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The CalGang Criminal Intelligence System

As the Result of Its Weak Oversight Structure, It Contains Questionable Information That May Violate Individuals' Privacy Rights

Background

CalGang provides criminal intelligence about gangs to law enforcement agencies (user agencies) throughout the State. User agencies enter information regarding suspected gang members, including their names, associated gangs, and the information that led law enforcement officers to suspect they were gang members. Although the Department of Justice (Justice) funds the software maintenance contract that supports CalGang, two governing bodies—the CalGang Executive Board (board) and the California Gang Node Advisory Committee (committee)—oversee it in conjunction with 10 local agencies called *node administrator agencies*.

Our Key Recommendations

CalGang needs an oversight structure that better ensures that the data entered into CalGang is reliable and that its users adhere to the requirements that protect individuals' rights and thus, as depicted in the figure on the opposite side of this Fact Sheet, we recommend that the Legislature create a stronger oversight structure by doing the following:

- Require that CalGang operate under defined requirements and assign Justice the responsibility for overseeing CalGang and ensuring user agencies meet all the relevant requirements.
- Create a technical advisory committee to provide Justice information to improve oversight.

As the Legislature considers changes to the oversight structure, Justice should guide the board and committee to identify and address the shortcomings that exist in CalGang's current operations and oversight.

Key Findings

- CalGang's oversight structure is inadequate and does not ensure that user agencies collect and maintain criminal intelligence in a manner that preserves individuals' privacy rights.
 - » The governing entities act without statutory authority, transparency, or public input.
 - » Although the governing bodies voluntarily committed to comply with federal and state guidelines, we found little evidence that they have ensured user agencies do so.
 - » Only 0.2 percent of CalGang's statewide individual records are reviewed each year.
- The four user agencies we reviewed could not substantiate the validity of numerous CalGang entries; they are tracking people who do not appear to justifiably belong in the system.
 - » User agencies could not always demonstrate that they had established reasonable suspicion that groups were gangs as required before entering them into CalGang.
 - » There was inadequate support for including in CalGang 13 of 100 people we reviewed, and also for 23 percent of the 563 criteria entries we reviewed.
- Inclusion in CalGang has the potential to seriously affect a person's life—three user agencies that responded to our statewide survey admitted that they use CalGang for employment or military-related screenings which is prohibited.
- User agencies we reviewed have not ensured that CalGang records are added, removed, and shared in ways that maintain system accuracy and safeguard individuals' rights.
- The programming underlying CalGang did not purge all records within the required five-year time frame—some records were not scheduled to be purged for more than 100 years.
- Many juveniles and their parents were not afforded the right to contest the juveniles' gang designations when two user agencies we reviewed did not properly notify them before adding the juveniles into CalGang.

Actions the Legislature Can Take for a More Transparent and Accountable Oversight Structure for a Shared Gang Database

