

Criminal Street Gangs

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Policy Statement

Whatcom County Sheriff's Office commissioned personnel often encounter subjects whom they believe to be gang members. Deputies should familiarize themselves with the fifteen criteria listed in this policy that are used to determine gang affiliation, such as attire, hand signs, tattoos and monikers, and document them whenever contacting a suspected gang member. This information is instrumental in properly classifying criminal gang members and associates with the ultimate goal of discouraging criminal gang activity in Whatcom County.

Persons Affected

- All commissioned personnel
- Crime analysis personnel
- Records personnel

Definitions

Criminal intelligence information ([28 CFR 23.3](#)) – Data which has been evaluated to determine that it:

- (a) Is relevant to the identification of, and the criminal activity engaged in by, an individual who or organization which is reasonably suspected of involvement in criminal activity, and
- (b) Meets criminal intelligence system submission criteria

Criminal street gang – [RCW 9.94A.030\(12\)](#). It is important to note that the state's definition of criminal street gang may include what are commonly known as outlaw motorcycle gangs or white supremacist groups suspected of engaging in criminal activity.

Criminal street gang associate or member - [RCW 9.94A.030\(13\)](#)

Criminal street gang-related offense - [RCW 9.94A.030\(14\)](#)

Pattern of criminal street gang activity – [RCW 9.94A.030\(37\)](#)

Field and In-Custody Contacts

All deputies are encouraged to solicit information about and from individuals who are suspected of being criminal street [gang associates or members](#), and criminal street [gang-related activity](#) including [gang-related offenses](#).

Deputies should document possible gang membership or activities in a case report or on a form designed for this purpose and forward it to the crime analyst. Deputies are encouraged to describe in detail any observations made or information collected that would assist crime analysis personnel in classifying criminal street gangs and their members.

Identification of Criminal Street Gangs and Participants

Crime analysis personnel are 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. See [Criminal Street Gang Files](#) for how this information should be handled.

Designation

Crime analysis personnel, with the assistance of select deputies who have significant training and experience regarding criminal street gangs, may designate groups as criminal street gangs and individuals as criminal street gang members or associates in accordance with the criteria listed in this section. Such designations shall be summarized in a document and stored in [criminal street gang files](#).

Criminal Street Gangs

A group of three or more individuals shall be designated as 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 acts, and
- (c) One or more members individually or collectively have engaged in a pattern of criminal gang activity.

Criminal Street Gang Member

An individual shall be designated as a member of a criminal street gang when three or more of the following have been established:

- (a) The individual admits membership in a criminal street gang.
- (b) The individual has gang-related tattoos.
- (c) The individual writes gang graffiti.
- (d) The individual uses a gang-related moniker.
- (e) The individual is identified as a gang member through judicial findings by a judge.
- (f) The individual engages in criminal activity that targets members of a rival gang.
- (g) The individual adopts a gang's style of dress, color of dress, or use of jewelry; uses gang hand signs or gang-related language; or employs other identifiable mannerisms associated to that particular criminal street gang; and where there is documented reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
- (h) The individual's name appears on a gang document, hit list, or gang-related graffiti.
- (i) The individual is identified as a gang member by another law enforcement agency.
- (j) The individual is identified as a gang member by a reliable informant.
- (k) The individual is identified as a gang member by another gang.

- (l) The individual is identified as a gang member from public sources, such as MySpace, Facebook, or other media.
- (m) The individual is identified in group photographs with known gang members.
- (n) The individual is 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.
- (o) The individual associates with known gang members in locations and circumstances that indicate involvement in the gang's activities

Criminal Street Gang Associate

An individual may be designated as a gang associate when the individual is known to affiliate with active criminal gang members and there is reasonable suspicion that the individual is involved in criminal activity.

Notification via Local Criminal Justice System

Upon the addition or removal of a criminal street gang member or associate designation from an individual, crime analysis personnel will adjust the individual's status in the appropriate local criminal justice information system.

Criminal Street Gang Files

Information aggregated for the purpose of determining if a group should be designated as a criminal street gang or an individual as a gang member or associate, including summaries or worksheets prepared for this purpose, is to be considered [criminal intelligence information](#). It shall be maintained by the crime analyst in a criminal street gang file and handled so as to comply with [28 CFR 23.20](#).

Dissemination of File Information

Information from criminal street gang files may only be furnished to Sheriff's Office personnel and other public law enforcement agencies on a need-to-know basis. 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 agency and other law enforcement agencies.

See also [RCW 42.56.240\(1\)](#) for information on the exemption of criminal intelligence information from public disclosure.

Inquiry by Parent or Guardian

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in a criminal street gang file, such information shall be provided with supervisory approval, unless there is good cause to believe that the release of such information may jeopardize an ongoing criminal investigation. This section is not intended to permit the unauthorized release of criminal street gang intelligence (see [Dissemination of File Information](#)).

Review and Purging of Criminal Street Gang Files

The crime analyst shall ensure that each individual file is reviewed at least every five years.

A file having no entry indicating law enforcement contact in the preceding five year period shall be purged and disposed of in accordance with applicable Sheriff's Office purge criteria and in compliance with state law (e.g., [RCW 40.14](#)).

Following such a review, the crime analyst will also adjust or remove the individual's gang status indicator in [local information systems](#).

Exceptions

In the event there is a legitimate law enforcement reason to retain the information in a file longer than five years, an explanation for doing so shall be entered in the file. Files that are retained beyond the five year period shall be reviewed every six months to determine if they should be purged.

The five year purge date may also be adjusted if the subject of the file is incarcerated. The length of such incarceration will adjust forward the date of file purge.