

**CITIZENS' LAW ENFORCEMENT REVIEW BOARD  
POLICY RECOMMENDATION**

**IMPLEMENT POLICY PROHIBITING PARTICIPATION IN A LAW ENFORCEMENT GANG**

**BACKGROUND:**

On January 1, 2022, Penal Code §13670, "Law Enforcement Gangs," went into effect and is as follows:



- (a) For purposes of this section:
  - (1) "Law enforcement agency" means any department or agency of the state or any local government, special district, or other political subdivision thereof, that employs any peace officer, as described in Section 830.
  - (2) "Law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.
- (b) Each law enforcement agency shall maintain a policy that prohibits participation in a law enforcement gang and that makes violation of that policy grounds for termination. A law enforcement agency shall cooperate in any investigation into these gangs by an inspector general, the Attorney General, or any other authorized agency. Notwithstanding any other law, local agencies may impose greater restrictions on membership and participation in law enforcement gangs, including for discipline and termination purposes.
- (c) Except as specifically prohibited by law, a law enforcement agency shall disclose the termination of a peace officer for participation in a law enforcement gang to another law enforcement agency conducting a preemployment background investigation of that former peace officer.

The San Diego County Probation Department meets the definition of "law enforcement agency" but does not have policy prohibiting participation in a law enforcement gang as mandated in subsection (b) above.

**POLICY RECOMMENDATION:**

Pursuant to Section 340.9(g) of the San Diego County Administrative Code, the Citizens' Law Enforcement Review Board (CLERB) shall have the authority to review and make recommendations on policies and procedures of the San Diego County Sheriff's Department and San Diego County Probation Department (Probation). As such, CLERB recommends:

- (a) Probation complies with Penal Code §13670, "Law Enforcement Gangs" by implementing a policy prohibiting participation in a law enforcement gang.

Submitted by: 	Date: 11-06-22	Reviewed by: 	Date: 11-06-22
Paul R. Parker III, Executive Officer		Lynn Setzler, Supervising Special Investigator	