## Summary

Assembly Bill 2298 will address overbroad and inefficient targeting of gang suppression resources by: 1) Extending to adults the current requirement that youth under 18 be given notice as well as an opportunity to contest inclusion in a shared gang database; and 2) Requiring that the State Department of Justice provide annual reporting on gang databases.

## Background

Law enforcement agencies throughout California collect personal information to label and track hundreds of thousands of people suspected of gang membership in order to target them for gang suppression. The vast majority of this documentation occurs outside any targeted and ongoing investigation of specific crimes. The largest system for accessing this information is the CalGang system, which is now used by over 6,000 law enforcement officers in at least 58 counties.

As well as subjecting individuals to gang suppression, gang allegations can negatively affect access to immigration relief such as DACA, and other resources that are valuable tools to de-escalate conflict and prevent future violence, provide people with the supports needed to heal from trauma, and to help people transition from the dangerous, underground economy of the streets into education, legal employment, and civic engagement.

In 2013, Senate Bill 458 (Wright) began addressing these concerns for young people, but the overbroad use of gang labeling against all age groups, the lack of consistent processes for notification and removal, and the racially and economically disparate consequences that these policies produce continue.

## The Issue

Gang databases have existed in California for over 30 years without consistency or transparency in their application, without meaningful data reporting, and without any assessment of their impact on the criminalization of youth and communities of color. These policies have led to overly broad targeting of individuals and racial profiling, both of which are counterproductive to the goals of reducing crime and violence, because they misdirect law enforcement resources, create barriers to exiting gangs and the underground economy, and contribute to an over-reliance on suppression tactics at the expense of a comprehensive approach to preventing crime and violence that includes prevention, intervention and youth and community development strategies.

In addition, accuracy, consistency, and transparency in both the implementation and evaluation of gang databases are particularly needed because assessing gang membership is notoriously difficult and subjective. Currently, gang allegations are primarily based on information collected by individual law enforcement officers through routine police stops. Law enforcement documents the information they gather in Field Interview (FI) cards, which are then entered into local and shared databases, including CalGang. Gang allegations can be justified by information as subjective and imprecise as the officer thinking that the individual was dressed like a gang member and was seen in a gang area. People are routinely added to local and shared databases without arrest or accusation of criminal conduct. Nearly 20% of the people in CalGang are African-American and 66% are Latino. Since only 6.6% of Californians are African-Americans, and just 38.1% are Latino, this represents an alarming racial disparity.
Until the passing of Senate Bill 458, no person labeled as a gang member had any legal right to notice or an opportunity to appeal his or her designation. Currently, only youth under the age of 18 have those rights. Without a process for individuals to challenge gang allegations made against them by law enforcement, and without a fair removal process, shared gang databases will remain overbroad, inefficient and inaccurate, and will exclude people from the resources and opportunities they need to access and maintain employment, education, housing, documentation and citizenship.

**THIS BILL**

**To Increase Accuracy - AB 2298 will:**
- Expand to adults the process for removal from gang databases for individuals not currently active in a gang.

**To Establish Consistency – AB 2298 will:**
- Create standard processes for law enforcement agencies across the state regarding implementation of both SB 458 and AB 2298.

**To Promote Transparency – AB 2298 will:**
- Provide notice to individuals before they are documented as gang members provided they are not targets of an ongoing investigation and provide individuals opportunity to challenge that designation.
- Require the annual release of data on the numbers and demographics of people added to or removed from gang databases.

**FOR MORE INFORMATION**

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