

ACCOUNTABILITY AFTER ABOLITION

MAY 2019

THE REGIONAL GANG INTELLIGENCE DATABASE



A REPORT PREPARED BY THE POLICING IN CHICAGO RESEARCH GROUP
AT THE UNIVERSITY OF ILLINOIS AT CHICAGO

REPORT

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1. EXECUTIVE SUMMARY

The Regional Gang Intelligence Database (RGID) was created in 2005 and has been hosted by the Cook County Sheriff's Office since 2013. In November 2018, Cook County Commissioner Jesus 'Chuy' Garcia called on the Office of the Independent Inspector General (OIIG) to investigate whether RGID was a tool for racial discrimination by the Sheriff's Office.

The next month, Commissioner Alma Anaya introduced an ordinance demanding that the Sheriff's Office stop adding names to the database and stop sharing gang designations with other agencies until the OIIG completes its investigation.

With growing public attention on RGID, the Cook County Sheriff's Office (CCSO) began to distance itself from the database. In December 2018, CCSO sent a request asking other agencies to take over the management of RGID.

A few weeks later, Sheriff Tom Dart announced that the database was being decommissioned.

On January 15, 2019, RGID was taken offline and stored on encrypted hard drives in a CCSO "vault."

Concerned about what the Sheriff's Office was concealing in its rush to remove RGID from public scrutiny, community organizations associated with the #EraseTheDatabase campaign called on the Cook County Board to ensure that the abolition of the database takes place in a responsible, publicly accountable, and permanent manner. In February 2019, the Board unanimously approved an ordinance that ensures the permanent destruction of RGID, prohibits the Sheriff's Office from sharing gang designations in the future, and requires public hearings about the gang database and its impact.

IN RESPONSE TO COMMUNITY DEMANDS

for public accountability and for a responsible process of abolition that provides restitution to people harmed by the database, the Policing in Chicago Research Group at the University of Illinois at Chicago carried out an evaluation of RGID.



We analyzed two partial versions of the RGID database (from June 2018 and January 2019), CCSO policies and procedures, data-sharing agreements with hundreds of external agencies, and thousands of pages of internal communications of the CCSO leading up to the decision to decommission the database. These documents were made available through Freedom of Information Act (FOIA) requests submitted by ProPublica and by the MacArthur Justice Center at Northwestern University.

THIS REPORT OUTLINES WHAT WE KNOW ABOUT RGID AND THE QUESTIONS THAT REMAIN.



KEY FINDINGS

REGIONAL GANG INTELLIGENCE DATABASE

When RGID was decommissioned in January 2019, the database contained information on **26,144 adults**. More than 1,000 people were added to the list from June 2018 to January 2019, an average of 5 adults every day. Although we know that there are also people under 18 on RGID, we do not know the exact number. RGID also includes people who are currently in their 80s and 90s. Among the people whose race is identified on RGID, 84% are people of color.

CRITERIA FOR INCLUSION

Unlike the Chicago Police Department, the CCSO maintained a clear set of policies and criteria for adding names to RGID. Officers were instructed to identify at least two criteria (out of five) that justified adding a person to the database. And police departments were required to retain supporting documents for every person they added to the list.

Despite these protections, the report raises questions about each of the five criteria used to designate people as gang members.

DATA SHARING AND ACCESS

More than 367 local, state, and federal agencies had access to RGID. Immigration and Customs Enforcement (ICE) was not on the list provided by CCSO of external agencies with access to RGID. But new documents reveal that ICE had access to RGID. CCSO was actively expanding the number of agencies with access to the database during December 2018 and January 2019.

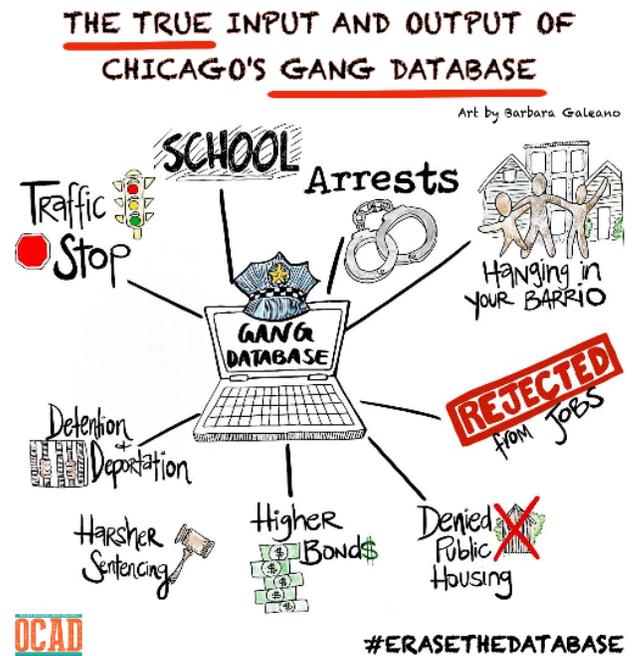
OTHER ISSUES WITH RGID

Due process: Individuals were not notified when their names were added to RGID and there was no process for appealing or correcting gang designations.

Incomplete purging: Unlike the Chicago Police Department, CCSO established a policy of “purging” old entries from RGID if an individual on the list had no police involvement for five years. But the process of “purging” old entries did not mean that the information would be permanently deleted. Instead, it would be moved to an “archive” and could be moved back to the active RGID database if the person was arrested again.

CONSEQUENCES OF INCLUSION IN RGID

The consequences of inclusion on RGID include increased harassment from law enforcement, targeted immigration enforcement, impacts on bail, bond, and sentencing decisions, and barriers to education, employment, and housing.



DECOMMISSIONING THE DATABASE

When CCSO asked if other agencies were interested in hosting RGID, multiple agencies expressed interest in acquiring the database.

The Mid-States Organized Crime Information Center (MOCIC), part of a federal data-sharing initiative that maintains the nationwide RISSGang Database, expressed an interest in acquiring RGID and encouraged agencies that previously used RGID to transition to RISSGang.

After the CCSO decided to decommission the database, CCSO received multiple requests to download Excel versions of the database before it was destroyed. According to one request, RGID was “designed with that capacity on the back end.”

On January 15, 2019, RGID was taken offline and stored on two encrypted hard drives in a CCSO vault. Earlier reports about encrypted hard drives did not specify that there are two drives.

ABOLITION AND ACCOUNTABILITY

After the CCSO announced that RGID would be decommissioned, the #EraseTheDatabase campaign called on the Cook County Board to ensure that the abolition of the database takes place in a responsible, publicly accountable, and permanent manner.

In February 2019, the Cook County Board unanimously approved an ordinance that ensures the permanent destruction of RGID, prohibits the Sheriff’s Office from sharing gang designations in the future, and requires public hearings about the gang database and its impact.

Yet questions remain about the CCSO’s relationship to other local and federal gang databases – including the CPD CLEAR system, the State of Illinois LEADS database, the RISSGang Database, and the FBI’s National Gang Intelligence Center database.

2. REGIONAL GANG INTELLIGENCE DATABASE

The Regional Gang Intelligence Database (RGID) is an electronic gang database created by the Lake County Indiana High Intensity Drug Trafficking Areas (HIDTA) program in 2005-2006. The Lake County HIDTA (now the Indiana HIDTA) is a regional task force that includes agents from the Federal Bureau of Investigations (FBI), the Drug Enforcement Agency (DEA), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Cook County Sheriff's Office, the Chicago Police Department, and local law enforcement agencies in Illinois and Indiana. In 2013, the Cook County Sheriff's Office took over the management of RGID. Until January 2019, the electronic database was accessible at www.rgid.org.

SIZE AND EXPANSION

When RGID was decommissioned in January 2019, the database contained information on 26,144 adults. More than 1,000 people were added to the list from June 2018 to January 2019, an average of 5 adults every day. But RGID is potentially much larger, because **we do not know how many people under 18 are on the list.**

RACE

Among the people whose race is identified on RGID, 84% are people of color.

51.7% **BLACK**

28.9% **LATINX**

16.2% **WHITE**

Everyone else is listed as multiracial, Middle Eastern, Asian, Native American, or Pacific Islander.

AGE

We know that there are people under 18 on RGID, but we do not know how many. The data that CCSO released only includes people who are currently over 18. But some of these people were entered into the database when they were as young as 14 or 15 years old.

RGID also includes people who are currently in their 80s and 90s. Many of them were added to the list as recently as 2018. And, as reported by ProPublica, hundreds of individuals on RGID are listed as “deceased.”

QUESTIONS REMAINING

How does a person in their 90s end up on the gang database? And what is the purpose of tracking people who are no longer alive?

How many people were added to the database before they turned 18? And how many people under 18 are currently on the database?

LOCATION

Although RGID was created by a task force based in Indiana, **more than half of the people on the list live in Illinois**. More people (44%) live in Cook County than in Indiana (43.5%). The database also includes people from 32 other states.

3. CRITERIA FOR INCLUSION

Unlike the Chicago Police Department, the CCSO maintained a clear set of policies and criteria for adding names to RGID. Officers were instructed to identify at least two criteria (out of five) that justified adding a person to the database. And police departments were required to retain supporting documents for every person they added to the list. Despite these protections, we have questions about each of the five criteria used to designate people as gang members:

1. ADMITTED MEMBERSHIP IN A CRIMINAL GANG

Under what conditions did these confessions take place?
How were they documented?

Was information gathered from detainees at Cook County Jail? How were their civil rights protected?

2. IDENTIFIED BY AN INDIVIDUAL OF PROVEN RELIABILITY AS A CRIMINAL GANG MEMBER

Who were these “individuals of proven reliability”? Did paid informants fit the description?

Did these individuals receive any training to identify people as gang members?

What documentation did this involve? Anything more than a signed statement?



3. ARRESTED IN THE COMPANY OF KNOWN CRIMINAL GANG MEMBERS FOR OFFENSES WHICH ARE CONSISTENT WITH CRIMINAL GANG ACTIVITY.

What constitutes criminal gang activity? How did CCSO confirm that the activity was in fact gang related?

Did a person have to be charged with an offense to be added to the database or was an arrest sufficient?

How many people were added to the database without charges? Without convictions?

4. POSSESSES TATTOOS THAT A TRAINED LAW ENFORCEMENT OFFICER OR AGENT HAS REASONABLE SUSPICION TO BELIEVE SIGNIFY GANG MEMBERSHIP.

Under what conditions were these tattoos inspected? How were people's civil rights protected?

5. RESIDES IN OR FREQUENTS A PARTICULAR CRIMINAL GANG'S AREA OR AFFECT THEIR STYLE OF DRESS, USE OF HAND SIGNS, SYMBOLS, OR MAINTAIN AN ONGOING RELATIONSHIP WITH KNOWN CRIMINAL GANG MEMBERS, AND WHERE THE LAW ENFORCEMENT OFFICER DOCUMENTS REASONABLE SUSPICION THAT THE INDIVIDUAL IS INVOLVED IN CRIMINAL GANG-RELATED ACTIVITY OR ENTERPRISE.

Did the emphasis on "residing in or frequenting" an area effectively criminalize entire blocks or neighborhoods?

Did the criminalization of "ongoing relationships" violate constitutional rights to association? Are family members automatically presumed to be gang members?

4. DATA SHARING AND ACCESS

Unlike the Chicago Police Department, the CCSO followed federal regulations on data sharing (US Department of Justice Criminal Intelligence Systems Operating Policies 28 CFR Part 23) and established written memoranda of understanding (MOUs) with every agency that had access to RGID. Each agency had the ability to add names to the database, search the database, and use the database for law enforcement purposes.

In response to FOIA requests, CCSO provided a list of over 300 local, state, and federal agencies with access to RGID. The list included State Police in Illinois, Indiana, Kentucky, Michigan, Ohio, Texas, and Wisconsin; Departments of Corrections in Illinois, Indiana, Kentucky, Michigan, Tennessee, and Wisconsin; and the following Federal Agencies:

Federal Bureau of Investigation (FBI)

Office of Veterans Affairs (VA)

Department of Homeland Security (DHS)

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

Customs and Border Protection (CBP)

US Attorney

Drug Enforcement Agency (DEA)

US State Department

But the list was not complete. We now know that more than 367 local, state, and federal agencies had access to RGID. **New documents reveal that Immigration and Customs Enforcement (ICE) also had access to RGID.** Lake County HIDTA and CCSO both signed MOUs with ICE and twenty ICE agents based in Chicago had RGID accounts.

Why did CCSO exclude ICE from the list they provided of agencies with access to RGID?

Moreover, the CCSO was actively expanding the number of agencies with access to the database. During December 2018 and January 2019, the CCSO signed MOUs with several new agencies and issued dozens of new user accounts for RGID. And two new user accounts were created on January 14, 2019 – the day before the database was decommissioned. See below for more information.



5. OTHER ISSUES WITH RGID

Along with concerns about the composition of the list, the criteria for inclusion, and access to the database, there are two other important concerns about RGID: lack of due process and incomplete purging.

DUE PROCESS

Individuals were not notified when their names were added to RGID. The CCSO did not share the designations or the evidence used to add an individual to the database. And there was no process for appealing or correcting gang designations. The constitutional right to due process would require notice of inclusion in the database and the opportunity to contest the label.

PURGING

Unlike the Chicago Police Department, the CCSO established a clear policy of “purging” old entries from RGID if an individual on the list had no police involvement for five years. Yet it is not clear whether this policy was enforced, especially given the number of “deceased” people whose information is on the database. Moreover, the process of “purging” old entries did not mean that the information would be permanently deleted. Instead, old RGID listings were simply moved to a different list (the “archive”) with restricted access. If an individual was arrested after their data was “purged,” their data would be moved from the archive back to the active RGID database.

6. CONSEQUENCES OF INCLUSION ON RGID

There are serious consequences for an individual whose name appears on a gang database such as RGID. These include increased harassment from law enforcement, targeted immigration enforcement, impacts on bail, bond, and sentencing decisions, and barriers to education, employment, and housing.

HARASSMENT

Once listed in a gang database, individuals will likely encounter increased police attention and harassment. Gang database systems make gang designations routinely accessible for use during traffic and other police stops. When an officer runs an individual's name and learns that the person is designated a gang member, the potential for police violence escalates rapidly.

SANCTUARY PROTECTIONS AND IMMIGRATION ENFORCEMENT

Although the City of Chicago is officially a “sanctuary city,” none of the city's sanctuary protections apply to individuals whose names are on a gang database. Inclusion on RGID therefore disqualifies immigrants from receiving civil rights protections provided by the City of Chicago. Moreover, inclusion on a gang database has resulted in targeted raids, detention, and deportation for immigrants – including Legal Permanent Residents as well as recipients of Temporary Protective Status (TPS) and Deferred Action for Childhood Arrivals (DACA).

Immigrants with alleged gang affiliations are top deportation priorities for ICE, regardless of whether or not they have a criminal history. If alleged gang affiliated immigrants return to the US after deportation, they will be charged with a felony. Gang involvement is also one of the criteria used to deny appeals for a stay of deportation through DACA, a federal process that allows undocumented immigrants to remain in the United States.

Immigration lawyers and advocates contend that being classified as a gang member in immigration proceedings directly impacts a defendant's ability to plead his or her case. Moreover, many people in immigration court cannot afford to hire private attorneys or adequately challenge the evidence against them without a lawyer.

IMPACT ON BAIL/BOND AND SENTENCING DECISIONS

Allegations of gang involvement have a substantial impact on the presumption of innocence to which people are entitled as well as the right to non-excessive bail. Since 2012, Chicago police district commanders have been instructed to ensure that "verified gang members" do not receive "I-Bonds," or personal recognizance bonds that do not require cash payment. This is true even for misdemeanor offenses. Similarly, Homeland Security attorneys often characterize suspected gang members as threats to public safety and ask immigration judges to withhold bond.

BARRIERS TO EDUCATION

Young people in Chicago have reported being denied access to Chicago Public Schools after police share gang designations with school principals. By refusing to admit young people who have gang designations, CPS effectively denies young people their right to education and access to their neighborhood schools.

BARRIERS TO EMPLOYMENT AND HOUSING

Criminal background checks are routine in employment and housing application processes. If public and/or private entities that run background checks had access to information on RGID, people labeled as gang members could be denied employment opportunities or professional licenses, as well as housing opportunities that require a background check. In Springfield, for example, contrary to federal law, local police officers who conduct criminal record checks of individuals applying for housing with the Springfield Housing Authority reportedly provided Housing Authority officials with information that included the suspected gang affiliations of applicants. However, it is not yet clear if or how information on alleged gang affiliation is shared with potential private and public sector employers in Chicago or with the Chicago Housing Authority.

QUESTIONS REMAINING

Did public and/or private entities that run background checks have access to information on RGID?

How did inclusion on the database impact individuals over the course of their lives, including access to housing, senior housing, employment, higher education, citizenship, asylum, DACA, and other forms of immigration relief?



7. DECOMMISSIONING THE DATABASE (TIMELINE)

In November 2018, outgoing Cook County Commissioner Jesus ‘Chuy’ Garcia called on the Office of the Independent Inspector General (OIIG) to conduct an audit of RGID. And in December 2018, incoming Commissioner Alma Anaya introduced an ordinance that would prevent the CCSO from adding names to RGID or sharing gang designations until the OIIG submitted its final report.

With growing public attention on RGID, the Sheriff’s Office began to distance itself from the database. On December 17, 2018, CCSO circulated an appeal to hundreds of law enforcement agencies asking one of them to take over the management of RGID. An Indiana HIDTA officer followed up with an “urgent” appeal to find a new host for RGID, explaining that: “The information contained within the database is highly valuable and would be devastating to lose completely.”

A review of CCSO emails revealed that officers from multiple agencies expressed interest in acquiring the database – including Chicago Police Department, Maywood PD (IL), Portage PD (IN), Wheeling PD (IN), Griffith PD (IN), Indianapolis PD, Indiana Fusion Center, Indiana University Police, and the Canada Border Services Agency. On December 21, Chief Amar Patel had phone conversations with several of these agencies to discuss a transfer of RGID.

On January 2, a supervisor from the Mid-States Organized Crime Information Center (MOCIC) said that MOCIC would be “very interested” in taking over RGID. MOCIC is part of the Regional Information Sharing Systems (RISS) network, a federal data-sharing initiative that maintains the nationwide RISSGang database. On January 7, a MOCIC supervisor discussed the possibility of CCSO gaining “full RISS membership” and offered to demonstrate the RISSGang database so that other agencies who previously used RGID “will be comfortable with the transition.”

The following week, Sheriff Tom Dart announced that RGID would be decommissioned on January 15. In discussing the decision to decommission the database, the CCSO never mentioned that other agencies expressed an interest in hosting the database. And the CCSO did not mention the discussions about transferring RGID to MOCIC or joining RISS.

After the Sheriff's announcement, CCSO received multiple requests to download Excel versions of the database before it was destroyed. According to one of these requests, RGID was "designed with that capacity on the back end."

On January 15, 2019, RGID was taken offline and stored on two encrypted hard drives in a CCSO vault. Earlier reports about encrypted hard drives did not specify that there are two drives.

THERE ARE SEVERAL OUTSTANDING QUESTIONS ABOUT THE PROCESS OF DECOMMISSIONING THE DATABASE:

- What happened with the expressions of interest in hosting RGID? Was the RGID database or any data from RGID transferred to these or other agencies?
- Did the CCSO transfer RGID to MOCIC? Did the CCSO apply for access to the RISSGang database?
- Why was the CCSO actively expanding access to RGID at a time when they were preparing to either transfer the database to another agency or terminate the database entirely? In particular, what was the purpose of creating new user accounts on January 14, 2019 – the day before the database was decommissioned? Were new users able to download, print, or save screenshots of the database?
- How many agencies had the ability to download Excel versions of RGID? Did anyone from CCSO download the data into an Excel sheet? And how many agencies have access to these Excel files?
- To what extent can the 367+ other law enforcement agencies still access the information on the RGID database, including hard copies, screenshots, and previous downloads?

8. ABOLITION OF RGID AND ACCOUNTABILITY

In response to the Sheriff's announcement, the #EraseTheDatabase campaign raised concerns that the decision to decommission the database was an attempt to shield RGID from public scrutiny. The campaign also raised questions about whether the Sheriff's decision was permanent or merely a temporary measure. Based on these concerns, the #EraseTheDatabase campaign called on the Cook County Board to ensure that the abolition of the database takes place in a responsible, publicly accountable, and permanent manner.

In February 2019, the Cook County Board of Commissioners responded to community concerns by unanimously passing an ordinance abolishing RGID. Rather than seeking to reform or improve the database, the Board decided to erase the database and ensure that it is not revived. The ordinance also prevents the CCSO from sharing gang designations previously contained in RGID or entering gang designations into any external database. In the words of Commissioner Anaya, who sponsored the ordinance, "The passage of the ordinance will be a major step forward for Cook County. We will serve as a national model."

COOK COUNTY ORDINANCE TO STOP RGID

After the passage of Ordinance 19-0867 on February 21, 2019:

1. The Office of the Sheriff is prohibited from maintaining the Regional Gang Intelligence Database effective January 15, 2019. Current records shall remain isolated.
2. The Office of the Sheriff will enact the final destruction of the Regional Gang Intelligence Database per the State of Illinois Local Records Act (50 ILCS 205). The Office of the Sheriff shall notify the Board of Commissioners upon submission of their Local Records Disposal Certificate for the Regional Gang Intelligence Database.

3. The Office of the Sheriff is prohibited from recommissioning or otherwise placing the Regional Gang Intelligence Database back in service.
4. The Office of the Sheriff is prohibited from inputting any individual's information into any external gang designation database
5. The Office of the Sheriff is prohibited from sharing gang designation and information previously contained within the Regional Gang Intelligence Database
6. The Criminal Justice Committee will hold a public hearing to review how Regional Gang Intelligence Database has been used within ninety (90) days after the adoption of this ordinance

ACCOUNTABILITY

COMMUNITY ORGANIZATIONS ASSOCIATED WITH THE #ERASETHEDATABASE CAMPAIGN WANT THE COOK COUNTY COMMISSIONERS TO ENSURE THAT THE ABOLITION OF RGID TAKES PLACE IN A PUBLICLY ACCOUNTABLE AND RESPONSIBLE MANNER THAT PROVIDES RESTITUTION TO PEOPLE HARMED BY THE DATABASE.

Public hearings scheduled for May 14, 2019 will provide an opportunity to hold CCSO accountable for the database. The hearings will allow community members to ask questions about RGID and learn more about database. And CCSO will respond to questions about why RGID was built, how it was used, which agencies used it, what impact RGID had on individuals designated as gang members, and what exactly happened during the process of decommissioning the database.

Community organizations and Cook County Commissioners are also exploring ways to notify people that their information appeared on RGID. Notification is a complicated process because it must be done in a secure manner that does not cause further harm. Yet notification is important for accountable abolition because it would enable individuals to seek restitution for harm and help them challenge their designation in other gang databases, including within the Chicago Police Department's CLEAR system.

MAKING SURE THAT RGID IS PERMANENTLY ERASED ALSO REQUIRES HOLDING THE CCSO ACCOUNTABLE FOR QUESTIONS ABOUT THE WAY THE DATABASE WAS DECOMMISSIONED.

Finally, community organizations still have concerns about the CCSO's relationship to other local and federal gang databases:

How does the CCSO share gang designations with the CPD? The recent report by the City of Chicago Office of the Inspector General documented that CCSO is the external agency that most frequently uses the CPD gang database. Does CCSO enter gang designations into the CLEAR system? How many entries in the CPD's CLEAR database are based on information collected from detainees at the Cook County Jail?

What other regional and national gang databases does the CCSO share information with? For instance, the RISS maintains the nationwide RISSGang Database, the Illinois State Police maintains the LEADS database the FBI's National Gang Intelligence Center maintains a database sourced from local data, and the FBI's National Crime Intelligence Center oversees a massive database of crime data accessible to law enforcement agents across the country. Does CCSO share gang designations with any of these or other databases?

The CCSO insists that it will continue to interview detainees at Cook County Jail and to gather information about gang affiliation. **How is this data being stored? What external agencies have access to this data?**

ABOUT THE POLICING IN CHICAGO RESEARCH GROUP

The Policing in Chicago Research Group (PCRG) at the University of Illinois at Chicago is a research workshop that brings faculty and students at UIC into conversation with community organizations in Chicago. Coordinated by Dr. Andy Clarno, the group is studying the ways that advanced data analysis and coordination between local and federal law enforcement agencies have transformed policing in Chicago.

ABOUT THE CAMPAIGN TO ERASE THE GANG DATABASE (#ERASETHEDATABASE)

The Coalition to Expand Sanctuary in Chicago seeks to improve Chicago's municipal policies regarding immigration enforcement and policing, particularly as they impact communities of color. One of the group's main campaigns is to erase gang databases, which are tools for policing that can increase an individual's chances of being targeted by immigration enforcement, create new barriers for employment, and increase levels of criminalization. Find out more about the campaign at www.erasethedatabase.com.

