

CITY OF
SAN DIEGO
POLICE DEPARTMENT
1401 BROADWAY - SAN DIEGO - CA 92101

Frequently Asked Questions Regarding Identifying Gangs and Gang Members

▪ **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. Sections 186.34-186.35 recently added (effective January 1, 2017).

▪ **Why does the Police Department identify gang members and gangs?**

The Police Department's Street Gang Unit identifies gang members in order to identify and prosecute individuals involved in violent gang related crimes. In identifying 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 through prevention, and the identification /apprehension of criminal offenders is one of the Police Department's primary goals in the City of San Diego.

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

In order for a group to be identified 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).

▪ **What are the criteria for identifying a person as a gang member or affiliate?**

Initial identification of a gang member shall meet the following requirements: The San Diego Police Department requires a minimum of three of the below listed criteria (minimum requirement for CGNAC is two):

- 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 seen affiliating with documented gang members
- Subject has been seen displaying symbols and/or hand signs
- Subject has been seen frequenting gang areas (specific location)
- Subject has been seen wearing gang dress
- Subject is known to have gang tattoos

▪ **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.

▪ **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, if 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 where so he/she could be made a ward of the court, the Police Department cannot provide this service until directed to do so by the proper judicial officer.

We recognize the potential of your child being injured, incarcerated or killed is increased with gang association and the criminal activity involved with gangs. As a concerned and responsible parent, you are strongly encouraged to contact the San Diego Police Department to discuss your child's gang involvement, our procedures, and the potential impact the recent investigation will have on future police contacts with your child.

Your involvement as a parent can be the most important factor in eliminating the negative influence of gangs in the life of your child. The San Diego Police Department has two Gang Intervention Officers that will assist your family in finding safe alternatives to gang influence. If you have any questions about gang intervention, please call the Gang Unit at (619) 531-2847 and ask to speak with a Gang Intervention Officer.

- **What can I do if I am concerned about whether or not my name has been entered into a shared gang database?**

In September, 2016, Assembly Bill (AB) 2298 was signed into law. This law went into effect January 15, 2017 and was incorporated into California Penal Code Section 186.34. It requires law enforcement agencies to notify persons in writing before entering their names and information into a shared gang database system. It further gives a person the right to file a written appeal to the agency that entered the data into the shared database, and if unsatisfied they have the right to appeal and file a limited civil suit contesting the decision in Superior Court. Lastly, AB 2298 gives a person the right to file a written inquiry of any law enforcement agency to determine whether or not their names are included in a shared gang database (CalGang).

In accordance with PC 186.34, prior to a local law enforcement agency designating a person as a suspected gang member, associate, or affiliate in a shared gang database, or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database, or otherwise identifying the person in a shared gang database, the local law enforcement agency shall provide written notice to the person, and shall, if the person is under 18 years of age, provide written notice to the person and his or her parent or guardian, of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of the minor.

California Penal Code Section 186.34 gives you the right to appeal your inclusion into a shared gang database. An attorney working on your behalf can also request the appeal. You or your attorney may submit written documentation along with any supporting documentation to the San Diego Police Department Street Gang Unit contesting your inclusion into the shared gang database.

The San Diego Police Department will review all relevant information, including your supporting documentation. Upon satisfactory verification of your identity, the San Diego Police Department will make a decision on whether or not to remove your name from the shared gang database and provide you with written verification of its decision within 30 days.

California Penal Code Section 186.34 gives you the right to appeal this decision and file a limited civil suit contesting your inclusion into the shared gang database. This civil case is heard by a Superior Court Judge and the San Diego Police Department will abide by the judge's ruling.

- **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.