

AGENDA ITEM # 21

January 6, 1998

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Consider approving agreement between Williamson County Gang Task Force and the Round Rock Police Department.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To approve agreement between Williamson County Gang Task Force and the Round Rock Police Department.

Vote: Motion carried 5 - 0

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WILLIAMSON COUNTY GANG TASK FORCE WORKING AGREEMENT

The Williamson County Gang Unit (WCGU) may consist of any agency within Williamson County, Texas. The unit is currently comprised of the gang units from the Williamson County Sheriff's Office, and the Round Rock Police Department.

Any non-participating agency in Williamson County may request the services of the unit through the Sheriff's Office. In addition, any non-participating agency in Williamson County which has a gang unit may take part in the unit with the approval of the current members.

The purpose of this team is to compile gang information and deter gang activity in Williamson County through teamwork and county-wide departmental cooperation. The WCGU will be called out on major crimes against persons and major crimes of public concern occurring within Williamson County's jurisdiction. Each agency will adhere to the following:

1. Each gang unit will assess his/her gang activity to determine whether or not additional assistance is needed. It will then be that gang officer's responsibility to contact the members of the WCGU and their respective agencies.
2. Control of the gang unit will be the responsibility of the originating agency. The detective/officer assigned to the case and the team member from that agency will determine the assignments for the remaining personnel.
3. Each unit's overtime, supplies and any other costs are absorbed by that unit's agency.
4. Each member will be responsible for writing supplements for the originating agency.
5. Each agency will be responsible for its own equipment. If it benefits the participating agencies, the WCGU may purchase supplies and divide the cost equally between the agencies.
6. In the event that a joint response conflicts with the needs of a participating agency, the needs of the participating agency will have priority.
7. If an agency's gang unit is not available, then that agency will have the option of utilizing the WCGU.
8. Individual officers accepted by the WCGU must receive training on policies and procedures.

This is to certify the above-listed statements will be the objectives of the WCGU.

Signed: <u>Ed Richards</u> Ed Richards, Sheriff Williamson County Sheriff's Office	Date: <u>9-15-97</u>
Signed: <u>R. Buster Kuhlmann</u> Raymond "Buster" Kuhlmann Chief, Round Rock Police Dept.	Date: <u>9-18-97</u>

approved 1-6-98
 John A. Daefler

**PROCEDURES TO BE FOLLOWED WHEN
ENCOUNTERING PERSONS KNOWN TO BE OR
SUSPECTED OF BEING GANG MEMBERS**

The purpose of this procedure is to inform all officers of the Department of the terminology that is to be used in the description of "gang members" and "associate gang members", and establish procedures for dealing with and documenting such persons:

Section 71.01(d) of the Texas Penal Code defines a Criminal Street Gang as follows:

"Three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities."

Neither the Texas Code of Criminal Procedure nor the Penal Code provides a definition of a gang member, nor does either provide a list of criteria for labeling a person as a gang member. The criteria listed in this document will be the procedure used by the **Williamson County Sheriff's Department**. This results from the United States Supreme Court case *People vs. Holguin* - 1985.

GANG MEMBER IDENTIFICATION CRITERIA

Self admission

1. Admits gang affiliation.
2. Has gang-related tattoos.
3. Writes gang graffiti.
4. Uses gang-related moniker (TAG name).

Association

5. Associates with known gang members.
6. Included in group photographs with known gang members.
7. Involved in criminal gang incidents.

Other criteria

8. Judicial finding of gang membership.
9. Subject's victims or targets of crime are members of a rival gang.
10. Subject uses hand signs and gang language, the content and context of which clearly indicates gang affiliation.
11. Subject's name appears on gang documents, hit list, or gang graffiti.
12. Subject wears "colors", gang clothing, or gang paraphernalia in such a way that indicates gang affiliation.
13. Subject identified as a gang member by another law enforcement agency.
14. Subject identified as a gang member by a reliable informant.
15. Subject identified as a gang member by another gang.
16. Subject identified as a gang member by a public source.

When dealing with members of the public, including those people suspected of some gang affiliation, officers shall use the following terms.

A. **"Associate"** - Should only be used if:

An officer has personal knowledge that the person meets four or more of the above listed criteria, or
Has been informed by the Gang Unit Sr. Sergeant that the person is an associate.

B. **"Gang Member"** - Should only be used if:

1. They are the perpetrator of a criminal gang incident and they meet eight or more of the above listed criteria, or they admit to gang membership; or
2. There is judicial notice of gang membership; or
3. When the status has been certified or verified by the Gang Unit Sr. Sergeant.

Terms like "Wanna be" and "gang banger" are not to be used.

The Gang Unit Sr. Sergeant will make available for all officers, a confidential list of "associates" and gang members". This list will be updated monthly. Due to laws regulating control of this intelligence, the Gang Unit Sr. Sergeant will be the only officer permitted to keep such records. All officers who develop intelligence on gangs or gang members shall forward that information, in writing, to the designated Gang Unit Sr. Sergeant.

The confidentiality of this information shall be protected and officers will not make this information available to anyone except for law enforcement personnel. When the officer no longer needs his or her intelligence bulletin they will destroy it to prevent the unauthorized use of the information contained in the bulletin.

To maintain current and complete files, it is also necessary for "associates" and "gang members" to be photographed. Any photographs or documents that establish the above-listed criteria should be forwarded to the Gang Unit Sr. Sergeant so that information may be stored in the gang intelligence files for future use. Members of this Department are authorized to photograph juveniles when they meet two or more of the criteria. These photographs may only be taken to document gang affiliation and must be forwarded to a Gang Unit Officer for inclusion in the files maintained by the Gang Unit Sr. Sergeant. This compilation of information is authorized by Texas Family Code Section 58.004.

Section 37.121 of the Texas Education Code that makes it a Class C Misdemeanor to be a gang member on a school campus, and the Gang Unit Sr. Sergeant will work closely with the School Resource Officers to share gang information on students in an effort to maintain a high level of safety in the schools.

Parents of juveniles who display the above listed criteria will be notified in person and will be provided with a written document detailing their child's potential to become involved in gangs and the dangers of such behavior. This notification will be made by an officer or by

members of the Gang Unit. This notification is meant not only to serve as a warning to parents, but will also document that the parents were made aware of their child's potential involvement. This information will be forwarded to the Gang Unit Sr. Sergeant and will inform the parents of the potential criminal and civil liabilities.

PROCEDURES

1. Initial Response

When a dispatcher airs a call that has been reported to be a gang-related call the dispatcher should broadcast the call as a "Code 8" call to alert responding officers.

If an officer makes contact with a known gang member or a suspected gang member, whether on traffic or on a call, the officer should broadcast that he is on a "Code 8" prior to exiting the police vehicle or as soon as possible thereafter so that back-up officers will know to be en route and that responding officers will know to follow these procedures.

All "Code 8" calls should be handled with a minimum of two officers, or more if the situation requires additional officers. All basic safety practices should be followed. For example, an officer should not park directly in front of the address of the disturbance, etc. When the scene is secure and there are enough officers on scene to conduct a search safely, an officer should check the area for discarded weapons, drugs, or any other contraband.

All attempts should be made to locate the complainant and identify him/her so that he/she can be contacted in the future, if necessary.

2. Personal Safety and Interviewing Procedures

Each situation should be treated as unique and may require a different tactic, but these general guidelines should be used when contacting individuals that are, or may be, gang members.

Each officer should keep their personal safety as the first priority but must also protect the constitutional rights of the persons being contacted. A balance between safety, legality, community perception of our agency, and the goals of law enforcement should be maintained.

Depending on the circumstances, placing gang members or associates on their knees with feet crossed and hands on the back of the head with the fingers crossed is acceptable. The method of control is left to the lead officer's discretion, using the guidelines listed in these provisions.

Subjects may be placed in a straight line, but if they continue communicating with each other either verbally or by means of hand or eye signals, they should be placed in a circle

with their backs to each other or separated by other means such as handcuffing them and placing them in the back of a patrol vehicle.

In cases where there is obvious danger to the officers or other persons, the subject should be placed in the prone position with his/her arms extended straight out from the body and the palms pointed up. The legs should be crossed and bent at the knee so that the bottom of their feet are pointing up.

Officers shall use progressive levels of control when subjects are non-compliant. For example, an officer may start with placing subjects standing in a line, to placing them in a seated position, "Indian style", with the subjects' hands placed on knees palms up, to handcuffing and placing them in a patrol vehicle while handcuffed.

Under no circumstances should subjects be placed leaning on the hood or trunk of a vehicle where they can form a "round table" by facing each other to communicate verbally or by the use of hand, body or eye signals.

Officers should be aware of the subjects at all times and should avoid allowing the subjects to form a half moon around the officer or officers.

The backup officer will perform the pat down for weapons while the lead officer maintains eye contact on the other subjects. If there is a third officer or additional officers they will watch the perimeter for any other subjects who may appear on the scene to interfere with the investigation.

At no time will backup officers turn their backs to the group of subjects because their function is to ensure the safety of the lead officer or the officer who is gathering intelligence.

Gang members show disrespect to officers by numerous means that include, but are not limited to, "mad dog" or hard stares, spitting on the ground in front of the officer, clapping a closed fist together with an open hand while swinging the arms or blatant verbal attacks on the officer. These signs of disrespect are considered to be personal attacks on the officer and will not be tolerated because if ignored may lead to increased levels of disrespect or even violence against the officer.

A show of disrespect that does not endanger the officer should first be countered with a verbal warning that they are not to show disrespect and none will be tolerated.

In the mind of gang members and associates, respect is one of the most important aspects of life and officers should remember this and use it to their advantage by reminding them that the officer is showing respect and advising the member or associate that they expect respect to the officer in return. If a verbal warning is not enough, the subject will be handcuffed for the officer's safety and the subject should be placed in a kneeling position or secured in a patrol vehicle.

Do not allow members or associates to smoke while an officer is interviewing them.

Officers should treat all subjects with respect and should not speak to the subjects in gang jargon because that lessens the officer's credibility and professionalism.

In addition to solving the problem that brought the officer into contact with the gang members or associates, the officer shall also try to develop the subjects as informants, not only for gang information but any other type of information that would be useful to law enforcement, such as narcotics, burglaries, assaults, robberies, etc.

3. Personal Interaction

As stated previously, officers shall not attempt to speak to gang members and associates in gang jargon. Officers need to learn what the slang means and should question the subjects regarding the meanings of sayings for safety and intelligence purposes, and shall forward that information to the Gang Unit Officer on the officer's shift.

Gang Member Identification Criteria sheets shall be completed each time a gang member or associate is contacted. These forms are for use by the Gang Unit as well as all other officers. If Gang Member Identification Criteria sheets are not available the officer should complete a Field Observation card.

When making contact with gang-related individuals, advise them of the purpose of the contact and treat them in a professional manner.

When making contact with a group, determine which individual appears to be the most fearful or the smallest or youngest in the group. Separate this individual from the group and speak to him/her first. The individual that wants to talk the most is spoken to last. The person that is most vocal is likely the leader and by making him/her wait, the officer has demonstrated that he/she is in charge of the contact.

When completing the Gang Member Identification Criteria sheets, officers shall photograph the individuals as is allowed by Texas law in the investigation of conspiracy and organized crime. Officers should also note the description of any vehicle(s) that the subject may be associated with, and shall also photograph the vehicle(s). The residence of the subject may also be photographed.

4. Crime Scene Investigations

After a crime scene is secured, the ranking officer on the scene, with the assistance of the Gang Unit Officer, will determine if additional personnel should be called from off duty. Depending on the circumstances of the incident, the Gang Unit, on-call Sergeant, additional Gang Unit members, on-call C.I.D. personnel, Evidence Technicians, Victims Assistance Coordinator, etc. may all be called out or otherwise consulted.

Where a crime scene involves a large area, such as a fight where the combatants scattered prior to an officer's arrival, they are found in the area, the incident commander will be responsible for coordinating witness identification and other functions. The incident commander shall consider officer safety, witness safety, ensuring the chain of custody of evidence, etc. when making a decision to bring suspects back to the scene or traveling with witnesses from stop location to stop location.

The officer in charge of the scene is responsible for notifying that the Gang Unit Officer for that shift, or in his/her absence, the on-call Gang Unit Officer.

A Gang Member Identification Criteria sheet will be completed for each of the individuals who are involved in any incident, provided that the individual meets any of the criteria listed on the form. Photographs will be taken of all gang-related individuals for the intelligence file. Authority to photograph juveniles is granted by the Texas Family Code, Section 58.004. Intelligence reports should include a description or photograph of the vehicle(s) involved.

5. Traffic Stops

When an officer stops a vehicle that is suspected of containing gang members, the officer does not necessarily need to use Felony stop tactics. However, officers shall use a higher degree of caution when making such stops than are exercised during "routine" traffic stops.

A traffic stop involving suspected gang members should be reported to dispatch as a "Code 8" stop prior to the stop or as soon as the officer suspects that gang members may be in the vehicle.

Based on his/her training and experience, an officer shall exercise discretion in determining whether to remove occupants from a vehicle involved in a traffic stop.

Prior to removing the occupants from a vehicle involved in a traffic stop, it is recommended that three (3) officers be present at the scene, and perform the following functions:

- A. The lead officer is in charge of the communications and approaching vehicle.
- B. Officer #2 is responsible for watching and controlling subjects once they are out of the vehicle.
- C. Officer #3 is responsible for watching the occupants who is getting out of the vehicle. It is the discretion of the lead officer whether the occupants should be placed in a standing, seated, or prone position.

At no time shall a lone officer conduct a vehicle search. Officers shall wait for backup or secure the subjects in a patrol vehicle prior to conducting a search of a vehicle.

6. Gang Unit Response

If an officer is investigating a call that appears to be gang-related, the Gang Unit Officer on that shift should be notified and allowed to respond to the incident to assist in the investigation of the alleged crime and to complete the gang unit forms for intelligence purposes.

Upon arrival of the Gang Unit Officer at a scene, the officer will notify the Unit Supervisor or other ranking member of the unit if needed. Considering the severity of the situation, the Supervisor will notify the C.I.D. Lieutenant, he/she will authorize any of the units to be called out. Only members at the rank of Sergeant or School Resource Officer shall be on-call for the Gang Unit.

All Gang Unit Officers will be required to attend specialized training to enable the officer to handle most investigations involving gangs, without the necessity of calling out another off duty officer. However, in all cases of assaults with injury, deaths, or shots fired, or cases that attract media attention, the on-call Gang Unit Supervisor should be notified. The on-call Gang Unit Supervisor shall make the determination whether or not a response is necessary. The on-call person for Criminal Investigations should also be notified as usual.

When intelligence indicates that gang problems may occur in a particular area or Patrol Officers observe an unusually high presence of gang members in a particular area, the on-duty Gang Unit Officer should notify the ranking on-call Gang Unit Officer to determine if a Unit call-out is warranted. Again, this notification is made only with the approval of the on-duty Patrol Supervisor.

The person notifying the on-call Gang Unit Officer should determine the number of gang members and associates potentially involved, the type and severity of the incident, the area of the county in which the incident may occur or has occurred, the amount of time the Patrol Division personnel will be taken out of service on the incident, and whether the incoming calls are being handled in a timely manner. This information should be conveyed to the on-call Gang Unit Officer.

The Gang Unit also works closely with surrounding law enforcement agencies and calls for assistance from those agencies will be handled in the same manner as existing procedures require. The on-duty Gang Unit Officer must obtain prior approval from the shift Supervisor before calling the on-call Gang Unit Officer.

7. General Information

Officers should be aware that not all gang members and associates are male. It is common for the female members or associates to carry weapons.

The Williamson County Sheriff's Department offers rewards for information that leads to the arrest and prosecution of person(s) who commit criminal mischief. Any officer who develops an informant and wants to pay that informant, shall contact the Sr. Sergeant assigned to the Gang Unit so that a request for funds can be forwarded to the Crime Stoppers Coordinator. The amount of rewards will not exceed \$50.00 and any felony case will be sent to the Crime Stoppers Board for approval of any amount over \$50.00.

These procedures will be a part of all new officer's field training program.

Power shifts that are conducted by the Gang Unit will also include patrol officers who are not members of the unit so that gang enforcement experience and training will be available to all interested officers.

Training sessions will be open for all interested officers on a voluntary basis.

8. Gang Unit Chain of Command and Membership as of September 18, 1997:

Lt. Ray Koschel, C.I.D.
Sgt. James Carmona, C.I.D.
Sgt. Johnny Ray Hicks, C.I.D.

Members:

Dep. Sharif Mezayek
Dep. Robert Newell
Dep. John Foster
Seven additional members from Patrol

Patrol on-call K-9 Unit.

AGENDA ITEM # 22

January 6, 1998

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Discuss and take appropriate action on requiring limited partnerships and corporations providing proof of filing with state.

Agenda item tabled until January 13, 1998.

AGENDA ITEM # 23

January 6, 1998

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Consider noting in minutes the 1998 insurance rates and the Ted L. Parker and Scott & White renewals.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To note in minutes the 1998 insurance rates and the Ted L. Parker and Scott & White renewals.

Vote: Motion carried 3 - 0 With Commissioners Heiligenstein and Hays absent from the dais.

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