative Agency. Only those individuals who have been properly trained in the use of the CALGANG® system and the related policies and procedures will be allowed access to CALGANG® information.

2.11.1 Properly Trained (defined). A course of instruction, followed by testing, from an approved Trainer, that at a minimum addresses the issues of;

- 2.11.1.1 Criminal Street Gang (defined),
- 2.11.1.2 Accepted Gang Member, Associate and Photo Input Criteria,
- 2.11.1.3 Criminal Predicate/Reasonable Suspicion (defined),
- 2.11.1.4 Local, State and Federal Statutes and Policies regarding Criminal Intelligence Information,
- 2.11.1.5 Physical, Technical Security and Data Dissemination,
- 2.11.1.6 Practical, *Hands On* System usage.

2.11.2. Instructors shall be graduates of a 24-hour end user class, with system user experience verified by the Node Administrator. The instructor shall be required to attend an additional C.G.N.A.C. approved "Train the Trainer" course of instruction providing an in-depth familiarization with all system applications. Personnel shall be trained and functionally tested, and affirmed in the proficiency of system use in order to assure compliance with policies and procedures. Personnel shall be trained in intelligence file guideline requirements and the unlawful use of it and additional administrative requirements.

2.12. Security: In order to maintain the integrity of the system and to ensure the security of information received and transmitted, the following policies and procedures shall be adhered to:

2.12.1. Reasonable measures shall be taken to locate equipment in a secure area to preclude access by other than authorized personnel.

2.12.2. Agencies shall notify the Node Administrator Agency of any missing equipment that could potentially compromise the CALGANG® system.

2.12.3. Personnel authorized access to the system shall be sworn law enforcement personnel, non-sworn law enforcement support personnel, or non criminal justice technical or maintenance personnel (IT / IS staff, including any contract employees) that have been subject to character or security clearance and who have received approved training.

2.12.4. In all matters pertaining to personnel security, the Node Administrator Agency head or his designee will be responsible for making the final determination of the individual's suitability for the job.

2.13. System Discipline: C.G.N.A.C. and the CALGANG® Executive Board is responsible for overseeing system discipline and conformity with Policies and Procedures.

2.13.1. Sanctions: A violation of State, Federal law, regulation, policy or procedures established by C.G.N.A.C. or the CEB may result in any of the following sanctions:

2.13.2. Letter of censure.

2.13.3. Temporary suspension from the system.

2.13.4. Removal from the system.

2.14. System Management: Operational control and system supervision shall be the responsibility of the Node Administrator Agency under the direction of C.G.N.A.C.

2.14.1. An appointed member of each node will participate in the C.G.N.A.C.

2.15. Responsibility for Information: Information stored on each node must be kept accurate and up to date. Agencies entering information are responsible for its legality, relevance, accuracy, timeliness, and completeness. Every effort will be made to prevent duplicate records from entering the system. Prior to obtaining a new CALGANG® number, it is mandatory that each subject be searched through the system at the node level to ascertain whether or not he/she has already been assigned a CALGANG® number.

2.15.1. The CALGANG® system 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 affidavit for a search warrant. The facts, which led to the creation of the record, must be used to establish the probable cause in the affidavit. The system can identify the agencies, which must be contacted to obtain and verify those facts. Any questions should be brought to the Node Administrator Agency.

2.15.2. All End User agencies entering information will maintain sufficient source documentation in support of their entry. Each entering agency shall adhere to established criteria and procedures to ensure proper entry of data, storage of gang information, and data confirmation.

2.15.3. Each End User agency shall ensure that information disseminated outside their agency is only to authorized personnel demonstrating a right and need to know. It should be noted by the releasing agency what information is released, when, to whom and why.

2.15.4. Print privileges shall generally be restricted. Privileges may be granted at the discretion of each Node Administrator. Users must demonstrate a compelling need to print before print privileges are extended (convenience is not a compelling need). Each agency shall ensure that any printed copies of intelligence and investigation information is afforded security to prevent unauthorized access to, or use, of the data.

2.15.5. Disseminated documents no longer needed shall be destroyed.

2.16. Data Entry Protocol: The purpose of the criteria is to provide standardized guidelines, which contribute to the investigative information utilized by law enforcement or criminal justice agencies in carrying out their efforts to protect the public and suppress criminal gang activity.

2.17. Criminal Street Gang Defined: A gang is 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.

2.18. Criteria To Determine Gang Profile: A subject can be entered into the CALGANG® database when two of the following criteria are found through investigation, coupled with the officers training and expertise. The only single criteria approved for entry is an in-custody jail classification interview:

2.18.1. Subject has admitted to being a gang member.

2.18.2. Subject has been arrested with known gang members for offenses consistent with gang activity.

2.18.3. Subject has been identified as a gang member by a reliable informant/source.

2.18.4. Subject has been identified as a gang member by an untested informant.

2.18.5. Subject has been seen affiliating with documented gang members.

2.18.6. Subject has been seen displaying gang symbols and/or hand signs.

2.18.7. Subject has been seen frequenting gang areas.

2.18.8. Subject has been seen wearing gang dress.

2.18.9. Subject is known to have gang tattoos.

2.18.10. In custody Classification interview. (All others require two criteria).

2.19. Affiliate Submission Criteria: The affiliate information is entered for the purpose of providing further identification, through an established relationship, of an existing gang member. There are two mandatory separate submission criteria established for entry of affiliates into a gang member's record. Two of the following criteria must be present:

2.19.1. Definition: When an active gang member with an assigned gang member number is known to affiliate with other known gang members or,

2.19.2. When the individual is known to affiliate with active gang members and the law enforcement or criminal justice officer has established there is a reasonable suspicion the individual is involved in criminal activity or enterprise. The officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience and training rather than mere hunch or whim.

2.19.3. Agencies entering information into CALGANG® on affiliates shall maintain documentation, which adequately supports each entry.

2.20. Authorized Entry and Query: Only personnel who have been given access by the Chief Executive Officer of an End User agency, and have received approved training in the use of the system, are authorized to query or enter new data.

2.21. Purge Criteria: Records not modified by the addition of new criteria for a 5-year period will be purged. In custody subjects shall be subject to the same purge policy. Documents supporting CALGANG® entries sent to a Node Agency shall be returned to the submitting agency or destroyed.

2.21.1. Shared Records: Records created by one agency shall not be purged prior to the five year no activity time limit if that record has been substantially modified by another end user agency without the express approval of that end user agency. For the purpose of this agreement, substantially modified shall mean that the record must have either the gang member criteria renewed or added to, or the subject must have a new arrest record in his/her record

2.22. Map of Existing Nodes: C.G.N.A.C. will provide periodic updates of the map displaying the existing and proposed nodes comprising the CALGANG® system.

2.23. Inter and Intrastate Policy: C.G.N.A.C. may develop appropriate policy for establishing and maintaining communications with both inter and intrastate agencies and define how interested agencies will interact with the California system.

Recommendations for activation will be forwarded to the CALGANG® Executive Board.

2.24. System Audit: Each Node will be audited no less than bi-annually for accuracy based upon criteria established by C.G.N.A.C. Potential inaccuracies or deficiencies will

be reported to the Node for review and possible corrections or deletions. This shall be completed by the next audit date. Node Administrators shall conduct audits as necessary.

3. SYSTEM EQUIPMENT

3.1. Equipment: C.G.N.A.C. will provide to authorized agencies, upon request, a list of recommended equipment, which is compatible with the current and future plans for expansion. This listing will be developed in coordination with appropriate vendors.

3.2. Photographs: Photographs are an important item in the CALGANG® file. Consideration must be given to the method of obtaining a subject's photograph. Standard rules of evidence apply to gang file photographs, as they do with any piece of evidence. The most common and acceptable methods are photographs, commonly referred to as “booking photos” taken of subjects when arrested. Discretion must be used in how the photographs are originally obtained. If a court rules against the photographing procedure, cases may be jeopardized or lost.

3.3. Notwithstanding local agency policy regarding field photographs, End User agencies agree to comply with state and federal laws, and agency guidelines in obtaining photographs.

3.4. Once an individual is entered into the CALGANG® system, the original document or abstract used to establish the criteria shall be maintained by the entering agency in the event of legal challenge. The database record shall indicate the type of source document used to establish the criteria, e.g., arrest report or Field Interview Card, and entered in the appropriate fields within the database.

4. SYSTEM

4.1. Logon ID/Password: All login ID's / Passwords shall be consistent with the security procedures established by C.G.N.A.C.

4.2. End Users who are found to have shared their passwords shall be removed from the system and the Chief Executive Officer of the agency notified of the security violation. A letter from the Chief Executive Officer will be required to reinstate the offending user.

4.4. Prioritization of Work Performed by Vendors: C.G.N.A.C. and the CALGANG® Executive Board will determine which projects will be initiated or enhanced and their priority. This includes development of new programs, modification of existing programs, and resolution of technical problems through use of technical advisory groups.

4.5. Compatibility: C.G.N.A.C. will plan for the eventual interaction with other compatible criminal justice systems and databases. Recommendations will be forwarded to the CALGANG® Executive Board.

5. Release of Statistics: The purpose of this policy is to ensure that no single Node or end user deploys statistical information from the CALGANG® system without approval from the CGNAC. All releases under this policy shall specify that they are estimates based on the best information available at the time of release.

5.1 Any node or end user may release statistics on gangs gathered by that node agency or end user agency.

5.1.1 Any such release must comply with the requirements of Penal Code sections 11144 and 13305.

5.1.2 Any such release shall not include any data gathered by any other agency, nor refer to any such data unless the procedure in 5.2 is followed.

5.2 If any Node or end user agency wishes to release statistics on gangs gathered by any other agency and entered into the CALGANG® system that agency must do the following:

5.2.1 Notify all Node Administrators of the statistics it wishes to release and provide a draft of the proposed release to each Node Administrators at least ten days before any release.

5.2.2 Request C.G.N.A.C. electronic approval of the proposed release.

5.3 In response to 5.2-request C.G.N.A.C., acting through the Node Administrators, shall within no more than seventy-two hours of receipt of the request, electronically approve or disapprove the request.

5.3.1 The C.G.N.A.C. Chairperson shall maintain a copy of the request and copies of the node votes on the request.

5.3.2 The C.G.N.A.C. Chairperson shall report the actions taken on such requests to the CALGANG® Executive Board as soon as practical.

5.4 If a request is not approved the requesting node or end user agency shall not report any statistical information except that is permitted by 5.1.

5.5 The C.G.N.A.C Chairperson is pre-authorized by the Node Administrators to release statistics upon legitimate request. The C.G.N.A.C. Chairperson will, upon release of statistics, forward copies of any request and all released statistics to the Node Administrators as soon as practical.

5.5.1 Any such release must comply with the requirements of Penal Code sections 11144 and 13305.

6. MISCELLANEOUS

6.1. Press Policy: Though each local agency is governed by its particular policies regarding contacts with the media, each End User agency shall notify the Regional Node Administrator of any press contacts or inquiries that may have potential for significant impacts upon the system. The Node Administrating Agency shall in turn notify the CALGANG® Executive Board and C.G.N.A.C. Chairpersons. Release of information shall not be case specific intelligence information.

6.2. Legislation: C.G.N.A.C., in alliance with the Attorney Generals Office, may recommend new and enhanced legislation to assist law enforcement in the reduction of the criminal street gang problem in California.

6.3. Local and State Rules, Regulations and Statutes: C.G.N.A.C. will review existing and proposed policies and procedures to ensure compliance with applicable local, state and federal regulations, statutes and guidelines.