



*Minnesota Sheriffs' Association
Minnesota Chiefs of Police Association
1951 Wood Lane Drive
Woodbury, MN 55125*



651-457-0677

651-451-7216

September 22, 2011

The gang affiliation of an individual is assessed based on involvement in criminal activity and documentation of any of these nine indicators. A "confirmed gang member" is an individual who (a) is 14 years of age or older; (b) has been adjudicated or convicted of a gross misdemeanor or felony level offense; (c) meets at least three of the nine criteria listed below.

#1 Admits Gang Membership

- Admission must be documented with date of admission and name of officer who heard the admission in a police report or field contact memo.
- On-the-record admissions, either recorded or under oath, are the best.

#2 Associates With or is Arrested With Known Gang Member

- Associations or arrests must be documented in a police report or field contact memo and include the date, time, and location of the association or arrest.
- Associations must be voluntary and related to criminal activity. For example, a person who associates with a gang member because both work at the same location, absent criminal activity between the two, is not considered to be associating with gang members.
- Family associations are not considered to be gang related unless there is criminal activity involved in the association.
- *A minimum of three documented occasions of association in the previous 12 month period is needed to meet the "association" portion of this criteria.*

#3 Displays a Gang Tattoo

- Tattoos must be photographed or described in detail using factual, non-subjective language. For example: "6 Pointed Star" is a good description, "Gangster Disciple Star" is not. To be considered a "gang tattoo" the gang related nature of the tattoo must be confirmed by an officer with adequate training and experience in the recognition of "gang tattoos".

#4 Wears Clothing or Symbols to Identify With a Gang

- Clothing or jewelry or uses gang related moniker or items with suspected gang symbols should be photographed or property inventoried if permitted.
- When items cannot be photographed or inventoried, the gang symbols should be described in detail using factual, non-subjective language. For example: "Red jersey with # 13 on back" is a good description; "Surenos jersey" is not.
- Suspected gang symbols must be evaluated in the context of the wearer. Many symbols have multiple meanings and may not be a gang symbol to everyone.

#5 Appears in a Photo with known Gang Member or Displaying a Gang Sign

- Photos recovered from gang members with consent or during a lawful search should be inventoried or otherwise preserved and the chain of custody maintained.
- Photos 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.
- A single photo of a suspected gang member wearing gang colors or displaying hand signs or gang banners or flags in the background can count as ONE criteria...either #5 (photo) or #4 (gang symbols), not both.

#6 Name Appears On a Gang Roster or Graffiti

- Gang rosters including address books, party lists, funeral cards, and autographed signs at street side memorials should be photographed or property inventoried when permitted.
- Graffiti containing threats against a suspected gang member or graffiti signed by the tagger 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

- Reliable sources must have a basis for their knowledge and can include persons of authority or those with a personal connection to the suspected gang member. Examples include:
 - Police Officers
 - Probation Officers
 - Teachers
 - Family Members
 - Other Gang Members
 - Informants
- Remember that a reliable source may be called upon to testify about his/her knowledge of an individual's gang involvement.

#8 Corresponds With Known Gang Member

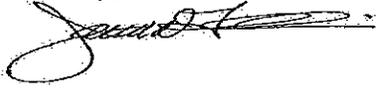
- Letters between gang members, especially letters to and from prisoners, frequently contain references to gang members and criminal activity. They should be inventoried and scanned when circumstances allow.
- Messages and/or online conversations about criminal activity or about gang involvement between gang members on social networking sites should be downloaded or electronically preserved.

#9 Writes About Gangs on Walls, Books, Etc. (Graffiti)

- Graffiti should be photographed or described in detail in police reports.
- Gang symbols found on notebooks or other items should be inventoried if circumstances permit. If they cannot be inventoried, they should be described in a police report or field contact memo.
- Graffiti should be described in detail using factual, non-subjective language. Example: "132 SGC painted on wall" is a good description; "Crip graffiti painted on wall" is not.

Thank you for your careful review and consideration of our collective proposal.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Franklin".

James Franklin, Executive Director
Minnesota Sheriffs' Association

A handwritten signature in cursive script, appearing to read "David Pecchia".

David Pecchia, Executive Director
Minnesota Chiefs of Police Association

Below are the gang identification criteria used by the MPD to document gang affiliation and involvement. Following each criteria are instructions for applying these criteria.

#1 Admits Gang Membership

- Admission must be documented with date of admission and name of officer who heard the admission.
- Police reports or field contact memos are acceptable ways of documenting admissions.
- Admissions "on the record"...either recorded or under oath...are the best.

#2 Associates With Known Gang Members on a Regular Basis

- Associations must be documented by date and location.
- Documentation should be in a police reports or field contact memo.
- Associations must be voluntary and related to criminal activity. For example, a person who associates with a gang member because both work at the same location, absent criminal activity between the two, is not considered to be associating with gang members.
- *A minimum of three documented occasions of association in the previous 12 month period is needed to meet this criteria. Officers can submit any association and SICM staff will collect them for documentation of this criteria.*
- Family associations are not used unless there is criminal activity involved in the association.

#3 Displays Gang Tattoos

- Photographs are helpful in documenting tattoos but good descriptions in a police report or field report memo are also good.
- Descriptions should be factual and without subjective statements. Example: "6 point star", not "Gangster Disciple Star".
- Tattoos are a great indicator of gang involvement.

#4 Wears Clothing or Symbols to Identify With a Gang

- Colors alone are not enough although color of clothing can be an indicator along with other factors.
- Even property inventoried items should be photographed or described in detail in police reports.
- Symbols or text should be described factually. For example, "Jersey with # 13 on back", not "Surenos jersey".
- Many symbols have dual meanings...it may not be a gang symbol to everyone!

#5 Is in a Photo With Known Gang Members or Displaying Gang Signs

- Photos can be recovered from gang members with consent or during a lawful search.
- Photos from social networking sites should be downloaded and identified with the name of the person who posted it (If known) and the URL of the site.
- A single photo of a suspected gang member wearing gang colors or displaying hand signs can count as ONE criteria...either #5 (photo) or #4 (gang symbols), not both.

#6 Name Appears On a Gang Roster or Graffiti

- Names can be found in address books, party lists, funeral cards, and formal rosters.
- Graffiti often is targeted at an individual or signed by the artist. Document the graffiti writer (if known) of the signature nickname.
- Known street names can be matched up to real names by intel analysts
- Names that appear on street side memorials when gang members are killed can also be useful.
- *A list of gang members generated by a law enforcement agency is NOT a gang list or roster.*

#7 Identified as a Gang Member By a Reliable Source

- Reliable sources must have a basis for their knowledge and can include persons of authority or those with a personal connection to the suspected gang member:
 - Police Officers
 - Probation Officers
 - Teachers
 - Family Members
 - Other Gang Members
 - Informants
- Remember that a reliable source may be called upon to testify about their knowledge of an individual's gang involvement.
- This is the weakest and most problematic of all criteria.

#8 Arrested in the Company of Known Gang Members

- Date and time of arrest must be documented (Police Report).
- Identify gang affiliations of those present.
- Members of rival gangs may be arrested together at scenes of confrontations or crime scenes. Officers should be wary of making assumptions about gang affiliation based solely on person being arrested together.

#9 Corresponds With Known Gang Members

- Letters between prisoners are often filled with gang references, and are frequently recovered during search warrants. They should be inventoried when circumstances allow.
- Messages on social networking sites should be downloaded or electronically preserved.

#10 Writes About Gangs on Walls, Books, Etc. (Graffiti)

- Graffiti should be photographed or described in detail in police reports.
- Gang symbols found on notebooks or other items should be inventoried if circumstances permit. If they cannot be inventoried they should be described in a police report of field contact memo.
- Descriptions should be factual and without subjective statements. Example: "6 point star", not "Gangster Disciple Star".



MINNESOTA SHERIFFS' ASSOCIATION

1951 Woodlane Dr., Suite 200, Woodbury, MN 55125

Phone: 651/451-7216 Fax: 651/451-8087

Email: info@mnsheriffs.org

www.mnsheriffs.org

September 22, 2011

Violent Crime Coordinating Council (VCCC) Hearing

Presentation Comments by James Franklin, Executive Director

- 1) Important to remember that the Pointer System was designed as a safety tool for LE to alert them to the fact that the individual they are dealing with has gang affiliations.
- 2) The Gang Criteria was developed for the purpose of recognition and affiliation for entry into the Pointer System and is not a "conviction" of any criminal activity. That is the purpose of the Courts, Judge and Jury.
- 3) National Experts have reviewed and testified on the current 10 point criteria and found it to be similar to many other states and also noted our criteria is some of the best in the country.
- 4) If there is any criticism of past 10 point criteria, it would be the lack of defined criteria or guidance to law enforcement (LE) officers.
- 5) We (LE) have worked together, starting with MPD, defined gang criteria and have refined the current 10 point criteria and now are proposing 9 criteria as opposed to the original 10.
- 6) Specifically referring to MPD, 10 point criteria (See handout - Item B) we have combined item #2 Associates with Known Gang Members and #8 Arrested in the Company of known Gang Members.
- 7) We feel these two items are closely related;
 - a. Secondly it may unfairly give a person "two strikes" for the same incident/event;
 - b. Third, if we have 9 criteria, it means a person must meet 3 of the 9 or 33% of the criteria to be recognized as a gang member for purposes of the Pointer Alert System.
- 8) Referring to the proposed 9 point criteria (See handout-Item A) you will see criteria has been developed to define what criteria must be obtained to be a confirmed gang member:
 - a. Is 14 years of age or older;
 - b. Has been adjudicated or convicted of a gross misdemeanor or felony level offense;
 - c. Meets at least three of the nine criteria listed below;
- 9) I would also draw your attention to criteria #3 Displays a Gang Tattoo. You will note that we have added that the tattoo must be confirmed by an officer with training and experience in the recognition of gang tattoos.
- 10) **Two Additional Recommendations for VCCC Consideration:**
 - a. Referring to Item A – Criteria #1, Admitted Gang Member – We believe if this single criteria is met, the person should be entered into the Pointer System. Waiting to acquire two additional criteria should not be necessary.
 - b. Potential flaw in the current/proposed system. If you look at hand out A, criteria #2 you will note that three documented occasions of association in the previous 12 months are recommended to meet this association criteria. We have no statewide database that will help our officers "count to 3" to determine if they have sufficient documentation to enter the person into the Pointer System.

Finally, we (MSA) LE are willing to help train officers on the better-defined new criteria. We would ask for your help and assistance in seeking funding to accomplish this task.