



CITY OF
SAN DIEGO

POLICE DEPARTMENT
1401 BROADWAY - SAN DIEGO - CA 92101



Frequently Asked Questions Regarding Gang Documentation

▪ What are the laws that specifically pertain to gang members?

Sections 186.20-186.33 of the California Penal Code: This chapter is known as the "California Street Terrorism Enforcement and Prevention (STEP) Act and relates specifically to street gangs. The purpose of this chapter is to combat the onset of violent street gangs whose members threaten, terrorize and commit a multitude of crimes against the peaceful citizens of their neighborhoods

Section 28 Part 23 of the Code of Federal Regulations (CFR): 28 CFR Part 23 governs the basic requirements of establishing and maintaining an intelligence system process. This process includes guidelines for:

1. Information submission or collection strategies,
2. Secure storage of source documents and files,
3. Inquiry and search capabilities,
4. Controlled disclosure and dissemination of information, and
5. Purge and review process for documents and files.

▪ What is Intelligence Information?

Criminal Intelligence information is data that has been evaluated by an investigator to determine that it is relevant to the identification of, and the criminal activity engaged in, by an individual who or organization, which is reasonably suspected of involvement in criminal activity and meets criminal intelligence system submission criteria as identified in Section 28 CFR Part 23.

▪ Why does the Police Department document gang members and gangs?

The Police Department's Street Gang Unit documents gang members in order to identify and prosecute individuals involved in violent gang related crimes. In documenting gang members we also learn about the gangs in order to help prevent violent crimes from occurring. We seek the eradication of criminal activity by street gangs by focusing upon patterns of criminal gang activity and upon the organized nature of street gangs, which together, are the chief source of terror created by street gangs as identified in Section 186.21 PC. Under authority of this section, the Legislature hereby finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, sexual orientation, or handicap, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals

Drive-by shootings and other acts of violence destroy people's lives – gang members, their families, and innocent bystanders. Gaining knowledge about a gang and its members is the key to preventing future gang crimes. We call this intelligence gathering and use this intelligence information to identify suspects involved in violent crimes. The reduction of violent crime is the Police Department's primary goal in the City of San Diego.



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▪ **What are the criteria for documenting a gang member?**

- Subject has admitted to being a gang member
- Subject has been arrested alone or with known gang members for offenses consistent with usual gang activity
- Subject has been identified as a gang member by a reliable informant/source.
- Subject has been identified as a gang member by an untested informant
- Subject has been seen affiliating with documented gang members
- Subject has been seen displaying 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

▪ **What is the San Diego Police Department policy on documenting a gang member?**

The San Diego Police Department's Street Gang Unit policy requires that an individual may be "documented" as a gang member when:

- He or she has three separate contacts with police meeting one or more of the criteria listed above, or
- One contact with three or more of the criteria listed above.

▪ **What are the criteria for documenting a group as a gang?**

In order for a group to be "documented" as a gang, all four objective criteria must be met:

- The group has a name (or identifiable leadership), and
- The group claims a turf, territory, neighborhood, criminal enterprise, or causes or contributes to the deterioration of a community through a pattern of criminal activity, and
- The group associates on a regular basis, and
- The group is involved in a pattern of criminal activity (two or more of the felonious acts listed in PC 186.22f).

▪ **How does being a gang member affect me?**

If you are a gang member involved in criminal activity that supports or furthers the gang, you may be subject to sentencing enhancements for such activity.

▪ **Who can access the information contained in the gang file?**

Only those law enforcement personnel, who have the need to know and the right to know, while in performance of a law enforcement activity, may access the information in your file. The gang file is an intelligence file and, as such, is conditionally exempt from the California Public Records Act (See Government Code 6254(f)).

The Police Department's gang intelligence file is located in a secured area with file access restricted to authorized personnel only. The physical security of gang intelligence files maintains the confidentiality of the information and ensures privacy protection of individual information contained within the files. Access to the gang intelligence files is limited to Street Gang Unit personnel only.



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- **If I, as a parent, am concerned about whether my child is involved with a gang, what can I do?**

You and your child may make an appointment with a gang detective by calling the Street Gang Unit at (619) 531-2847. An investigator will be assigned to work with you. You will be asked to appear at Police Headquarters, 1401 Broadway, and be asked to produce picture identification. The assigned investigator will review any publicly available documents that involve your child and gang affiliation or gang activity with you. If after this review, you so request, the gang investigator will refer you and your child to one of the Community Based Organizations that work with children at risk for or already involved in gang activity. In the event that your child is already involved in judicial proceedings that could result in a criminal conviction or a declaration that he/she should be made a ward of the court, the Police Department cannot provide this service until directed to do so by the proper judicial officer.

- **Why don't we disclose gang information to the public?**

The San Diego Police Department supports an individual's right to privacy. We are bound by law and policy to maintain the confidentiality of gang intelligence records. Disclosure to unauthorized personnel may result in the violation of an individual's right to privacy, endanger other individuals, and compromise the confidentiality of the file itself.

- **How should I report gang activity?**

If it is an emergency, dial 911. If you are reporting a crime where the suspect has left the area, call (619) 531-2000. If you have general information regarding gang activity, please call the Street Gang Unit at (619) 531-2847.