

SPECIAL ORDER



Title
Validation of Individuals as Members of a Criminal Gang

| Series | Number |
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| 09 | 03 |

Effective Date
May 11, 2009

Related to:
General Order 304.10 (Police-Citizen Contacts, Stops and Frisks)
SO-06-16 (Implementation of the "Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006")

DISTRICT OF COLUMBIA

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I. BACKGROUND

The District of Columbia (District) is experiencing an increase in the number of gangs, gang members, and gang-associated crime. The gangs operating in the District include gangs with a national affiliation (e.g., MS-13, Bloods) and gangs that are neighborhood based (e.g., Red Zone, Fourth Street Crew). The identification of these gangs, and the validation of specific individuals as gang members, are pivotal to the efforts of the Metropolitan Police Department (MPD) to address violent crime. Following valid identification, the activities of the gangs can be monitored by law enforcement and the crimes committed by these individuals can be successfully prosecuted as gang-related crime with sentencing enhancements.

The Chief of Police has assigned the Homeland Security Bureau, Intelligence Fusion Division, Intelligence Branch the responsibilities of formally designating individuals as gang members, establishing and maintaining the MPD's electronic Gang Database, and serving as a liaison and resource to MPD units in gang identification and validation. As an initial step in carrying out these responsibilities, the Intelligence Branch has developed nine (9) standard *gang validation criteria* that will be used by the Branch to determine whether an individual will be entered into the MPD's gang member database. The use of standard validation criteria that are consistent with national standards will facilitate better intelligence gathering and inter-jurisdictional sharing of information.

The primary source of information for identifying gang members for inclusion in the Gang database will be patrol officers, investigators, detectives and other investigative and tactical personnel, who frequently encounter gang members and gang activity while delivering police service. The purpose of this Special Order is to: (1) Provide members with the current D.C. Official Code definition of a *criminal gang* and the associated criminal offenses, (2) Describe the criteria that will be used by the Intelligence Branch to validate an individual as a gang member, and (3) Describe the procedures for members to submit information to the Intelligence Unit for assisting in validating gang members.

II. RELATED DC OFFICIAL CODE PROVISIONS

- A. Criminal street gang means an association of six (6) or more persons that has a condition of membership or continued membership the committing of or actively participating in a crime of violence, or has as one of its purposes or frequent activities the violation of the criminal laws of the District or the United States except for acts of civil obedience [DC Official Code §22-1731(e) (1) (A) and §(B)].

NOTE: Crime of violence means aggravated assault; act of terrorism; arson; assault on a police officer (felony); assault with a dangerous weapon; assault with intent to kill; commit first and second degree sexual abuse or commit child sexual abuse; assault with intent to commit any other offense; burglary; carjacking; armed carjacking; child sexual abuse; cruelty to children in the first degree; extortion or blackmail accompanied by threats of violence; gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation; kidnapping; malicious disfigurement; manslaughter; manufacture or possession of a weapon of mass destruction; mayhem; murder; robbery; sexual abuse in the first, second, or r third degree; use, dissemination, or detonation of a weapon of mass destruction; or an attempt or conspiracy to commit any of the foregoing offenses [DC Official Code §22-1331(4)].

- B. It is unlawful for an adult, being four (4) or more years older than a minor, to invite, solicit, recruit, assist, support, cause, encourage, enable, induce, advise, incite, facilitate, permit, or allow the minor to join a criminal street gang.

NOTE: Adult means a person eighteen (18) years of age or older at the time of the offense and minor means a person under eighteen (18) years of age at the time of the offense [DC Official Code §22-1107(f) (1) and § (2)].

- C. It is unlawful for a person to solicit, invite, recruit, encourage, or otherwise cause, or attempt to cause, another individual to become a member of, remain in, or actively participate in what the person knows to be a criminal street gang [DC Official Code §22-1731(a) (1)].

- D. It is unlawful for any person who is a member of or actively participates in a criminal street gang to knowingly or willfully participate in any felony or violent misdemeanor committed for the benefit of, at the direction of, or in association with, any other member or participant of that criminal street gang [DC Official Code §22-1731(b) (1)].

NOTE: Violent misdemeanor means destruction of property, simple assault, stalking, threats to do bodily harm, criminal abuse or criminal neglect of a vulnerable adult, cruelty to animals, and possession of prohibited weapon [DC Official Code §22-1731(e) (2)].

- E. It is unlawful for a person to use or threaten to use force, coercion, or intimidation against any person or property, in order to [DC Official Code §22-1731(c) (1)]:

1. Cause or attempt to cause an individual to join a criminal street gang, participate in activities of a criminal street gang, remain as a member of a criminal street gang; or submit to a demand made by a criminal street gang to commit a felony in violation of the laws of the District of Columbia, the United States, or any other state; or
2. Retaliate against an individual for a refusal to (a) Join a criminal street gang, (b) Participate in activities of a criminal street gang; Remain as a member of a criminal street gang, or submit to a demand made by a criminal street gang to commit a felony in violation of the laws of the District of Columbia, the United States, or any other state.

III. GANG MEMBER VALIDATION CRITERIA

- A. An individual may be entered into the Intelligence Unit Gang Database as a gang member if there is documentation to support a reasonable suspicion to believe any one of the following:
 1. Individual credibly admits membership with a gang; or
 2. Documented reliable informant credibly identifies an individual as a gang member.
- B. An individual may be entered into the Intelligence Branch Gang Database as a gang member if there is documentation to support a reasonable suspicion to believe any two of the following:
 1. Individual is observed associating with documented gang members;
 2. Individual is observed displaying gang symbols and/or hand signs;
 3. Individual is observed with gang tattoos;
 4. Individual is observed attending gang meetings;
 5. Individual is identified as a gang member by an unproven informant;
 6. Individual is arrested in a gang area for an offense that is part of that gang's criminal enterprise; or
 7. An in-custody Department of Corrections background screening supports the individual's gang affiliation.
- C. An individual may be entered into the Intelligence Branch Gang Database as a gang associate if there is documentation to support a reasonable suspicion to believe any one of the criteria presented in Part III.B above.

IV. REPORTING PROCEDURES

- A. When a member observes or becomes aware of information that meets one (1) or more of the nine (9) criteria listed in Part III above, and the member believes the information merits reporting to the Intelligence Branch, the member may forward the information by:
1. Submitting an email to the following address: **Intel.gangs@dc.gov**;
 2. Submitting copies of supporting documents [e.g., PD Form 76 (Stop or Contact Report), PD Form 251 (Incident-Based Event Report), PD Form 163 (Prosecution Report), PD Form 854 (Investigative File Report)] either:
 - a. Electronically to the following email address: **Intel.gangs@dc.gov**;
 - b. By telephoning the Intelligence Branch at **202-724-1424**; or
 - c. In person, or by mail, to the Intelligence Branch, Room 3000, 300 Indiana Avenue, NW; or
 3. Initiating a Suspicious Activity Report (SAR) in the Alert Management System, SAR Candidate Queue in accordance with GO-HSC-802.06 (Suspicious Activity Reporting Program) using the SAR Code 2132.
- B. Members should provide as detailed information as possible concerning the observations or information concerning gang member identification.
- C. After an Intelligence Branch analyst and an Intelligence Branch official certifies that an individual has been validated as a gang member or a gang associate, the analyst will enter the information in the Intelligence Branch Gang Database.

V. CROSS REFERENCE

GO-HSC-802.06 (Suspicious Activity Reporting Program)



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