



Cal PC §§ 186.34-186.35  
Notice, Inquiry, and Removal

# UPI's Clients



**URBAN**  
PEACE  
**INSTITUTE**

# Clients' Perspective on Stops



OP. LIC. NO.	STATE	NAME (Last name first)	SUFFIX (JR., ETC.)										
RESIDENCE ADDRESS		CITY	STATE										
HEIGHT	WEIGHT	BIRTHDATE	CLOTHING										
PERSONAL ODDITIES			PHONE NO.										
BUSINESS ADDRESS/SCHOOL/UNION AFFIL.			SOC. SEC. NO.										
MONIKER/ALIAS		GANG/CLUB											
<b>SUBJ. INFO.</b> <table border="0"> <tr> <td>1 LOITERER</td> <td>3 SOLICITOR</td> <td>5 GANG ACTIVITY</td> <td>7 ON PAROLE</td> <td><input type="checkbox"/> DRIVER</td> </tr> <tr> <td>2 PROWLER</td> <td>4 HITCHHIKER</td> <td>6 HAS RECORD</td> <td>8 ON PROBATION</td> <td><input type="checkbox"/> PASSENGER</td> </tr> </table>				1 LOITERER	3 SOLICITOR	5 GANG ACTIVITY	7 ON PAROLE	<input type="checkbox"/> DRIVER	2 PROWLER	4 HITCHHIKER	6 HAS RECORD	8 ON PROBATION	<input type="checkbox"/> PASSENGER
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2 PROWLER	4 HITCHHIKER	6 HAS RECORD	8 ON PROBATION	<input type="checkbox"/> PASSENGER									
YEAR	MAKE	MODEL	TYPE	COLOR	VEH. LIC. NO.	TYPE	STATE						
INSIDE COLOR		INT	1 BUCKET SEATS	EXT	1 CUST. WHEELS	3 LEVEL ALTER	5 CUST. PAINT						
			2 DAMAGED INSIDE		2 PAINTED INSC.	4 RUST/PRIMER	6 VINYL TOP						
BODY		1 DAMAGE	3 STICKER	4 LEFT	6 FRONT	4 LEFT	6 FRONT						
		2 MODIFIED	5 RIGHT	7 REAR	WINDOWS	1 DAMAGE	2 CUST.						
						2 CUST.	7 REAR						

# Clients' Perspective on Stops

**SCARS, MARKS, OR TATTOOS**  
NONE SEEN

**186.22 PC S.T.E.P. ACT.**

**NARRATIVE /STATEMENTS/FACTS**

- [REDACTED] WAS SEEN AT KRAEMER PARK, A KNOWN [REDACTED] HANGOUT, W/ HIS GF [REDACTED] AND ANOTHER MALE.

- WHEN THE GROUP SAW MY VEH. A MALE STARTED TO WALK THROUGH THE PARK

- I RECOGNIZED THE MALE TO BE [REDACTED] (A DOCUMENTED PLAS GANG MEMBER)

- [REDACTED] DENIED BEING W/ ANOTHER MALE AND STATED HE DOESN'T HANGOUT W/ [REDACTED]

**PLACENTIA POLICE GANG FIELD INTERVIEW**

MEMBER  ASSOCIATE

RD: 18 LOCATION: KHAMAN/MURRAY

DATE OF CONTACT: 12-02-16 TIME OF CONTACT: 2021

NAME (LAST, FIRST, MIDDLE): [REDACTED]

ADDRESS: [REDACTED]

CITY: BELLFLOWER STATE: CA ZIP: [REDACTED]

PHONE NUMBER: [REDACTED]

**PHOTO TAKEN**  YES  NO

REASON FOR CONTACT:  PEDESTRIAN  CALL FOR SERVICE  TRAFFIC

TYPE OF CONTACT:  ARREST  DETENTION  CONSENSUAL  NON-CONTACT

DOCUMENTATION: CITATION # [REDACTED] DR # [REDACTED]

CODE SECTION: VC 24836.1 HS [REDACTED] PC [REDACTED] PMC [REDACTED]

**GANG IDENTIFICATION CRITERIA**

Self Admission of Gang Membership  
 Tattoos Depicting Gang Affiliations  
 Style of Dress Consistent with Gang Membership  
 Possession of Gang Graffiti on Personal Property or Clothing  
 Reliable Informant Identifies Person as a Gang Member  
 Associates with Known Gang Members  
 Prior Arrests with Known Gang Members: Crime Consistent with Usual Gang Activity  
 Statements from Family Members Indicating Gang Membership  
 Other Law Enforcement Agencies Identifying the Subject as a Gang Member  
 Attendance at Gang Functions or Known Gang Hang Outs  
 Identified by Other Gang Members or Rival Gang Members

NOTE: The factors listed are guidelines only and one factor or a combination of factors may be used in assisting with gang identification.

**ASSOCIATES NAME**

NAME	D.O.B.
[REDACTED]	02-06-98
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

PROBATION  AGENT/OFFICER [REDACTED]

PAROLE

CDC/PROBATION # [REDACTED] TELEPHONE # [REDACTED]

COMMITMENT OFFENSE [REDACTED] DATE OF COMMITMENT [REDACTED]

SPECIAL TERMS [REDACTED] SEARCH/SEIZURE GANG TERMS

PC 186.22 ADVISEMENT DATE/TIME YES  NO

X-REF # [REDACTED]

NARRATIVE: SEE BACK

ASSISTING OFFICER [REDACTED] I.D. [REDACTED]

**PLACENTIA POLICE GANG ADVISEMENT - 186.22 PC**

Notice of Determination that <sup>x</sup> Gang is a criminal street gang within the meaning of Penal Code 186.22

You are hereby notified that the above mentioned is a criminal street gang engaging in a pattern of criminal street gang activity within the meaning of Penal Code 186.22. The gang has demonstrated this pattern of participating in the commission, attempted commission or solicitation of two or more crimes involving offenses of

- Assault with a deadly weapon of force likely to produce great bodily injury
- Robbery
- Homicide or manslaughter
- Sale, possession for sale, transportation, manufacturing, offer to sell or manufacture controlled substance
- Shooting into an inhabited dwelling or occupied motor vehicle
- Shooting or allowing shooter from motor vehicles
- Arson
- Witness or victim intimidation
- Grand theft in excess of \$ 10,000
- Grand theft of any motor vehicle, trailer or vessel
- Burglary
- Rape
- Looting
- Money Laundering
- Kidnapping
- Mayhem
- Aggravated Mayhem
- Torture
- Felony extortion
- Felony vandalism
- Carjacking
- Stolen, delivery or transfer of a firearm
- Possession of concealed firearm
- Terrorist threats
- Unlawful taking or driving of a vehicle
- Felony theft of access card
- Counterfeiting of access card
- Felony fraudulent use of access card
- Identify theft
- Wrongfully obtain DMV documents
- Prohibited possession of a firearm
- Carry canceled firearm
- Carry loaded Firearm

This section of the Penal Code will be applied against those that commit two or more of the above-mentioned offense provided that the first two offenses are within 3 years of each other and one occurred after September 24, 1988.

You are, for this reason, further notified that active participation in a criminal street gang could subject you to imprisonment in the state prison pursuant to the street terrorism enforcement act of 1988.

Photo: YIN CUSTODY INV CONSENT MIRANDA THUMBPRINT

PHOTO TAKEN BY [REDACTED]

<sup>x</sup> I HEREBY ACKNOWLEDGE THAT I HAVE BEEN ADVISED OF P.C. 186.20-186.27 AND HAVE HAD IT EXPLAINED TO ME.



## Clients' Perspective on Stops

- Client denies ever being initiated as a gang member but admits to hanging out with gang members for nearly a year when he was a teenager.
- Several years later, after moving away, he took his girlfriend to visit family who still lived in his old neighborhood
- While there, they went to the park near his family's home
- When leaving the park, his girlfriend was pulled over with Client in the car for allegedly failing to stop at a red light.
- Police questioned him about gang membership, which he denied.
- They were released without citation.
- Were it not for this and a similar stop by the same officer, Client would have purged out of the database.



Clients' Perspective on Stops



**NARRATIVE /STATEMENTS/FACTS**

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- I RECOGNIZED THE MALE TO BE [REDACTED] [REDACTED] (A DOCUMENTED [REDACTED] GANG MEMBER)

- [REDACTED] DENIED BEING W/ ANOTHER MALE AND STATED HE ~~DOES~~ DOESN'T HANGOUT W/ [REDACTED]

**CLOTHING**

HAT \_\_\_\_\_

SHIRT GRAY PLAZO FLANIS

PANTS/SHORTS BLU

FOOTWEAR \_\_\_\_\_

JACKET \_\_\_\_\_

BELT \_\_\_\_\_

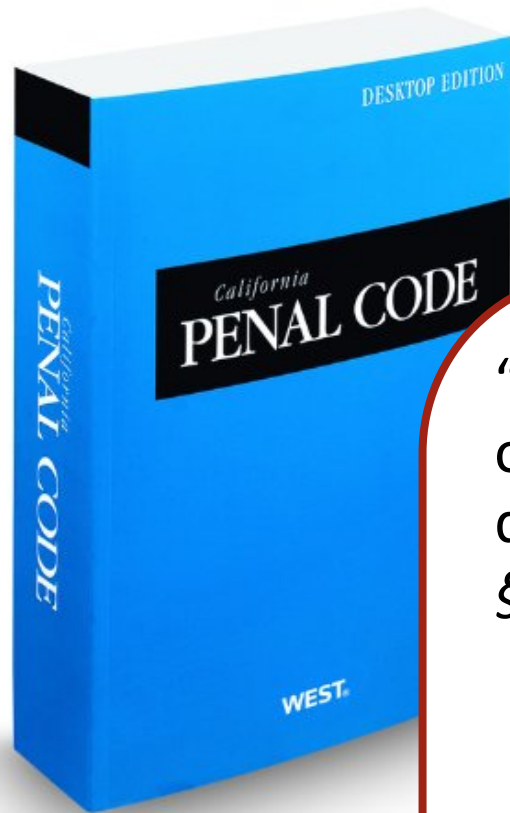
**GANG IDENTIFICATION CRITERIA**

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NOTE: The factors listed are guidelines only and one factor or a combination of factors may be used in assisting with gang identification.

- No client remembers ever being asked, “are you a currently active gang member?”
- Questions where officers allege admission are more typically:
  - Who do you kick it with?
  - Where are you from?
  - Do you hang out with these guys?

# Notice



“The notice shall... inform the person of the reason for his or her designation in the database.” *Cal. PC § 186.34(c)(2)*

“The evidentiary record for the court ... shall be limited to the agency’s statement of the basis of its designation made pursuant to [Cal. PC § 186.34(c)] ...” *Cal. PC § 186.35(c)*



# Notice



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## LOS ANGELES POLICE DEPARTMENT



MICHEL R. MOORE  
Chief of Police

ERIC GARCETTI  
Mayor

P.O. Box 30158  
Los Angeles, CA 90020  
Telephone: (213) 224-4110  
TDD: (877) 275-5273  
Ref #: 422  
(ref no. enters typing corresp.)

### Written Notification of Inclusion Letter

Date: 08-31-2018

On 8/25/18, [REDACTED] was involved in a field contact with officers from the Los Angeles Police Department (Department). As a result, information relative to his or her participation in or association with, an active street gang was discovered. The contact met the minimum criteria required by State of California guidelines to designate him or her as a gang member or associate. Therefore, his or her name and gang association will be entered into the Department's computerized shared gang database.

The following criteria were used to make the determination:

- Subject has admitted to being a gang member.
- Subject has been arrested for offenses consistent with gang activity.
- Subject has been identified as a gang member by a reliable informant/source.
- Subject has been seen associating with documented gang members.
- Subject has been seen displaying gang symbols and/or hand signs.
- Subject has been seen frequenting gang areas.
- Subject has been seen wearing gang dress.
- Subject is known to have gang tattoos.

You have the right to contest, in writing, this designation and the inclusion [REDACTED] into the database. If you wish to contest the designation, you must complete a Request for Removal from the Shared Gang Database, Form No. 12.16.12, at your local police station. The Department will review your request and any written documentation you submit. The Department will notify you regarding the inclusion or removal of [REDACTED] from the computerized shared gang database within 30 calendar days of the receipt of your request.

Should you have any questions regarding this correspondence, please call Officer Detective [REDACTED], Serial No. 57230, 40163820 Area, at phone number (323) 340-4110.

Respectfully,

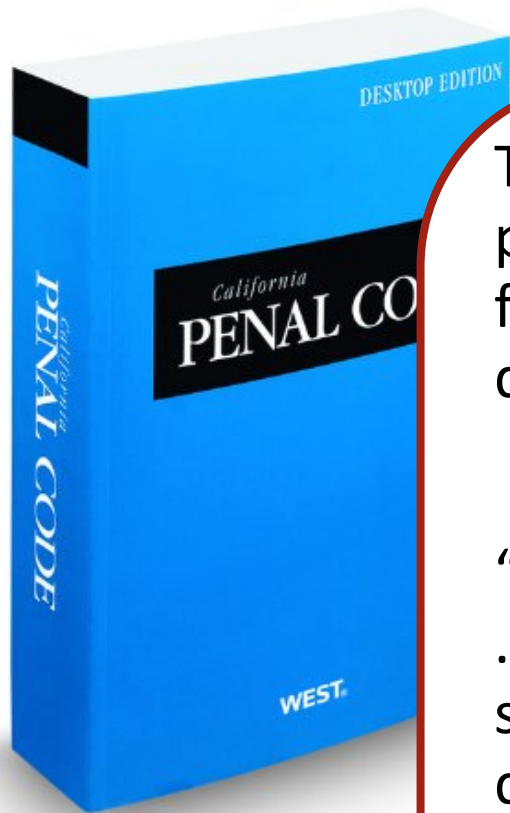
MICHEL R. MOORE  
Chief of Police

[Signature], Captain  
Commanding Officer  
[Signature] Area

12.16.25 (08/18)

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER  
[www.LAPDonline.org](http://www.LAPDonline.org)  
[www.JoinLAPD.com](http://www.JoinLAPD.com)

# Inquiry



The law enforcement agency shall provide the basis for the designation for the purpose of contesting the designation. *Cal. PC § 186.34 (d)*.

“The evidentiary record for the court ... shall be limited to the agency’s statement of the basis of its designation made pursuant to [Cal. PC § 186.34(d)]...” *Cal. PC § 186.35(c)*

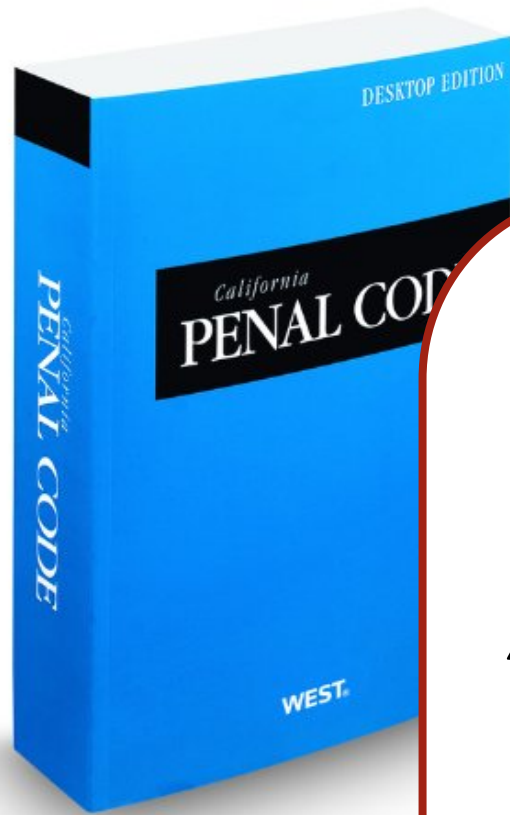
“The law enforcement agency shall respond... within 30 calendar days...” *Cal. PC § 186.34(d)*.

# Administrative Contest Issues

## Contests

- Self-represented issues
  - Run around
  - Told to meet with gang officer in person
  - Given inadequate form
- Issues for self-represented people and attorneys
  - Untimely replies
  - Mismatched standards
  - New evidence
  - No recordings
  - Inadequate removal letters

# Burden and Standard



## Burden and Standard


**Agency Contest:** “...suspected gang member, associate, or affiliate...”  
*Cal. PC § 186.34 (d).*

**Court Contest:** “...active gang membership, associate status, or affiliate status by clear and convincing evidence...” *Cal. PC § 186.35(d)*

# Burden and Standard

**LOS ANGELES POLICE DEPARTMENT**

**MICHEL R. MOORE**  
Chief of Police



**ERIC GARCETTI**  
Mayor

P.O. Box 30158  
Los Angeles, CA 90030  
Telephone: 323-342-4110  
TDD: (877) 275-5273  
Ref #: \*\*  
(ref. no. entity typing corresp.)

**Response to Request for Removal from the  
Shared Gang Database Letter**

Dear \_\_\_\_\_, Date: 11/06/2018

On or about 10/25/2018, the Los Angeles Police Department (Department) received a request from you contesting the inclusion of \_\_\_\_\_ in the Department's computerized shared gang database. After careful review of your request, it was determined that:

- The inclusion was compliant with existing State of California guidelines. Attached is a spreadsheet indicating the criteria reviewed in making this determination. The source documents containing these criteria that were reviewed because of this contestation will be provided to the Superior Court of California at the Court's request.

The inclusion did not meet the criteria; therefore, all of his or her information will be removed from the database.


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MICHE  
Chief of Police

  
Alfred Hollenbeck, Captain  
Commanding Officer  
Hollenbeck Area

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[www.LAPDonline.org](http://www.LAPDonline.org)  
[www.JoinLAPD.com](http://www.JoinLAPD.com)

12.16.14 (08/18)

1

The inclusion was compliant with existing State of California guidelines. Attached is a spreadsheet indicating the criteria reviewed in making this determination. The source documents containing these criteria that were reviewed because of this contestation will be provided to the Superior Court of California at the Court's request.



# Administrative Contest Issues

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# Court Contest Issues

- Four cases resolved
  - Long Beach case
  - San Diego cases
  - Fullerton case
- Three cases in litigation
  - Fullerton
  - Placentia
  - Los Angeles

# Conclusion

## Conclusion

- Clients report widespread abuse of discretion by documenting officers
- Self-represented individuals report that agencies are not prepared to meet obligations to accept administrative contest letters
- Nearly all law enforcement agencies withhold needed evidence, ignoring Cal PC § 186.35 (c)
- Use of lower standard in admin contests than court contests guarantees unequal access to removal