

Penal Code Section 186.36

(k) The department, with the advice of the committee, shall promulgate regulations governing the use, operation, and oversight of shared gang databases. The regulations issued by the department shall, at minimum, ensure the following:

(l) The regulations issued by the department shall include, but not be limited to, establishing the following:

(k) (6) **Personnel authorized to access a shared gang database are limited to** sworn law enforcement personnel, nonsworn law enforcement support personnel, or noncriminal justice technical or maintenance personnel, including information technology and information security staff and contract employees, who have been subject to character or security clearance and who have received approved training.

(k) (2) All law enforcement agency and criminal justice agency personnel who access a shared gang database undergo **comprehensive and standardized training** on the use of shared gang databases and related policies and procedures.

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

- a. Criminal street gang (defined)
- b. Accepted gang member, associate and photo input criteria
- c. Criminal predicate/reasonable suspicion (defined)
- d. Local, state and federal statutes and policies regarding criminal intelligence information
- e. Physical, technical security and data dissemination
- f. Practical, hands-on system usage” (CalGang System Policies and Procedures, March 2018)

(k) (4) Reasonable measures are taken to locate **equipment** related to the operation of a shared gang database in a **secure area** in order to preclude access by unauthorized personnel.

(k) (5) Law enforcement agencies and criminal justice agencies **notify the department of any missing equipment** that could potentially compromise a shared gang database.

(k) (7) Any **records** contained in a shared gang database **are not disclosed for employment or military screening purposes.**

(k) (8) Any **records** contained in a shared gang database **are not disclosed for purposes of enforcing federal immigration law**, unless required by state or federal statute or regulation.

(l) (1) **Policies and procedures for entering, reviewing, and purging documentation.**

(l) (5) **Policies and procedures for notice to a person in a shared gang database.** This includes policies and procedures for when notification would compromise an active criminal investigation or the health or safety of a minor.

(l) (6) **Policies and procedures for responding to an information request, a request for removal, or a petition for removal** under Sections 186.34 and 186.35, respectively. This includes policies and procedures for a request or petition that could compromise an active criminal investigation or the health or safety of a minor.

(l) (7) **Policies and procedures for sharing information** from a shared gang database with a federal agency, multistate agency, or agency of another state that is otherwise denied access. This includes sharing of information with a partner in a joint task force.

(l) (2) **Criteria for designating a person as a gang member or associate** that are unambiguous, not overbroad, and consistent with **empirical research** on gangs and gang membership.

“Two or more unique criteria may be established from contacts with a subject on multiple occasions.” “Acceptable Criteria:

- a. Subject has admitted to being a gang member
- b. Subject has been arrested for offenses consistent with gang activity
- c. Subject has been identified as a gang member by a reliable informant/source
- d. Subject associates with documented gang members
- e. Subject has been seen displaying gang symbols and/or hand signs
- f. Subject has been seen frequenting gang areas. (Must document specific location)
- g. Subject has been seen wearing gang dress
- h. Subject has gang tattoos” (CalGang System Policies and Procedures, March 2018)

(l) (3) **Retention periods for information about a person** in a shared gang database that is consistent with **empirical research** on the duration of gang membership.

“A subject’s record not modified by the addition of new criteria in a five-year period will be purged.” (CalGang System Policies and Procedures, March 2018)

(l) (4) **Criteria for designating** an organization as a **criminal street gang and retention periods** for information about criminal street gangs.

(k) (3) Proper **criteria are established for supervisory reviews** of all database entries and **regular reviews of records** entered into a shared gang database.

(l) (8) Implementation of **supervisory review procedures and periodic record reviews** by law enforcement agencies and criminal justice agencies, and reporting of the results of those reviews to the department.

(n) The department, with the advice of the committee, no later than January 1, 2020, shall promulgate regulations to provide for **periodic audits** of each CalGang node and user agency to ensure the accuracy, reliability, and proper use of the CalGang database. The department shall mandate the **purge of any information** for which a user agency cannot establish adequate support.

(k) (1) The **system integrity** of a shared gang database.

(k) (9) The **committee does not discuss or access individual records** contained in a shared gang database.

(o) The department, with the advice of the committee, shall develop and implement standardized periodic training for everyone with access to the CalGang database.