


Fort Collins Police Services

Policy Manual

 FORT COLLINS POLICE	POLICY	442
	TITLE	Criminal Street Gangs

442.1 PURPOSE AND SCOPE

It is the policy of this Agency to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal or delinquent activity. The intent of this policy is to establish a procedure that will be used to develop and maintain a file of information used for enhancing criminal prosecution of criminal street gang participants.

442.2 DEFINITIONS

See Policy 107 – Definitions.

442.3 GANT IDENTIFICATION AND DOCUMENTATION PROCEDURES

All sworn personnel shall be authorized to collect information on individuals who are suspected of participating in criminal street gangs and groups that are suspected of being criminal street gangs. A criminal gang is defined as:

- (a) Any ongoing organization, association, or group of three or more persons, whether formal or informal:
 - 1. Which has as one of its primary objectives or activities the commission of one or more predicate criminal acts; and
 - 2. Whose members individually or collectively engage in or have engaged in a pattern of criminal or gang activity.

An individual may be designated, after review and approval by the Criminal Investigations Division Sergeant, as a participant in a criminal street gang when:

- (a) They proclaim or admit his/her association, affiliation, membership, or allegiance with an identified gang, or
- (b) They commit a gang motivated crime as defined in this policy, or
- (c) They have been identified as a gang member by other law enforcement agencies using identical or more restrictive criteria outlined in this policy, or
- (d) The individual exhibits two or more of the following:
 - 1. Wears clothing or has tattoos other than a part of a fashion trend which are known to be associated to a gang or gang activities.
 - 2. Displays mannerisms which are particularly described and recognized regionally or national as being indicative of gang membership and which are consistent with mannerisms identified with a gang, gang activities, or gang membership locally.
 - 3. Admits to the use of a moniker consistent with those used by gang members.
 - 4. Authors graffiti which is known to be associated with a gang or gang activity.
 - 5. Admits to detained knowledge of a gang or gang activity.
 - 6. Has been identified as a gang member by a previously reliable, documented informant.

POLICY	442
TITLE	Criminal Street Gangs

442.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo, or other relevant document into an authorized criminal intelligence system. IF entries are made based upon information that is not on file with this Agency, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by Records. Any supporting documentation for an entry shall be retained by Records in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by Records are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

442.4 CRIMINAL STREET GANG TEMPORARY FILE

The Criminal Impact Unit may maintain a temporary file of reports and field interviews (FI system) that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected street gang participant or a suspected street gang, but does not meet the criteria for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within two years of the contact, the individual or group will meet the criteria for entry into a criminal gang intelligence database approved by the Agency. A temporary file of street gang participants shall include the following:

- (a) Names, aliases, monikers, addresses, and other relevant identifying information
- (b) Associated gang name
- (c) Information/incidents used to identify an individual as a criminal street gang associate
- (d) Vehicles known to be used
- (e) Cross references to other identified gangs or gang members.

Temporary files should not be retained longer than two years. At the end of two years, temporary files must be purged if the information does not qualify for entry into a criminal gang intelligence database approved by the Agency.

The Criminal Impact Unit information tracking designee shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal files is the responsibility of the Criminal Impact Unit supervisor.

442.5 FIELD CONTACTS

Officers who contact individuals who are, or may be, participants in criminal street gang activity should complete a field interview (FI) card and document the reasonable suspicion underlying the contact and exact circumstances leading to the suspicion that the individual is a criminal street gang participant based on the above criteria (e.g. subject states he/she is a member of XYZ gang, has XYZ tattoo on hand, or is wearing a shirt with the gang name printed in red or blue).

POLICY	442
TITLE	Criminal Street Gangs

The FI card should be turned into the Agency's Records Division for entry or entered by the officer into the Automated Reporting System.

Any photographs that are taken of subjects who are known or suspected criminal street gang participants shall be forwarded to the Criminal Impact Unit.

442.6 DISSEMINATIONS OF THE FILE INFORMATION

Information from the temporary criminal gang participant files, the Colorado Bureau of Investigation's system called Colorado Gangs (CoG), and any other intelligence system approved by the Agency that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to employees of this Agency and other law enforcement agencies on a need-to-know and a right-to-know basis.

442.7 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal gang related shall be documented on a report form and shall, at a minimum, include:

- (a) A description of any document, statements, actions, dress, or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal gang.
- (b) A specific request that a copy of the report be routed to the Criminal Impact Unit.

442.8 CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

The Agency may establish a uniform system of collecting, analyzing, evaluating, maintaining, securing, and disseminating intelligence information related to gang activity and involvement. This system will include the CoG and/or any other intelligence databases approved by the Agency.

- (a) The purpose of gang intelligence information is to provide Agency users and users of the CoG database with information which complies with state and federal regulations and allows for the collection and analysis of information regarding suspected criminal activity associated with gang activity in preventing future criminal acts.
- (b) The CoG system is entirely maintained by the Colorado Bureau of Investigations, and they are ultimately responsible for compliance with the guidelines defined in Title 28 Code of Federal Regulations, Part 23 – Criminal Intelligence Systems Operating Policies.
- (c) Only Agency-approved designees may enter information into the CoG database. As an approved designee, it is that person's responsibility to abide and follow the rules and regulations set forth in the CoG Policy and Procedure manual and user agreement.
- (d) Employees should collect and forward suspected gang related intelligence information to the Criminal Impact Unit for the purpose of analysis and validation of individuals and their involvement or associations with gang related activity.
 - 1. Gang intelligence information consists entirely of legally obtained and validated data regarding the reasonably suspected gang activities and associations of individuals, groups, or organizations believed to be involved in criminal acts or in the threatening, planning, organizing, or financing of criminal acts based upon reasonable suspicion.

POLICY	442
TITLE	Criminal Street Gangs

442.8.1 ACCESS TO COG

CoG provides information for the street officer who conducts a query of the Colorado Crime Information Center (CCIC) database. After a query is made, the CoG database will present information through CCIC that the queried subject is in the CoG database, which is vital safety information for the patrol officer.

Access to the CoG database will give investigators an additional tool to investigate gang activity and crimes, not only in our own jurisdiction, but in other participating jurisdictions.

442.8.2 PROCEDURE FOR ENTRY INTO DATABASE

Once a criminal street gang has been identified and/or an individual is reasonably suspected of participating in a criminal street gang, it is the responsibility of the designated CoG coordinator and/or authorized designees to enter the information obtained into the CoG database. The information entered will be consistent with criteria established in 28 CFR Part 23 and the CoG Policy and Procedure Manual.

The authorized Agency employee shall not enter or maintain information in the CoG system unless the information meets the definition of “criminal intelligence information” or “non-criminal identifying information” as defined in this policy manual.

442.8.3 RETENTION/PURGING/AUDITING

CoG records retained in the system shall be reviewed and validated for continuing compliance with system submission criteria for a 5-year retention period. Any information not validated within that period will be purged by CoG. CoG periodically conducts inspections and audits of user agencies entire; therefore, Agency entire must have supporting documentation maintained to CoG standards.