

Definition of a Gang:

Minnesota Statute 609.229 defines 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 "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 narcotics or crimes against persons offenses; (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, field contact memo, or recorded statement.

#2 Arrested with Confirmed Gang Member

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

#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, "Gangster Disciple 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 with adequate training and experience.

#4 Wears Clothing or Symbols to Identify with a Gang

- Suspected gang symbols and clothing must be evaluated in the context of the wearer and how they are worn. Many symbols have multiple meanings and may not be a gang symbol to everyone.
- Clothing, jewelry or items with suspected gang symbols or gang-related monikers should be photographed or inventoried, if permitted.
- 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; "Surenos jersey" is not.
- The gang-related nature of the clothing or symbols must be confirmed by an officer with adequate training and experience.

#5 Appears in a Photograph or Image with Confirmed 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 of a suspected gang member with a confirmed 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.
- A single photograph or image of a suspected gang member wearing or displaying gang-related signs, symbols, clothing or graffiti can count as ONE criteria...either #5 (photo) or #4 (gang symbols), not both.

- Photographs or images 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 with adequate training and experience.

#6 Name Appears On a Gang Roster

- Gang rosters including address books, party lists, notebooks or clothing lists and autographed signs at street side memorials should be photographed, properly preserved or inventoried when permitted.
- 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 a suspected or confirmed 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

- 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 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 Is Regularly Observed or Corresponds with Confirmed Gang Member

- Observations 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 criterion.
- Letters between gang members, especially letters to and from prisoners, frequently contain references to gang members and criminal activity. They should be documented and inventoried, if circumstances permit.
- 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 Produces Gang-Specific Writing or Produces Gang Graffiti on Walls, Books, etc.

- 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.
- Graffiti containing threats against a suspected or confirmed gang member or graffiti signed by the tagger should be photographed or described in detail
- The gang-related nature of the writings or graffiti must be confirmed by an officer with adequate training and experience.