



County of Santa Cruz

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SHERIFF - CORONER

701 OCEAN STREET, SUITE 340, SANTA CRUZ, CA 95060

(831) 454-2985 FAX: (831) 454-2353

MARK TRACY
SHERIFF - CORONER

September 22, 1999

Agenda: October 19, 1999

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

MEMORANDUM OF UNDERSTANDING BETWEEN THE SANTA CRUZ COUNTY SHERIFF'S OFFICE AND THE CITY OF SAN JOSE POLICE DEPARTMENT -CAL I GANG NETWORK-

Dear Members of the Board:

Santa Cruz County continues to experience numerous incidents of illegal gang related activity each year. Although the Sheriff's Office participates in gang prevention strategies (B.A.S.T.A. - Broad Based Apprehension, Suppression, Treatment and Alternatives), the need to share information among local agencies is crucial.

In order to improve our cooperative efforts to address illegal gang activity I am requesting your Board's approval to enter into a memorandum of understanding with the San Jose Police Department to participate in the statewide Cal-Gang network.

The Cal-Gang network is an automated network of databases focusing on illegal gang members and associates. Individual law enforcement agencies can share information of illegal gang activities through the network. Our region's database is hosted by the San Jose Police Department and information is screened, stored and retrieved through the Department of Justice in Sacramento. Individual participating agencies may access the database and receive information on gang members and associates statewide.

Each Cal-Gang user is expected to implement a user agreement with the regional host agency at an annual membership cost of \$1,500 to administer the regional node.

The Cal-Gang network is highly regulated by both federal and state legislation. As a

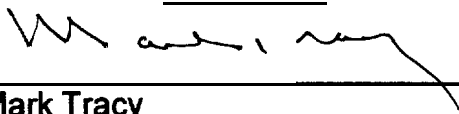
member of the network we agree to train our personnel in the proper use of the system and to apply strict security and quality control measures to ensure that this system is used properly. Existing regulations are intended to ensure that only those gang members suspected of actively engaging in criminal acts will be entered into the database. 0028

I propose to fund the FY 99/00 Cal-Gang membership cost of \$1,500 through existing drug forfeitures. In future budget years I intend to include this cost as part of our annual budget request.

Therefore, I recommend your Board take the following actions:

1. Approve the attached memorandum of understanding between the Santa Cruz County Sheriff's Office and the San Jose Police Department for participation in the statewide Cal-Gang Network, and authorize the Sheriff to sign and implement this agreement.
2. Adopt the attached resolution accepting and appropriating \$1,500 in unanticipated revenue from drug forfeitures, to fund membership in the Cal-Gang Network for FY 99/00.

Sincerely,



Mark Tracy
Sheriff-Coroner

MST:ld
Attachement

RECOMMENDED:



Susan A. Mauriello
County Administrative Officer

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

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Resolution No. _____

On the motion of Supervisor _____
duly seconded by Supervisor _____
the following resolution is adopted:

RESOLUTION ACCEPTING UNANTICIPATED REVENUE

Whereas, the County of Santa Cruz is a recipient of funds from Federal Drug Forfeitures
for Cal/Gang Internet program; and

WHEREAS, the County is recipient of funds in the amount of \$ 1,500.00 which are
either in excess of those anticipated or are not specifically set forth in the current fiscal year
budget of the County; and

WHEREAS, pursuant to Goserment Code Section 29130(c) / 29064(b), such funds may be
made available for specific appropriation by four-fifths vote of the Board of Supervisors;

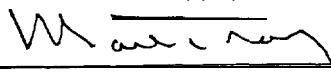
NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Santa Cruz County
Auditor-Controller accept funds in the amount of \$ 1,500.00 into
Department Sheriff Coroner

<u>TIC</u>	<u>Index Number</u>	<u>Revenue Subobiect Number</u>	<u>Account Name</u>	<u>Amount</u>
001	661300	0414	Drug Forfeitures	\$1,500.00

and that such funds be and are hereby appropriated as follows:

<u>T/C</u>	<u>Index Number</u>	<u>Expenditure Subobiect h'umber</u>	<u>PRJ/UCD</u>	<u>Account Name</u>	<u>Amount</u>
021	661300	3665		Professional/ Special Services	\$1,500.00

DEPARTMENT HEAD I hereby certify that the fiscal provisions have been researched and
that the Revenue(s) (has been) (will be) recieved within the current fiscal year.

By 
Department Head

Date 9-30-99

COUNTY ADMINISTRATIVE OFFICER

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ecommended to Board

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Not recommended to Board

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 19____ by the following vote (requires four-fifths vote for approval):

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chairperson of the Board

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Henry A. Oberhelman FC
County Counsel 12/16/97

APPROVED AS TO ACCOUNTING DETAIL:

Rosalee J. Silva 9/30/99
Auditor-Controller

Distribution:

- Auditor-Controller
- County Counsel
- County Administrative Officer
- Originating Department

**MEMORANDUM OF UNDERSTANDING
BETWEEN
SANTA CRUZ COUNTY SHERIFF'S OFFICE
AND
CITY OF SAN JOSE
POLICE DEPARTMENT**

THIS MEMORANDUM is made and entered into this _____ day of _____ 1999 by and between the CITY OF SAN JOSE, a municipal corporation through its Police Department (hereinafter "SJPD"), and the Santa Cruz County Sheriff's Office (hereinafter "End User Agency").

RECITALS

WHEREAS, SJPD and End User Agency desire to establish working understanding of the respective roles and mutual responsibilities assigned to and between the End User Agency and the City of San Jose Police Department relative to the operation of the CAL/GANG database system, and the maintenance and operation of all associated communications, application software and hardware; and

WHEREAS, SJPD has designated the Police Department as involved agency;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this memorandum is to establish the criteria for participation in the Cal/Gang Regional Node within the four county region consisting of:

- Santa Clara
- Santa Cruz
- San Benito
- Monterey

The node will provide database repository for Criminal Street Gang membership.

SECTION 2. DURATION.

The term of this memorandum shall be from the date of execution to June 30, 2000.

SECTION 3. TERMINATION.

This memorandum may be terminated by either party upon 30 days written notice.

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SECTION 4. INTELLIGENCE DATABASE.

The End User Agency that is authorized as a node source will input into the standard format compatible with all CAL/GANG nodes and the centralized database.

Documents from which information was entered into the database shall be retained in their original form and be available for use as evidence by each local participating agency for court purposes.

SECTION 5. END USER RESPONSIBILITIES.

The End User Agency accepts the minimum standards, as established by the California Gang Node Advisory Committee (CGNAC), as binding when connecting to any and all CAL/GANG Nodes to which the End User Agency has been granted access. End User Agencies shall maintain data in conformance with all applicable laws, rules, and regulations pertaining to the collection, storage, and dissemination of criminal intelligence information.

End User Agency may establish independent policies and procedures relative to the operation of their CAUGANG systems as addenda to this document, with the approval of the Node Administrator. However the following MINIMUM REQUIREMENTS must be observed.

1. Criminal Street Gang Member Submission Criteria

Criminal Street Gang Defined: Any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (23), inclusive, of subdivision (e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity. (Section 186.22 subdivision (e), paragraphs (1) to (23) list the 23 criminal offenses a criminal street gang member must commit to meet this definition).

Criminal Street Gang Member Submission Criteria

- C-1 When an individual admits membership to a criminal street gang.
- C-2 When a reliable informant identifies an individual as a criminal street gang member.
- C-3 When an informant of previously untested reliability identifies an individual as a criminal street gang member, and it is corroborated by independent information.

- C-4 When the individual resides in or frequents a particular gang's area, affects their style of dress, use of hand signs, symbols, or tattoos, or maintains ongoing relationships with known criminal street gang members and where the law enforcement officer has reasonable suspicion that the individual is involved in gang related criminal activity or enterprise.
- C-5 When an individual has been arrested in the company of identified criminal street gang members for offenses which are consistent with gang activity.

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Agencies entering information into the system on individuals shall maintain documentation which adequately supports each entry.

2. Affiliate Submission Criteria

The affiliate information is entered for the purpose of providing further identification, through an established relationship, of an existing (CAUGANG system) criminal street gang member. There are two separate submission criteria established for entry of affiliates into a criminal street gang member's record. It is mandatory that one of the following criteria be present:

- A-1 When an active criminal street gang member with a CAUGANG number is known to affiliate with other known criminal street gang members.
- A-2 When the individual is known to affiliate with active gang members and the law enforcement officer has established there is a reasonable suspicion the individual is involved in criminal activity or enterprise. The officers' belief must be premised upon reasoning and logic coupled with sound judgment, which is based upon law enforcement experience rather than a mere hunch or whim.

SECTION 6. SECURITY.

Equipment must be located in a secure location to prevent vandalism, sabotage, and to preclude unauthorized access.

Use of the system is limited to law enforcement and non-sworn personnel who have been subject to security clearance by the parent law enforcement agency.

SECTION 7. ACCESS REQUIREMENTS.

Only those individuals who have been properly trained by a certified CAUGANG Trainer in the use of the CAUGANG system and the related policies and procedures will be allowed access to CAUGANG information.

SECTION 8. DATA DISSEMINATION.

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Recipient of information must have a need to know and right to know in performance of a law enforcement function.

SECTION 9. REVIEW/PURGE.

Information will be maintained in the CAUGANG System for 5 years from the date of the last contact that meets compliance with submission criteria. Information not validated within that period will be purged from the system. A record which is deemed to have been entered in error either through challenge or by improper validation, shall immediately be brought to the attention of the Node Administrator for purging.

SECTION 10. UNAUTHORIZED DISCLOSURE.

Users of the CAUGANG system are prohibited from unauthorized disclosure of any and all data, training materials, operations manuals, user guides and user manuals. These materials are, by opinion of the California Attorney General, generally exempt from disclosure under the California Public Records Act. Users who receive requests for information concerning the CAUGANG system or data stored within the system, under the Public Records Act, must notify their local Node Administrator to provide information regarding the nature and extent of the request.

SECTION 11. SANCTIONS.

The California Gang Node Advisory Committee is responsible for overseeing system discipline and conformity with rules, regulations and operating procedures. Violations of any laws, rules, regulations, or operating procedures by CAUGANG system users may result in any of the following sanctions.

- Letter of censure
- Suspension of service: This may be for varying lengths of time and/or may include suspension for specified database or system services.
- Removal of service/disconnection from system.

SECTION 12. NODE AGENCY SPECIFIC REQUIREMENTS.

Access Requirements: The recommended browser is Netscape Communicator Pro which must be supplied by the End User Agency. Earlier versions of Netscape Navigator currently operate with the CAL/GANG System, however may not work with future enhancements. Microsoft Internet Explorer 3.0 or higher will also work as a browser.

Photo Input Guidelines: All photos to be entered in the CAUGANG System must be obtained in compliance with applicable local/state/federal guidelines and/or laws relating to obtaining photographs of individuals.

Acceptable sources: (with full documentation of the said source)

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- 1) Consent
- 2) Booking
- 3) Evidence
- 4) Surveillance

Printed Gang Lists: Print outs should be treated with the same security level protections as criminal offender records and information. Criminal street gang lists shall not be routinely distributed to law enforcement officers. Misuse of printed material could result in extreme legal ramifications for both the End User Agency and all personnel involved. Criminal street gang lists shall not be provided to any agency. Requests for criminal street gang lists shall be referred to the Node Administrator.

Custodian of Records: A copy of all Discovery Orders or Requests will be forwarded to the CAUGANG Custodian of Records at the San Jose Police Department.

SECTION 13. COST SHARING.

The End User Agency agrees to share the cost of administering the Regional Node.

Each End User Agency will pay the City of San Jose \$1,500 on an annual basis. The annual payment is due on July 1. The check to be made out to "City of San Jose" and delivered to San Jose Police Department, Gang Investigations Unit, 201 W. Mission Street, San Jose, CA 95110

After one year of full operation, a committee with one representative from each End User Agency will meet to assess the annual cost to each End User Agency to devise a payment system based on usage.

SECTION 14. NOTICES.

All notices and other communications required or permitted to be given under this Memorandum shall be in writing and shall be personally served or mailed, postage prepaid and return receipt requested, addressed to the respective parties as follows:

To SJPD: William M. Lansdowne
CHIEF OF POLICE
City of San Jose
201 W. Mission Street
San Jose, California 95110

To Mark Tracy
SHERIFF-CORONER
Santa Cruz County Sheriff's Office
701 Ocean Street, Room 340
Santa Cruz, California 95060



Notice shall be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the mail.

SECTION 15. PRIOR AGREEMENTS AND AMENDMENTS

This Memorandum represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Memorandum may only be modified by a written agreement duly executed by the parties to the agreement.

Witness the execution hereof ON THE DAY AND YEAR FIRST HEREINABOVE WRITTEN.

APPROVED AS TO FORM:

"SJ PD"

CITY OF SAN JOSE, a municipal corporation

By _____

Name:
Title:

"End User Agency"

Santa Cruz County Sheriff's Office

BY _____

Name:
Title:

APPROVED AS TO FORM:

By: Fanny A. Oberhelman
Office of the County Counsel
7/20/96