

AB 90 Overview & Committee Goals and Objectives

DEPARTMENT OF JUSTICE

A solid orange horizontal bar at the bottom of the slide.

Oversight & Administration



AB 90 makes “the Department of Justice responsible for administering and overseeing any shared gang database in which California law enforcement agencies participate, and would provide that commencing January 1, 2018, the CalGang Executive Board would no longer administer or oversee the CalGang database.”

Moratorium

- Effective January 1, 2018, AB 90 mandates a moratorium on the use of the CalGang database until the “...the Attorney General certifies that the purge required in subdivision (r) has been completed.”
- Subdivision (r) requires any record entered into CalGang that does not meet criteria for entry or was based upon any of the following criteria:
 - jail classification,
 - frequenting gang neighborhoods,
 - or on the basis of an untested informant
- The mandate also requires that upon completion of the purge, the database shall be examined using “a statistically valid sample, pursuant to professional auditing standards to ensure that all fields in the database are accurate.”

Notice Requirements

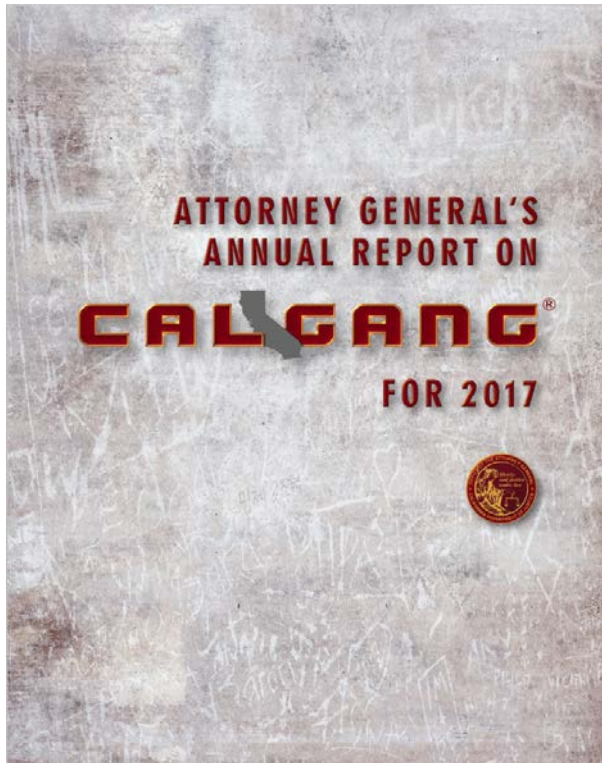
- ❖ Law enforcement agencies (LEAs) are required to notify individuals (or their parent/guardian/attorney) designated as suspected gang members, associates, and affiliates in writing of such designation and the basis for it.
- ❖ People may make a written request to any LEA as to whether they are in a shared gang database and the name of the LEA that made the designation.
- ❖ LEAs have 30 days to respond unless doing so would compromise an active criminal investigation or compromise the health and safety of the person if under 18 years old.

Contesting a Designation

- ❖ Ability to submit written documentation to a LEA to contest a designation.
- ❖ “The local LEA shall review the documentation, and if the agency determines that the person is not a suspected gang member, associate, or affiliate, the agency shall remove the person from the shared gang database.
- ❖ If the LEA denies the request for removal, a person may petition the court to review the LEA’s denial.



Annual Report

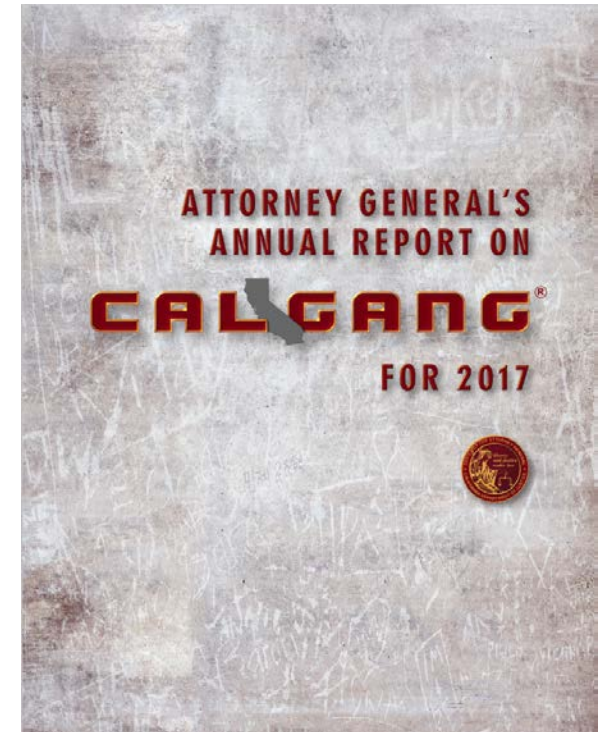


The report is categorized by zip code, agency, race, gender, and age and must contain:

- Number of persons included in CalGang on day of reporting.
- In the last 12 months, the number of:
 - persons added
 - requests for removal
 - granted requests for removal
 - petitions for removal adjudicated
 - persons removed due to retention period
 - Times an agency did not provide notice or documentation because doing so would compromise an active criminal investigation
 - Times an agency did not provide notice or documentation because doing so would compromise the health or safety of the designated minor.

Annual Report Continued...

- ❖ Shall contain the results from each user agency's periodic audit.
- ❖ Must be posted on OAG.ca.gov
- ❖ Shall invite and assess public comments following the report's release, and each report shall summarize public comments received on prior reports and the actions taken in response to those comments.



Access

“(v) The department shall temporarily suspend access to a shared gang database system or revoke access to a shared database system for any individual who shares information...for employment or military screening purposes.



(w) The department shall temporarily suspend access to a shared gang database system or revoke access to a shared database system for any individual who shares information...for federal immigration law purposes, unless required by state or federal statute or regulation.”

Gang Database Technical Advisory Committee (GDTAC)



- ❖ “The department, with the advise of the committee, shall promulgate regulations governing the use of, operation, and oversight of shared gang databases.”
- ❖ Provide advice to DOJ on standardized training.
- ❖ 11 committee members balanced among advocates and law enforcement with an elected chair person.
- ❖ Subject to the Bagley Keene Open Meeting Act.

Regulation Deadline

◀ ▶ January 2020 Search Calendar (Ctrl+E) 🔍

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	
Dec 29	30	31	Jan 1, 20	2	3	4	
5	6	7	8	9	10	11	
Previous Appointment ↑	13	14	15	16	17	18	Next Appointment ↓

GDTAC Goals

- ❖ Consensus building and providing the public a seat at the table.
- ❖ Holding at least 3 more meetings in 2018 in various locations across the state to compose a draft of the regulations.
- ❖ Have a completed draft to our DOJ's regulations staff by February 4, 2019 in order to meet the January 1, 2020 deadline.



Any questions from the
Committee?
