



WICHITA POLICE DEPARTMENT

POLICY MANUAL



POLICY 527

GANG OFFENDERS

I. PROCEDURES

A. General Guidelines

1. A member of the Gang/Felony Assault Section or Violent Crimes Community Response Team (VCCRT) will monitor documented gang members and associates for any violations of their probation/parole, bond, and pretrial restrictions and will immediately report this to the proper supervising authorities with the intent of removing the offender from the community.
2. The Wichita Police Department Master Gang List is confidential. Information from the Master Gang List will only be released to commissioned law enforcement/correctional officers or those persons authorized by the supervisor of the Gang/Felony Assault Section, VCCRT or Person Crimes Bureau Commander.
3. A gang member or *associate* will be identified by using the code Signal 33.

B. Nomination Procedure

1. Any state, county, or city law enforcement officer or correctional officer may nominate a person to be added to the Master Gang List by routing the nominee's personal information to the Gang/Felony Assault Section through the departmental mail or electronic submission. The information will be researched by a member of the Gang/Felony Assault Section or VCCRT. Submissions should be in the form of an Officer's Report, KSOR or an electronic Gang Identification Form. The individual will be added to the Master Gang List if they meet the criteria defined in K.S.A. 21-6313.

C. State Statutes

1. Recruiting *Criminal Street Gang Members* (K.S.A. 21-6314);
 - a. Recruiting criminal street gang membership is causing, encouraging, soliciting or recruiting another person to join a criminal street gang that requires, as a condition of membership or continued membership, the commission of any crime or membership initiation by submission to a sexual or physical assault that is criminal in nature, or would be criminal in nature absent consent by the initiated.
2. Criminal Street Gang Intimidation (K.S.A. 21-6315);

- a. Criminal street gang intimidation is the communication, directly or indirectly with another, any threat of personal injury or actual personal injury to another or any threat of damage or actual damage to property of another with the intent to:
 1. Deter such person from assisting a *criminal street gang member* or *associate* to withdraw from such criminal street gang or;
 2. Punish or retaliate against such person for having withdrawn from a criminal street gang.
3. Bonding of *Criminal Street Gang Members* (K.S.A. 21-6316)
 - a. When a *criminal street gang member*, as defined in section 2, and amendments thereto, is arrested for a person felony, bail shall be at least \$50,000 cash or surety, unless the court determines on the record that the defendant is not likely to re-offend, an appropriate intensive pre-trial supervision program is available and the defendant agrees to comply with the mandate of such pre-trial supervision.
4. Arrest Procedure
 - a. If a *criminal street gang member* is arrested for a person felony as defined by Kansas State Statutes, then the following process will be followed:
 1. The arresting officer will access the records management system and conduct a name search to determine if the individual is documented as a *criminal street gang member*. If the individual is a documented *criminal street gang member*, the officer will be able to determine gang affiliation and if the individual is documented as a “gang member” or “gang associate.”
 2. The officer will complete an arrest affidavit documenting the facts of the case and include a sentence pertaining to the arrestee’s gang affiliation and status. The affidavit will contain the following sentences:
 - a. The arrested party is a documented criminal street gang “MEMBER” as defined in K.S.A. 21-6313. The arrested party meets State guidelines for a criminal street gang “MEMBER”, and was documented in the W.P.D. gang database on _____(date of offense) as a “MEMBER” of the _____(name of gang) criminal street gang.

- b. The arrested party is a documented street gang “ASSOCIATE” as defined in K.S.A. 21-6313. The arrested party meets State guidelines for a criminal street gang “ASSOCIATE”, and was documented in the W.P.D. gang database on _____ (date of offense) as an “ASSOCIATE” of the _____ (name of gang) criminal street gang.

D. Radio Signals

1. Members of the S.P.I.D.E.R. Unit of the Wichita Police Department Records Bureau shall notify officers by use of Signal 33 if a records check reveals individual is listed in the Wichita Police Department computer as a gang member or *associate*.

E. Identification in the WPD Gang Database

1. Initial identification will be based upon the aforementioned *Criminal Street Gang Member or Associate* Criteria found in K.S.A. 21-6313. The identified individual will remain either active or associate for a minimum of three (3) years. If the identified individual is incarcerated, either by a City, County, State, or Federal agency, the three (3) year limit will stop until the identified individual is released from custody. If after the initial three (3) year period there is no documented activity, the individual’s status will be changed to “INACTIVE” in the WPD Gang Database and the flag will be removed from EJustice. However, the three (3) year period will start over if:
 - a. There is documentation of *Criminal Street Gang Member*
 - b. or *Associate* criteria as defined in K.S.A. 21-6313
 - c. A person is involved in Criminal Street Gang Activity or a Gang Related incident as defined by K.S.A. 21-6313
2. When a juvenile meets the *Criminal Street Gang Member or Associate* criteria found in K.S.A. 21-6313 a supervisor from the Gang/Felony Assault Section will attempt to contact the parent and/or guardian of the juvenile. The parent and/or guardian will be told how the juvenile met the gang criteria and will be informed of intervention options and resources.