

 Kinston Police Department	<u>POLICY: Gang Validation & File Retention</u>						POLICY #: 900-2	
	<u>NCLEA Standards: 11.01</u>							
	<u>CALEA Standards: 1.2.3(a); 26.1.1; 40.2.3 (a-e); 42.1.6</u>							
	<u>NCLM Standards: I.10; I.11</u>							
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	7/28/25					Effective Date: 07-01-2019
Approval: Chief of Police								

I. PURPOSE

The purpose of this policy is to establish procedures for the lawful collection, validation, maintenance, dissemination, security, and purging of gang-related criminal intelligence information. This policy ensures accountability and transparency in collection and sharing of intelligence, protects civil liberties, and complies with 28 CFR Part 23, CALEA Standards 1.2.3(a), 40.2.3(a-e), and applicable North Carolina General Statutes including N.C.G.S. 132-1.4 and 132-1.7. **(CALEA 1.2.3(a)); (NCLEA 11.01)**

II. DEFINITIONS

- A. **Gang validation file:** Documentation used to establish an individual's affiliation with a criminal gang based on reasonable suspicion, subject to validation under 28 CFR Part 23.
- B. **Criminal Intelligence System:** A system for storing and disseminating vetted information relevant to identifying individuals or organizations involved in criminal activity.
- C. **Reasonable Suspicion:** A belief, based on articulable facts, that criminal activity is occurring or has occurred.
- D. **Temporary Information File:** A file containing information being evaluated for potential inclusion in the intelligence system, maintained temporarily (maximum one year) as part of an ongoing investigation.
- E. **Strategic Intelligence:** Information used to anticipate and prevent major criminal activities, particularly those involving mobile or influential criminal organizations.
- F. **Subversive Intelligence:** Information regarding groups or individuals aiming to disrupt democratic processes through covert or overt illegal actions, including extremist political or racial groups.
- G. **Need-to-Know / Right-to-Know:** Standards governing authorized access to intelligence information as per 28 CFR §23.20(e).

III. POLICY

It is the policy of the Kinston Police Department to collect and maintain gang-related criminal intelligence only when there is reasonable suspicion that an individual or group is involved in criminal activity. All intelligence shall be lawfully collected, evaluated for reliability, securely stored, and disseminated only to authorized individuals in accordance with legal and professional standards. The department commits to accountability and responsible management of all criminal intelligence information. **(CALEA 1.2.3(a); 40.2.3(a); NCLEA 11.01)**

IV. MANAGEMENT AND OVERSIGHT

- A. System Authorization and Oversight: Only department-approved intelligence systems may be used for gang intelligence. The Captain of Criminal Investigations or designee is responsible for approving, maintaining, reviewing, and auditing the use of such systems. This oversight includes ensuring system security, managing access controls, and addressing any security issues that arise. **(CALEA 1.2.3(a); 40.2.3(a); NCLEA 11.01)**
- B. Personnel Access & Training: Only trained personnel with a legitimate need-to-know and right-to-know may submit or access intelligence information. The department shall provide ongoing training regarding the identification, submission, evaluation, and security of gang intelligence data. **(CALEA 40.2.3(c,e); NCLEA 11.01)**

V. COLLECTION AND SUBMISSION CRITERIA

- A. Intelligence information must be supported by reasonable suspicion based on articulable facts and must relate directly to criminal conduct or gang activity. Submissions must be made with integrity and must meet criminal predicate standards as defined by 28 CFR Part 23. **(CALEA 1.2.3(a); 40.2.3(b,d); NCLEA 11.01)**
- B. All submissions shall include the following documented information:
 1. Officer name and date of submission
 2. Subject's identity
 3. Source reliability rating (Confirmed, Probably True, Possibly True, Unknown) with detailed definitions
 4. Evaluation of information
 5. Dissemination restrictions (Restricted, Department Only, Need-to-Know)**(CALEA 40.2.3(c); NCLEA 11.01)**
- C. Gang validation requires meeting at least 3 of 9 established criteria, supported by a completed Gang Validation Form and relevant supporting documentation. Individuals meeting only 2 criteria shall be classified as associates. **(CALEA 1.2.3(a); NCLEA 11.01)**
- D. Prohibited Intelligence Collection:
 1. Information shall not be collected or maintained solely based on:
 - a. Race, ethnicity, gender, religion, political affiliation, sexual orientation, or First Amendment-protected activities unless directly tied to criminal conduct.
 - b. Unsubstantiated personal beliefs or affiliations unrelated to criminal activity.**(CALEA 40.2.3(d); 42.1.6; NCLEA 11.01)**
- E. Submission Quality Control:
 1. Submissions failing to meet these criteria will be returned to the submitting officer or destroyed if the submitter cannot be identified. The Intelligence Unit shall maintain documentation of rejected submissions to ensure quality control and accountability.

VI. TEMPORARY INFORMATION FILES AND STORAGE

- A. Temporary files may be maintained for investigative purposes but only with documented authorization from the Captain of Criminal Investigations or designee. Such files must not contain original documents but copies or references. (**CALEA 40.2.3(e); NCLEA 11.01**)
- B. Temporary files shall not include opinions or labels beyond factual content found in the source documents.
- C. Temporary information files shall be reviewed at least annually and must be purged if no longer relevant or if they fail to meet criteria for inclusion in the permanent criminal intelligence system within one year. (**CALEA 40.2.3(e); NCLEA 11.01**)

VII. STORAGE AND SECURITY

- A. All gang intelligence files, whether physical or electronic, shall be stored securely—locked cabinets for physical files and password-protected secure folders for electronic files. Access is limited strictly to authorized personnel designated by the Captain of Criminal Investigations or designee. (**CALEA 40.2.3(a); NCLEA 11.01**)
- B. Copies of intelligence files may only be made with express permission from the Captain of Criminal Investigations or designee to maintain data integrity.

VIII. DISSEMINATION

- A. Intelligence information shall only be disseminated consistent with need-to-know and right-to-know principles and only to authorized persons or agencies. (**CALEA 40.2.3(a,e); NCLEA 11.01**)
- B. All dissemination actions shall be documented and overseen by the Captain of Criminal Investigations or designee. (**CALEA 1.2.3(a); 40.2.3(c); NCLEA 11.01**)
- C. Dissemination codes shall be applied as follows:
 1. Restricted: For file use only; release requires original contributor's permission
 2. Department Only: Released only to personnel within Kinston Police Department
 3. Need-to-Know: Released to authorized criminal justice agencies or personnel
- D. Intelligence may be shared with schools or public officials when necessary to prevent imminent danger to life or property, in compliance with N.C.G.S. §14-50.27A and 7B-3001(b). (**CALEA 42.1.6; NCLEA 11.01**)
- E. Juvenile intelligence inquiries and disclosures must comply with North Carolina public records laws and require supervisor approval to prevent compromising investigations.

IX. REVIEW AND PURGING

- A. All intelligence files shall be reviewed at least annually by the Intelligence Unit supervisor or the Captain of Criminal Investigations to determine continued relevance and accuracy. Files older than five years without revalidation shall be purged. (**CALEA 40.2.3(b,d); NCLEA 11.01**)

- B. Information that is inaccurate, irrelevant, obsolete, or unreliable must be destroyed in a secure manner, such as shredding or secure deletion.
- C. A purge log shall be maintained by the Intelligence Unit and submitted to the Major of Investigations Division for accountability.

X. UNAUTHORIZED USE

Unauthorized access, use, or dissemination of gang intelligence will lead to disciplinary action, up to and including termination, in accordance with CALEA 26.1.1 and department policy. **(CALEA 26.1.1)**