

**Procedure
3.31**

**EFFECTIVE
DATE
2-1-03**

**Eugene
Police Department**



Gang Member Contact

3.31.1 PURPOSE AND SCOPE

PART I - Responsibilities and Procedures for All Personnel

- A. Definitions
- B. Procedure
- C. Gang information

PART II - Responsibilities and Procedures for Special Assignment Personnel

- A. Special Investigations Unit Crime scene processing

3.31.2 RESPONSIBILITIES AND PROCEDURES FOR ALL PERSONNEL

- A. Definitions

1. *Gang*: A gang is an on-going group of three or more persons, formal or informal, which is regularly involved in criminal acts or suspected criminal behavior. A gang may display one or more of the following characteristics or groups of characteristics:

- Their victims may be chosen at random, or because of their race, color, religion, sexual orientation, national origin, or rival gang association.
- A gang may use a gang name, common identifying signs or symbols, or have identifiable leadership.
- A gang may have a high rate of interaction among affiliates, to the exclusion of others.
- Gangs may claim a geographical territory.
- Members or affiliates may wear distinctive types of clothing, exhibit distinctive appearance, or communicate in a peculiar or unique style.

- Gangs may use gang-style graffiti as a means of announcing their existence, proclaiming superiority over rivals, or issuing challenges or threats to them.
2. *Gang affiliation:* Consider the following factors to help determine whether an individual is a gang affiliate:
- He or she admits or asserts affiliation with a gang.
 - A reliable informant has identified him/her as a gang affiliate. (Reliable informants in this context include legitimate community sources such as named citizens, social workers, school and business officials and police informants who are documented as reliable.)
 - He or she displays gang clothing, jewelry, hand signs, or tattoos, or gang affiliation is clear through written communication. (Clothing color alone is not sufficient.)
 - A law enforcement agency has documented the affiliation.
 - He or she is present with gang affiliates during the commission of a crime.
 - He or she commits, or conspires to commit, crimes against persons or property based on race, color, religion, sexual orientation, national origin, or rival gang association.
 - He or she frequently associates with documented gang affiliates.
Seizure of evidence/property.
3. *Right to know:* A member of a police agency requesting police intelligence information is acting in an official capacity and has statutory authority to obtain the information being requested.
4. *Need to know:* Requested police intelligence information is pertinent and necessary to the requesting agency in their investigation.
5. *Third Agency Rule:* We subscribe to the "Third Agency Rule." This rule states that reports and other investigative material we receive from another law enforcement agency remains the property of that agency. This material shall be maintained in confidence. Access to it is restricted except under the following conditions:
- a. The information is passed on to another law enforcement agency on a right-to-know and need-to-know basis and
 - b. The information is passed on with the permission of the originating agency.

6. *Criminal Intelligence File*: A criminal intelligence file consists of stored information on the activities and associations of:
 - a. Individuals who, based on reasonable suspicion:
 - are suspected of being or having been involved in the actual or attempted planning, organizing, threatening, financing, or commission of criminal acts; or
 - are suspected of being or having been involved in criminal activities with known or suspected crime figures.
 - b. Organizations, businesses, and groups which, based on reasonable suspicion:
 - are suspected of being or having been involved in the actual or attempted planning, organizing, threatening, financing or commission of criminal acts; or
 - are suspected of being or having been illegally operated, controlled, financed, or infiltrated by known or suspected crime figures.

B. Procedure

1. Warrant/computer response
 - a. If you get a LEDS hit advising that a person is a suspected gang member, you will be notified with the "Code 5 information" flag. This LEDS information is confidential and should not be released to a member of the public.
 - b. The subject's name will be entered on the LEPAS activity record.
 - c. Communications will forward a copy of the LEDS hit and the LEPAS activity record to the Special Investigations Unit. Communications will send a "GFO" message to the DOJ Gang Section with the date, time, and location of the contact; the name of the officer making the contact; and the reason for the contact. A copy of the GFO message will be forwarded to SIU along with the LEDS hit.
2. Reporting
 - a. If a police report or an FI card is being written, include the gang-related information in that report or FI card.
 - b. Otherwise, document all contacts with persons believed to be gang affiliated on a Gang Activity Report outlining the details of the contact.

3. Interviewing

Information on the Gang Activity Report will make identification and labeling more accurate. Additional information might include:

- gang moniker (a gang affiliate will frequently have a tattoo with his/her moniker)
- address where the subject is staying (or visiting) in Eugene (attempt to confirm with documentation)
- how long the subject has been in Eugene
- the subject's previous address
- what gang and gang set (clique) the subject belongs to or affiliates himself/herself with
- what his/her initiation ("jumping in") process was
- information about the gang's criminal motivation, history, and hierarchy

4. Physical description

- a. Tattoos: Tattoos are one of the most reliable indicators of gang affiliation. Always ask about and check for them; describe where and what they are and ask what significance they have to the gang member. Attempt to photograph.
- b. Describe in detail distinctive clothing, jewelry, and hand signs.

5. Search

When searching person or vehicle, check for papers with graffiti and photographs. Check such areas as the engine compartment (e.g., air filter), trunk, wheel wells above tires, hub caps, and check for false floorboards. Female associates often conceal weapons or controlled substances for male gang members.

6. Photographs: Always attempt to photograph.

7. Vehicle: Describe in detail, including any added gang insignias to interior/exterior.

8. Graffiti

- a. Graffiti is an excellent source of intelligence regarding the nature and extent of gang activity in an area. Graffiti also serves as a highly visible means of communication among those associated with gangs, and should not be allowed to remain once any available intelligence has been collected.

- b. The Public Works Department will promptly eliminate the graffiti on public and private property (with permission). Ensure the location of the graffiti is forwarded to Public Works by requesting Communications enter the information on the Public Works Log.
- c. Do not authorize the removal of graffiti without ensuring it has been photographed and reported to the Special Investigations Unit.

C. Gang information

1. No information will be collected or maintained about the political, religious, racial or social views, sexual orientation, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal gang activities and there is reasonable suspicion that the subject of the information is, or may be, involved in criminal conduct.
2. We will comply with the Oregon Public Records law in responding to requests from the public for file information on gang intelligence to the extent that the law allows and to the degree the materials requested are not classified according to defined restrictions on dissemination.
3. All gang intelligence files are eventually purged and destroyed when the information is:
 - no longer useful
 - no longer relevant
 - invalid
 - inaccurate
 - outdated
 - unverifiable, or
 - inconsistent with the department's missions.
4. Each gang intelligence file will be reviewed automatically five years after the last update to ensure the material in it does not meet a purge requirement.
5. Do not keep gang information to yourself. Share the information with fellow officers and notify the Special Investigations Unit.

3.31.3 RESPONSIBILITIES AND PROCEDURES FOR SPECIAL ASSIGNMENT PERSONNEL

A. Special Investigations Unit

1. The Special Investigations Unit will submit selected information to the DOJ Gang Section. If verified, a gang affiliate's name may be entered into LEDS as a suspected gang affiliate.
2. This unit will attempt to keep department members apprised of gang information after reviewing and evaluating it for accuracy.