

1 California Code of Regulations

2 Title 11, Division 1

3 Chapter 7.5: Regulations for the Fair and Accurate Governance of the CalGang Database.

4 **Article 1. General.**

5 **§ 750. Title and Scope.**

6 This Chapter shall be known as the “Department of Justice Regulations for the Fair and Accurate  
7 Governance of the CalGang Database,” and may be cited as such and referred herein as “these  
8 regulations.” Commencing on January 1, 2020, the provisions of these regulations shall govern  
9 the policies and procedures of the CalGang Database. These regulations do not apply to any  
10 other shared gang databases in the State of California; those shall be regulated by Chapter 7.6 of  
11 the California Code of Regulations, title 11, sections 770 to 782.

12  
13 Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, 186.35, and  
14 186.36, Penal Code.

15  
16 **Article 2. Purpose of the CalGang Database and Definitions.**

17 **§ 750.5. The Purpose of the CalGang Database.**

18 The CalGang database is a criminal intelligence information database. The objective of the  
19 CalGang database is to provide State of California law enforcement agencies with an accurate,  
20 timely, and electronically generated database of statewide gang related intelligence  
21 information. The CalGang database is not designed to provide users with information upon which  
22 official actions may be taken. The database can identify the agencies, which must be contacted to  
23 obtain and verify those facts. All records and information contained in the CalGang database are  
24 confidential and are for the use of law enforcement agencies only.

25  
26 Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, 186.35, and  
27 186.36, Penal Code.

28  
29 **§ 751. Definition of Key Terms.**

- 1 (a) “Access” means the ability to view, query, add, delete, or retrieve records in the CalGang  
2 database.
- 3 (b) “Agency” means any law enforcement agency, excluding the California Department of  
4 Justice.
- 5 (c) “Audit” means the process of objective examination of the CalGang system pertaining to  
6 the maintenance of records – as well as the examination of a statistically valid sample of  
7 randomly selected records to determine whether the CalGang database is in compliance with  
8 these regulations.
- 9 (d) “CGNAC” means the California Gang Node Advisory Committee.
- 10 (e) “Contact” is any lawful interaction between a person and a law enforcement officer.
- 11 (f) “Criminal Predicate” means that there exists a “reasonable suspicion” based on the analysis  
12 of legally obtained information that the subject of the information is or may be involved in  
13 definable criminal conduct and/or activity that supports, encourages, or otherwise aids definable  
14 criminal conduct.
- 15 (g) “Department” means the California Department of Justice.
- 16 (h) “Dissemination” means the sharing of criminal intelligence among law enforcement  
17 authorities in any agency or agencies on a need to know, right to know basis.
- 18 (i) “Gang Associate” means a person, not a gang member, who meets with or is seen with a  
19 gang member(s) on a regular or periodic basis, and who contributes to, or derives a benefit from  
20 the criminal street gang including, but not limited to, active involvement in gang activities.
- 21 (j) “Gang Member” means a person who identifies himself/herself by adopting a group identity,  
22 which s/he uses to create an atmosphere of fear or intimidation by frequently employing one or  
23 more of the following: a common name, slogan, identifying sign, symbol, tattoo or other physical  
24 marking, hand sign or graffiti.
- 25 (k) “Need to know” means a state of facts that supports the legitimacy of access to specific  
26 intelligence by a person with a right to know. The need to know must be pertinent to and  
27 necessary to the performance of a specific law enforcement activity.
- 28 (l) “Node” means a geographically located cluster of participating law enforcement agencies  
29 with access to CalGang that may exist from time to time.

# PACKAGE 1

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- 1 (m) “Node Administrator” means a person appointed from a “Node Agency” who acts as the  
2 leader by organizing, providing training, technical support, and coordinating the information  
3 collection activities of user agencies in the Node.
- 4 (n) “Node Agency” means the law enforcement agency where a Node Administrator is located.
- 5 (o) “Offense consistent with gang activity” means either those offenses that are listed in  
6 subdivision (e) of Penal Code section 186.22; Penal Code sections 186.26, 186.28, 186.30; or  
7 those offenses committed with the intent to enhance or preserve the criminal street gang’s power,  
8 reputation, and economic resources.
- 9 (p) “Peer audit” means an audit of a Node’s CalGang records that is conducted by two Node  
10 Administrators, or their designees, neither of whom represent the agency being audited.
- 11 (q) “Purge” means the elimination of any record from the CalGang database and/or any printed  
12 form of the record when it is no longer in compliance with Article 9 of this chapter.
- 13 (r) “Reasonable suspicion” means that state of known information which establishes sufficient  
14 facts to give a trained law enforcement or criminal investigative agency officer, investigator, or  
15 employee a basis to believe that there is a reasonable possibility that a person or an organization  
16 is involved in a definable criminal activity or enterprise.
- 17 (s) “Record” means information contained in the CalGang database that pertains to a particular  
18 person.
- 19 (t) A “reliable source” may be, but is not limited to, a law enforcement officer, family member,  
20 friend, neighbor, associate, crime victim, or fellow gang member or associate. The source’s  
21 information is deemed reliable unless proven otherwise through the course of investigation,  
22 audits, the judicial process, and/or testimony.
- 23 (u) “Revoked,” as it applies to a user’s account, means the account is invalid and user is  
24 permanently prohibited from accessing the account.
- 25 (v) “Right to know” is the status of being a person or entity engaged in a law enforcement  
26 activity that, because of official capacity and/or statutory authority, may have access if there is a  
27 need to know. The “right to know” must be in the performance of a law enforcement activity.  
28  
29

1 (w) “Source document” means documentation that supports an entry made to the CalGang  
2 database. Such documents may include, but are not limited to, arrest reports, field interview  
3 cards, photographs, and jail records.

4 (x) “Suspended,” as it applies to a user account, means that the user’s access to the account is  
5 temporarily prohibited.

6 (y) “System misuse” is unauthorized access to or use of information in the CalGang database.

7 (z) “Unauthorized access” means access by a person who does not have a need to know or a  
8 right to know.

9 (aa) “User Agency” means a law enforcement agency that has either the access to view  
10 information, add, or edit information on the CalGang database.

11

12 Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, 186.35, and  
13 186.36, Penal Code.

14

15 **Article 3. Access to the CalGang Database, Admission, and Dissemination of Intelligence.**

16 **§ 751.5. Access to the CalGang Database.**

17 (a) Access to the CalGang database is not automatically granted to all employees of a User  
18 Agency, rather access shall be limited to only sworn officers and persons listed within paragraph  
19 (6) of subdivision (k) of Penal Code section 186.36.

20 (b) User Agencies shall enter into memorandums of agreement with their respective Node  
21 Agency before a person employed by the agency may receive access to the database.

22 (c) All users of the CalGang database shall undergo the training prescribed in subdivision (b) of  
23 section 754.5 of these regulations.

24 (d) Before completing the training referenced in subdivision (c), all users shall complete a  
25 CalGang Database Agreement form. A physical copy of each user’s form shall be kept on file by  
26 the Node Administrator. The Node Administrator shall forward all completed copies of this  
27 form to the Department.

28 (e) An Agency that is interested in accessing the CalGang database shall submit a written  
29 request to the Department or the local Node Administrator on the Agency’s letterhead. In the

1 written request, the Agency shall provide a reason for its need to access the CalGang database  
2 and identify its point of contact and training coordinator. If the Agency's point of contact and  
3 training coordinator are two different persons, the Agency shall identify both.

4  
5 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

6  
7 **§ 752. Limitations to Access Provided to a Federal Agency and Out-of-State Agency.**

8 (a) If the Department is contacted by an out-of-state agency or a federal agency with a request  
9 to access records in the CalGang database, the Department shall review the request and  
10 determine if the Department will enter into a memorandum of agreement with that agency.

11 (1) An out-of-state and federal agencies shall not utilize information from the CalGang  
12 database in a way that affects immigration proceedings and results in the denial of  
13 employment, housing, military, and public benefits.

14  
15 **§ 752.5. Admission as a Node Agency.**

16 (a) Written requests submitted from Agencies interested in becoming a Node Agency shall be  
17 reviewed by the Department. The Department shall base its decisions on such requests based on  
18 the following factors:

19 (1) The ability of an Agency to serve in a leadership role in organizing and coordinating  
20 information collection activities of the law enforcement agencies within a region to be  
21 served by a new Node.

22 (2) The geographic area to be covered.

23 (3) The ability of the prospective Agency to provide technical support to maintain the  
24 Node Agency.

25 (4) The ability of the prospective Agency to meet the costs associated with becoming a  
26 Node Agency; including recruitment, training of users, sufficient staff to manage the Node,  
27 and travel expenses for participation in CGNAC meetings.

28 (5) An appointed member of each Node, or the member's designee, shall participate in the  
29 CGNAC, which includes attending all meetings and participating in audits.

1 (b) Node Agencies are responsible for maintaining operational control and system supervision  
2 over their Node. The Node Agency shall ensure that all users in the Node adhere to these  
3 regulations and any policies and procedures related to the CalGang database, which shall protect  
4 the system and data integrity.

5 (c) The Department shall be responsible for creating administrative accounts for each Node  
6 Administrator. Requests to create an administrative account shall be made in writing directly to  
7 the Department. The Department shall notify the requesting party in writing if authorization is  
8 granted. Such written requests and authorizations shall be made either via email or U.S. mail.

9  
10 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

11  
12 **§ 753. CalGang Database User Terms and Account Security.**

13 (a) Each User Agency shall identify at least one point of contact and report this to its  
14 respective Node Administrator and the Department.

15 (1) The point of contact shall help facilitate training requests, retrieval of source  
16 documents, and any updates or changes to the database.

17 (2) Any time a User Agency's point of contact is changed, the Node Administrator shall  
18 contact the Department within 30 calendar days to update the contact information.

19 (b) User agencies that enter information into the CalGang database are responsible for its  
20 legality, relevance, accuracy, timeliness, and completeness.

21 (c) All login IDs and passwords shall be consistent with the security procedures established by  
22 the Department.

23 (d) A Node Administrator is responsible for the prompt deactivation of accounts within the  
24 Node Administrator's Node. The accounts of users separated from their Agencies shall be  
25 suspended, and/or revoked when the Node Administrator is notified of the separation.

26 (1) A User Agency shall inform its Node Administrator, or the Department if the Node  
27 Administrator is unavailable, of a separation within 30 business days from the date of the  
28 separation.

1 (2) A Node Administrator or the Department shall suspend and/or revoke the account  
2 within 10 business days after receiving the notice of separation.

3 (e) An account shall be suspended and/or revoked if account privileges are no longer  
4 applicable to a user's functions or changes due to changes in the user's status.

5 (f) An account shall be suspended and/or revoked, if it is determined that the account has been  
6 compromised or misused. Such an account may only be reinstated at the direction of the  
7 Department's system personnel, the Node Administrator, or the Node Administrator's designee.

8 (1) Users who share their passwords with others shall be barred from using the system and  
9 their accounts shall be suspended.

10 (g) Any user account that has been inactive for 90 days shall be suspended. The user shall  
11 submit a written request to the Node Administrator within 180 days for reactivation of the user's  
12 account. If reinstatement is not requested, access to the user account shall be revoked.

13  
14 **§ 753.5. Specific Policies and Procedures Set by Node Agencies and User Agencies.**

15 (a) Node Agencies and User Agencies may establish more restrictive policies and procedures  
16 for their Agencies than those set out by these regulations.

17 (1) Node Agencies and User Agencies that establish more restrictive policies shall notify  
18 the Department before those policies are implemented to ensure that the more restrictive  
19 policies are consistent with the mission of the CalGang database.

20 (2) Node Agencies shall not impose more restrictive guidelines on User Agencies than  
21 those adopted by the Department unless the User Agencies consent to adopting the more  
22 restrictive guidelines and the guidelines have been approved by the Department.

23  
24 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

25  
26 **§ 754. Proxy Access to the Information contained in the CalGang Database.**

27 (a) A user may release information from the CalGang database only to an Agency who  
28 demonstrates a right to know and a need to know.

1 (1) The user that disseminates the information shall utilize the proxy feature on the  
2 CalGang database to conduct a search for the requesting Agency.

3 (2) When performing a proxy search, the user shall capture pertinent information within the  
4 CalGang database that identifies the requesting Agency and the reason for its request.  
5 Paragraph (3) of this subdivision provides a list of the identifying information the user shall  
6 collect.

7 (3) The user conducting the proxy search shall record the following information:

8 (A) First and last name of the requestor.

9 (B) ID number (badge number or other identifier unique to this requestor only).

10 (C) Email of the requestor.

11 (D) Agency the requestor represents.

12 (E) Telephone number of the requestor.

13 (F) The reason for the search.

14 (G) The court case number, if any exists. This shall only be included if it does not  
15 compromise an active criminal investigation or the health or safety of a minor.

16 (H) The direct report number, report number, incident number, or any corresponding  
17 number that would identify which source document the person was referenced within.

18 (b) A user shall not release information to an Agency via proxy access on a regular basis. If an  
19 agency requests proxy access more than XX times a month, the user shall refer the requesting  
20 Agency to its Node Administrator or the Department to inquire about gaining access to the  
21 CalGang database pursuant to Article 3 of this chapter

22 (c) Nothing in subdivision (a) limits section 760.5 or Penal Code sections 186.34 and 186.35.

23  
24 **Article 4. Training, Exam, and Requirements to be an Instructor.**

25 **§ 754.5. User Training.**

26 (a) Training shall only be conducted by an approved instructor. Requirements to become an  
27 approved instructor are set forth in section 755.5 of these regulations.

28 (b) At a minimum, instruction from an approved instructor shall address the following:

29 (1) Definition of a criminal street gang, gang member, and gang associate.



1 (2) Accepted gang member, gang associate, and how to upload photographs to the  
2 CalGang database.

3 (3) Definition and explanation of criminal predicate and reasonable suspicion.

4 (4) Local, state and federal statutes and policies regarding criminal intelligence  
5 information.

6 (5) Physical, technical security, and data dissemination.

7 (6) Practical, hands-on system usage.

8 (7) Best practices for gathering criminal intelligence.

9 (8) Best practices for mitigating the entry and dissemination of false or incorrect  
10 information.

11 (9) Notification, responses to inquiries, and removal guidelines in accordance with  
12 Articles 7, 8, and 9 of this chapter.

13 (10) Any policies, procedures, guidelines pertinent to the CalGang database.

14 (11) Consequences of system misuse.

15 (12) Consequences of the unauthorized use of data.

16 (A) Such consequences may include, but are not limited to, affecting immigration  
17 proceedings and the denial of employment, housing, military, and public benefits.

18 (13) Each user shall review its Agency's specific training on implicit bias.

19 (14) Entry of proxy requests.

20 (c) Additional training hours may be added by the training instructor or Node Administrator.

21  
22 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

23  
24 **§ 755. Initial Exam Information and Recertification Exam.**

25 (a) Once instruction is completed, all users shall be tested on the curriculum described in  
26 subdivision (b) of section 754.5 in a manner prescribed by the Node Administrator.

27 (b) Every 24 months after the date of certification or recertification, all users shall take a  
28 recertification exam and electronically complete a CalGang User Agreement Form. The  
29 recertification exam, results, and forms shall be stored within the CalGang system and be

1 viewable only to the Node Administrators, IT contractors, and the Department so that the  
2 Department can verify the authenticity of this process.

3 (c) The CalGang database will prompt the user to take the recertification exam upon login once  
4 the certification has expired. Upon completing the exam, the user will be immediately notified  
5 as to whether the user passed or failed the exam.

6 (d) The Node Administrator shall allow a user no more than three opportunities to retake the  
7 exam. If the user fails to pass the exam after three opportunities, the user's access shall be  
8 suspended. Once the user's access is suspended, the user shall contact the Node Administrator to  
9 complete a refresher training. The Node Administrator shall restore access once the user passes  
10 the recertification exam.

11 (e) A failure to login for 180 days will require the user to take the online recertification exam  
12 upon reinstatement of the user's account. A failure to login for one year will result in the user  
13 having to be retrained by any Node Administrator or his or her designee.

14

15 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

16

17 **§ 755.5. Requirements to Become an Approved Instructor.**

18 (a) Approved instructors shall be graduates of the training outlined in subdivision (b) of section  
19 754.5, and they shall be tested in system proficiency. Instructors shall take an approved course of  
20 instruction that shall provide an in-depth familiarization with all system applications, intelligence  
21 file guideline requirements, proper use, and any additional administrative requirements.

22 (b) Recertification training of approved instructors by a Node Administrator or the designee  
23 shall include, but not be limited to, system changes or updates and new mandates and  
24 regulations.

25

26 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

27

28 **Article 5. Designation Criteria for Entry into the CalGang Database.**

29

1 **§ 756. Criteria for a Person to be Designated as a Suspected Gang Member or a Suspected**  
2 **Gang Associate.**

3 (a) A suspected gang member or suspected gang associate may be initially entered into the  
4 CalGang database and designated as a gang member or a gang associate when at least two of the  
5 gang related criteria listed below are found to exist through investigation, based on the law  
6 enforcement officer's reasonable suspicion and training, provided that the gang's existence is  
7 documented in the database. The existence of all criteria shall be supported by source  
8 documents. Gang related criteria are:

9 (1) The person has admitted to being a gang member or gang associate. The law  
10 enforcement officer shall document what was said.

11 (2) The person has been arrested for an offense consistent with gang activity.

12 (3) The person has been identified as a gang member or a gang associate by a reliable  
13 source.

14 (4) The person has been seen associating with persons meeting the criteria for entry into  
15 the CalGang database.

16 (5) The person directs another person who is already in the CalGang database to commit  
17 a criminal act that furthers the interest of the criminal street gang.

18 (6) The person has been seen displaying symbols and/or hand signs tied to a specific  
19 criminal street gang. The law enforcement officer shall document the specific symbols  
20 and/or hand signs that are tied to the criminal street gang.

21 (7) The person has been seen at one or more gang locations. The law enforcement officer  
22 shall document the specific location or locations and how they are tied to the specific  
23 criminal street gang.

24 (8) The person has been seen wearing a style of dress or accessories that are tied to a  
25 specific criminal street gang. The law enforcement officer shall document the specific  
26 items and how they are tied to the specific criminal street gang.

27 (9) The person has tattoos, marks, scars, or branding indicating criminal street gang  
28 membership. The law enforcement officer shall document a description of the tattoos,  
29 marks, scars, or branding and the location of each on the person's body.

1 (b) The existence of criteria may be determined as a result of information learned or observed  
2 by law enforcement on separate occasions.

3 (c) Any entries of information into the CalGang database subsequent to the suspected gang  
4 member's or suspected gang associate's designation require only one criterion to be present. If  
5 the initial entry has purged, a person shall only be entered into the database if at least two  
6 separate criterion in subdivision (a) are met.

7 (d) For the purpose of entering a person into the CalGang database, a user shall not designate  
8 the person as a suspected gang member or a suspected gang associate of a criminal street gang if  
9 that criminal street gang does not exist within the database.

10 (e) A tattoo, mark, scar, or branding located in the same place on a person's body and was used  
11 previously to satisfy the criterion set forth in paragraph (9) of subdivision (a) shall not be used as  
12 a criterion again unless the tattoo tied to that criterion has been purged from the CalGang  
13 database.

14 (f) If a person has multiple tattoos, marks, scars, or brandings that are the same or similar, and  
15 each one of those tattoos, marks, scars, or brandings is on a different location on the person's  
16 body, each tattoo, mark, scar, or branding may be used to satisfy the criterion set forth in  
17 paragraph (9) of subdivision (a) multiple times during one occasion. However, each one of those  
18 tattoos, marks, scars, or brandings shall only be documented to meet that criterion once each, and  
19 cannot be re-entered into the database as a criterion on subsequent occasions, unless the tattoo,  
20 mark, scar, or branding tied to that criterion has been purged from the CalGang database

21

22 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

23

24 **§ 756.5. Criteria for a Person to be Designated as a Suspected Gang Associate.**

25 (a) A suspected gang associate shall not be entered into the CalGang database unless that  
26 person is tied to a suspected gang member.

27 (b) A person shall be classified as a suspected gang associate if, in addition to meeting the  
28 requirement in subdivision (a), the person meets the requirements set out in subdivision (a) of  
29 section 756 of this chapter.

1  
2 **§ 757. Criteria for an Organization to be Designated as a “Criminal Street Gang.”**

3 (a) An organization shall only be designated as a criminal street gang and entered into the  
4 database if it meets the definition provided in subdivision (a) of Penal Code section 186.34.

5 (b) Upon conducting an audit of the CalGang database, if a Node Administrator discovers that  
6 an organization designated as a criminal street gang contains less than three members, the Node  
7 Administrator shall purge the organization and its associated records from the database.

8  
9 **Article 6. Supervisory Review and Deleting Unsupported Records.**

10 **§ 757.5. Supervisory Review Process.**

11 Prior to any entry into the CalGang database, all criminal street gang intelligence data shall be  
12 reviewed by the appropriate supervisory classification pertinent to the organizational structure of  
13 the Node Agency or User Agency. The review shall determine that the criminal street gang  
14 intelligence data was not obtained in violation of any applicable Federal, State or local law,  
15 policy or ordinance.

16  
17 **§ 758. A Node or User Agency’s Discretion to Delete Unsupported Records.**

18 (a) At its discretion, a Node or User Agency that entered a specific record and/or criteria may  
19 manually delete a person’s entire record and/or criteria if:

20 (1) During self-auditing the Node or User Agency finds that the supporting documents  
21 are missing or incomplete.

22 (2) The Node or User Agency finds that the record is not in compliance with Article 10  
23 of this chapter.

24 (3) The Node or User Agency can show other good cause for its removal.

25 (b) If the record to be deleted has additional contacts and reports from other Node or User  
26 Agencies, the deleting Node or User Agency shall send a written authorization to the Node or  
27 User Agency that originally designated the subject in the system. The written authorization shall  
28 convey the deleting Node or User Agency’s intent to delete the person’s record.

1 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

2  
3 **Article 7. Notification of Inclusion in the CalGang Database.**

4 **§ 758.5. Notifying a Person of Inclusion in the CalGang Database.**

5 (a) Pursuant to subdivision (c) of Penal Code section 186.34, a person shall be notified of  
6 inclusion in the CalGang database prior to being entered into the database pursuant to  
7 subdivision (c) of Penal Code section 186.34.

8 (b) Any notice may, at the discretion of the Node or User Agency delivering the notice, be  
9 delivered in person at the time of contact, or to the mailing address provided by the person at the  
10 time of contact. In addition to the requirements set forth under subdivision (c) of Penal Code  
11 section 186.34, a written notice required thereunder shall clearly indicate:

12 (1) Whether the person is designated as a suspected gang member or suspected gang  
13 associate.

14 (2) The basis for the designation.

15 (3) A description of the process to contest designation, including the name of the Node or  
16 User Agency to contact.

17 (4) Node or User Agencies that issue the notice may include the following additional  
18 information within the notice:

19 (A) The name of the criminal street gang that the person is connected to in the  
20 database.

21 (B) A link to the CalGang page on the Attorney General's website that shall provide  
22 an explanation of how the information entered into the CalGang database will be used  
23 and the length of time that the person's information shall remain within the CalGang  
24 database.

25 (c) A Node or User Agency shall maintain a record of the delivery of each notice. Each record  
26 shall contain:

27 (1) The name of the recipient of the notice.

28 (2) The date the notice was sent to the recipient.

1       (3) If the notice was undeliverable, the Node or User Agency shall document the date it  
2       received the “returned to sender” notification and retain a copy of the notification in its  
3       files.

4       (d) The notice requirement shall be satisfied upon the first attempt if the notice is not returned  
5       to sender as undeliverable. If the notice is returned as undeliverable after the first attempt, the  
6       notice requirement will only be satisfied if:

7           (1) The Node or User Agency has no alternative method to contact that person; and

8           (2) The Node or User Agency complied with the documenting requirements set out in  
9           subdivisions (c) and (e) of this section.

10       (e) The notice requirement will not be satisfied on the first attempt if the notice fails to be  
11       delivered and the Node or User Agency possesses more than one method of contacting the  
12       person. In such a situation, the Node or User Agency shall make a second attempt to deliver the  
13       notice to the recipient and it shall use a different method of contact than the one that was used for  
14       the first attempt. The Node or User Agency shall document both attempts as set out in  
15       subdivision (d) of this section.

16       (f) A Node or User Agency shall not send notification letters to places of employment, schools,  
17       or places of higher education.

18  
19       Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, and 186.36,  
20       Penal Code.

21  
22       **§ 759. Notifying a Transient Individual of Inclusion in the CalGang Database.**

23       In the event that an individual is transient or has no physical address, the notice shall be provided  
24       at the time of contact. The notice shall be in writing and shall be documented as a part of the  
25       contact.

26  
27       Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, and 186.36,  
28       Penal Code.

1 **§759.5. Retention Period for Notifications of Inclusion.**

2 A Node or User Agency shall maintain copies of all notification letters that were issued pursuant  
3 to subdivision (c) of Penal Code section 186.34, and any other related documents, for the length  
4 of time that an person's record is housed in the CalGang database. Other related documents  
5 include, but are not limited to, records that indicate when the notice was sent to the person and if  
6 the notice was returned to the sender.

7  
8 Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, and 186.36,  
9 Penal Code.

10  
11 **Article 8. Information Requests and Responses Pertaining to the CalGang Database.**

12 **§ 760. Information Requests and Verifying the Identity of the Requesting Party.**

13 (a) The Department authorizes each Agency to develop a verification of identity form that the  
14 Agency may use to determine whether the information request is made by an authorized person.

15 (b) If an Agency chooses to develop a verification of identity form, the form may seek  
16 information verifying the requesting person's name, address, date of birth, driver license number,  
17 state identification number, or state bar number. The Agency shall not have the authority to  
18 request a copy of a birth certificate or a proof of citizenship document to satisfy its written  
19 verification of identity requirement.

20  
21 **§ 760.5. Agency's Response to an Information Request.**

22 (a) An Agency shall respond to an information request in writing. An Agency's response to an  
23 information request pursuant to subdivision (d) of Penal Code section 186.34 shall include:

24 (1) Verification that the request was received and the date of its receipt.

25 (2) Whether the person is designated as a suspected gang member or a suspected gang  
26 associate.

27 (3) The basis for the designation.

28 (4) A reference to Penal Code section 186.35 as regarding the person's right to petition  
29 the court to review the designation.



1 (5) A description of the process to contest designation, including the name of the Agency  
2 to contact.

3 (6) Agencies issuing the notice may include the following additional information within  
4 the notice:

5 (A) The name of the criminal street gang that the person is connected to in the  
6 database.

7 (B) A link to the CalGang page on the Attorney General's website that shall provide  
8 an explanation of how the information entered into the CalGang database will be used  
9 and the length of time that the person's information shall remain within the CalGang  
10 database.

11 (b) If an Agency receives an information request concerning a person who has a record in the  
12 CalGang database, the responding Agency shall contact the Node or User Agency that created  
13 the entry to ensure that the requested information's release does not compromise an active  
14 criminal investigation or the health or safety of a minor.

15 (c) If responding to an information request would compromise an active criminal investigation  
16 or the health and safety of the person, if the person is under 18 years of age, the Agency that  
17 received the request shall not provide a response.

18 (1) If an Agency decides to provide no notice, it shall document why the notice was not  
19 sent and maintain this documentation until the entry pertaining to that person is purged out  
20 of the CalGang database.

21  
22 Note: Authority cited: Section 186.36 of the Penal Code. Reference: Sections 186.34, and  
23 186.36, Penal Code.

24  
25 **§ 761. Reporting Request Information to the Department.**

26 (a) Any time a Node or User Agency receives an information request, a request for removal, or  
27 it responds to such requests, it shall report each request and its corresponding response to the  
28 Department in writing.

1 (b) If a Node or User Agency removes a record from the CalGang database in response to a  
2 request for removal, it shall notify the Department in writing of the removal.

3  
4 **Article 9. Retention of Records, Purging, and Source Documents.**

5 **§ 761.5. Retention Period for Records in the CalGang Database.**

6 (a) A record shall be retained in the CalGang database for up to five years, and upon  
7 termination of the retention period, the record shall be purged from the database.

8 (b) If additional criteria is added to a record in the CalGang database, the five-year retention  
9 period will be reset to begin on the date of entry of such additional criterion.

10  
11 **§ 762. Retention Period for Information Requests and Responses.**

12 An Agency shall maintain copies of all information requests and responses for the length of time  
13 that a person's record is housed in the CalGang database.

14  
15 Note: Authority cited: Section 186.36 of the Penal Code. Reference: Sections 186.34, and  
16 186.36, Penal Code.

17  
18 **§ 762.5. Source Documents.**

19 (a) A Node or User Agency that enters information into the CalGang database shall maintain  
20 the source documents supporting the entry. The source documents shall be retained for the same  
21 period as the CalGang record they support.

22 (b) Photographs are permitted to be used with source documents only if they are legally  
23 obtained.

24 (c) At any time source documents are found to be missing or incomplete to adequately support  
25 a criterion, the Node or User Agency shall remove the unsupported criterion.

26 (1) Removal shall be conducted within 30 calendar days from the date the Node or User  
27 Agency discovered that the source documents were lacking or inappropriate.

28 (2) If a record in the database contains both adequate and inadequate source documents,  
29 the record shall remain in the database, on the basis of the adequate source documents if

1 there is enough information present to satisfy the two criteria requirement pursuant to  
2 section 756 of these regulations.

3 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.  
4

5 **Article 10. Audits.**

6 **§ 763. Audits.**

7 (a) At least a minimum of three times a year, Node Administrators shall conduct peer audits on  
8 a statistically valid sample of randomly selected records from within their Node that provide a  
9 95% confidence level and a 4% error rate. Peer audit assignments shall be randomly assigned by  
10 the Department and shall be completed within 60 calendar days from the date they are assigned.  
11 Upon completion of the Peer Audit assignments, Node Administrators shall report the results of  
12 the audit to the Department. Any records and/or criteria found to be out of compliance with  
13 Articles 5 and 9 from this chapter shall be purged within 30 calendar days following the  
14 completion of the audit.

15 (b) Audits of CalGang shall ensure that:

16 (1) Each record has a minimum of two criteria that are adequately supported by source  
17 documents.

18 (2) Organizations designated as criminal street gangs shall have no less than three  
19 members in the CalGang database.

20 (3) If upon auditing, a Node Administrator discovers that a criminal street gang has less  
21 than three members in its node, the Node Administrator shall verify that the criminal street  
22 gang has three or more documented members across the CalGang database and is supported  
23 by adequate source documents.

24 (4) The purge date is in compliance with the time period provided in Article 9 of this  
25 chapter.

26 (c) The Department shall report the results of all audits annually on the Attorney General's  
27 website.

28  
29 **§ 763.5. The Department's Authority to Audit Node and User Agencies.**

1 (a) The Department reserves the ability to audit the records of each Node or User Agency.

2 (b) Node or User Agencies that audit their own records shall report their results to the  
3 Department in writing every time they conduct their own audit.

4  
5 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.34 and 186.36, Penal  
6 Code.

7  
8 **Article 11. Information Sharing, Reporting Data to the Department, and Press Policy.**

9 **§ 764. Information Sharing.**

10 (a) Release of criminal intelligence information is on a right to know and need to know basis  
11 only. Nothing in this subdivision limits section 760.5 or Penal Code sections 186.34 and 186.35.

12 (b) Records shall not be attached to, or referenced, in any report, with the exception of  
13 statistical reports pursuant to subdivision (e). When a reference is necessary, such documents  
14 shall only reflect that the information was obtained from a law enforcement source.

15 (c) Records contained in a database shall not be disclosed for purposes of enforcing federal  
16 immigration law, unless required by state or federal statute or regulation, or for the denial of  
17 employment, military, housing, and public benefit purposes.

18 (d) Users are not prohibited or restricted from sending to, or receiving from, federal  
19 immigration authorities, information regarding the citizenship or immigration status, lawful or  
20 unlawful, of a person or from requesting from federal immigration authorities information  
21 regarding a person's immigration status, maintaining such information, or exchanging such  
22 information with any other federal, state, or local government entity, pursuant to Sections 1373  
23 and 1644 of Title 8 of the United States Code.

24 (e) All requests for statistics shall be submitted in writing to the Node Administrator and may  
25 be released with the approval of the Department. A copy of the request and released statistics  
26 shall be forwarded to the Node Administrator and the Department.

27  
28 **§ 764.5. Sharing Information through Printing and Other Mediums.**

- 1 (a) Printing privileges may be granted at the discretion of each Node Administrator. Users  
2 shall demonstrate a compelling need to print database information before print privileges are  
3 extended.
- 4 (b) Node Administrators shall report all users with printing privileges to the Department in  
5 writing at or before each CGNAC meeting.
- 6 (c) Each Agency shall ensure that any printed copies of intelligence and investigation  
7 information are afforded security to prevent unauthorized access to or use of the data.
- 8 (d) Disseminated documents no longer needed shall be destroyed.
- 9 (e) A user is prohibited from using any other tool including, but not limited to, taking  
10 photographs, screenshots, or using computer or cellular phone applications, that would enable a  
11 user to copy database information.
- 12 (f) If this section is violated, the Department shall have the power to take the following actions:
- 13 (1) Issue a letter of censure.
- 14 (2) Temporarily suspend access to the CalGang database.
- 15 (3) Remove access to the CalGang database.

16

17 **§ 765. Reporting Data to the Department.**

- 18 (a) Each year before November 15, User Agencies shall provide the following data to the  
19 Department:
- 20 (1) Number of times an Agency did not provide notification pursuant to Article 7 of this  
21 chapter in the immediately preceding 12 months because doing so would have  
22 compromised an active criminal investigation.
- 23 (2) Number of times an Agency did not provide notification pursuant to Article 7 of this  
24 chapter in the immediately preceding 12 months because doing so would have  
25 compromised the health or safety of a designated minor.

26

27 **§ 765.5. Press Policy.**

- 28 (a) Although each local Agency is governed by particular policies pertaining to contacts with  
29 the media, each User Agency shall notify its respective Node Administrator of any press contacts

1 or inquiries that have the potential for significant impacts upon the system. The Node Agency  
2 shall in turn notify the Department.

3 (b) Release of information shall not be case specific intelligence information. Any reference to  
4 the CalGang database is strictly prohibited.

5 (c) Violations of this policy shall be reported to the Department and the Chief Executive  
6 Officer of the Agency.

7

8 **Article 12. Equipment and System Misuse.**

9 **§ 766. System Equipment.**

10 Upon request, the Department shall provide a list of recommended equipment, which is  
11 compatible with the current needs and future expansion, to authorized Node Agencies. This  
12 listing shall be developed in coordination with the appropriate vendors.

13

14 **§ 766.5. Equipment Security and Missing Equipment Notification.**

15 (a) Measures shall be taken to place terminals and equipment that transmit or receive database  
16 information in an area with physical security. This will provide protection from theft, damage,  
17 vandalism, or sabotage, and preclude access to confidential information by unauthorized  
18 personnel. This includes protection from the unauthorized viewing of any information that is  
19 displayed on the actual terminals/devices or manually stored/printed data at all times.

20 (b) User agencies shall notify the Node Administrator in writing, within one business day, of  
21 any missing equipment that could potentially compromise the confidentiality of the CalGang  
22 database.

23 (c) The Node Administrator shall notify the Department within one business day after  
24 discovery of any missing equipment that could potentially compromise the confidentiality of the  
25 CalGang database.

26

27 Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

28

29 **§ 767. System Misuse.**

1 (a) The Department is responsible for overseeing system discipline and conformity with  
2 policies and procedures. Any violations shall be investigated by the Agency head or his or her  
3 designee and reported to the Department.

4 (b) The Node Administrator shall revoke access to the CalGang database for any user who  
5 improperly shares information from the CalGang database for the denial of employment,  
6 military, housing, or public benefits purposes.

7 (c) The Node Administrator shall temporarily suspend or revoke access to the CalGang  
8 database for any user who shares information from the CalGang database for federal immigration  
9 purposes, unless such sharing is required by state or federal statute or regulation.

10 (d) Node Administrators are prohibited from creating administrative accounts without express  
11 written authorization from the Department.

12 (e) If any of the sections in this subdivision are violated, or if any other form of system misuse  
13 occurs that violates state or federal law, including these regulations, the Department shall have  
14 the authority to take the following actions:

15 (1) Issue a letter of censure.

16 (2) Temporarily suspend access to the CalGang database.

17 (3) Remove access to the CalGang database.

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