

# OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 14

December 14, 2017

**SUBJECT: CRITERIA FOR GANG MEMBER DOCUMENTATION – REVISED; CONTACTS WITH GANG MEMBERS – REVISED; MAINTAINING DEPARTMENT GANG FILES – REVISED; CAL/GANG SYSTEM AND GANG FILE SECURITY – REVISED; PHOTOGRAPHING KNOWN OR SUSPECTED GANG MEMBERS – REVISED; NOTIFICATION TO PARENT OR GUARDIAN OF JUVENILES – RENAMED AND REVISED; AND, MISCELLANEOUS GUIDES AND FORMS PERTAINING TO GANG ENFORCEMENT DETAIL AND GANG IMPACT TEAM OPERATIONS IN REFERENCE TO THE SHARED GANG DATABASE – RENAMED, REVISED, AND ACTIVATED**

**PURPOSE:** Effective on January 1, 2017, California Penal Code (PC) Section 186.34 was amended and PC Section 186.35 was added to the PC, based on the enactment of Assembly Bill 2298. Penal Code Section 186.34 defined and outlined the method for processing the shared gang database by law enforcement agencies, and established procedures for individuals to contest their designation in the shared gang database. Penal Code Section 186.35 created a procedure for individuals to seek judicial review of their designation in the shared gang database. Effective on January 1, 2018, certain amendments will be made to PC Sections 186.34 and 186.35, based on the enactment of Assembly Bill 90. This Order revises several Department Manual sections and renames, revises, and activates various Department guides and forms utilized by Gang Enforcement Detail (GED) and Gang Impact Team (GIT) personnel to adhere to these aforementioned legal requirements and to capture statistical data for Department auditing purposes and as required by the State of California.

**PROCEDURE:**

- I. CRITERIA FOR GANG MEMBER DOCUMENTATION – REVISED.** Department Manual Section 4/269.20, *Criteria for Gang Member Documentation*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics.
- II. CONTACTS WITH GANG MEMBERS – REVISED.** Department Manual Section 4/269.30, *Contacts with Gang Members*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics.
- III. MAINTAINING DEPARTMENT GANG FILES – REVISED.** Department Manual Section 4/269.40, *Maintaining Department Gang Files*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics.
- IV. CAL/GANG SYSTEM AND GANG FILE SECURITY – REVISED.** Department Manual Section 4/269.50, *Cal/Gang System and Gang File Security*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics.

- V. **PHOTOGRAPHING KNOWN OR SUSPECTED GANG MEMBERS – REVISED.** Department Manual Section 4/269.60, *Photographing Known or Suspected Gang Members*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics.
- VI. **NOTIFICATION TO PARENT OR GUARDIAN OF JUVENILES – RENAMED AND REVISED.** Department Manual Section 4/269.70, *Notification to Parent or Guardian of Juveniles*, has been revised and renamed as the *Notification to Gang Member or Associate*. Attached is the revised Department Manual section with the revisions indicated in italics.
- VII. **GANG AFFILIATION NOTIFICATION LETTER (ENGLISH), FORM 12.16.05 – RENAMED AND REVISED.** The Gang Affiliation Notification Letter (English), Form 12.16.05, has been revised and renamed as the Written Notification of Inclusion Letter.

This form has been revised to delete the following gang membership criteria:

- Subject has been identified as a gang member by an untested informant; and,
- In custody classification interview (All others require two criteria).

**Use of Form:** This form is used by the Area or division commanding officer (CO) to make notification of an individual's inclusion as a gang member or associate into the shared gang database to the person designated and to his or her parent or legal guardian if the individual is a juvenile.

**Note:** This letter shall be mailed or delivered in person, **as soon as practicable**, to the designated gang member or associate **prior to** the individual being entered into the shared gang database.

**Completion:** The completion of this form is self-explanatory.

**Note:** The Procedure to Provide Written Notification of Inclusion Guide, Form 12.16.18, **shall** be used to complete and process this form.

**Distribution:**

- 1 – Original, shall be sent to the designated (adult or juvenile) gang member or associate.
- 1 – Copy, shall be sent to the designated juvenile associate's parent or legal guardian, when applicable.
- 1 – Copy, shall be retained in the Area gang office, separate from other gang files.
- 3 – TOTAL**

**VIII. NOTIFICATION TO A JUVENILE OF GANG AFFILIATION INVOLVEMENT LETTER, FORM 12.16.00 – DEACTIVATED.** The Notification to a Juvenile of Gang Affiliation Involvement Letter, Form 12.16.00, has been deactivated and integrated into the renamed Written Notification of Inclusion Letter, Form 12.16.05.

**IX. REQUEST FOR STATUS IN THE SHARED GANG DATABASE, FORM 12.16.04 – ACTIVATED.** The Request for Status in the Shared Gang Database, Form 12.16.04, has been activated.

**Use of Form:** This form is used by the Department to verify that an individual requesting a person's status in the Department's shared gang database is authorized to do so, pursuant to PC Section 186.34.

**Completion:** The completion of this form is self-explanatory.

**Note:** The Procedure to Address Request for Status in the Shared Gang Database Guide, Form 12.16.20, **shall** be used to complete and process this form.

**Distribution:** The Database Coordinator, GIT OIC or a GIT supervisor in the OIC's absence, shall ensure that all of the applicable documents are retained in the Area gang office, separate from other gang files.

1 – Original, shall be retained in the Area gang office, separate from other gang files.

1 – Copy, shall be forwarded to the Area CO for review.

**2 – TOTAL**

**X. RESPONSE TO REQUEST FOR STATUS IN THE SHARED GANG DATABASE LETTER, FORM 12.16.16 – ACTIVATED.** The Response to Request for Status in the Shared Gang Database Letter, Form 12.16.16, has been activated.

This form has been revised to delete the following gang membership criteria:

- Subject has been identified as a gang member by an untested informant; and,
- In custody classification interview (All others require two criteria).

**Use of Form:** This form is used by the Department to notify the requestor of an individual's inclusion in the shared gang database.

**Completion:** The completion of this form is self-explanatory. **The Area CO shall ensure that this letter is mailed or provided in person to the requestor within 30 calendar days of the receipt of the request.**

**Note:** The Procedure to Address Requests for Status in the Shared Gang Database Guide, Form 12.16.20, **shall** be used to complete and process this form.



**Distribution:**

- 1 – Original, shall be forwarded to the Area CO for review and approval, then mailed or delivered in person to the requestor.
- 1 – Copy, shall be retained in the Area gang office, separate from other gang files.

**2 – TOTAL**

- XI. RESPONSE TO REQUEST TO REMOVE JUVENILE FROM SHARED GANG DATABASE APPROVAL LETTER, FORM 12.16.12 – RENAMED AND REVISED.** The Response to Request to Remove Juvenile from Shared Gang Database Approval Letter, Form 12.16.12, has been revised and renamed as the Request for Removal from the Shared Gang Database.

**Use of Form:** This form is used by the Department to allow authorized person(s) to request the removal of a person from the shared gang database, pursuant to PC Section 186.34.

**Completion:** The completion of this form is self-explanatory.

**Note:** The Procedure to Address Request for Removal from the Shared Gang Database Guide, Form 12.16.22, **shall** be used to complete and process this form.

**Distribution:** The Database Coordinator, GIT OIC or a GIT supervisor in the OIC's absence, shall ensure that all of the applicable documents are retained in the Area gang office, separate from other gang files.

- 1 – Original, shall be retained in the Area gang office, separate from other gang files.
- 1 – Copy, shall be forwarded to the Area CO for review.

**2 – TOTAL**

- XII. RESPONSE TO REQUEST TO REMOVE JUVENILE FROM SHARED GANG DATABASE DENIAL LETTER, FORM 12.16.14 – RENAMED AND REVISED.** The Response to Request to Remove Juvenile from Shared Gang Database Denial Letter, Form 12.16.14, has been revised and renamed as the Response to Request for Removal from the Shared Gang Database Letter.

This form has been revised to delete the following gang membership criteria:

- Subject has been identified as a gang member by an untested informant; and,
- In custody classification interview (All others require two criteria).

**Use of Form:** This form is used by the Department to notify the requestor of the Department's decision to either maintain or remove an individual from the shared gang database.

**Completion:** The completion of this form is self-explanatory. **The Area CO shall ensure that this letter and Page 2 of this form, Response to Request for Removal from the Shared Gang Database Letter Spreadsheet (when applicable) are mailed or provided in person to the requestor within 30 calendar days of the receipt of the request.**

**Note:** The Procedure to Address Request for Removal from the Shared Gang Database Guide, Form 12.16.22, **shall** be used to complete and process this form.

**Distribution:**

- 1 – Original, shall be forwarded to the Area CO for review and approval, then mailed or delivered in person to the requestor.
- 1 – Copy, shall be retained in the Area gang office, separate from other gang files.

**2 – TOTAL**

- XIII. PROCEDURE TO PROVIDE WRITTEN NOTIFICATION OF INCLUSION GUIDE, FORM 12.16.18 – ACTIVATED.** This form is used as a guide to complete and process the Written Notification of Inclusion Letter, Form 12.16.05.
- XIV. PROCEDURE TO ADDRESS REQUEST FOR STATUS IN THE SHARED GANG DATABASE GUIDE, FORM 12.16.20 – ACTIVATED.** This form is used as a guide to complete and process the Request for Status in the Shared Gang Database, Form 12.16.04, and the Response to Request for Status in the Shared Gang Database, Form 12.16.16.
- XV. PROCEDURE TO ADDRESS REQUEST FOR REMOVAL FROM THE SHARED GANG DATABASE GUIDE, FORM 12.16.22 – ACTIVATED.** This form is used as a guide to complete and process the Request for Removal from the Shared Gang Database, Form 12.16.12, and the Response to Request for Removal from the Shared Gang Database Letter, Form 12.16.14.
- XVI. CAL/GANG CARD – RENAMED AND REVISED.** The Cal/Gang Card has been renamed as the Subject Identification Card. This form has been revised as follows:
- Any verbiage related to “affiliate” has been revised as “associate”;
  - E-mail and work phone number boxes have been added;
  - The “Letter Sent” verbiage has been renamed as “Per PC 186.34, Written Notification of Inclusion Letter Sent:, If no, 15.7 completed by Serial No.:”;
  - The checkbox for the verbiage “telephonic” has been renamed as “mailed”; and,
  - The verbiage “Requires at Least Two for Members and One for Affiliates” has been renamed as “Requires at Least Two for Members and Associates.”

**FORM AVAILABILITY:** The aforementioned forms are accessible in E-Forms, and the Form Use Link on the Department's Local Area Network. Copies of these forms are attached for immediate use and duplication. All other versions of these forms shall be marked "obsolete" and placed into the divisional recycling bin.

**AMENDMENTS:** This Order amends Sections 4/269.20, 4/269.30, 4/269.40, 4/269.50, 4/269.60, and 4/269.70 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK  
Chief of Police

Attachments

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**269.20 CRITERIA FOR GANG MEMBER DOCUMENTATION.** The following criteria have been established by the Cal/Gang Executive Board that oversees the operation of the Cal/Gang System Statewide, for identifying individuals as gang members or gang *associates*:

**Gang Membership Criteria.** Indicators of gang membership shall include at least two of the following criteria:

- *Subject has admitted to being a gang member;*
- *Subject has been arrested for offenses consistent with gang activity;*
- *Subject has been identified as a gang member by a reliable informant/source;*
- *Subject has been seen associating with documented gang members;*
- *Subject has been seen displaying gang symbols and/or hand signs;*
- *Subject has been seen frequenting gang areas;*
- *Subject has been seen wearing gang dress; or,*
- *Subject is known to have gang tattoos.*

When two or more of these criteria are met, a *Subject Identification Card, Form 12.16.09*, shall be completed by a gang officer or gang support staff for entry into the Cal/Gang System. *Subject Identification Cards* shall not be *completed* for individuals that do not meet the criteria.

**Gang Associate Criteria.** An individual who meets *two* of the above criteria and is detained with a documented gang member, may be designated as a gang *associate* and entered into the Cal/Gang System. The gang officer or gang support staff must document the name of the documented gang member with whom the *associate is with*, the gang member's date of birth, and his *or* her Cal/Gang number on the *associate's* *Subject Identification Card*.

**269.30 CONTACTS WITH GANG MEMBERS.**

**Investigations and Arrests.** When the arrest or preliminary investigation reveals that the crime is gang-related, the reporting officer must check the "Extra Copy" box on the front of the *Arrest Report, Form 05.02.00*, or the *Investigative Report, Form 03.01.00*, indicating that copies shall be sent to the appropriate Area gang detectives. The reporting officer must ensure that the narrative fully explains the rationale for determining that the arrest or investigation is gang-related.

**Note:** Suspected gang membership information may also be further investigated by contacting the Area Gang Impact Team or Bureau Gang Coordinator.



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**Field Identification.** Officers who contact a suspected active or *associate* gang member and determine that the completion of a Field Interview Report (FI Card), Form 15.43.00, is appropriate, must document at least two required gang membership criteria (as listed in *Department Manual* Section 4/269.20, Criteria For Gang Member Documentation) and may include the following additional information on the FI Card:

- How gang membership was established (e.g., admits gang membership, tattoos, attire, etc.); *and*,
- The specific type of gang activity involved.

Upon supervisory review and approval of the FI Card containing gang-related information, it *shall* be routed to the Area GIT where the FI Card was completed for review and verification. Only a GIT officer, sergeant, detective or gang support staff may complete a Subject Identification Card, *Form 12.16.09*, if the criteria for a gang member or gang *associate* has been met.

The Subject Identification Card must be reviewed, approved and signed by a GIT supervisor, prior to it being entered into the Cal/Gang System. After completing the Subject Identification Card or if a card already exists, the Area *Database Coordinator (DC)* or assigned personnel *shall complete a written Notification of Inclusion Letter, Form 12.16.05, and either mail or provide the letter in person to the designated person or juvenile's parent(s) or guardian(s). The DC shall then enter the new information into the Cal/Gang System as soon as practicable.* Gang FI Cards *shall* be securely stored inside the gang office.

**Note:** Gang officers and other personnel who have completed the required Cal/Gang training may also input and update information into the Cal/Gang System.

**269.40 MAINTAINING DEPARTMENT GANG FILES.** Any non-Cal/Gang System or gang database is not authorized and *shall* not be maintained by any individual or Department entity. Private or localized gang databases lack security controls and audit capability required for an intelligence database. As a result, their confidentiality and reliability is severely jeopardized.

**Hard-Copy Files.** Hard-copy files refer to the completed Subject Identification Cards, *Form 12.16.09*, the Gang History Books and the Gang Photograph Books. These files contain information on street gangs, their members and *associates* who are, have been, or are likely to be involved in criminal activity and *shall* only be maintained by Department-authorized gang investigation units.



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Hard-copy files *shall* remain secured and locked at all times inside the gang office. However, these files *shall* have 24-hour accessibility through the Area watch commander for emergency usage.

Hard-copy files of Outlaw Motorcycle Gang members *shall* be maintained at the originating gang investigative unit. A copy of the hard-copy file *shall* be sent to Gang Support Section (GSS), Gang and Narcotics Division (GND). The original hard-copy Subject Identification Cards on prison gang members *shall* only be maintained by GSS, GND. Hard-copy files *related to* Asian gang members may be maintained by Gang Impact Teams *or* Bureau Gang Coordinators.

**Note:** Street Terrorism Enforcement and Prevention (STEP) books are not considered intelligence files.

**Subject Identification Card Completion.** Hard-copy Subject Identification Cards should be completed on all gang members and gang *associates*. The purpose for completing a Subject Identification Card is to document the original source for entry into the Cal/Gang System.

The completed Subject Identification Card *shall* contain at least the following information:

- Complete name;
- Moniker;
- Date of birth;
- Identifying number(s);
- *Written Notification of Inclusion Letter, Form 12.16.05 (mailing or in-person notification verification);*
- Cal/Gang number;
- Criteria rationale, circumstances and date documented;
- Name and serial number of officer obtaining information;
- Individual's photograph (if available);
- Complete name of gang or group; and,
- Approving Gang Impact Team supervisor's signature.

This information and all future updates shall be entered into the Cal/Gang System *as soon as practicable*.

**Note:** As much information as possible should be placed on the Subject Identification Card. Once a Subject Identification Card has been completed with at least the above information, all future contacts or information *shall* be documented on a *Field Interview Report*,

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*Form 15.43.00, or Arrest Report, Form 05.02.00, and input into the Cal/Gang System. Updating the Subject Identification Cards for members and associates are not required.*

**Hard-Copy File Organization.** The Department hard-copy files *shall* be organized as follows:

- The Subject Identification Cards may include a copy of a current photograph of the gang member/associate. All Subject Identification Cards with a Cal/Gang number *shall* remain on file regardless of status; and,
- Cards of inactive and deceased individuals without a Cal/Gang number *shall* be removed from the files and destroyed.

**269.50 CAL/GANG SYSTEM AND GANG FILE SECURITY.** The purpose of the Cal/Gang System is to provide Department personnel with an investigative tool for conducting criminal investigations which may involve gang members or *associates*.

**Predicate crimes and gang expertise in the Cal/Gang system.** Successful prosecutions of gang enhancement cases *shall* be entered into the Cal/Gang System, including current and all predicate crimes related to the case. In essence, the Cal/Gang System can serve as an automated resource for easily obtaining gang experts and predicate crime information for specific gangs. Gang Support Section (GSS), Gang and Narcotics Division (GND), *shall* advise and assist in updating Cal/Gang user profiles for predicate crimes.

In order to make predicate crimes and gang experts available countywide, it *shall* be the responsibility of every gang officer to verify that his or her gang expertise is documented in the Cal/Gang System by the GSS, GND. Gang officers *shall* document their court-qualified gang expertise in the Gang History Books maintained at their Areas of assignments.

The Bureau Gang Coordinator (BGC) *shall* update their existing gang expertise lists for each officer in the database on a quarterly schedule. The Cal/Gang Node Administrator is responsible for updating the gang expertise information from the database into the Cal/Gang System quarterly for each gang officer.

**Gang officer's responsibilities.** Every gang officer should become an expert in each of his *or* her assigned gang(s) as soon as practicable. Once expertise has been established, it *shall* be documented in the Gang History Book.

**Gang Detective's Responsibilities.** Gang expertise by detectives *shall* be documented in the Gang History Book. When a gang detective becomes aware of an arrest of any gang member in his or her Area, gang enhancements *shall* be considered before filing charges. If necessary, the detective should be guided by the recommendation of the filing deputy from the City Attorney's

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or District Attorney's Office. When a case is filed with gang enhancements, the gang detective *shall* ensure that the information on the predicate crimes is entered into the Cal/Gang System.

**Confidentiality.** All Department personnel are reminded that it is not a crime in and of itself to be a gang member. It is incumbent upon the Department to protect the confidentiality of the Cal/Gang System and the Department gang files, and to safeguard the Constitutional Rights of those identified. As a result, access is restricted to gang officers or personnel who have met the "right to know and need to know" criteria. The Cal/Gang System, or information contained therein, *shall* not be referenced in any report, affidavit, court testimony, or deposition nor should it be used to prove or disprove gang membership.

**Note:** The Cal/Gang System is a "pointer" system or "search engine" that compiles and links information derived from primary sources (source documents), such as Field Interview Reports (FI Card), Form 15.43.00, arrest and crime reports, and other sources of information. These primary sources *shall* be the only documents used to demonstrate gang membership or *association* and *shall* contain the requisite number of classification criteria as described in Section 4/269.20 of the Department Manual.

**Retrieval of System Files and Photocopies.** Authorization to print from the Cal/Gang System *shall* only be obtained from the Commanding Officer, GND, or his *or* her designee. If approval is obtained, these printouts *shall* not be copied, faxed, or mailed without approval from the Commanding Officer, GND, or his *or* her designee. Any printouts or copies from the Cal/Gang System or hard-copy files ***shall not*** be used as addenda for reports (e.g., search warrants, arrest warrants, or gang injunctions, etc.). They ***shall not*** be placed in personal ready reference files, investigative notebooks, case packages, or homicide books.

At the culmination of an investigation, the investigating entity *shall* contact GND for guidance in the handling of documents and forward any Cal/Gang printouts to GND for proper filing or destruction.

Printouts from the Cal/Gang System or hard-copy files photocopies, facsimiles (faxes), or any form of reproductions ***shall not*** be taken out of the gang investigation entity's office without prior approval from the Commanding Officer (CO), GND.

**Off-Hour and Emergency Access.** Murders, assaults on police officers, and high-profile crimes may occur at any time and may require access to the Cal/Gang System to ensure timely information is available to the investigating officer (I/O).

**Access.** Accessing the Cal/Gang System requires proper training and a password. Training is provided by GND personnel. *Approved training for different access levels is available.* Under emergency situations, when personnel *who are* trained to access the Cal/Gang System are not available, the I/O *shall* telephonically request assistance by contacting the person named in the

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GSS/GND notification roster. This roster is maintained by the Department Command Post, Real-Time Analysis and Critical Response (RACR) Division.

**Printing.** If the I/O determines that Cal/Gang information needs to be printed, the I/O *shall* follow the above procedure for *the* approval and its use.

The I/O *shall* be guided by the directions of the CO, GND, or his *or* her designee for *the* proper disposition of the printed information.

**Discovery Motions and Court Requests for Records.** The CO, GND, is the Department Custodian of Records for the Cal/Gang System and for all hard-copy gang files throughout the Department.

The CO, GND, or his *or* her designee (Node Administrator), *shall* be notified of all legal requests pertaining to information or records from the Cal/Gang System and/or any hard-copy gang files. Gang investigation units *shall* follow the direction *from* the CO, GND, or his *or* her designee, in handling legal requests for gang information. These units *shall* receive prior approval from the CO, GND, or his *or* her designee, before releasing any information.

**Note:** Department employees *who* have been served with Subpoenas Duces Tecum (SDT) or discovery requests pertaining to Cal/Gang records *shall* notify the GND Cal/Gang Node Administrator for *the* handling of these legal requests and *shall* receive prior approval from the Node Administrator before releasing any information.

**269.60 PHOTOGRAPHING KNOWN OR SUSPECTED GANG MEMBERS.** Only gang officers, gang sergeants and gang detectives are authorized to take non-booking identification photographs of active and *associate* gang members.

**Field Photographs of Suspected Gang Members.** Gang officers, gang sergeants and gang detectives *shall* adhere to the following guidelines when photographing a suspected gang member or gang *associate*:

- Officers *shall* not use physical force or any other form of coercion in acquiring a photograph;
- Officers *shall* request and receive permission from the individual prior to taking a photograph when that person is not being arrested or otherwise legally detained;
- Officers *shall* not pose the individual with *his or her* name or Subject Identification Cards;
- Individuals photographed will be unrestrained and on public property (e.g., not handcuffed or in the back seat of a police vehicle);



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- Officers *shall* conduct the photographing process contemporaneously with the completion of the FI Card;
- Photographing may not extend the time necessary to complete the interview process; and,
- A full explanation *shall* be provided to the *individual* as to the purpose of the photograph.

**Security of Gang Member/Associate Photographs.** Gang Photo Books *shall* only be maintained by gang units and *shall* be secured at all times. Gang Photo Books are an important tool in the investigation of gang-related crimes and differ from regular photo or mug books in that they are assembled by gangs and not by criminal offenses. Gang Photo Books are considered part of the Department's hard-copy gang files. Gang officers *shall* follow the same security measures with respect to protecting gang member and *associate* photos as exercised for the Cal/Gang System and the hard-copy files. Gang Photo Books *shall* only be taken into the field with the approval of a GIT supervisor or the Area watch commander and the Document Sign Out Log, Form 15.31.00, *shall* be utilized.

**Note:** An automated database is permitted to be used as an index for the Gang Photo Books, consisting only of the gang member(s)/*associate*(s) name, Cal/Gang number, moniker and Gang Photo Book page number. If an automated database is used, a copy of the printed index *shall* be attached to the index portion of the Gang Photo Book. All prior printing conditions *shall* apply if this index is printed out.

**Photograph Line-Up Procedures.** The Cal/Gang System has the capability of producing a photographic line-up for investigative purposes. Photographs *shall* not have the name of the gang member on the photo. Photographs may be copied for *Gang Photo Books*.

When Cal/Gang generated photo line-ups are not available, I/O's use the Department's existing established photo line-up procedures when selecting photos.

**269.70 NOTIFICATION TO GANG MEMBER OR ASSOCIATE.** Gang enforcement personnel who identify a *person* as an active gang member or *associate* gang member shall *enter* the person's information into the shared gang database. **Prior** to entering the person's information into the shared gang database, gang enforcement personnel shall send the involved *person* a *Written Notification of Inclusion Letter, Form 12.16.05*.

The *Written Notification of Inclusion Letter* shall advise him or her of the reason why he or she was identified as an active gang member or *associate* gang member and that his or her *name shall be added* to the shared gang database. Gang enforcement personnel shall also immediately send the involved juvenile's parent(s) or guardian(s) (*when the person to be added is a juvenile*) a copy of the *Written Notification of Inclusion Letter*.

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**Exception:** Department personnel are not required to complete a Written Notification of Inclusion Letter; a Response to Request for Status in the Shared Gang Database Letter, Form 12.16.16; or a Response to Request for Removal from the Shared Gang Database Letter, Form 12.16.14, if it would compromise a criminal investigation or compromise the health or safety of a minor, per California Penal Code (PC) Sections 186.34(c)(1) or 186.34(d)(2). If a Database Coordinator (DC) or Gang Impact Team (GIT) personnel assigned with ancillary duties reflecting the DC's duties, invokes the exception to mail or provide in person, a Written Notification of Inclusion Letter, a Response to Request for Status in the Shared Gang Database Letter, or a Response to Request for Removal from the Shared Gang Database Letter, to the requestor within 30 calendar days of the receipt of the request, the DC shall:

- Complete an Employee's Report, Form 15.07.00. The Employee's Report shall include a detailed justification for the exception;

**Note:** A signed copy of the Employee's Report, as well as any documentation related to the request, shall be retained in a file, separate from the gang files, in the Area gang office;

- Forward the completed report(s) to the GIT Officer in Charge (OIC) or the GIT supervisor in the OIC's absence; and,
- Ensure that the copies of the applicable reports and original designated reports, Employee's Report (when applicable), petition for review, and all related documentation are kept on file in the Area gang office, separate from other gang files.

**Gang Impact Team personnel, Supervisor's, Database Coordinator's, Officer in Charge's, and Area/Division Commanding Officer's Responsibilities.** All personnel shall refer to the Form Use Link and the Department's E-Forms on the Department's Local Area Network for detailed procedures on how to complete and process the following forms and guides:

**Procedure for the Written Notification of Inclusion Letter:**

- Procedure to Provide Written Notification of Inclusion Guide, Form 12.16.18; and,
- Written Notification of Inclusion Letter, Form 12.16.05.

**Procedure for the Request for Status in the Shared Gang Database:**

- Procedure to Address Request for Status in the Shared Gang Database Guide, Form 12.16.20;
- Request for Status in the Shared Gang Database, Form 12.16.04; and,
- Response to Request for Status in the Shared Gang Database Letter, Form 12.16.16.

**Note:** Penal Code Section 186.34(d)(3) mandates that a law enforcement agency respond, in writing or in person, via the Department's Response to Request for Status in the Shared Gang Database Letter, to an authorized requestor (a person, or if the person is under 18 years of age, his or her parent or guardian, or an attorney working on

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*behalf of the person who is designated as a suspected gang member or associate in a shared gang database) within 30 calendar days of the receipt of the Request for Status in the Shared Gang Database.*

**Procedure for the Request for Removal from the Shared Gang Database:**

- *Procedure to Address Request for Removal from the Shared Gang Database Guide, Form 12.16.22;*
- *Request for Removal from the Shared Gang Database, Form 12.16.12; and,*
- *Response to Request for Removal from the Shared Gang Database Letter, Form 12.16.14.*

***Note:*** *Penal Code Section 186.34(e) mandates that a law enforcement agency respond, in writing or in person, via the Department's Response to Request for Removal from the Shared Gang Database Letter, to an authorized requestor (a person, or if the person is under 18 years of age, his or her parent or guardian, who is designated as a suspected gang member or associate in a shared gang database, or an attorney working on his or her behalf) within 30 calendar days of the receipt of the Request for Removal from the Shared Gang Database.*

Copies of all documents related to notifications, status requests, and removal requests shall be kept indefinitely on file in the Area gang office, separate from other gang files.

**Note:** *The shared gang database retains records related to the gang activity of the individuals in the database, consistent with the provisions contained in Section 23.20(h) of Title 28 of the Code of Federal Regulations. Nothing in this section shall require Department personnel to disclose any information protected under Section 1040 or 1041 of the Evidence Code or Section 6254 of the Government Code.*

**DEPARTMENT MANUAL**  
**FORM USE LINK**  
**Revised by Administrative Order No. 14, 2017**

**12.16.09 SUBJECT IDENTIFICATION CARD, FORM 12.16.09.**

12.16.09-01 **Use of Form.** This form is used to document information related to known or suspected gang members.

12.16.09-10 **Completion.** Completion of this form is self-explanatory and shall be completed by:

- Gang Impact Team officers; and,
- Gang Impact Team supervisors, who shall sign and include his ~~/~~ or her serial number.

**12.16.09-80 Distribution.**

1 – Original, placed into the Department hard-copy gang file.

**1 – TOTAL**



# Request for Status in the Shared Gang Database

## Request for Status in the Shared Gang Database

An adult or a juvenile who is designated as a gang member or associate in the shared gang database, or the parent or guardian of such a juvenile, or an attorney working on his or her behalf, may request information to any law enforcement agency to determine whether the person has been designated as a suspected gang member or associate in the shared gang database. Such a request is only to be made by the aforementioned authorized person(s).

I, \_\_\_\_\_, am requesting gang designation status in the shared gang database of \_\_\_\_\_. Relationship to person: \_\_\_\_\_.  
If an attorney is representing the person, provide the California State Bar Number: \_\_\_\_\_.

Identifying information of the designated gang member or associate:

- Name (Last, First):
- Date of Birth:
- Home Address:
- Phone Number:
- Identification/Type:

Are you submitting any supporting documentation for your request (attach, if applicable)?

Yes                      No    (Circle one)

I attest that I am a person that is authorized under California Penal Code section 186.34 to make this request. I swear under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_ Executed at : \_\_\_\_\_, California

## **Officer Receiving the Form from the Requestor:**

Name: \_\_\_\_\_ Rank: \_\_\_\_\_ Serial No.: \_\_\_\_\_

Date Received: \_\_\_\_\_

## **Gang Impact Team Use Only:**

Received By: Name: \_\_\_\_\_ Rank: \_\_\_\_\_ Serial No.: \_\_\_\_\_

Date Received: \_\_\_\_\_

## **Comments:**

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# LOS ANGELES POLICE DEPARTMENT



**CHARLIE BECK**  
Chief of Police

**ERIC GARCETTI**  
Mayor

P.O. Box 30158  
Los Angeles, CA 90030  
Telephone: \_\_\_\_\_  
TDD: (877) 275-5273  
Ref #: \_\_\_\_\_  
(ref. no. entity typing corresp.)

## Written Notification of Inclusion Letter

Date: \_\_\_\_\_

On \_\_\_\_\_, \_\_\_\_\_, was involved in a field contact with officers from the Los Angeles Police Department (Department). As a result, information relative to his or her participation in or association with, an active street gang was discovered. The contact met the minimum criteria required by State of California guidelines to designate him or her as a gang member or associate. Therefore, his or her name and gang association will be entered into the Department's computerized shared gang database.

The following criteria were used to make the determination:

- |   |   |
|---|---|
| <input type="checkbox"/> Subject has admitted to being a gang member.                                 | <input type="checkbox"/> Subject has been seen displaying gang symbols and/or hand signs. |
| <input type="checkbox"/> Subject has been arrested for offenses consistent with gang activity.        | <input type="checkbox"/> Subject has been seen frequenting gang areas.                    |
| <input type="checkbox"/> Subject has been identified as a gang member by a reliable informant/source. | <input type="checkbox"/> Subject has been seen wearing gang dress.                        |
| <input type="checkbox"/> Subject has been seen associating with documented gang members.              | <input type="checkbox"/> Subject is known to have gang tattoos.                           |

You have the right to contest, in writing, this designation and the inclusion of \_\_\_\_\_ into the database. If you wish to contest the designation, you must complete a Request for Removal from the Shared Gang Database, Form No. 12.16.12, at your local police station. The Department will review your request and any written documentation you submit. The Department will notify you regarding the inclusion or removal of \_\_\_\_\_ from the computerized shared gang database within 30 calendar days of the receipt of your request.

Should you have any questions regarding this correspondence, please call Officer/Detective \_\_\_\_\_, Serial No. \_\_\_\_\_, \_\_\_\_\_ Area, at phone number \_\_\_\_\_.

Very truly yours,

**CHARLIE BECK**  
Chief of Police

\_\_\_\_\_, Captain  
Commanding Officer  
\_\_\_\_\_ Area

SUBJECT IDENTIFICATION CARD										CAL/GANG NUMBER:																								
MEMBER <input type="checkbox"/>					GANG:										CLIQUE:																			
GANG: ASSOCIATE <input type="checkbox"/>																																		
SUBJECT'S NAME (LAST, FIRST, MIDDLE):										RESIDENCE ADDRESS:										CITY:					RESIDENCE PHONE:									
MONIKER:					ALIASES:					OTHER ADDRESS/SCHOOL:										E-MAIL ADDRESS:														
SEX:		RACE:			HAIR:			EYES:			HEIGHT:			WEIGHT:			DATE OF BIRTH:			PLACE OF BIRTH:														
OCCUPATION/WORK ADDRESS:										PHONE:					DRIVER LICENSE NO.: STATE:					186.30 PC REGISTERED: <input type="checkbox"/>														
																				DATE: OFCR:														
L.A. NUMBER:					CII NUMBER:					FBI NUMBER:					MAIN NUMBER:					CDC NUMBER:					SOCIAL SECURITY NUMBER:									
<div style="text-align: center;"> <h1>PHOTO</h1> <h2>FILL OUT BACK</h2>   <input type="checkbox"/> <b>DIGITAL</b> </div>										PER PC 186.34, WRITTEN NOTIFICATION OF INCLUSION LETTER SENT: <input type="checkbox"/> YES <input type="checkbox"/> NO																								
										IF NO, 15.7 COMPLETED BY SERIAL NO.: _____																								
										PERSON CONTACTED: _____ <input type="checkbox"/> MAILED <input type="checkbox"/> IN-PERSON																								
										<input type="checkbox"/> DELAYED DUE TO ONGOING INVESTIGATION																								
										OFFICER NOTIFYING & SERIAL NO.: _____ DATE: _____																								
										SCARS/MARKS/TATTOOS/OBSERVABLE PHYSICAL ODDITIES:																								
										MISCELLANEOUS INFORMATION:																								
OFFICER COMPLETING:										SERIAL NUMBER:					AREA & DETAIL:					DATE COMPLETED:					SUPERVISOR APPROVING:					SERIAL NUMBER:				

12.16.09 (12/17)

**FRONT**

**INITIAL CONTACT**

DATE:	TIME:	OFFICER'S NAME:	SERIAL NUMBER:	AREA/DETAIL:	BOOKING NO. (if applicable):
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CIRCUMSTANCES:

**CRITERIA**

REQUIRES AT LEAST TWO FOR MEMBERS AND ASSOCIATES

- |   |   |
|---|---|
| <input type="checkbox"/> SUBJECT HAS ADMITTED TO BEING A GANG MEMBER;                                 | <input type="checkbox"/> SUBJECT HAS BEEN SEEN DISPLAYING GANG SYMBOLS AND/OR HAND SIGNS; |
| <input type="checkbox"/> SUBJECT HAS BEEN ARRESTED FOR OFFENSES CONSISTENT WITH GANG ACTIVITY;        | <input type="checkbox"/> SUBJECT HAS BEEN SEEN FREQUENTING GANG AREAS;                    |
| <input type="checkbox"/> SUBJECT HAS BEEN IDENTIFIED AS A GANG MEMBER BY A RELIABLE INFORMANT/SOURCE; | <input type="checkbox"/> SUBJECT HAS BEEN SEEN WEARING GANG DRESS; OR,                    |
| <input type="checkbox"/> SUBJECT HAS BEEN SEEN ASSOCIATING WITH DOCUMENTED GANG MEMBERS;              | <input type="checkbox"/> SUBJECT IS KNOWN TO HAVE GANG TATTOOS.                           |

**ASSOCIATES**

NAME:	DOB:	MONIKER:	GANG:	CAL/GANG NUMBER:
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**HANGOUTS AND ADDITIONAL INFORMATION:****METHOD PHOTOGRAPH OBTAINED:**

- |                                   |  |                                       |                                    |
|-----------------------------------|--|---------------------------------------|------------------------------------|
| <input type="checkbox"/> CONSENT  | <input type="checkbox"/> BOOKING       | <input type="checkbox"/> CUSTODIAL    | <input type="checkbox"/> DETENTION |
| <input type="checkbox"/> EVIDENCE | <input type="checkbox"/> INVESTIGATION | <input type="checkbox"/> SURVEILLANCE |                                    |

PHOTOGRAPHER'S NAME: SERIAL NUMBER: LOCATION:



# Request for Removal from the Shared Gang Database

## Request for Removal from the Shared Gang Database

An adult or a juvenile who is designated as a gang member or associate in the shared gang database, or the parent or guardian of such a juvenile, or an attorney working on his or her behalf, may request that such a person be removed from the shared gang database. Such a request is only allowed to be made by the aforementioned authorized persons.

I, \_\_\_\_\_, am requesting the removal of \_\_\_\_\_  
from the shared gang database. Relationship to person: \_\_\_\_\_

If an attorney is representing a person, provide the California State Bar Number: \_\_\_\_\_

Identifying Information of the designated gang member or associate:

- Name (Last, First):
- Date of Birth:
- Home Address:
- Phone Number:
- Identification/Type:

Are you submitting any supporting documentation for your request (attach, if applicable)?

Yes                      No    (Circle one)

I attest that I am a person that is authorized under California Penal Code Section 186.34 to make this request. I swear under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_ Executed at : \_\_\_\_\_, California

## **Officer Receiving the Form from the Requestor:**

Name: \_\_\_\_\_ Rank: \_\_\_\_\_ Serial No.: \_\_\_\_\_

Date Received: \_\_\_\_\_

## **Gang Impact Team Use Only:**

Received By: Name: \_\_\_\_\_ Rank: \_\_\_\_\_ Serial No.: \_\_\_\_\_

Date Received: \_\_\_\_\_

## **Comments:**

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# LOS ANGELES POLICE DEPARTMENT

**CHARLIE BECK**  
Chief of Police



P.O. Box 30158  
Los Angeles, CA 90030  
Telephone: \_\_\_\_\_  
TDD: (877) 275-5273  
Ref #: \_\_\_\_\_  
(ref. no. entity typing corresp.)

**ERIC GARCETTI**  
Mayor

## Response to Request for Removal from the Shared Gang Database Letter

Dear \_\_\_\_\_,

Date: \_\_\_\_\_

On or about \_\_\_\_\_, the Los Angeles Police Department (Department) received a request from you contesting the inclusion of \_\_\_\_\_ in the Department's computerized shared gang database. After careful review of your request, it was determined that:

- ☐ The inclusion was compliant with existing State of California guidelines. Attached is a spreadsheet indicating the criteria reviewed in making this determination. The source documents containing these criteria that were reviewed because of this contestation will be provided to the Superior Court of California at the Court's request.
- ☐ The inclusion did not meet the criteria; therefore, all of his or her information will be removed from the database.

The Department's shared gang database is used only to identify possible suspects in criminal investigations. It is not used for the purposes of employment checks, housing or welfare benefits, background investigations, or non-criminal immigration proceedings.

Should you have any questions regarding this correspondence or have inquiries regarding referral programs, please call Officer/Detective \_\_\_\_\_,  
Serial No. \_\_\_\_\_, \_\_\_\_\_ Area, at phone number \_\_\_\_\_.

Very truly yours,

**CHARLIE BECK**  
Chief of Police

\_\_\_\_\_, Captain  
Commanding Officer  
\_\_\_\_\_ Area

**AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER**  
[www.LAPDonline.org](http://www.LAPDonline.org)  
[www.joinLAPD.com](http://www.joinLAPD.com)

12.16.14 (12/17)

## Response to Request for Removal from the Shared Gang Database Letter Spreadsheet

[illegible]

**Criteria established as a result of that contact:**

1. Subject has admitted to being a gang member.
2. Subject has been arrested for offenses consistent with gang activity.
3. Subject has been identified as a gang member by a reliable informant/source.
4. Subject has been seen associating with documented gang members.
5. Subject has been seen displaying gang symbols and/or hand signs.
6. Subject has been seen frequenting gang areas.
7. Subject has been seen wearing gang dress.
8. Subject is known to have gang tattoos.

Database Coordinator: \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Serial No.:** \_\_\_\_\_

Date: \_\_\_\_\_

**Reviewing Supervisor:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

Serial No.: \_\_\_\_\_

Date: \_\_\_\_\_

# LOS ANGELES POLICE DEPARTMENT

**CHARLIE BECK**  
Chief of Police



P.O. Box 30158  
Los Angeles, CA 90030  
Telephone: \_\_\_\_\_  
TDD: (877) 275-5273  
Ref #: \_\_\_\_\_  
(ref. no. entity typing corresp.)

**ERIC GARCETTI**  
Mayor

## Response to Request for Status in the Shared Gang Database Letter

Dear \_\_\_\_\_,

Date: \_\_\_\_\_

On \_\_\_\_\_, the Los Angeles Police Department (LAPD) received a written request from you inquiring about the inclusion of \_\_\_\_\_ into the shared gang database.

After review it was determined that:

- ☐ The person for which inclusion is being requested is not in the database.
- ☐ The person for which inclusion is being requested is in the database.

Agency making the designation: \_\_\_\_\_

If the request asked for the basis of the designation and the designation was made by the LAPD, criteria may be documented below. **If the designation was not made by the LAPD, further information may be obtained by contacting the agency making the designation, as follows:**

Outside Agency Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

The following criteria were used to make this determination:

- ☐ Subject has admitted to being a gang member.
- ☐ Subject has been arrested for offenses consistent with gang activity.
- ☐ Subject has been identified as a gang member by a reliable informant/source.
- ☐ Subject has been seen associating with documented gang members.
- ☐ Subject has been seen displaying gang symbols and/or hand signs.
- ☐ Subject has been seen frequenting gang areas.
- ☐ Subject has been seen wearing gang dress.
- ☐ Subject is known to have gang tattoos.

Should you have any questions regarding this correspondence or have inquiries regarding referral programs, please call Officer/Detective \_\_\_\_\_, Serial No. \_\_\_\_\_, \_\_\_\_\_ Area, at phone number \_\_\_\_\_.

Very truly yours,

**CHARLIE BECK**  
Chief of Police

\_\_\_\_\_, Captain  
Commanding Officer

\_\_\_\_\_, Area

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[www.LAPDOnline.org](http://www.LAPDOnline.org)  
[www.joinLAPD.com](http://www.joinLAPD.com)

12.16.16 (12/17)



## Procedure to Provide Written Notification of Inclusion Guide

**Note:** A Written Notification of Inclusion Letter, Form 12.16.05, **shall** be mailed or provided in person, **as soon as practicable**, to the designated person that is suspected of being a gang member or associate **prior** to the individual being entered into the shared gang database. If the suspected person is a juvenile, the notification shall also be sent to the subject's parent or guardian, per California Penal Code (PC) Section 186.34.

- **Any questions related to the completion of any shared gang database-related guides and forms may be directed to the Commanding Officer, Gang and Narcotics Division, at (213) 833-3700.**

### **A. Gang Enforcement Detail Officer's Responsibilities:**

- Review all source document(s) such as Field Interview Reports (FI Cards), Form 15.43.00; Arrest Reports, Form 05.02.00, etc., if Gang Enforcement Detail (GED) personnel opine that the source document(s) meets the standard for entry into the shared gang database. The source document(s) shall be forwarded to a GED supervisor for review and approval, prior to entering the document into the shared gang database.

### **B. Gang Enforcement Detail Supervisor's Responsibilities.**

- Gang Enforcement Detail supervisors shall review all of the source document(s) submitted by GED personnel. If the source document(s) is approved for inclusion into the shared gang database, the source document(s) shall be forwarded to the Database Coordinator (DC).

### **C. Database Coordinator's Responsibilities.**

The DC is a pre-designated person assigned to GED who is responsible for conducting investigations related to written notifications, i.e., Written Notification of Inclusion Letter; status requests, i.e., Request for Status in the Shared Gang Database, Form 12.16.04; and removal requests, i.e., Request for Removal from the Shared Gang Database, Form 12.16.12. The DC is designated by the Gang Impact Team (GIT) Officer in Charge (OIC) or the GIT supervisor in the absence of the OIC. A secondary DC or GIT personnel assigned with ancillary duties reflecting the DC's duties, shall also be identified by the GIT OIC or GIT supervisor in the OIC's absence. The following are the DC's responsibilities:

- Review the source document(s) to be entered into a shared gang database;
- Prepare a Written Notification of Inclusion Letter;
- Forward the document(s) and letter to the GIT OIC or GIT supervisor in the OIC's absence for review and approval;
- Once approved by the OIC or GIT supervisor in the OIC's absence, the DC shall ensure that the letter and source document(s) are presented to the Area commanding officer for his or her approval and signature;

## Procedure to Provide Written Notification of Inclusion Guide

- Mail the **original** signed Written Notification of Inclusion Letter to the designated person, and to the parent or legal guardian, if the person is a juvenile. When applicable, the person can be served in person (e.g., homeless, in-custody, and unverifiable address);
- Forward a **copy** of the Written Notification of Inclusion Letter source document(s) to the GED personnel who are responsible for entering information into a shared gang database and ensure that all the related documentation are kept on file in the GED office, separate from other gang files; and,

**Exception:** Department personnel are not required to complete a Written Notification of Inclusion Letter if it would **compromise a criminal investigation or compromise the health or safety of a minor, per PC Section 186.34(c)(1).**

- If an exception is being invoked for the Written Notification of Inclusion Letter, the DC shall complete an Employee's Report, Form 15.07.00. The **original** Employee's Report shall include a detailed justification for the exception and be forwarded to the GIT OIC or GIT supervisor in the OIC's absence. The **original** Employee's Report shall then be forwarded to the Area/division commanding officer for review. A signed **copy** of the Employee's Report, as well as any applicable documentation related to the request, shall be retained in a file, separate from the gang files, in the Area gang office.

## Procedure to Address Request for Status in the Shared Gang Database Guide

**Note:** The Response to Request for Status in the Shared Gang Database Letter, Form 12.16.16, shall be mailed or provided in person to the designated person/requestor within 30 calendar days of the receipt of the Request for Status in Shared Gang Database, Form 12.16.04. This is governed by California Penal Code (PC) Section 186.34.

- Any questions related to the completion of any shared gang database-related guides and forms may be directed to the Commanding Officer, Gang and Narcotics Division, at (213) 833-3700.

An adult or a juvenile who is designated as a gang member or associate in a shared gang database, the juvenile's parent or guardian, or an attorney working on his or her behalf, may request information from any law enforcement agency regarding a person's inclusion in the shared gang database, as well as his or her designated status as a gang member or associate in the shared gang database. The aforementioned persons are known as **authorized persons** who can make such a request. They may also request information as to the basis for the designation for the purpose of contesting the designation. Such requests shall be made in writing, via a Request for Status in the Shared Gang Database form.

**A. Officer's Responsibilities.** If an authorized person makes such a request, the officer shall:

- Provide the person with a Request for Status in the Shared Gang Database form;
- If the authorized person completes the Request for Status in the Shared Gang Database form, the **officer receiving this form** shall write his or her name, rank, serial number **and date received** in the designated portions at the bottom of this form; and,
- Forward the completed form to the GIT OIC (Officer in Charge) or GIT supervisor in the OIC's absence, **immediately**.

**B. Database Coordinator's Responsibilities.**

- Verify that the person making the request is an authorized person;

**Note:** The criteria used to establish the person's designation shall be provided in the Response to Request for Status in the Shared Gang Database Letter. If the original designation was completed **by a Law Enforcement Agency (LEA) other than the Los Angeles Police Department**, the Database Coordinator shall contact the LEA that originally designated the person in the database to inquire if that LEA is claiming an exception to the request. If no exemption is being invoked by the LEA, the Response to Request for Status in the Shared Gang Database Letter will indicate the outside LEA's name and phone number and that the requestor must contact the other listed LEA for further information.

- Investigate whether the person is included in the shared gang database;
- Conduct the investigation and record the findings of the investigation on the bottom of the Request for Status in the Shared Gang Database form's Comments section;
- **Initiate** and complete a **separate** Response to Request for Status in the Shared Gang Database Letter, Form 12.16.16. The Response to Request for Status in the Shared Gang

## Procedure to Address Request for Status in the Shared Gang Database Guide

Database Letter shall indicate if the person is or is not in a shared gang database and the LEA that designated them;

**Exception:** Department personnel are not required to complete a Response to Request for Status in the Gang Database Letter, if it would **compromise a criminal investigation or compromise the health or safety of a minor, per Penal Code Section 186.34(c)(1) or 186.34(d)(2).**

- If an exception is being invoked for the Response to Request for Status in the Gang Database Letter, the DC shall complete an Employee's Report, Form 15.07.00. The **original** Employee's Report shall include a detailed justification for the exception and be forwarded to the GIT OIC or GIT supervisor in the OIC's absence. The **original** Employee's Report shall then be forwarded to the Area/division commanding officer for review. A signed **copy** of the Employee's Report, as well as any applicable documentation related to the request, shall be retained in a file, separate from the gang files, in the Area gang office;
- Forward the completed **copy** of the Request for Status in the Shared Gang Database form, as well as the **original** Response to Request for Status in the Shared Gang Database letter to the GIT OIC or GIT supervisor in the OIC's absence; and,
- Ensure that the **original** Request for Status in the Shared Gang Database form, a **copy** of the Response to Request for Status the Shared Gang Database Letter, and a **copy** of the Employee's Report (when applicable), petition for review, and all related documentation are kept on file in the Area gang office, separate from other gang files.

### C. Gang Impact Team Officer in Charge's Responsibilities.

- The GIT OIC or GIT supervisor in the OIC's absence, shall assign the Database Coordinator (DC) or GIT personnel assigned with ancillary duties reflecting the DC's duties, to investigate whether the person is included in the shared gang database;
- Review the completed **copy** of the Request for Status in the Shared Gang Database form, as well as the **original** Response to Request for Status the Shared Gang Database Letter;
- Forward the document(s) to the Area commanding officer for his or her review; and,
- Ensure that **all** Area personnel receive training regarding status inquiries.

### D. Area/Division Commanding Officer's Responsibilities.

- Review the completed **copy** of the Request for Status in the Shared Gang Database form;
- Review and sign the **original** Response to Request for Status in the Shared Gang Database Letter;
- Ensure that the **original** Response to Request for Status in the Shared Gang Database Letter is mailed or provided in person to the designated person, or the parent or legal guardian of such a juvenile, or an attorney working on his or her behalf, within 30 calendar days of the receipt of the Request for Status in the Shared Gang Database form request; and,
- Provide the file copies of the Response to Request for Status in the Shared Gang Database to the DC.



## Procedure to Address Request for Removal from the Shared Gang Database Guide

**Note:** The Response to Request for Removal from the Shared Gang Database Letter, Form 12.16.14, shall be mailed or provided in person to the designated person within 30 calendar days of the receipt of the Request for Removal from the Shared Gang Database, Form 12.16.12. This is governed by California Penal Code (PC) Section 186.34.

- Any questions related to the completion of any shared gang database-related guides and forms may be directed to the Commanding Officer, Gang and Narcotics Division, at (213) 833-3700.

A person that is designated as a suspected gang member or associate in a shared gang database, or his or her parent or guardian, if the person is a juvenile, or an attorney working on his or her behalf, must submit written documentation, via the Request for Removal from the Shared Gang Database form, contesting the designation.

**A. Investigating Officer's Responsibilities.** If an authorized person makes such a request, the officer shall:

- Provide the person with a Request for Removal from the Shared Gang Database; and,
- Forward the completed form to the Gang Impact Team (GIT) Officer in Charge (OIC) or a GIT supervisor in the OIC's absence. The GIT OIC or a GIT supervisor in the OIC's absence, shall assign his or her Database Coordinator or GIT personnel assigned with ancillary duties reflecting the DC's duties, to investigate.

**B. Database Coordinator's Responsibilities.**

- Verify that the person making the request is an authorized person;

**Note:** An **authorized person** is the adult or juvenile who is designated as a suspected gang member or associate in a shared gang database, the juvenile's parent or guardian, or an attorney working on his or her behalf.

- Conduct the investigation. Record the findings of the investigation on the bottom of the Request for Removal from the Shared Gang Database form's Comments section;
- **Initiate** and complete the Response to Request for Removal from the Shared Gang Database Letter, and Page 2 of this letter's Response to Request for Removal from the Shared Gang Database Letter Spreadsheet (when applicable);
- Forward the completed Request for Removal from the Shared Gang Database form, as well as the Response to Request for Removal from the Shared Gang Database Letter and Page 2 of this letter's Response to Request for Removal from the Shared Gang Database Letter Spreadsheet (when applicable) to the GIT OIC or GIT supervisor in the OIC's absence;
- The DC shall ensure that the person's contest regarding the inclusion in the shared gang database, as well as the determination of the contested designation, is documented in the LAPD's shared gang database;

## Procedure to Address Request for Removal from the Shared Gang Database Guide

**Note:** On an annual basis, the Department is required to report the number of persons that contest their inclusion and the determinations made regarding their inclusion into the shared gang database, to the California Department of Justice.

**Exception:** Department personnel are not required to complete a Response to Request for Removal from the Shared Gang Database Letter, if it would **compromise a criminal investigation or compromise the health or safety of a minor, per California PC Sections 186.34(c)(1) or 186.34(d)(2).**

- If an exception is being invoked for a Response to Request for Removal from the Shared Gang Database Letter, the DC shall complete an Employee's Report, Form 15.07.00. The report shall include a detailed justification for the exception. A signed copy of the Employee's Report, as well as any applicable documentation related to the request, shall be retained in a file, separate from the gang files, in the Area gang office;
- Forward the completed **copy** of the Request for Removal from the Shared Gang Database form, as well as the **original** Response to Request for Removal from the Shared Gang Database Letter to the GIT OIC or GIT supervisor in the OIC's absence;
- Ensure that copies of the Request for Removal from the Shared Gang Database form, Response to Request for Removal from the Shared Gang Database letter, Employee's Report (when applicable), petition for review, and all related documentation are kept on file in the Area gang office, separate from other gang files; and,
- The DC is also responsible for removing a person from the shared gang database when it is determined that the person does not qualify to be in the shared gang database.

### C. Gang Impact Team Officer in Charge's Responsibilities.

- Review the **copy** of the completed Request for Removal from the Shared Gang database form, as well as the **original** Response to Request for Removal from the Shared Gang Database Letter, and Page 2 of this letter's Response to Request for Removal from the Shared Gang Database Letter Spreadsheet (when applicable);
- Forward the documents to the Area commanding officer for his or her review;

### D. Area/Division Commanding Officer's Responsibilities.

- Review the **copy** of the completed Request for Removal from the Shared Gang database form;
- Review and sign the **original** Response to Request for Removal from the Shared Gang Database Letter and Page 2 of this letter's Response to Request for Removal from the Shared Gang Database Letter Spreadsheet (when applicable);
- Provide file copies of the Request for Removal from the Shared Gang database form(s), as well as the Response to Request for Removal from the Shared Gang Database Letter to the DC; and,
- Ensure that the **original** Response to Request for Removal from the Shared Gang Database Letter and Page 2 of this letter's Response to Request for Removal from the

## **Procedure to Address Request for Removal from the Shared Gang Database Guide**

Shared Gang Database Letter Spreadsheet (when applicable) are **mailed or provided in person to the designated person, the parent or guardian of such a juvenile, or an attorney working on his or her behalf, within 30 calendar days of the receipt of the Request for Removal from the Shared Gang Database.**

**Review Process in Superior Court.** A person who has contested his or her designation as a gang member or associate pursuant to PC Section 186.34, may seek judicial review of the Department's determination within 90 calendar days of the Department's mailing or personal service of the determination, per PC Section 186.35. The person may do this by filing a petition for review with a superior court. The person is responsible for providing a copy of the petition of review, in person or by first-class mail, to the Department. Any copies of the petition shall be immediately forwarded to the concerned GIT OIC or GIT supervisor in the OIC's absence. The GIT OIC or GIT supervisor in the OIC's absence shall ensure that the copy of the petition is forwarded **immediately** to the Los Angeles City Attorney's Office. The final decision from a superior court regarding a removal request shall be obeyed and a copy of the court's decision will be stored with the concerned Area's gang office and documented in the shared gang database.

**Note:** Personnel with a right to know and a need to know may utilize the shared gang database only for criminal investigations. Information contained in the shared gang database shall not be referenced in reports. The use of the system shall not to be used for the purposes of military screening, employment checks, housing or welfare benefits, background investigations, or non-criminal immigration proceedings.