

ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

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INTRODUCTION

Criminal street gangs pose a serious threat through acts of violence and other criminal activities. The purpose of this directive is to establish guidelines for the collection and dissemination of gang-related criminal intelligence.

POLICY STATEMENT

It is a crime in North Carolina to participate in a pattern of criminal street gang activity or to acquire or maintain control of any real or personal property through such organized gang activity. It is the policy of the Asheville Police Department (APD) to identify and maintain criminal intelligence information related to criminal street gangs in an effort to reduce organized crime.

DEFINITIONS

Criminal Gang: any ongoing organization, association, or group of three or more persons, whether formal or informal, that: ([N.C. Gen. Stat. § 14-50.16A](#))

- Has one of its primary activities the commission of [criminal](#) or delinquent acts.
- [Shares](#) a common name, [identification](#), [signs](#), [symbols](#), [tattoos](#), [graffiti](#), [attire](#), or [other distinguishing characteristics](#), including common activities, customs, or behaviors.

Criminal Gang Activity: the commission of, attempted commission of, or solicitation, coercion, or intimidation of another person to commit any offense under the [NC Controlled Substances Act](#); or any offense under NC Criminal Law with exceptions as noted in [N.C. Gen. Stat. § 14-50.16A](#) where either of the following conditions is met:

- The offense is committed with the intent to benefit, promote, or further the interests of a criminal gang or for the purposes of increasing a person's own standing or position within a criminal gang.
- The participants in the offense are identified as criminal gang members acting individually or collectively to further any criminal purpose of a criminal gang.

RULES AND PROCEDURES

1702.1 IDENTIFICATION

- A. Criminal gangs will be identified on the basis of specific, documented, and reliable information. The following are examples; however, information for identifying a criminal gang may be gathered from a variety of law-enforcement sources or analyses:
 1. Analysis of crime pattern information.
 2. Observations by department members.
 3. Witness interviews.
 4. Interviews of admitted criminal street gang members.
 5. Information received from informants who have proven themselves reliable in the past.
- B. An individual may be considered a *criminal gang member* if they meet any **three (3)** of the following criteria, as determined by the officer's experience and knowledge of criminal street gangs ([N.C. Gen. Stat. § 14-50.16A\(4\)](#)):
 1. The person admits to being a member of a criminal gang.
 2. The person is identified as a criminal gang member by a reliable source, including a parent or guardian.
 3. The person has been previously involved in criminal gang activity.
 4. The person has adopted symbols, hand signs, or graffiti associated with a criminal gang.

5. The person has adopted the display of colors or the style of dress associated with a criminal gang.
 6. The person is in possession of or linked to a criminal gang by physical evidence, including photographs, ledgers, rosters, written or electronic communications, or membership documents.
 7. The person has tattoos or markings associated with a criminal gang.
 8. The person has adopted language or terminology associated with a criminal gang.
 9. The person appears in any form of social media to promote a criminal gang.
- C. It is the responsibility of the department's [Criminal Investigations](#) Section Commander or [designee](#) to ensure that gang members are properly validated. Probable cause to establish an individual's membership in a criminal street gang must be corroborated by documented information. [40.2.3 a]

1702.2 RESPONSIBILITIES

- A. The [Criminal Investigations](#) Section is responsible for the following: [40.2.3 a]
1. Collecting and correlating information resulting in the identification of criminal gangs.
 2. Assisting other units within the department in solving criminal activity perpetrated by criminal gangs and/or members.
 3. Assisting other agencies through the sharing and dissemination of obtained information.
 4. Distributing information within the department about criminal gang activities through intelligence bulletins as needed.
 5. Educating the community on problems related to criminal gang activities through public awareness activities, where possible.

1702.3 CRIMINAL INTELLIGENCE

- A. All gang-related intelligence files will be maintained in compliance with [Policy 1701 – Criminal Intelligence](#). [40.2.3b]
- B. Active gang intelligence files or active investigative information that involve or could reveal the identity of a confidential informant will be handled in accordance with [Policy 1002 - Confidential Informants](#). [40.2.3 b]

- C. Criminal gang intelligence gathered by the department may be cataloged in specialized regional, State, and/or Federal gang databases. [40.2.3 c]

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'TH', with a long horizontal stroke extending to the right.

Tammy Hooper
Chief of Police