

Definition of a Gang:

Minnesota Statutes § 609.229 define a "criminal gang" as any ongoing organization, association, or group of three or more persons, whether formal or informal, that:

- 1) has, as one of its primary activities, the commission of one or more of the offenses listed in section 609.11, subdivision 9;
- 2) has a common name or common identifying sign or symbol; and
- 3) includes members who individually or collectively engage in or have engaged in a pattern of criminal activity.

Criminal Gang Identification Criteria:

The gang affiliation of an individual is assessed based on involvement in criminal activity and documentation of any of these nine indicators. A single fact may not be used to satisfy multiple criteria. A "gang member" is an individual who is 14 years of age or older and meets at least three of the nine criteria listed below. A "confirmed gang member" is a gang member who has been adjudicated or convicted of a crime of violence as defined in Minnesota Statutes § 624.712, subdivision 5.

#1 Admits Gang Membership

- Admission must be documented with date of admission and name of officer or investigator who heard the admission in a police report, corrections report, field contact memo, or recorded statement.
- A vague admission about membership, for example, "I hang with the ** (gang name) **," should be clarified, and the precise admission documented.

#2 Arrested with a Gang Member

- Individual is arrested with a gang member for an offense consistent with gang-related criminal activity.
- Arrests must be documented in a police report, corrections report or field contact memo and include the date, time, and location of the arrest.

#3 Displays a Gang Tattoo or Brand

- Tattoos and brands must be photographed or described in detail, using factual, non-subjective language. For example: "6 Pointed Star obtained 6 months ago" is a good description; "** (gang name) ** Star" is not.
- To be considered a "gang tattoo" or "gang brand," the gang-related nature of the tattoo or brand must be confirmed by an officer or investigator with adequate training and experience.

#4 Wears Clothing or Symbols Intended to Identify with a Gang

- Suspected gang symbols and clothing worn or possessed must be evaluated in the context of how they are worn or the location they are recovered.
- Clothing, jewelry or items with suspected gang symbols or gang-related monikers should be photographed and, if possible, property inventoried.
- When items cannot be photographed or inventoried, the gang-related items should be described in detail using factual, non-subjective language. For example: "Blue jersey with # 13 on back" is a good description; "S***s jersey" is not.
- Many symbols have multiple meanings and may not be a gang symbol to everyone. The gang-related nature of the clothing or symbols must be confirmed by an officer or investigator with adequate training and experience.

#5 Appears in a Photograph or Image with a Gang Member Engaging in Gang-Related Activity or Displaying Gang Signs or Symbols

- Photographs or images should depict evidence of gang-related criminal activity, such as a person holding a gun and wearing or displaying gang-related signs, symbols, clothing or graffiti.
- A single photograph or image with a gang member, absent any depiction of criminal gang-related activity or displaying gang-related signs, symbols, clothing or graffiti, may count only as one of three documented occasions of association in the previous 12-month period under criterion #8.

- Photographs or images recovered from or depicting gang members obtained by consent or during a lawful search should be inventoried or otherwise preserved and the chain of custody maintained.
- Images from social networking sites or other online sources should be downloaded and identified with the name of the person who posted it (if known), the date of posting (if known) and the URL of the site.
- The gang-related nature of the clothing or symbols must be confirmed by an officer or investigator with adequate training and experience.

#6 Name Appears On a Gang Roster

- Gang rosters on any media, including on clothing or in graffiti, should be photographed, properly preserved, and, if possible, property inventoried.
- There must be sufficient documented information matching the name with a specific individual before this can be counted as a criterion.
- Graffiti containing threats against an individual should be photographed or described in detail.
- A list of suspected gang members generated by a law enforcement agency is NOT a gang roster.

#7 Identified as a Gang Member by a Reliable Source

- Is identified as a gang member by a person with sufficient knowledge of gang activity to qualify him/her as a reliable source.
- Reliable sources must have a demonstrable basis for their knowledge; rumor and speculation are insufficient. Reliable sources may include persons of authority or those with a personal connection to the individual. Examples include:
 - Police Officers
 - Corrections Officers
 - Teachers
 - Family Members
 - Other Gang Members
 - Informants
- Reliable source information must be documented in a police report, corrections report or field contact memo. A reliable source may be called upon to testify about his/her knowledge of an individual's gang involvement.

#8 Is Regularly Observed or Communicates with a Gang Member in Furtherance or Support of Gang-Related Activity

- Family interactions are not considered to be gang related unless there is criminal activity involved.
- Interactions must be voluntary and related to gang activity. For example, a person associating with a gang member because both work at the same location, absent gang-related activity between the two, does not meet this criterion.
- Observations must be documented in a police report, corrections report or field contact memo and include the date, time, and location of the interactions.
- A minimum of three documented observations of gang-related interaction in the previous 12-month period is needed to meet the "regularly observed with" portion of this criterion.
- Correspondence or other communication between gang members, especially to and from prisoners, frequently contains references to other gang members and criminal and gang-related activity. They should be documented and, if possible, property inventoried.
- Messages and/or online conversations about criminal or gang-related activity on social networking sites should be downloaded or otherwise electronically preserved.

#9 Produces Gang-Specific Writing or Graffiti in Furtherance or Support of Gang-Related Activity

- Graffiti should be described in detail using factual, non-subjective language. Example: "132 SGC painted on wall" is a good description; "*** (gang name) ** graffiti painted on wall" is not.
- Graffiti and gang-specific writings found on walls, notebooks, social media or other items should be photographed or described in detail in a police report, corrections report or other documentation and, if possible, should be property inventoried.
- The gang-related nature of the writings or graffiti must be confirmed by an officer or investigator with adequate training and experience.