

CALIFORNIA DEPARTMENT OF JUSTICE
TITLE 11. LAW
DIVISION 1. ATTORNEY GENERAL
CHAPTER 7.5. DEPARTMENT OF JUSTICE REGULATIONS FOR THE
FAIR AND ACCURATE GOVERNANCE OF THE CALGANG DATABASE

TEXT OF PROPOSED REGULATIONS

The original text published in the California Code of Regulations has no underline. Changes are illustrated by single blue underline for proposed additions and ~~single red strikethrough~~ for proposed deletions.

... (Omitting Article 1)

... (Omitting Article 2)

... (Omitting Article 3)

... (Omitting Article 4)

... (Omitting Article 5)

... (Omitting Article 6)

... (Omitting Article 7)

... (Omitting Article 8)

... (Omitting Article 9)

Article 10. Audits

... (Omitting section 755.4)

... (Omitting section 755.6)

§ 755.8. Audits of Designated Criminal Street Gangs.

(a) At least once every three years from the date a criminal street gang was designated in the CalGang database or from the last time an audit was conducted by the Department, a Node Agency, or a User Agency, a supervisor at each Node Agency and User Agency shall complete an audit of that criminal street gang designated in the CalGang database. Within 30 calendar days of completion of the audit, the Node Agency or User Agency shall complete, sign, and submit a CalGang Gang Audit form CJIS 9005 (~~orig. November 2019~~rev. January 2022), incorporated by

reference herein, to the Department documenting the results of each audit and the date each designated criminal street gang was audited.

... (Omitting subdivisions (b)-(g))

... (Omitting section 756)

§ 756.1. Written Attestation by a Node Agency or User Agency.

(a) Attestation Required by the Department. In connection with, or in lieu of, auditing the records or criminal street gang designations of a particular Node Agency or User Agency, the Department may require the Node Agency or User Agency to review any or all of its entries in the CalGang database and provide a written attestation by the head of the Node Agency or User Agency. For entries made to the prior to the effective date of these regulations, the written attestation shall state that the entries are supported by reasonable suspicion as required by Part 23 of Title 28 of the Code of Federal Regulations. For entries made after the effective date of these regulations, the written attestation shall state that the entries comply with these regulations. The Node Agency or User Agency shall provide to the Department the written attestation required by this section upon request of the Department and within the time period set by the Department.

(b) Annual Attestation. In addition to the information provided in section 756.6, prior to ~~October 15~~January 1 of each calendar year, Node Agencies and User Agencies shall provide to the Department a written attestation from the head of the Node Agency or User Agency that its entries in the CalGang database made during the ~~prior 12-month period~~previous reporting period, October 1–September 30, comply with these regulations.

Note: Authority cited: Section 186.36, Penal Code. Reference: Section 186.36, Penal Code.

Article 11. Information Sharing and Reporting Data to the Department

... (Omitting section 756.2)

... (Omitting section 756.4)

§ 756.6. Annual Reporting of Data to the Department.

... (Omitting subdivisions (a)-(b))

(c) Node Agencies and User Agencies shall include with the report described in subdivision (a), a completed copy of a CalGang Misuse Investigation Reporting form CJIS 9008 (~~orig-~~

~~November 2019~~[rev. January 2022](#)), incorporated by reference herein, detailing the number of misuse investigations performed, the type(s) of misuse, and the outcome(s).

Note: Authority cited: Section 186.36, Penal Code. Reference: Sections 186.34, 186.35 and 186.36, Penal Code.

... (Omitting Article 12)

... (Omitting Article 13)