 Kinston Police Department	<u>POLICY: Gang Validation & File Retention</u>						<u>POLICY #:</u>
	<u>NCLEA Standards:</u>						900-4
	<u>NCLM Standards:</u>						Effective Date:
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21					07-01-2019
Approval: Chief of Police							

I. PURPOSE

The purpose of this policy is to establish procedures for internal controls and proper oversight for the collection, analysis, retention, dissemination and disposition of gang validations files.


II. DEFINITIONS

- A. Gang validation file: Stored information on the activities and associations of individuals, organizations, businesses and groups that are suspected of being involved in the actual or attempted planning, organizing, financing, or commission or criminal acts; or are suspected of being involved in gang activities with known or suspected crime figures for use in an illegal matter.

III. POLICY

A. Intelligence

- Intelligence gathering is a fundamental and essential responsibility of law enforcement. Intelligence is necessary to prevent crime, eliminate disorder, ensure the public's safety and arrest and convict criminal offenders. It is the policy of the Kinston Police Department to gather gang intelligence information directed towards specific individuals or organizations where there is a reasonable suspicion that such individuals or organizations may be planning or engaging in criminal activity. It is the goal of this agency to gather information with due respect for the rights of those involved.
- Investigative techniques employed shall be lawful and only so intrusive as to gather sufficient information to prevent criminal conduct or the planning of criminal conduct.
- When gathering gang intelligence, every effort will be made to ensure that information added to the gang validation file is relevant to a gang activity and the product of dependable and trustworthy sources of information. A record shall be kept regarding the source of all information received and shall be maintained by the Intelligence Unit under the Criminal Investigations Division.
- Gang intelligence information may be disseminated only to appropriate persons for legitimate law enforcement purposes in accordance with the law and set forth in the procedure. A record shall be kept regarding the dissemination of all such information to persons within the department or another law enforcement agency.

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B. Gang Validation File


1. Gang validation files may be viewed by an officer that requests to see them for reasonable suspicion and justification.
2. Officers shall not retain gang validation files for personal or other purposes but will submit gang intelligence information to the supervisor in charge of the gang validation process.
3. All gang intelligence information shall be gathered in a legally accepted matter.
4. Gang validation files will be maintained by the Intelligence Unit under the Criminal Investigations Division and will not be kept with the records maintained by police records technicians. Gang validation files shall be under lock and key and maintained within the Intelligence Unit under the Criminal Investigations Division. Gang validation files are confidential under State Law N.C.G.S. 132-1.7 (Sensitive public security information)

C. Procedures for Managing Gang Validation Files

1. All intelligence data involving gang validation files shall be reviewed the Intelligence Unit under the Criminal Investigations Division for validation prior to entry into the Gang validation file. The name of the validating officer will be in the file. Once a gang validation file is complete, the Intelligence Unit under the Criminal Investigations Division will submit the information into the GangNet Data base.
2. All other gang intelligence data shall be reviewed by the Intelligence Unit under the Criminal Investigations Division for validation prior to entry into any gang intelligence file. The name of the approving supervisor will be made part of the file.

D. Information Submission Criteria

1. The Department shall only collect and maintain gang intelligence information concerning an individual or organization if there is a reasonable suspicion that the individual or organization is, or has been, involved in gang activity and the information is relevant to gang involvement or activity. The existence of reasonable suspicion will be based on articulate facts that will be recorded.
2. The Department will not collect or maintain gang intelligence information about the

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political, religious, social views, associations or activities of any individual or any group, association, corporation, business, partnership, or other organization, unless such information directly relates to gang conduct or activity. The Gang Information Form will be used to identify and start the validation process of gang members. This form is to be filled out by any officer that comes in contact with a possible gang member. The officer must be thorough and provide as much information and check the box for all criteria that is met. If there is a report generated reference the encounter, the officer will notate the department's case number on the Gang Information Form and attach a copy of the report to it. The officer will then submit the form to the Intelligence Unit under the Criminal Investigations Division. Upon receiving the Gang Information Forms, the Intelligence Unit under the Criminal Investigations Division will both verify the information and complete a Gang Validation Form.

- Three of the twelve criteria must be met in order to validate an individual as a gang member. If only two of the criteria are met, the individual will be considered an associate. A master list of all validated gang members will be available for all sworn personnel. The List is not to be printed unless permission was given by the Intelligence Unit under the Criminal Investigations Division. The "Gang Information Form" and "Gang Validation Form" are attached to this policy. The twelve different criteria's to choose from are located on the Gang Information Form.

E. Excluded Material

Only lawfully collected information, based on a reasonable suspicion of gang activity, should be stored in the gang intelligence file. Specifically excluded material includes:

- Information on an individual or group merely on the basis that such individual or group support unpopular causes.
- Information on an individual or group merely on the basis of race, gender, age, ethnic background or sexual orientation.
- Information on an individual or group merely on the basis of religious or political affiliations or beliefs.
- Information on an individual or group merely on the basis of personal habits and/or predilections that do not break any laws or threaten the safety of others. Information

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obtained in violation of any applicable law.


F. Dissemination of Gang Intelligence Information

Gang intelligence information conveyed to and/or received from outside agencies can only be released to an individual who has demonstrated both a “need-to-know” and a “right-to-know.” This information shall be maintained by the intelligence supervisor and is confidential under state law.

1. Right-to-know means the requesting party has the official capacity and statutory authority to the information being sought.
2. Need-to-know means the requested information is pertinent and necessary to the requesting party in initiating, furthering, or completing an investigation.
3. Extra-departmental: Generally, gang intelligence information will only be disseminated to another law enforcement agency who agrees to follow procedures regarding information receipt, maintenance, security, and dissemination which are consistent with these policies.
4. Gang intelligence information shall not be released to another law enforcement agency if the release could compromise an investigation.

G. Modifying and Purge Procedures

1. Modifying and purging information on gang intelligence file will be done on an on-going basis, but at a minimum annually. The maximum retention period for a gang intelligence file is five years. If at the end of five years the information has not been updated or revalidated then it should be purged from the system. If at the end of five years the Department is able to update or revalidate information to establish reasonable suspicion of new gang activity, then the retention period may be extended for an additional five years.
2. Any information that is found to be inaccurate, misleading, obsolete, or otherwise unreliable will be purged.
 - a. Purged information shall be destroyed under the supervision of the Intelligence Unit under the Criminal Investigations Division .

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- b. A record of when the files are purged shall be maintained by the Intelligence Unit under the Criminal Investigations Division and a copy of record submitted to the Major of Investigations.

H. Unauthorized Access, Use or Dissemination

The unauthorized access, utilization or dissemination of gang intelligence information could result in disciplinary action up to and including termination.