

Instructional Goal: Cal-Gang students will acquire fundamental training in the techniques and skills necessary to use the system.

Performance Objectives: Using powerpoint presentation, and lecture the students will:

- ▲ Become aware of security issues regarding the Cal Gang System.
- ▲ Learn what the Gang Criteria is, and how to query.
- ▲ Learn how to input FI Cards into the Cal Gang System.

I. INTRODUCTION AND OVERVIEW

A. Welcome and Introduction

1. Instructor
 - a. Name, assignment
 - b. Experience
 - c. Cal Gang help desk
2. Briefly overview the training schedule
 - a. Day 1
 - 1) 28 Code of Federal Regulations, Part 23
 - 2) Criminal Intelligence Definitions
 - 3) Los Angeles Police Department Policies
 - 4) CGNAC
 - 5) Security issues
 - 6) Username/Password
 - 7) Data dissemination
 - 8) Cal-Gang System Overview
 - 9) Gang Criteria
 - 10) Query
 - b. Day 2
 - 1) Field Interview Card Input
 - 2) Link Analysis
 - 3) Mapping
 - 4) Facial Recognition
 - 5) Case Management
3. Administrative duties
 - a. Facilities
 - 1) Restrooms
 - 2) Coffee
 - 3) Parking
 - 4) Telephone
 - b. POST
 - 1) Roster
 - 2) Reimbursement Forms
4. Student Introductions
 - a. Name
 - b. Division
 - c. Assignment
 - 1) Gang Unit
 - 2) Patrol
 - 3) Investigations

II. CAL GANG HISTORY

- A. 1977 LAPD begins Gang Units; first called TRASH then CRASH, SEU now called GED/GIT
- B. 1983 Public Disorder Intelligence Division (PDID) DISSOLVED
- C. 1984 LA Olympics
 1. LASD develops the GREAT system
 2. Gang Reporting Evaluation and Tracking.
- D. 1986 LAPD develops the Gang Tracking System (GTS)
 1. limited access/protected gang lists to CRASH Officers and Detectives only
 2. GTS contained all I-Card information.
- E. 1990/1 THREE OFFICER INVOLVED SHOOTINGS
 1. LASD Carson involving Rolling 60's Crips
 2. LAPD N/E involving Crazy's LASD investigated
 3. LAPD Van Nuys involving Lennox 13
 - a. First serious plan to combine gang intelligence County wide.
 - b. California Department of Justice (DOJ) wants a state-wide system.
- F. 1994 The DOJ develops the California Gang Node Advisory Committee (CGNAC) to develop a state-wide system.
- G. 1994 LAPD receives \$160,000.00 grant to adopt the GREAT System.
- H. 1996 LAPD adopts GREAT...downloaded info only- could not query or input.
- I. 1996 ORION develops CALGANG. *Internet* technology for a user friendly system.
- J. San Diego installation
 1. 1998 Regional Node installation

2. Jan-98 L.A. County Node Installed
3. Oct-98 GTS converted and installed into LA County Node of CALGANG
4. Nov-98 LAPD adopts CALGANG as the only authorized gang database for the Department.
5. CALGANG is a criminal Intelligence database and must adhere to U.S. Code of Regulations: 28CFR Part 23.20(c)
- K. Purpose of Calgang system
 1. To investigate and solve crimes
 2. To assist in prosecution
 3. To track gangs and gang members
 4. To share gang intelligence statewide

III. 28 CODE OF FEDERAL REGULATIONS, PART 23

- A. 28 CFR Part 23 is a *guideline* for law enforcement agencies. It contains implementing standards for operating federally funded multi-jurisdictional criminal intelligence systems operating through Federal funding under the Omnibus Crime Control and Safe Streets Act of 1968.
- B. A 'Project' - (Cal/Gang), can collect and maintain criminal intelligence information concerning an individual gang member(s) only if there is *reasonable suspicion* that the individual(s) is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.
1. *Reasonable Suspicion* or *Criminal Predicate* is established when information exists which establishes sufficient and articulate facts to give an experienced law enforcement officer, a basis to believe that there is a reasonable possibility that an individual or organization is involved in a
 2. definable criminal activity or enterprise...
- C. A 'Project' (Cal/Gang) shall not collect or maintain criminal intelligence information about the political, religious or social views, associations or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal or activity.
- D. The purpose of this regulation is to assure that all criminal intelligence systems are utilized in conformance with the privacy and constitutional rights of individuals.
- E. A 'Project' (Cal/Gang) or authorized recipient shall disseminate criminal intelligence information only when there is a **NEED TO KNOW** and a **RIGHT TO KNOW** the information in the performance of a law enforcement activity.
1. A 'Project' (Cal/Gang) shall disseminate criminal intelligence information only to law enforcement authorities who shall agree to follow procedures regarding information receipt, maintenance, security, and dissemination which are consistent with these principles.
 2. A record indicating who has been given information, the reason for release of the information, and the date of each dissemination outside the project shall be kept.
- F. Information retained in the system must be reviewed and validated for continuing compliance with system submission criteria before the expiration of its retention period, which in no event shall be longer than five (5) years. In short, if there is no change in a subject record for five (5) years, the record will be purged from the system.

IV. CRIMINAL INTELLIGENCE FILES

- A. California Department of Justice Definition
1. A criminal intelligence file consists of stored information on the activities and associations of:
 - a. Individuals who:
 - 1) are suspected of being or having been involved in the actual or attempted planning, organizing, financing, or
 - 2) commission of criminal acts; or
 - 3) are suspected of being, or having been, involved in criminal activities with known or suspected crime figures.
 2. Organizations, businesses and groups that:
 - a. are suspected of being, or having been, involved in the actual or attempted planning, organizing, financing or commission of criminal acts; or
 - b. are suspected of being, or of having been, illegally operated, controlled, financed, or infiltrated by known or suspected crime figures.
- B. The purpose of this regulation is to assure that all criminal intelligence systems are utilized in conformance with the privacy and constitutional rights of individuals.
- C. A 'Project' (Cal/Gang) or authorized recipient shall disseminate criminal intelligence information only when there is a **NEED TO KNOW** and a **RIGHT TO KNOW** the information in the performance of a law enforcement activity.
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V. CALIFORNIA GANG NODE ADVISORY COMMITTEE (CGNAC)

A. Oversees the operations of participating local agency gang intelligence systems in California in an effort to provide accurate, timely, and electronically generated, base of statewide gang-related information to participating criminal justice agencies.

B. Objectives and Purposes

1. To maintain existing gang node databases for the purpose of local regional control of gang intelligence information.

2. To make these gang node databases available to end users in the spirit of cooperation and with regular training and support sufficient to meet specific needs.

3. To continually assess state of the art improvements in automated systems and to make recommendations for change where necessary and financially practical.

4. To continually assess the system from an ease of operations standpoint with the ultimate goal of quick and accurate retrieval of information to patrol and investigative personnel.

5. To develop, maintain, and enhance a statewide gang database system for the purpose of extending the capability of information input and exchange by as many police agencies as possible.

6. To develop funding strategies through the use of Local, State and Federal Grants or other sources as they become available.

VI. CALIFORNIA ATTORNEY GENERAL OPINION AND SECTION 6254 GOVERNMENT CODE PUBLIC RECORDS ACT

A. The records of intelligence information and security procedures incorporated into the gang reporting, evaluation, and tracking system by law enforcement agencies are not subject to public disclosure under the Public Records Act.

B. These records are *generally* exempt.

C. While these records are "exempt" from disclosure, it does not *guarantee* that the materials will not be disclosed pursuant to a Subpoena Duces Tecum.

VII. CAL/GANG SECURITY NOTIFICATION

A. Agreement form

1. Cal/Gang is the Department's only authorized database on street gangs and taggers. The information contained in this system is considered confidential.

2. CalGang is not subject to public disclosure and shall not be referred to in official reports. It shall be described as a "Station Resource" (such as a Field Interview card) or "Source Documents", such as a response from the Consolidated Criminal History Reporting System (CCHRS).

3. Misuse of the system may result in penalties up to and including criminal prosecution.

B. Important Points to remember

1. This system is routinely audited. Everything you do in this system is permanently recorded and will be revealed in an audit. This system is being used by law enforcement agencies throughout the state. Integrity and accuracy of the information is critical. You may be called to testify on information or use of this system years later.

2. Unlike Criminal Offender Records and Information (CORI), CalGang is a gang intelligence database. Subjects in CalGang may not have prior arrests or a criminal history, thus mandating a higher level of security and restricted access pursuant to 28 CFR, Section 23. Under no circumstances shall printouts from this system be released to the news media or representatives of the news media.

3. Individual users are prohibited from printing CalGang records. This includes any use of "Print Screen" or "Copy and Paste" functions in order to produce a printed CalGang record. Print privilege will only be authorized by the Los Angeles Regional Gang Information Network (LARGIN) on a case-by-case basis. Printouts shall not be held in murder books, filing packages or investigative files.

4. Access to and the release of information contained within this system is limited to those personnel with a right to know and a need to know in the performance of a law enforcement criminal investigation. This system is to be used only between law enforcement personnel in order to investigate and solve crimes and to track gang members and taggers. Information from this database is not the basis for search warrants.

5. Your log in name and password are confidential and to be used only by you. You are responsible for all inquiries and printouts originated from the terminal while you are signed on.

C. Sanctions

1. The California Gang Node Advisory Committee is responsible for overseeing system discipline and conformity with rules, regulations and operating procedures. Violations of any laws, rules, regulations, or operating procedures by CAL/GANG system users may result in any of the following sanctions:

a. *Letter of censure*

b. *Suspension of service*: This may be for varying lengths of time and/or may include suspension for specified database or system services.

c. *Removal of service/disconnection from system for your agency.*

2. Important points

a. CalGang is an intelligence database.

b. Contains intelligence files on juveniles and adults.

- c. Members may or may not have a criminal record.
- d. Misuse could result in civil and criminal prosecution.

VIII. FUNDAMENTAL RIGHTS AND CASE LAW

A. United States Constitution 1st Amendment (1791)

- 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;
- 2. or abridging the freedom of speech, or of the press; or *the right of the people peaceably to assemble*, and to petition the government for a redress of grievances.

B. CALIFORNIA CONSTITUTION ARTICLE 1 - DECLARATION OF RIGHTS - SEC. 3

- 1. The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good

C. 186.21 "California Street Terrorism enforcement and prevention act" AKA THE "STEP ACT"

- 1. "...it is the right of every person, regardless of race, color, creed, religion, national origin...." to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals."
- 2. "These activities, both individually and collectively, present a clear and present danger to the public order and safety and are not constitutionally protected."

D. 186.22(a) Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished by imprisonment ...

E. 186.22 (b) (1) AKA "Gang Allegation"

1. Any person who is convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony, be punished by an additional term...

2. "Pattern of Criminal Gang Activity"

a. "**Pattern of Criminal Gang Activity**" means the commission of, attempted commission of, or solicitation of, sustained juvenile petition for, or conviction of two or more of the following offenses, provided the last of those listed offenses occurred within **three** years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons:

- b. Crimes must have been committed by any person who was then, or is now, member of defendant's gang
- c. Copies of Crime/Arrest reports
- d. Certified records of convictions/sustained juvenile petitions
- e. Last predicate crime must be within 3 years of current crime

F. 186.22(e) PC

- 1. Assault with a deadly weapon or by means of force likely to produce great bodily injury, as defined in Section 245.
- 2. Robbery, as defined in Chapter 4 (commencing with Section 211) of Title 8 of Part 1.
- 3. Unlawful homicide or manslaughter, as defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1.
- 4. The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances as defined in Sections 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code.
- 5. Shooting at an inhabited dwelling or occupied motor vehicle, as defined in Section 246.
- 6. Discharging or permitting the discharge of a firearm from a motor vehicle, as defined in subdivisions (a) and (b) of Section 12034.
- 7. Arson, as defined in Chapter 1 (commencing with Section 450) of Title 13.
- 8. The intimidation of witnesses and victims, as defined in Section 136.1.
- 9. Grand theft, as defined in subdivisions (a) or (c) of Section 487.
- 10. Grand theft of any firearm, vehicle, trailer, or vessel.
- 11. Burglary, as defined in Section 459.
- 12. Rape, as defined in Section 261.
- 13. Looting, as defined in Section 463.
- 14. Money laundering, as defined in Section 186.10.
- 15. Kidnapping, as defined in Section 207.
- 16. Mayhem, as defined in Section 203.
- 17. Aggravated mayhem, as defined in Section 205.
- 18. Torture, as defined in Section 206.
- 19. Felony extortion, as defined in Sections 518 and 520.
- 20. Felony vandalism, as defined in paragraph (1) of subdivision (b) of Section 594.
- 21. Carjacking, as defined in Section 215.
- 22. The sale, delivery, or transfer of a firearm, as defined in Section 12072.
- 23. Possession of a pistol, revolver, or other firearm capable of being concealed upon the person in violation of paragraph (1) of subdivision (a) of Section 12101.
- 24. Threats to commit crimes resulting in death or great bodily injury, as defined in Section 422.
- 25. Theft and unlawful taking or driving of a vehicle, as defined in Section 10851 of the Vehicle Code.
- 26. Felony theft of an identity card - PC 484e;
- 27. Counterfeiting etc. of an access card - PC 484f;
- 28. Felony fraudulent use of an access card - PC 484g;
- 29. Unlawful use of personal ID info to obtain goods, services, or medical information - PC 530.5; and,
- 30. Wrongfully obtaining DMV documentation as defined in section 529.7 (drivers license, ID card, vehicle registration . . .)

G. GANG CRIME DEFINED

1. "Any crime where the suspect or victim is an active or affiliate gang member; or when circumstances indicate the crime is consistent with gang activity."
2. "Determination is subjective and is a result of the totality of the circumstances. A high degree of gang expertise or validation through SOURCE DOCUMENTS is necessary."

IX. CALGANG IS A POINTER SYSTEM

- A. Source documents are:
1. FI's
 2. Crime Reports, Arrest Reports, Etc.
 3. Personal Contacts by Law Enforcement
- B. Required FI Information Special Order No. 3, Jan 28, 2004
1. Officers who contact a gang member or affiliate gang member and determine that the completion of an FI is appropriate, shall document the following additional info on the FI;
 2. List gang membership criteria (at least two for gang members, and one plus a link with a documented gang member for affiliates.
 3. The specific type of gang activity involved (Reasonable Suspicion)
 4. The words "Gang Member" or "Gang Affiliate" in the narrative portion of the FI Card depending upon the criteria documented by the officer.

X. PHOTO GUIDELINES

- A. **Special Order No. 3**
1. **Photographing Known Or Suspected Gang Members.**
 2. **Only gang officers and gang detectives are authorized to take non-booking identification photographs of active and affiliate gang members.**
- Other Acceptable Sources Of CalGang Photographs:**
- a. **Consent (DMV)**
 - b. **Booking**
 - c. **Evidence**
 - d. **Surveillance**
 - e. **With full documentation of the said source.**
- B. **Gang defined**
1. **A gang is a group of three or more persons who have a common identifying sign, symbol or name, whose membership is exclusive to all others and whose members individually or collectively engage in or have engaged in a pattern of criminal activity creating an atmosphere of fear and intimidation within the community.**
- C. **Gang member identification criteria**
1. Self Admission;
 2. Reliable Source;
 3. Gang Dress;
 4. Frequents Gang Area;
 5. Gang Hand Signs/Symbols;
 6. Affiliates with Gang;
 7. Untested Informant;
 8. Gang Tattoos;
 9. Arrested with Gang.
- D. **Affiliate Gang Member Criteria**
1. Linked with a DOCUMENTED Gang Member
 2. Need to meet only one of the Gang identification criteria
- E. **Gang Member Identification Criteria**
1. Examples of "non verbal" self admission
 2. Gang Specific Tattoo(s)
 3. Use of Gang Handsigns
 4. Gang Specific Clothing
 5. Gang Graffiti / Writings
 6. Appears in Gang Photos
 7. Parent
 8. Teacher
 9. Reliable Informant
 10. Admitted Gang Member
 11. Judge (186.30 PC)

XI. SECTION 186.30 PC

- A. **Gang member registration**
1. This section requires persons convicted of gang-related crimes, who are ordered by the court, to register with the Chief of Police or Sheriff in their jurisdictions of residence.
 2. Registration must be completed within 10 days of release from custody or within 10 days of changing residence.
 3. Registration is mandatory for a period of 5 years from the date of conviction.

4. Failure to register is a misdemeanor.
- B. 186.30 PC should always be filed when gang enhancements are sought. (The court may also apply at time of sentencing if it finds the crime to be gang-related)

XII. CAL GANG PRACTICAL APPLICATION

- A. General systems information
 1. Demonstrate
 2. Students practice
- B. Queries Screen demonstration
 1. Demonstrate
 2. Students practice
- C. Queries (Power Point Presentation)
 1. Demonstrate
 2. Students practice

END OF DAY ONE

DAY 2

XIII. REVIEW DAY ONE

- A. Review Queries
 1. Demonstrate for review
 2. Students practice

XIV. QUERIES CONTINUED

- A. Review Queries
 1. Demonstrate for review
 2. Students practice
- B. Input Screen Demonstration
 1. Demonstrate
 2. Students practice
- C. Photos into FI/Facial Recognition
 1. Demonstrate
 2. Students practice
- D. GEO Coding
 1. Demonstrate
 2. Students practice
- E. Inputting FI's
 1. Demonstrate
 2. Students practice

XV. TEST

- A. Administer
- B. Review Test Answers
- C. Log Live System & Change password