

**442 CRIMINAL STREET GANGS****442.1 PURPOSE AND SCOPE**

It is the policy of this department 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**

Definitions related to this policy include:

**Criminal Street gang** - 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 criminal acts defined by state law as criminal street gang predicate crimes, and
2. Which has a common name or common identifying sign or symbol, and
3. Whose members individually or collectively engage in or have engaged in a pattern of criminal street gang activity (§ 578.421(1), RSMo).

**Pattern of criminal gang activity** - The commission, attempt, conspiracy or solicitation of two or more listed criminal acts which are committed on separate occasions or by two or more persons (§ 578.421(2), RSMo).

**442.3 IDENTIFICATION OF CRIMINAL STREET GANGS/PARTICIPANTS**

Members shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

1. A group of three or more individuals shall be designated a criminal street gang when:
  - a. They have a common name or common identifying sign or symbol.
  - b. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal or delinquent acts.
  - c. One or more members individually or collectively have engaged in a pattern of criminal gang activity.
2. An individual shall be designated as a participant in a criminal street gang and included in a gang file when at least two of the following elements have been verified by the Street Crimes Unit supervisor and there is a reasonable basis for believing such affiliation has been established. Inclusion in the gang file shall be approved by a the Street Crimes supervisor.
  - a. An individual admits membership in a criminal street gang.

- b. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
  - c. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
  - d. An individual resides in or frequents a particular criminal street gang's area and affects the gang's style of dress, color of dress, use of jewelry, tattoos, monikers or any other identifiable mannerism associated with that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal street gang activity or enterprise.
  - e. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang-related crimes.
  - f. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph in such a manner as to clearly indicate membership in a criminal street gang.
  - g. An individual otherwise meets the criteria of a criminal gang participant under the guidelines of a department approved gang intelligence database and/or 28 CFR 23.20.
3. An individual may be designated as a gang affiliate only when the individual is known to associate with active criminal street gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity or delinquent acts. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience.

## **442.5 FIELD CONTACTS**

Officers who contact individuals who are, or may be, participants in criminal street gang activity should complete an FI report and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang, has XYZ tattoo on right hand near thumb, is wearing a ball cap with the gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of the Contacts, Detentions and Photographing Detainees Policy.

## **442.6 DISSEMINATIONS OF THE FILE INFORMATION**

Information from the temporary criminal gang participant files may only be furnished to Department personnel and other public law enforcement agencies on a need-to-know basis or as required by law. This means information 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 members of this department and other law enforcement agencies.

The release of information from any department-approved gang intelligence file must comply with the rules established for that particular temporary file or database.

## **442.7 REPORTING CRITERIA AND ROUTING**

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

1. 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.
2. Whether any photographs were taken and a brief description of what they depict.
3. What physical evidence, if any, was observed, collected or booked.
4. A specific request that a copy of the report be routed to the VNOC unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.