

MEETING
GANG DATABASE
TECHNICAL ADVISORY COMMITTEE

ROBERT H. MILLER III ROTARY CLUBHOUSE
7150 BALDWIN DAM ROAD
FOLSOM, CA 95630

FRIDAY, OCTOBER 26, 2018

9:30 A.M.

MICHELLE M. WILSON, RPR
REGISTERED PROFESSIONAL REPORTER

A P P E A R A N C E S

GANG DATABASE TECHNICAL ADVISORY COMMITTEE MEMBERS:

Mr. Sgt. Larry Mead

Mr. Chief Jarrod Burguan

Mr. Martin (Marty) Vranicar

Mr. Jeremy Thornton

Mr. Ryan Cooper

Mr. Michael Scafiddi

Mr. Fernando Huerta

Mr. Lt. Jim Considine

Mr. Sammy Nunez

Ms. Marissa Montes (On the phone)

NON-GDTAC MEMBERS, BUT SAT ON THE PANEL/LED DISCUSSION:

Ms. Shanae Kidd

Mr. Tommy Bierfreund

Ms. Arwen Flint

Ms. Jenny Reich

Ms. Shayna Rivera

Ms. Sundeep Thind

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT PUBLIC COMMENT SPEAKERS:

Mr. Phal Sok, Youth Justice Coalition

Mr. Sean Garcia-Leys, Urban Peace

Ms. Rekha Arulanantuan, ACLU

Mr. Jose Valle, De-Bug

Ms. Christine Clifford, De-Bug/People Acting in Community
Together (PACT)

Ms. Bener Vejar, De-Bug

Ms. Yolanda Ledasma, De-Bug

Mr. Jonathan Feldman, California Police Chiefs
Association (Cal Chiefs)

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1 CHAIRPERSON NUNEZ: [Unintelligible] Speak into
2 the microphone. Let's, uh, let's hope the agenda's
3 approval of September 19th, 2018 meeting minutes. Um,
4 copies of the minutes were submitted to the subcommittee
5 members for review on October 10th, and they're also
6 included in your packets. Uh, let us know if there's any
7 minutes that we have omitted. Otherwise
8 [unintelligible].

9 All those in favor say, "aye."

10 [Ayes.]

11 Oppose?

12 All right. Let's move forward with the, uh,
13 brief of the meeting by Shayna.

14 MS. RIVERA: Hi, Marissa, thank you for joining
15 us. Um, everybody else, welcome to Folsom. Thank you
16 for joining us again for this meeting. Um, I'd also like
17 to thank Marissa, Ryan, and Marty for providing their
18 comments to us within a very short time that we afforded
19 the Committee Members to provide us feedback. Um, your
20 work was not in vain, as we have and continue to evaluate
21 each comment that you provide. Um, and we've also
22 included those comments about the meetings. So with that
23 being said, we've made some format changes, that we hope
24 will garner our results and provide for more
25 opportunities to capture feedback from all of the Members.

1 Each topic on the agenda has been allocated a
2 certain time limit. I will announce when five minutes
3 are remaining; and this is done to provide the Committee
4 with an opportunity to decide if enough discussion is
5 heard for a vote. Or to move forward with discussion and
6 that will hopefully allow us to, uh, make sure we get to
7 all of the topics; and since we only have one meeting
8 remaining, it's critical that DOJ receives a full picture
9 to present to the attorney general. So that's kind of why
10 we're holding on to this format.

11 I'd also like to mention that all of the topics
12 under Agenda Item No. 6 were originally grouped together
13 because they were items delegated to DOJ to draft and
14 bring back to the Committee; however, we think it may be
15 easier to discuss the definitions for "member" and
16 "associate" in tandem, so Item 8C on the agenda,
17 Retention Periods, is now going to be 6C; um, and we also
18 heard your comments about the short lunch period, so we
19 will have one hour for lunch today. We'll break around
20 11:30, and we'll have one hour for lunch. Please be sure
21 to return on time, uh, because the next -- there will be
22 the Second Public Committee's, uh, period -- excuse me,
23 Public Comment Period, will take place promptly after we
24 return from lunch, and then there will also be a short
25 afternoon break, and we will adjourn at 4:30.

1 Uh, shall we get started?

2 CHAIRPERSON NUNEZ: Yep.

3 MS. RIVERA: Okay. Tom?

4 MR. BIERFREUND: Uh, we're going to start the
5 Public Comment Period No. 1. Um, the -- has anyone, uh,
6 not signed up that would like to speak? Everyone who
7 would like to speak has signed up already? All right.

8 Comments made during this period may only
9 address training, that includes consequences of
10 unauthorized use of data, definition of the offenses
11 consistent with gang activity, and the definition of gang
12 associate.

13 Based on the number of speakers who signed up,
14 each individual will have five minutes to provide their
15 comments. All comments should be directed to the
16 Committee, and speakers may not yield their time to
17 another. Speaker shall refrain from making personal
18 attacks, uh, while making their comments. The audience
19 is asked to be respectful of all speakers. It is the
20 Committee's practice to listen to the speakers and not
21 engage in dialogue. After all the speakers have been
22 heard, the Committee Members may respond as appropriate.

23 Please comply with these procedures or you will
24 be asked to leave the podium, and we thank everyone for
25 the participation. The first person who is signed up

1 is Phal Sok, with the Youth Justice Coalition.

2 MR. SOK: Um, can I get clarification? Shayna
3 just said they're moving the retention period up?

4 MS. RIVERA: Yes.

5 MR. SOK: To this piece?

6 MS. RIVERA: Yep.

7 MR. SOK: Um, okay. So my name is Phal Sok.
8 I'm with the Youth Justice Coalition. Um, I don't have
9 anything written.

10 [Thereupon microphone was switched on.]

11 Is it on now? Okay. So my name is Phal Sok;
12 I'm with the Youth Justice Coalition. Um, I don't really
13 have much written to say, um, but if you don't mind, I
14 wanted to share my personal experience, so you guys can,
15 uh, get a sense of what it is firsthand for the
16 community.

17 Um, so when I was 16, my dad had passed away and
18 I got myself into a lot of trouble. Um, school didn't
19 take me in, school pushed me out. [Unintelligible] lack
20 of safety net. Things like that. So I wound up
21 basically in the community, while hanging around with a
22 lot of people that weren't always up to good things,
23 doing good things, got myself into trouble. Um, got
24 labeled a gang member by law enforcement, gang associate,
25 got all these labels, different labels. Um, really just

1 because of affiliation, just because I lived in the area.
2 Places that I went to for resources, child placement
3 resources helped me to coping on loosing my dad, my only
4 parent. Just really bad predicament. I didn't really
5 have anybody to go to. These are the only people who
6 accepted me and embraced me, but I never joined a gang,
7 never got connected or anything, but I got labeled with
8 that just because I was there. Right? Just because I
9 was hanging out in neighborhoods. People would -- officer
10 would come by and look at my car, stuff like that, just so
11 I became labeled. All right.

12 Some of my concern is just in terms of how
13 people are labeled is one thing, but in terms of
14 retention periods, um, stuff like that -- what do you got
15 with retention? Sorry. This agenda is messing me up.

16 So the use of the data; right? So unauthorized
17 use of the data and stuff like that. Um, there should be
18 some serious, serious consequences for un-use --
19 unauthorized use of data. That's some really serious
20 stuff. Um, so some of that sharing of information what
21 I've seen directly impacts the people. When I was placed
22 in immigration detention, um -- so I've been there,
23 too -- I saw the use of gang labeling and immigration
24 detention, terrible. Talk about due process, there is no
25 due process in there.

1 I saw a gentleman, he was in his late 30s,
2 happened to live in a house where there was somebody
3 before that was living with gang members, that was living
4 in the house. So he had moved in, so he basically
5 inherited this address. They came and did a raid at his
6 house, found out that he was not that person, but they
7 took him anyway because he didn't have documents; but
8 then they were labeling him as a gang member just because
9 he was living there, and so because of the information
10 sharing; right?

11 So he would up not getting a law hearing. Judge
12 didn't want to [unintelligible] and reported, that's why
13 it's been [unintelligible] everybody here; right? So when
14 there's information that's crossing lines and being
15 shared, people are accessing these and they should have
16 serious, serious consequences. Right? Just in racial
17 context, I've seen it really, really terrible. It's really
18 devastating. I saw a man that was just being a
19 breadwinner.

20 Um, so there should be some serious consequences
21 to that. Whatever those consequences are, is for you
22 guys to decide; right? For you guys to figure out but
23 the community would love to see some serious
24 consequences.

25 Um, for me, when I was a juvenile, I was 17, I

1 got charged as an adult, I got the book thrown at me. I
2 got the book and probably a whole another encyclopedia on
3 top of that. All right? I got buried into the dirt.
4 Um, so when we do something wrong, the community we get
5 some serious, serious issues put on us; right? We get
6 stuck in the ground, court system all over us. We're
7 like being, [sound effect.] But when officers do
8 something wrong or somebody does something wrong, it's
9 like, [sound effect], keep going on about your business.

10 That's what the community sees. All right? And
11 that's very bad. If you want to talk about relationships
12 with community, trust, accountability, like that, we
13 don't see any of that. All right? We don't see any of
14 that. Because people are alarmed that things are
15 happening.

16 In terms of the retention period, um, you know,
17 a lot activities that may be labeled as gang affiliated,
18 gang activity, whatever it may be, sometimes it's
19 serious, sometimes it's not, sometimes it's transitory.
20 All right? Um, so a lot of things that I saw for me,
21 personally, wasn't nothing more than a year. That's my
22 own personal experience. A lot of my friends, a year, 18
23 months, and they're, like, gone; they're done with it.

24 And so what we'd like to see is moving down to
25 two-year retention period. Two years. That's what I

1 would like to see. That's what a lot of people in our
2 communities would like to see. And so I'm just here to
3 express that. In terms of the retention period, we are
4 asking for two years. Thank you.

5 MR. BIERFREUND: Thank you for that. Next on
6 the list, we have Sean Garcia-Leys from Urban Peace.

7 MR. GARCIA-LEYS: Can you tell me one more time
8 what are the topics for this Public Comment Period?

9 MR. BIERFREUND: Uh, we have training, that
10 includes the consequences of unauthorized use of data,
11 the definition of offenses consistent with gang activity,
12 and the definition of gang associate.

13 MS. RIVERA: No. No, Tommy. We moved -- so
14 instead of -- the C's have just swapped.

15 MR. GARCIA-LEYS: So not associate?

16 MS. RIVERA: Yeah.

17 MR. GARCIA-LEYS: Offenses consistent with --

18 MS. RIVERA: Gang activity.

19 MR. GARCIA-LEYS: And retention.

20 MS. RIVERA: And retention. Yep.

21 MR. GARCIA-LEYS: Okay. All right. So I have a
22 few briefs comments on each of those. The first in
23 regards to training, I have no doubt that the ultimate
24 policy, um, will have adequate description of the
25 training that's required. Uh, but based on the last

1 meeting and other discussions I've had with stakeholders,
2 uh, I think the big issue is going to be who gets
3 trained.

4 The current thinking on some people's part is
5 that the training should only go to people who sit at a
6 computer terminal and interact with CalGang. I and other
7 people feel that everybody who creates source
8 documentation should be trained. So that's going to be
9 an issue that will have to be resolved and will
10 dramatically change what is actually in the, um, the
11 ultimate training materials. Um, and I would say that
12 the argument in favor of making sure that everyone who
13 creates source documentation is trained, is that training
14 will improve the quality of the source documentation, and
15 I think one of the biggest benefits that can come from,
16 again, database reform, is changing some of the practices
17 that happen out on the streets.

18 Um, I have talked multiple times about the one
19 incident that really sticks in my mind is a client who
20 was -- had an officer go through his hair, uh, looking
21 for scalp tattoos that had been covered up by grown out
22 hair, at the park, while he was taking his kid to the
23 park.

24 But I heard, you know, hundreds of stories of
25 people not suspected of any crime but suspected gang

1 membership, being stopped, being asked, consensually, to
2 pull up their shirts to allow their tattoos to be
3 photographed, um; and those sorts of practices are not
4 practices that lead to safer streets. Um, that is the
5 type of gang policing that I think most affected
6 departments have recognized as counterproductive.

7 So the idea of training is not just to create a
8 better source documents, although that was part of it,
9 but also to ensure that those people that are out on the
10 field making these stops have also received some
11 training.

12 Um, on the issue of offenses consistent with
13 gang activity, uh, I have several problems with that
14 criteria in total. Uh, so not just listing which
15 offenses should be, but the idea that somebody would be
16 arrested but not convicted of a crime seems to make that
17 an unreliable concept. Um, an arrest that then results
18 in no charges by the city attorney or district attorney
19 is probably flawed for some reason, and those flaws also
20 suggest that it should not be reliable or held as
21 reliable source documentation, or, you know.

22 So, uh, yeah. So, first, the idea of arrest
23 rather than conviction raises some inherent, uh, concerns
24 about reliability. Uh, the other thing is this issue of
25 which offenses are consistent. So does it have to be a

1 charge as a 186, uh, charge on the, you know, on the
2 arresting documentation? Um, even those are pretty big.
3 I've seen cases where, uh, pretty straightforward DV
4 cases, um, where they're turned into a gang crime
5 because, uh, there are allegations that the reason that
6 this guy beat his partner was because she had been
7 talking to somebody from another gang. So, um, I mean,
8 the idea that DV is a serious crime needs to be dealt
9 with but that it's an a gang crime is, you know, it's not
10 supportable.

11 Um, so I would eliminate offenses consistent
12 with gang activity as anything but the most least
13 reliable criteria; however, certain sorts of convictions,
14 I think, should be conclusive, um, evidence of gang
15 membership.

16 Finally, on the issue of retention, I think Phal
17 said it well. Uh, there is -- one of the few things
18 there is consensus across the country amongst gang
19 research is that 90 percent of anybody that joins a gang
20 is adolescent will be out of that gang at the end of two
21 years, and I think one of the things that has not come up
22 in discussions is distinction between types of gangs. So
23 if you distinguish between Criminal Street Gangs and
24 Prison Gangs, which is the way law enforcement tends to
25 make these distinctions, um, Criminal Street Gangs are

1 kinds of folks who are in these databases, the people who
2 are stopped on street corners, um, and those are the
3 people who are universally recognized as being in and out
4 of gangs remarkably quickly.

5 Uh, now, people who end up, picking up, uh,
6 prison cases, do realtime in prison, get involved in
7 Prison Gangs; right? The evidence is that those peoples'
8 involvement in gangs is much, uh -- last a lot longer.
9 But that's a different kind of gang and that is not
10 necessary -- that is not typically the kind of gang that
11 we see being tracked in CalGang, at least from what I've
12 seen. It's more often Street Gangs, not Prison Gangs,
13 which is more the, um, per view of CDCR.

14 Um, so as far as retention, we recommend two
15 years. Thank you.

16 MR. BIERFREUND: Thank you for that. Next we
17 have Rekha Arulanantuum, sorry --

18 MS. ARULANANTUAM: It's okay. Rekha
19 Arulanantuum. My comments address gang associate, so
20 I'll wait until the next --

21 MR. BIERFREUND: Okay. Thank you. All right.
22 Well, that will be the end of Public Comment Period One.

23 UNKNOWN MALE: Um is there's room for public
24 comment, we got here too late. We weren't able to sign
25 up.

1 MR. BIERFREUND: Yeah. You got five minutes if
2 you want to speak.

3 UNKNOWN MALE: Is this Public Comment Period,
4 uh, addressing the associate definition, or has that been
5 moved?

6 MR. BIERFREUND: That will be No. 2. Yeah,
7 sorry. Things got moved around a little bit.

8 UNKNOWN MALE: So member, associate definitions,
9 as well as the criteria is in the second?

10 MS. RIVERA: Yep. Right after lunch.

11 UNKNOWN MALE: Okay.

12 CHAIRPERSON NUNEZ: This is on consequences of
13 unauthorized use of data, offenses consistent with gang
14 activity and retention.

15 UNKNOWN MALE: Okay. Got it. Did any of you
16 want to take it before we move on?

17 UNKNOWN FEMALE: Do you want to talk about
18 retention?

19 CHAIRPERSON NUNEZ: Okay.

20 MR. BIERFREUND: Thank you.

21 UNKNOWN MALE: Thank you.

22 CHAIRPERSON NUNEZ: Yeah. We're going to turn
23 it over to Sundeeep. We're going to, uh, go over the next
24 discussion item.

25 MS. THIND: Okay. So we are going to start

1 talking about Package 1. Um, our first item of
2 discussion is going to be: Training that includes the
3 consequences of unauthorized use of data. So I'm going
4 to turn your attention to, um, Page 9 of Package 1,
5 Article 4.

6 CHAIRPERSON NUNEZ: Marissa, can you hear us?
7 Can you hear Sundeep?

8 MEMBER MONTES: I can barely [unintelligible],
9 and I couldn't hear public comments that well.

10 MS. RIVERA: So just make sure you talk --

11 CHAIRPERSON NUNEZ: Okay.

12 MEMBER MONTES: But I can be there
13 [unintelligible] comments in a way that I could probably
14 provide feedback. If not, I know that --

15 MS. THIND: Marissa, can you hear me now? Is it
16 better.

17 MEMBER MONTES: You just sound kind of far away
18 is the only thing.

19 MS. RIVERA: You might want to take it off.

20 MS. THIND: Okay. I'm just going to hold it.

21 [Thereupon microphone was removed from
22 stand.]

23 MS. THIND: Okay. Can you hear me better now?

24 MEMBER MONTES: Yes.

25 MS. THIND: Okay. So we're going to start

1 talking about Package 1, and we're going to be talking
2 about training that includes the consequences of
3 unauthorized use of data.

4 I'm going to turn everyone's attention to, um,
5 Page 9 of Package 1, Article 4, Section 754, Subdivision
6 B12. Let me -- okay. So we re-drafted the language, um,
7 on here, and, um, just wanted to get your feedback on
8 what you think of it as it is right now. So it says:

9 Consequences of the unauthorized use of data.
10 Such consequences may include, but are not limited to,
11 affecting immigration proceedings, and the denial of
12 employment, housing, military, and public benefits. And
13 this pertains to training. At a minimum, instruction
14 from an improved instructor shall address the following.
15 And then it goes --

16 MS. FLINT: Sundeep, can you just make sure
17 people are tracking. Does -- does everybody know where
18 we're at in the regulations? Okay.

19 MEMBER VRANICAR: Chair?

20 CHAIRPERSON NUNEZ: Yes, sir.

21 MEMBER VRANICAR: I've got a comment that kind
22 of tries to put, uh, uh -- Marty Vranicar, Marissa.

23 MS. RIVERA: You have to speak into the
24 microphone, Marty.

25 MEMBER VRANICAR: I've got a comment that, uh,

1 that kind of puts this, uh, in perspective and picks up a
2 comment that was made, uh, by Mr. Leys-Garcia [sic]. Uh,
3 with respect to training, and this training is not only
4 directed toward the people who were doing input to the
5 terminal, but it's going to be, uh, training that covers
6 the users; and, uh, what we have here is what an
7 instructor, or someone who, uh, intends to instruct other
8 users on the use of CalGang, uh, will address.

9 And I think that, uh, what was drafted here, uh,
10 is -- with respect to the unauthorized, uh, consequences
11 of unauthorized use of data, uh, I think is -- is -- is
12 appropriate, because it hits the high spots of what, uh,
13 CalGang in the past has, uh, arguably, uh, been, um,
14 perhaps I should use the term, "accused," of the improper
15 use of CalGang to affect someone's employment, uh,
16 housing and other, and I think that interesting you also,
17 um, uh, put in, Item 8 in the draft: Best practices for
18 mitigating the entry and dissemination of false or
19 incorrect, uh, information.

20 And I think, you know, obviously, that goes to
21 Mr. Leys-Garcia point, with respect to generally training
22 those individuals who are responsible for the source
23 documentation in what is going to be required. So, um,
24 I, for one, uh, uh, I also, uh, note that this is the
25 first one entry of proxy request, that is, if someone

1 else calls in and says, "I want you to run somebody in
2 the database" and somebody does that, then there will be
3 an audible record of one who made that proxy request and
4 the results of it.

5 So I'm -- I'm, uh, definitely in favor of, um,
6 the way this -- this was drafted. I think it meets, uh,
7 both concerns that, uh, individuals who have been
8 involved with CalGang are concerned, plus, in my mind, it
9 also meets some of the, uh, concerns that were directed,
10 uh, to us by the community members. Thank you.

11 CHAIRPERSON NUNEZ: Thank you, Marty. May I
12 chime in?

13 MS. RIVERA: Absolutely.

14 CHAIRPERSON NUNEZ: I'm just wondering, what are
15 the consequences of -- it doesn't really spell them out
16 to me. Is there -- I understand that consequences, uh,
17 may include but aren't limited to affect immigration
18 proceedings, now employment. I understand the -- I guess
19 I'm wondering if there's -- what are the -- I guess
20 because it says consequences of system misuse; right?

21 MEMBER COOPER: The consequences are you either
22 get personnel complaint to your department, a letter sent
23 from our Committee to the head of your Agency, Hey, you
24 misused the system; you did this -- whatever the case is.
25 You can have your account suspended, or it can be for a

1 certain period of time, you have to get retrained, or it
2 can be indefinitely, or your agency can get booted out.

3 CHAIRPERSON NUNEZ: Shouldn't we actually --
4 because it seems to me that there would be a subjective
5 to the particular, um, um -- what was it? Um, shouldn't
6 there be consistent -- shouldn't there be language
7 spelled out in here?

8 MS. THIND: It is.

9 CHAIRPERSON NUNEZ: It does spell out the
10 language?

11 MS. THIND: It is, um -- it is on Page 22.

12 CHAIRPERSON NUNEZ: Okay.

13 MS. THIND: Yeah. Section 763. This is just
14 the training section.

15 CHAIRPERSON NUNEZ: Got you. Okay.

16 MEMBER COOPER: This is all covered in our
17 training anyway. We talk about the misuse of systems,
18 letter of censure, temporary or permanent suspension, or
19 your agency getting removed.

20 CHAIRPERSON NUNEZ: Does it also speak of, like,
21 data entry? Um, you know, kind of --

22 MS. THIND: Mis-entry?

23 CHAIRPERSON NUNEZ: Yes.

24 MS. THIND: And what the consequences of that
25 are?

1 CHAIRPERSON NUNEZ: Yes. Yeah. Obviously, the
2 audit caught that there was people that shouldn't have
3 been in the database in the first place. How do you, uh,
4 create a practice where that doesn't happen? Is that in
5 there at all?

6 MS. THIND: I don't --

7 CHAIRPERSON NUNEZ: No?

8 MS. THIND: I don't -- I don't recall that being
9 exactly addressed, the consequences for that. Um, but
10 that's something we can talk about today.

11 CHAIRPERSON NUNEZ: Okay.

12 MEMBER THORNTON: Jeremy Thornton, CPDA. Um,
13 what, I guess this is directed to law enforcement. I
14 don't know how -- or allegations of misuse investigate.
15 Who is responsible and are there, I guess, norms or
16 protocols?

17 MEMBER COOPER: Well, if we become aware that
18 somebody misused the system for whatever reason, we can
19 -- everything you do in the system from literally the
20 second you log in to the second you log out, is tracked.
21 Everybody you look at, any information you put in there,
22 any information you search for, anybody's file you looked
23 at is tracked. So we can see everything -- literally,
24 everything you've done down to the 10th of a second. It
25 has everything. So it would, if it was a personnel

1 invest -- or like an internal complaint against the
2 agency, then that Auto-Trail will be shown to the person.
3 "Hey, this is what they did. They looked at this guy.
4 They searched for this person." You know, "had no reason
5 to be searching for this," or, you know, gave out the
6 information, whatever the case might be. That would be
7 our evidence.

8 MEMBER THORNTON: Okay. So is it possible then
9 to include on the, uh, the notice that someone's being
10 included in the database some sort of: If you feel like
11 this information is misused in some way, please contact
12 your local police department, um, so that this can be
13 looked into.

14 I mean, I imagine this comes up with -- "Hey. I
15 went for my interview, and they said they ran a
16 background check on me and said I'm in a gang, and they
17 didn't hire me." I think that's kind of -- those are the
18 allegations being made; right? That it's being misused
19 in this way. And in order for those complaints to make
20 it back to you, or the note administrator, so that they
21 can be looked at, can we include on some kind of form
22 that provides notice that there's a way, if it's misused,
23 we can address this?

24 CHAIRPERSON NUNEZ: Speak into the microphone,
25 please. Sorry. I'm going to have to keep reminding you.

1 MEMBER THORNTON: I didn't hear you.

2 CHAIRPERSON NUNEZ: Speak into the microphone.

3 MEMBER THORNTON: Oh, excuse me. I'm sorry.

4 [Laughter.]

5 CHAIRPERSON NUNEZ: Literally. Yeah.

6 MEMBER THORNTON: All right. Thank you.

7 MEMBER COOPER: There are various -- I mean, the
8 forms don't currently have that on there. I mean, they
9 have the right to ask, "Hey, I want to be removed from
10 the system" or, "Am I in the database?" Um, you know,
11 we've asked for these anecdotal stories of, "Oh, I was
12 told I was in a gang data -- I was told I was a gang
13 member when they did the background on me."

14 And nobody can come up with, all right, who this
15 person was. Give me a name. And we said numerous times,
16 I've said it numerous times as well, we want to find
17 somebody that if somebody is misusing the system, we want
18 to make an example of them. We want to say listen,
19 besides the scare tactics we give when we give the
20 training, "Hey, don't misuse it. Don't misuse it. Don't
21 be that guy. Don't be the one to screw it up." If we
22 find somebody who misuses it, we're going to make an
23 example of it. Blow it up, you know, obviously they
24 still have their rights as, you know, officers or
25 deputies or whatever, but, um, we've asked for how --

1 okay. You didn't get a job at whatever store because
2 they said they did a background and somehow they ran you
3 in CalGang.

4 We'll find out if that's true or not. And we've
5 asked for give me an instance of that happening, and not
6 one person is able to provide that. This has been going
7 on for years. It's the same -- I understand it. It's
8 the same, you know, there's that rumor, but we're trying
9 to find -- I've never come across it. Nobody's ever
10 brought it up to me, and I've been doing this for ten
11 years.

12 MEMBER THORNTON: Should we establish a
13 reporting system? Um, something that's routine?

14 MS. THIND: So would anybody be open to, um,
15 Jeremy's suggestion? Let's discuss.

16 MEMBER SCAFIDDI: Um, if I may. Mike Scafiddi.
17 Um, good morning, Marissa. Just a quick comment about
18 Jeremy's suggestion. We know that's already acquired to
19 give notice to the individual that law enforcement want
20 to put into CalGang. Different agencies have described
21 that previously, um, how Simi County Sheriff's done it,
22 how LAP does -- LAPD does it, and I think Jeremy's
23 suggestion is simply about notice and simply add to the
24 notice. For example, if some time in the future, um, you
25 obtain information that you were denied

1 employment or suffer immigration consequences, this is a
2 number that you can go -- this is a place that you can go
3 for redress.

4 And, to me, notice is fundamental in our
5 constitution. I mean, you have to have notice, and maybe
6 there are people that have been wronged and just don't
7 know who to contact, or maybe it's not a bigger
8 happening, as -- as some people may think it is. But
9 either way, I think it's a simple suggestion just asking
10 to the original notice requirement, a sentence or two
11 sentences. To me it seems fundamentally fair, um, for
12 the community, and I don't think there should be any
13 significant cost factor for governmental entities to do
14 that. So I think it's just a fundamental fairness just
15 to add one line to say: If in the future you get
16 information that you're denied employment, housing,
17 government grants, because of your inclusion in
18 California gang database, you can contact a note
19 administrator at blah, blah, blah.

20 And I think it's simply -- it's that simple. I
21 don't think this is an issue that there should be much
22 disagreement on.

23 MEMBER COOPER: I know our notice has a -- has a
24 line on there saying: If you have any questions
25 regarding this correspondence contact this person. It's

1 laid out there. You know, if you have any questions, you
2 want help, you want to get, it's open to any --

3 MEMBER SCAFIDDI: That's great --

4 MS. RIVERA: You have five minutes remaining.
5 I'm sorry.

6 MEMBER SCAFIDDI: Okay. That's -- that's great
7 that that happens, but if you talk -- if you just give
8 them another little primer to denyment them of grants,
9 education, housing, um, jobs, things like that, just if
10 you signify that, it would be easier; and maybe down the
11 line some of our local community organizations that are
12 represented here today, um, can send out advertisement
13 fliers to people in the neighborhood to say: You -- if
14 this becomes an issue, this is who you contact. So it
15 can be a collaborative effort between law enforcement and
16 community leaders.

17 So I think if you can put it on both sides, to
18 make it so that people can just understand, "Oh, I didn't
19 know that." And if just one person could come forward --
20 if one person can come forward and tell a story of what
21 happened and it can be found out that it did happen, then
22 there's a collateral-effective benefit for everyone else.
23 As Sergeant Cooper said, make an example of someone. I
24 have no doubt that he means that. So that's a benefit to
25 everybody. And so I agree with Jeremy 100 percent about

1 adding some language.

2 MS. RIVERA: Did you want to add to that?

3 MEMBER SGT. MEAD: I was just going to say --
4 Sergeant Mead. I was just going to say that we have made
5 examples. One example, in particular, of a person who
6 had, uh, used a proxy in an investigation. Not only was
7 that person investigated by internal affairs and by
8 myself running the audit, um, that person is no longer
9 allowed into the system, and he was pulled out of the
10 gang, uh, unit and transferred to another, um assignment.
11 Where he is sitting in a booth looking at people.
12 Something like that. Um, so there -- there are some
13 serious, serious consequences related to the misuse of
14 the system.

15 CHAIRPERSON NUNEZ: And I think that Jeremy's,
16 you know, recommendation, in terms of just additional
17 checks and balances, I think is really important. Um, I
18 think that the consequences when somebody's, you know,
19 put into the immigration [unintelligible], for example,
20 something like this, the consequences are severe for the
21 public. One, there's misuse of the, uh, system. Um, you
22 know, I personally would love to see an Oversight
23 Committee, that also has former gang members involved in
24 there as well. I know that they're used quite a bit in
25 court proceedings, uh, to -- to assist in determining

1 whether or not somebody is a gang member.

2 I know that's not in this -- perhaps a trailer
3 bill -- but anything that puts checks and balances in
4 place to make certain that the system is used accurately,
5 is really important. Um, again because the implications
6 on the public are super real; right?

7 Um, are we going to move on from this item now
8 or -- I don't know that --

9 MS. RIVERA: Yeah. So, um, we've run out of
10 time for this, but I want to go back. Um, Jeremy, would
11 you be okay with the language that Ryan proposed to
12 include that LAPD currently includes? And if we put that
13 in the notification, and, if so, do we want to make a
14 Motion to do that and vote? Because it seemed like you
15 liked what he said.

16 MEMBER THORNTON: Yes. I did and I do like
17 that, and I -- I am in favor of --

18 CHAIRPERSON NUNEZ: Could we hear it one more
19 time?

20 MS. RIVERA: Yeah. Ryan, could you share the
21 language, please? And speak into the microphone so
22 Marissa can hear you, because we will be asking her to
23 vote.

24 MEMBER COOPER: All right. So at the end of all
25 of our notices, uh, say: Should you have any questions

1 regarding this correspondence, or have any inquiries
2 regarding referral programs, please call officer or
3 detective, has an ID number, phone number, email,
4 whatever.

5 So -- that's -- that's basically the end of our
6 letters notification letters, response letters, removal
7 letters. Um --

8 MEMBER THORNTON: The letter also -- maybe you
9 should read this part, too, because I think this is
10 actually a little important because that comes right --

11 MEMBER COOPER: Yeah. So -- yeah. So on the
12 response for the removal one that we have, we also have:
13 The department-shared gang database is used only to
14 identify possible suspects in criminal investigations,
15 not to use for purpose of employment checks, housing or
16 welfare benefits, background investigations, or
17 noncriminal immigration proceedings.

18 MEMBER THORNTON: So it's got the -- I like the
19 aspect of that disclaimer of what it's not to be used
20 for, and, then, if you have any questions or comments,
21 call this officer at this; and I have no doubt this is
22 going to be taken very seriously by detectives or police
23 officers if someone calls and says, "Hey, they said I
24 couldn't get this apartment, and they said it was because
25 of this."

1 So I think that's great. I think that
2 language -- these are expressed purposes it's used for.
3 These are examples of what's it's not to be used for.
4 Call us if there's a problem. Um, I think that's
5 fantastic. I think that's very clear.

6 MS. RIVERA: Would you like to make a Motion?

7 MEMBER THORNTON: Oh, okay. I make the Motion
8 to include those two, um, the express purposes for what
9 it's used for, the examples of things that would be
10 misuse, and then a, um, request for comments or questions
11 if there are any concerns about, uh, use or misuse, um,
12 with the phone number, email, or contact number for the
13 detective.

14 CHAIRPERSON NUNEZ: All right. Is there a
15 second? Sorry.

16 MEMBER VRANICAR: This is Marty. Question on
17 the Motion. Um, I didn't see, uh, specifically, within
18 the, uh, regulations of place that, uh, basically what
19 we're talking about here is standardizing, uh,
20 notification. So is that going to require a separate
21 section within -- within the regulations or --

22 MS. RIVERA: We have that already.

23 MEMBER VRANICAR: Oh, you do?

24 MS. RIVERA: We do have sections on the
25 notifications in the regs.

1 MEMBER VRANICAR: Okay. But the --

2 MS. THIND: We are talking about Jeremy's Motion
3 and how -- where it would go with no text; right?

4 MEMBER VRANICAR: Right. Right. Thank you.

5 [Laughter.]

6 MS. THIND: I think that that's just something
7 we're going to have to, like, review in order to
8 determine where the perfect place for that would be,
9 unless you have recommendations? Okay.

10 CHAIRPERSON NUNEZ: All right. We'll hear a
11 second.

12 MEMBER COOPER: I have a question. Currently,
13 we have this -- or my department has this on the response
14 for removal letter. We don't have it on the notification
15 or request for status. So it's only -- for us, right
16 now, it's only on this one form, are those two lines.
17 The other -- the other response letters have the, If you
18 have any questions contact this person, whatever, but
19 doesn't have the stuff about the immigration or housing.

20 MEMBER THORNTON: I guess my idea would be to
21 include it on the, um, notification and the request for
22 status.

23 MEMBER COOPER: To all three?

24 MEMBER SCAFIDDI: And with that modification, I
25 would second.

1 CHAIRPERSON NUNEZ: Okay. We have a first and
2 the second. Thank you, Michael. All those in favor say,
3 "aye."

4 [Ayes.]

5 MS. RIVERA: Can you raise your hand so we can
6 capture that.

7 CHAIRPERSON NUNEZ: Oppose?

8 MS. RIVERA: And then Marissa.

9 CHAIRPERSON NUNEZ: Did you vote, Ryan?

10 MEMBER COOPER: Um, I'll agree to it.

11 CHAIRPERSON NUNEZ: Okay. Marissa?

12 MEMBER MONTES: Sorry guys. I really couldn't
13 hear the back and forth. So I don't really feel
14 comfortable voting, so maybe I'll just --

15 MS. RIVERA: Abstain.

16 CHAIRPERSON NUNEZ: Abstain. Okay.

17 MEMBER MONTES: To abstain would be the most
18 appropriate.

19 CHAIRPERSON NUNEZ: Motion carries; right?

20 MEMBER MONTES: Because I can't hear sorry. I
21 don't feel comfortable voting.

22 MR. BIERFREUND: So everyone except for
23 Mr. Considine was "yes"?

24 MS. THIND: Um, Ryan, could you read that
25 language over to me one more time so I could, um, capture

1 it?

2 MS. RIVERA: We can get it --

3 MS. THIND: Okay. I'll just get it from you
4 later.

5 MS. RIVERA: Yeah.

6 MS. THIND: Thank you.

7 MS. RIVERA: Okay. Next we're going to move to,
8 Definition of Offenses Consistent With Gang Activity.

9 CHAIRPERSON NUNEZ: All right. Good one.

10 MS. THIND: Sorry. Give me one second. Okay.
11 It will be Page 3. Okay. So I'm going to go down the
12 comments that we received for this. So this is going to
13 be, um, the definition you could either find in Package 1
14 or 2; it's on Page 3. Um, if we're looking at Package 2
15 since that's really the place where we can discuss this
16 -- we're authorized to discuss these things in, it would
17 be Line 6, and the current definition reads:

18 Offenses consistent with gang activity mean
19 either those offenses that are listed in Subdivision E of
20 Penal Code Section 186.22; Penal Code Sections 186.26,
21 186.28, 186.30, or those offenses committed with the
22 intent to enhance or preserve the association's power,
23 reputation, economic resources of the gang.

24 And I think there should be an "and" in there.

25 And. So there would be comma and economic resources, or

1 an "or" and/or. I'll put an and/or.

2 Sorry for the typo.

3 So the first comment, um, I received was, um, to
4 add on criminal enterprise. So if you'll look at the
5 projector up there -- sorry I know it's not good quality.
6 Let me try to see if I can make it bigger.

7 Okay. So the first proposal was to enter in the
8 criminal enterprises -- enterprise right after
9 associations or -- yeah. Preserve the association's
10 criminal enterprise, power, or reputation, and/or
11 economic resources of the gang. So thoughts on that?

12 MEMBER VRANICAR: That was my comment to
13 differentiate. Basically, association, uh, you know, is
14 a very broad term, and I wanted to clarify that we're
15 talking about, uh, an association that engages in a
16 criminal enterprise, not just any association that's
17 seeking power or seeking to preserve, uh, their
18 reputation or economic resources.

19 MS. THIND: And then also in addition to that, I
20 wanted to direct you towards the second comment, which
21 also has to do -- um, it's from a different Committee
22 Member, and he proposed to add in, um, language saying,
23 um -- so if you look at the -- after the Penal Code
24 Sections are cited, it starts out with:

25 Or those offenses committed with the intent to

1 enhance, promote, further, or preserve the Criminal
2 Street Gang's power, reputation, and/or economic
3 resources.

4 So those are, like, all the proposals for that
5 Section, and, um, yeah. So he's addressing mostly to
6 change the association to Criminal Street Gang, to make
7 it more clear and comply with the Penal Code Section, to
8 make it more consistent with AB 90.

9 CHAIRPERSON NUNEZ: Any thoughts or comments?

10 MEMBER VRANICAR: I'll make the motion to accept
11 the last comment, because that's consistent with the
12 current language in the, um, Penal Code, specific intent
13 to enhance.

14 CHAIRPERSON NUNEZ: Okay. We have a first and a
15 second. We got Marty and, uh, and LT Jim Considine is
16 the second. Um any --

17 MEMBER SCAFIDDI: Just part clarification. Mike
18 Scafiddi. We're talking about Comment R, that was listed
19 up -- yeah. Go back to the original slide. So that's --
20 one that's -- 52 on the left side, 2, Page 3, 5 and 7.

21 MEMBER VRANICAR: Yeah.

22 MEMBER SCAFIDDI: Okay. Thank you.

23 CHAIRPERSON NUNEZ: All right. All those in
24 favor say, "aye."

25 [Ayes.]

1 MS. RIVERA: And raise your hand, please, so we
2 can capture the votes.

3 CHAIRPERSON NUNEZ: Oppose? Abstentions?
4 Marissa?

5 MEMBER MONTES: Again, I can't really hear. I'm
6 sorry. I'll stay on the line as long as you guys want, but
7 yeah I'll stay on that way if there's any questions,
8 especially about what I submitted, I'm happy to explain.
9 Is that okay?

10 MS. RIVERA: Yeah.

11 CHAIRPERSON NUNEZ: Yeah. That's fine.
12 Okay let's keep going.

13 MS. RIVERA: Um, retention period.

14 MS. THIND: Okay. So we're moving over to
15 Retention Period next. So the debate is between -- it
16 was originally between three or five years, but now it's
17 changed to three or two -- or sorry -- five or two years,
18 from, like, the comments that we've received.

19 Um, if we're going to go comment by comment, the
20 first comment I'd like to bring up is, um, pertaining to
21 Section 775, and this is in Package 2; it is page 13.
22 The first comment pertains to Lines 11 through 12; and,
23 um, this Member recommended that an individual's record
24 shall be retained in a shared gang database for up to
25 five years, and then they added additional language

1 saying:

2 If the individual has been convicted of a
3 gang-related crime under Penal Code Section 186.22(a) or
4 186.22 (b), then the retention period is tolled during the
5 period of probation or parole.

6 So that's the new language. So let's absorb
7 that and discuss it.

8 MEMBER VRANICAR: I'll own up to that comment.
9 Um, I -- I think, uh, one of the things that, uh, we've
10 discussed in the past, if not in this forum in the prior
11 iteration CalGang Executive Board, is the fact that, uh,
12 corrections, uh, does not -- does not keep track of and
13 is not included in the database.

14 So you might have an individual who gets a --
15 who gets a five-year term and comes out and continues his
16 activity, and, uh, his records would have been purged,
17 and he comes out with a -- with an essence, a clean
18 slate. And a lot of that information that gets included
19 in the prison packet, uh, is, with respect to
20 disciplinary record or his own engagement in -- in prison
21 gang, is not captured; and so I think it's appropriate,
22 uh, and it would probably -- probably, um, uh, work, uh,
23 to -- to keep track of those individuals, so that the
24 retention period in effect is tolled during the time that
25 the individual is on probation or is on parole.

1 MEMBER SCAFIDDI: If I may comment? Mike
2 Scafiddi. Um, so basically your -- the proposal is,
3 someone gets convicted of 186.22(a) or (b). Let's say they
4 go to prison for four years. They come out with a three
5 or four year parole, where they're out in the streets, so
6 now it's seven years, and then you want to toll that whole
7 period, even the toll period, and then add five on top of
8 that?

9 MEMBER VRANICAR: That's correct.

10 MEMBER SCAFIDDI: Okay. So in essence, you do three in
11 prison, you do four parole, you got seven and so we're
12 going to make it -- then he's got a five year later on that
13 he's on the gang beat. I just wanted to make sure I
14 understood that.

15 MEMBER VRANICAR: Yeah.

16 MEMBER SCAFIDDI: I'll be a hard no on that one,
17 when we vote. I mean, we do call it CDCR now; right? I
18 mean, there is a hope of rehabilitation. Four-year period
19 of parole, three years people watching you, you could
20 have GPS. You went in there on a gang crime, you're going
21 to have the gang people watching you, um, probation
22 officer, parole officer, whatever it may be, and we want
23 to toll that period. To me that seems -- that doesn't
24 seem it serves any useful purpose.

25 So if someone is away for three years, four

1 years that follow they don't commit any new gang crimes;
2 they're not hanging out with gang members, but then we're
3 going to watch them for another five years and keep them
4 in the database. To me that just seems wrong.

5 MEMBER THORNTON: Jeremy Thornton. I think the
6 data is consistent with the two-year proposal,
7 particularly, when it comes to adolescents and Criminal
8 Street Gangs, which I know is a major, um, kind of,
9 motivator behind CalGangs and the gang database.

10 The -- I think it's -- it's fair to say that
11 over inclusion will lead to better policing, more
12 security, and -- but I think we have to acknowledge that
13 this society in particular, America, California, is about
14 a balance, and that balance always has to tip in favor of
15 less government observation. Um, that's just the way it
16 is. That's why we have judges reading over search
17 warrants. That's why we have motions to suppress
18 evidence when there's been a 4th Amendment violation,
19 even when someone's been caught committing a crime.

20 Uh, the balance always goes toward, um, or away
21 from the government; and so I think when the data
22 supports two years, when the studies and what's been
23 accepted across the states is two years, and I know
24 that -- or I believe that the Department of Justice has
25 been provided with the articles that support this -- I

1 think that a period like this, while I understand why, I
2 don't think it should be adopted. I think we need to
3 push forward with a two-year recommendation.

4 And, frankly, if someone is still active in a
5 gang, then they're going to continue to be documented.
6 So I don't know what the cost of a two-year period is,
7 and I certainly see the benefit because, if someone has
8 in fact gone to prison, changed, come out, distanced
9 themselves, I do not think it's fair to be continued to
10 be labeled as someone who they were a long time ago and
11 before a prison stint, because prison is life changing.

12 MEMBER SCAFIDDI: Can I ask a question? Maybe,
13 Jeremy. I read some of the studies, and I know that we
14 had a previous speaker at one of our sessions who talked
15 about, um, that within two years -- and they were talking
16 about younger people, um, I don't remember what age they
17 were using as the cut off, that most of the younger
18 folks, 90 percent will leave gangs, but I don't remember
19 what age group they were talking about. Does anyone
20 recall that age group? Whether it was under 18, under 21?

21 MEMBER THORNTON: My recollection from
22 literature is under 18.

23

24 MEMBER SCAFIDDI: Under 18?

25 MEMBER THORNTON: Yes.

1 MEMBER SCAFIDDI: Um, just a possible thought,
2 and I do agree with Jeremy's comments 100 percent, but I
3 would say this, if -- if this Committee -- if there's a
4 majority of the Committee that's not inclined to do the
5 two years or even consider three years, which I hope they
6 would, is there a possibility that we would consider two
7 years for someone 18 or under and then a three year for
8 someone 19 and older?

9 Um, if studies do show us that the younger, um,
10 people that join gangs, leave -- 90 percent of them leave
11 within two years, then I think that's rationally related
12 to the studies to do two years, um, and I think that if
13 you pick a number for someone that enters the gang
14 database, let's say at 19 and whatever age on up, I don't
15 think there's as clear data that shows that they leave
16 within two years. So that maybe a time period like three
17 years would be more appropriate for someone that age
18 coming versus someone 18 and under.

19 So that would be my suggestion. I would just
20 ask if anyone had some thoughts about bifurcating,
21 because I think we can do that. I think we can make that
22 recommendation. Ultimately, DOJ will have to figure that
23 out and the Attorney General, but, if we do believe these
24 studies are correct and 90 percent of these younger folks
25 do leave, then maybe we can do it two years, cap it at

1 two for people 18 and under and then at three for 19 and
2 older. I would just put that out for conversation if I
3 could.

4 MEMBER CONSIDINE: Jim Considine
5 [unintelligible] County Sheriff. Uh, yeah, five years I'm
6 pretty consistent with that. I understand, two years is
7 -- I've done this a long time, that's not enough time. I
8 get your vote is a hard no on two, but, yeah, I just
9 think five years is real consistent. It's up to them. If
10 they don't care to be contacted, if you're in there for
11 two years, don't get contacted for five years, you're out.
12 What's -- it's up to them if they get contacted and
13 documented as a gang member. Don't be hanging around gang
14 members, don't have tattoos and stuff like that.

15 So I think it's a simple process. It's on them
16 as much as us. If, you know, we don't contact them and
17 they're out at work and not being contacted by law
18 enforcement, then the five years is an easy ride for
19 them.

20 If they go to prison for five years, they get
21 [unintelligible] out. We don't like that, but, I think
22 -- and that's why I see Marty's idea that while they're
23 in prison it kind of gets tolled, especially if it's a
24 gang crime. I like the idea. It's a pretty stellar
25 point. Not just any crime but a gang crime.

1 MEMBER COOPER: So to follow up on what Jim said
2 and Marty's suggestion. We thought about it for a long
3 time, and it's possible if a guy gets convicted of a 186
4 crime, goes to prison for a gang-related crime, if we can
5 put his time on hold; and then whenever he gets out,
6 whatever he has left as far as his purge date as far as
7 CalGang is concerned, then it would continue on from
8 there.

9 There's a guy that I use as an example, and,
10 when I give my classes, that I put into the system back
11 in 1999, 2000, and then ended up putting -- it was
12 involving a case with him where I sent him to prison for
13 ten years. Well, he did ten years of, like, a
14 twelve-year sentence. He gets out, all the stuff that we
15 had on him back from 1999 and 2000 has all gone out of
16 the system. He got out, he still hardcore gang member,
17 still involved in doing this stuff, um, but all contacts
18 we had before, the associates that he was with, uh, what
19 he looked like at the time, is all out of the system.

20 So if it would be possible if we could, I don't
21 know, push the pause button or whatever when somebody
22 gets convicted of a gang -- gang-related offense. Then
23 they get out and let's say they got, you know, another
24 four, five years -- or they have another five years, once
25 they get out of the system -- removed from the system or

1 purged from the system, if they have no contact like Jim
2 said.

3 CHAIRPERSON NUNEZ: I think the idea that if
4 someone is lives in a neighborhood that is a gang
5 neighborhood as designated by law enforcement, that
6 they're engaging in criminal activity I think is far
7 reaching. It's not the case. It's not true. It's
8 absolutely false. I'm concerned that we would have to
9 have that kind of a conversation because, frankly, just
10 listening to Mr. Phal Sok about his comments, in regards
11 to living in a neighborhood, we know that happens.

12 I can tell you there's a lot of people that get
13 caught up in this huge net that have never done anything
14 remotely connected to advancing a gang. Uh, but by
15 simply living there, and there is, of course, racial
16 categorization, these are things that happen, this is why
17 we're here. I think two years, the research says it,
18 let's be, uh, I think, informed about our decision and
19 parole and probation provide oversight. They provide
20 community supervision for folks.

21 So they can be closely monitored already.
22 There's already enough monitoring and surveillance and
23 all these kind of things that are happening. Frankly,
24 when somebody comes out of, uh, prison system, often
25 times they have, uh -- they're, by sheer virtue of being

1 in that neighborhood or being related to other people in
2 the community, they can get, again, caught up in this
3 system and that's what we're trying to avoid.

4 We're trying to avoid this reciprocal effect of,
5 you know, when people come out. True justice, you make a
6 mistake, you pay for it, you move on with your life. If
7 you want justice, though, you got to continue to pay for
8 something over and over and over again. I feel as though
9 that would be truly unjust to continue to punish people,
10 uh, long after they served their time.

11 MEMBER SCAFIDDI: Can I make one additional
12 comment? Are we okay for time?

13 MS. RIVERA: Uh-huh.

14 MEMBER SCAFIDDI: Thank you. Um, three points I
15 would like to make. One, um, when I was flying up here
16 yesterday, flying Southwest Airlines, highly recommend
17 them.

18 [Laughter.]

19 MEMBER SCAFIDDI: They're pretty funny. Um, I
20 always think about this is an Advisory Committee. Okay?
21 So the attorney general has asked this group of people to
22 advise him, with the assistance of our Department of
23 Justice, to deal with the issue. I mean, where's CalGang
24 right now, folks? Where is it? Okay? There's a clear
25 indication what the AG, um, wants to see from this

1 Committee, and I believe that is safety for the community
2 but also recognition that CalGang has some collateral
3 consequences against people that it should not have a
4 consequence against. Okay?

5 And I think that means we need to find consensus
6 in a middle ground. I believe my comment of two years
7 for 18 and under and three years and above for 19 or
8 older, was that exact kind of middle ground that
9 reasonable people should at least consider; um, and
10 maybe, Marty, I shouldn't have just been a hard no on the
11 tolling period. Um, maybe. I know you put a lot of work
12 into thinking about that. So let me back off that hard
13 no to like a soft no, if I can.

14 [Laughter.]

15 MEMBER SCAFIDDI: Just a little baby no, a mild
16 no. So that's my first comment.

17 My second comment is directed to Ryan or
18 Sergeant Mead from LASO. So let's say someone is on the
19 gang list at 17 and two years goes by and that person has
20 no more contact. Right? Under my proposal, um, they
21 would be off the list. If they commit -- if they commit
22 one of the crimes of a gang member and in a gang area
23 with gang tattoos and stuff, is there anything that
24 precludes them from going back on the list in CalGang?
25 So then what is the concern?

1 I understand CalGang is a very good tool for
2 investigative practices, but you have to balance that.
3 If someone hasn't done anything for two years, are really
4 going to be focussing our investigation on that person
5 anyway? What's the odds versus someone who's still
6 actively involved in criminal-gang activity? So think
7 about that. Think about -- balance that between the
8 stories that Phal told us today and what we're hearing.

9 By the way, both community members that spoke,
10 both of them, in offer to compromise, says -- basically
11 they told you, "We agree there has to be a CalGang." In
12 essence because they're saying, limit it to two years.
13 That's a concession. There's some community members that
14 don't believe there should be a CalGang at all. So I
15 thank the two community people that came up and spoke
16 today for that concession. That is what I'm talking
17 about, a middle ground.

18 Third comment and final comment. I would defer
19 everyone on this board to the passing SB50 a couple years
20 ago, the change in status on the Penal Code Section
21 1203.4, the change on 4856.2, Certificates and
22 Rehabilitation. Our state legislatures for the past five
23 years, our governor, and up and down the judicial system,
24 we are looking to sanitize and clean records up, so that
25 people, after they have served their time, whether it be

1 in prison, jail, probation or parole, can take the stigma
2 off them. But yet we're talking about five years in
3 CalGang, we're talking about tolling their prison time,
4 their parole time or probation time and adding five to
5 that.

6 I have to tell you, I would like to be sitting
7 in the AG's office when that comes true to see his
8 thoughts about that, because that is -- goes against
9 everything that we've seen in our state legislatures in
10 the past five years about sanitizing cleaning up records.
11 So I would urge this Committee. I would urge this
12 Committee to not vote the toll and then add on; and,
13 secondly, um, at the -- appropriate point, I will make a
14 Motion for two years on the gang - CalGang for 18 and
15 under, three years for 19 and over, um, and no tolling. So
16 that would be my Motion when it comes to a point to make
17 a motion.

18 MEMBER MONTES: Sorry to interject.

19 CHAIRPERSON NUNEZ: Marissa has something.
20 Marissa?

21 MEMBER MONTES: Can you guys hear me?

22 CHAIRPERSON NUNEZ: Yes. Try to speak up a
23 little bit.

24 MEMBER MONTES: I've been trying really hard
25 to listen so I apologize if I'm going to ask some

1 of you guys to repeat yourself, just because I want to
2 make sure that I'm understanding everything clearly.

3 Um, I, you know, I am one -- I am actually was
4 the one that put forward that I believe that it should be
5 two years, um, based on, you know, multiple research,
6 studies, and et cetera. Especially, that I made my
7 [unintelligible] do not stay primarily active in gangs
8 for more than two [unintelligible]. Um, that being
9 [unintelligible] I just wanted to make sure that I got
10 what you said, is that you're proposing that it should be
11 two years for 18 and under [unintelligible]. Was it
12 Michael?

13 MEMBER SCAFIDDI: Yes, it was, Marissa. I
14 proposed two years 18 --

15 MEMBER MONTES: Okay. Sorry.

16 MEMBER SCAFIDDI: -- 18 and under, three years
17 19 and above.

18 MEMBER MONTES: [Unintelligible] for 19 and
19 above. Okay. I think it was Detectives Cooper, I think
20 it was you, if I recognize your voice. Um, can you
21 please repeat [unintelligible] there was a justification
22 -- or your specification for five years for people who
23 are in prison, if I heard correctly, or do you remind
24 repeating yourself?

25 MEMBER COOPER: Basically, if somebody is

1 convicted of a gang-related crime and they're already in
2 the CalGang system, that, whenever they get released,
3 that their information would still be in the CalGang
4 system. If they did a term of, you know, two, three,
5 four years, whatever --

6 MEMBER MONTES: Okay.

7 MEMBER COOPER: -- then they would still --
8 their information would still be in the system, or if it
9 was past five years, the purge date, the information
10 would still be there.

11 MEMBER MONTES: And, um, I have another question
12 for you, um, in regards to -- because isn't it when
13 you're first put into CalGang, that kind of sets when
14 your purge date will be, but, if you have multiple
15 contacts, it extends that purge date; correct?

16 MEMBER COOPER: Correct.

17 MEMBER MONTES: Okay. So if, you know, we have
18 a case of someone who was in prison and then subsequently
19 released but then came into contact multiple times, let's
20 say it was three years; right? That three years would be
21 set every single time?

22 MEMBER COOPER: That's -- well, right now, it's
23 five years, but that's the way it's set up.

24 MEMBER MONTES: Yeah. Hypothetically speaking
25 if it was three years, okay. So if it was someone like,

1 because I understand, Sammy, if I heard you correctly,
2 um, and I apologize if I'm misquoting anybody, you also
3 express concern [unintelligible] and jail and wanted to
4 reform themselves, um, and, you know, having that
5 five-year purge date follow them can be consequential;
6 correct? Especially if they're going back to, like,
7 they're same neighborhood.

8 CHAIRPERSON NUNEZ: Yes. They should come out
9 with a clean slate after serving a prison sentence.

10 Can you hear me? Yes.

11 MEMBER MONTES: Yes. Now I can.

12 CHAIRPERSON NUNEZ: Essentially, yes.

13 MEMBER MONTES: Okay. Well, you know -- well,
14 yeah. I just wanted to say then, I was trying to take
15 [unintelligible] comments into consideration as best as I
16 could hear. Um, I actually really like Michael's
17 compromise, um, especially for minors. So reiterating
18 the fact that by coming into contact with law enforcement
19 multiple times that already extends people's purge dates,
20 so I think if there is really someone who was recently,
21 you know, released from prison or jail and was, you know,
22 being involved in gang activity, obviously coming into
23 contact with law enforcement, it could potentially even
24 extend their purge date more than the three or five years
25 depending on how often they come into contact.

1 So I, you know, I wanted to say I'm in agreement
2 with Mike. It's a pretty good compromise, especially
3 with how purge dates can be extended.

4 CHAIRPERSON NUNEZ: Is that a Motion?

5 [Laughter].

6 CHAIRPERSON NUNEZ: Go ahead, Jeremy.

7 MEMBER THORNTON: I have a question for, um, the
8 law enforcement officers. The -- if -- if there was no
9 tolling period, do you feel like that would increase the
10 level of, um, I guess, cooperation between agencies such
11 as parole, probation, and the local police officers?

12 MEMBER COOPER: If we -- if we were able to
13 toll? To either extend it -- the reason that we've
14 suggested in the past that we be able to retain
15 somebody's information if they're convicted of a
16 gang-related crime or, you know, whatever, is when this
17 guy gets out -- when he gets released, we have no clue
18 who the guy is. We know nothing about him. We don't
19 know, you know, who he used to hang out with, who -- what
20 group he was with.

21 And this is for the active gang members. Um,
22 not the guy that got rehabilitated and whatever. This
23 would be -- this is from the Intel side of it. We're
24 looking to see who was this guy, you know, what did he
25 do. He got released, we have nothing on him, we know

1 nothing about the guy.

2 MEMBER THORNTON: Are there -- are there
3 obstacles, um, that prevent you from, like, parols, for
4 instance, from notifying you, "So and so is being
5 released tomorrow. We're driving him back to LA County.
6 He's going back to," you know, "Silver Lake"?

7 MEMBER COOPER: There's a different -- Yeah.
8 There are notifications of who's being released, like,
9 probation, parole, stuff like that, but as far as any
10 information besides that can name birthday and maybe CVC
11 number, that's it.

12 MS. THIND: Wait. Is Jeremy asking if, like,
13 when somebody goes to jail, is, like the officer
14 notified? The one who entered the gang information into
15 the database. Is that, like, kind of your question?

16 MEMBER THORNTON: No.

17 MS. THIND: Does your communication between the
18 two, like, if somebody goes to prison after they've been
19 classified or --

20 MEMBER THORNTON: Well, it seems to me one of
21 the worries about -- I guess, not the -- one of the
22 issues here is when someone goes to prison and they're in
23 prison for longer than the retention period, when they
24 get out, there's no record of them in CalGang. And so
25 something that occurred -- or something that I wondered

1 is, one, the request is to include -- to toll when
2 they're on probation, too.

3 You know, I deal with individuals who are on
4 probation who pick up new crimes, and I know that
5 probation and police often work hand and hand. So I
6 don't know that the tolling period is really going to --
7 I don't know that it's so necessary that it needs to toll
8 when its on probation because they're on the same task
9 force, when they're doing sweeps -- as one example,
10 sweeps.

11 But it seems to me that this idea of tolling that
12 we wouldn't really need it if parole would share
13 information with local police officers when someone's
14 released; and I was wondering what barriers there were to
15 that, because I understand the issue with, uh,
16 essentially, someone who there was plenty of
17 documentation for ahead of time, who had done really
18 violent acts, who police probably needs to know about,
19 goes to prison, and then comes out and they don't know
20 anything. But if parole could notify police, "Hey. This
21 guy is back, be on the look out." Seems to me that we
22 really wouldn't need a tolling period. So I wondered what
23 obstacles there were.

24 MEMBER SGT. MEAD: There's no -- Sergeant Larry
25 Mead from L.A. County Sheriff's Department.

1 There's no such, uh, system in place to notify us of the
2 hardcore gang member; and I think what Ryan is trying to
3 say with the five-year retention is, there is a lot of
4 historical information in there that's probably going to
5 come up again related to the individual or individuals
6 and associates related to crime.

7 Um, my, uh, extensive background in gangs also
8 include Prison Gangs, and I've tracked multiple people
9 from the streets into the prisons, look at their records,
10 seeing what's happening with the discipline, attacks,
11 assaults, riots, et cetera. When they become shot
12 callers and then they go back out to the street, and
13 through investigations we learn that now they have an
14 upper hand in a gang and commit more crime.

15 So when you go back into the historical records,
16 you have something to look at, it points you in the right
17 direction, who their associates are, and that's probably
18 where most of fruits of the crime will end up, not with
19 the hardcore gang member, but pass it on to the other
20 people behind it. So that's the thing about the
21 five-year retention is that we have something to fall
22 back on.

23 Now, there are a lot of good people who come out
24 of prison who have been rehabilitated and went on with
25 their lives, but, um, based on my experience after

1 35 years of doing this, there are a lot of bad people
2 that we have no idea that's back on the streets, doing
3 the same thing, and they're no longer going back to their
4 area. They're setting up the gang in a different area,
5 and we really need that information.

6 MEMBER SCAFIDDI: If I may? Just a real quick
7 comment. Um, I know Wes McBride's not here, but I'm sure
8 if Wes was here, he would tell us that there are parole
9 agents, probation officers, that routinely attend
10 California Gang Investigator Association Meetings, um,
11 Inland Empire Gang Investigator Association Meeting,
12 there's probation officers that attend those meetings,
13 there's parole agents that attend those meetings, so there
14 is no barrier.

15 There is no doubt that at those meetings,
16 specifically involving gang, gang associations, that
17 there are all forms of law enforcement and peace officers
18 present. Not just city police, deputy sheriffs, but
19 probation, in fact, in San Bernardino County -- and I
20 know our chief is here and we have our lieutenant from
21 SBSO here -- in fact, San Bernardino Probation has
22 specific probation officer's assigned to gangs. All
23 right?

24 Parole, Region 4, which is Southern California up
25 at the San Diego border, has agents assigned to gang

1 members. So maybe it isn't always being filtered, but
2 there is no barriers between street deputies and law
3 enforcement at LAPD or anywhere else from having contact
4 or knowing when gang members get out of jail or prison
5 because probation, parole is actively involved in those
6 associations; and so that's my comment.

7 MEMBER VRANICAR: Just one comment from me. The
8 bottom line is that CalGang remains an intelligence
9 database. It's not a criminal record history
10 information. When an individual who -- who may be active
11 on the street, uh, is released from prison and all his
12 prior documentation has been purged, then the issue is
13 how do you go about investigating the new crime that has
14 been committed by this individual when he's back out on
15 the street? Especially, in those instances where, uh, the
16 parole contact is said, "Hey, this guy -- this guy may be
17 -- he's a member in the Prison Gang. He's now out on your
18 street, you guys keep an eye on him."

19 Well, that's one way to do it, but how does local
20 law enforcement then, basically, when they pull up this
21 individual's record, there's -- there's no contact
22 information, there's nothing with respect to his
23 activity, uh, that he engaged in before -- before he went
24 to prison.

25 So as an investigative tool, uh, CalGang, for

1 those individuals who have had their information purged
2 while they were in prison on, and I think, specifically,
3 I indicated in this, that he has to be convicted of a
4 gang-related crime under 186.22 (a) or 186.22 (b); and so
5 there's no question that, uh, this individual's status as
6 a gang member has been determined by court, and he's been
7 convicted of that crime, and he's -- and he's -- and he's
8 doing his time. All we're saying is that when he gets
9 out, the information, with respect to his prior
10 activities, remain. If he's rehabilitated and we don't
11 have any further contact with him, then God bless him.
12 He's moved on and hopefully for the better. But the
13 minute, uh, that individual engages in some sort of new
14 criminal activity, then that information comes up and now
15 we have a way of, uh, investigating that further.

16 MEMBER SCAFIDDI: Yeah. Just a brief comment in
17 response to Marty's comments. When he talks about
18 conviction on the 186 (a) and (b), first of all, most of
19 those are done by way of plea; and just a news flash,
20 people plead guilty to things every day in a courthouse
21 that they didn't do because they get a deal. You get to
22 go home. Okay? We're going to drop a more serious
23 charge, but we want to gang charge, because they want
24 them in the CalGang system.

25 So just to think that everyone's that's pled to

1 a 186 crime is a gang member, is -- is not a realistic
2 view and it's certainly not -- if you go to the
3 courthouse any courthouse in California on an everyday
4 basis, people -- I cannot tell you how many times I have
5 someone looking at ten, twenty years in prison, and
6 they'll say, "We'll give him two years, but he's got to
7 plead to the 186," and they plead to it because they want
8 to do two years instead of risk twenty. So just because
9 someone pled to a 186 crime doesn't make them a gang
10 member.

11 MS. RIVERA: We have three minutes remaining.

12 MEMBER SCAFIDDI: I want to make a Motion.

13 CHAIRPERSON NUNEZ: Okay.

14 MEMBER SCAFIDDI: Marissa, can you hear me?
15 Marissa?

16 MEMBER MONTES: Yeah?

17 MEMBER SCAFIDDI: I'm going to be making a
18 Motion. Let me know if you can hear it, okay? This is
19 Mike Scafiddi.

20 MEMBER MONTES: Okay. Perfect.

21 MEMBER SCAFIDDI: I would like to move to add
22 the language that, as we discussed earlier, two-year
23 retention period in CalGang for someone 18 and under and
24 three years for 19 and over, retention period.

25 Marissa, did you hear that?

1 MEMBER MONTES: Yes. You said it was two --
2 three years 19 and older. I'll second your Motion.

3 CHAIRPERSON NUNEZ: Let's take a vote y'all.
4 All those in favor say "aye."

5 [Hands raised.]

6 CHAIRPERSON NUNEZ: Opposed?

7 [Hands raised.]

8 CHAIRPERSON NUNEZ: Abstentions?

9 [Hands raised.]

10 CHAIRPERSON NUNEZ: Thank you. Where do we go
11 from here?

12 MEMBER VRANICAR: I'll make a Motion to adopt
13 the language with respect to --

14 MS. RIVERA: Can you speak closer to the mic?

15 MEMBER VRANICAR: Okay. This is Marty. I'll
16 make a Motion to adopt the language that I indicated with
17 respect to, uh, toll.

18 MEMBER BURGUAN: And I'll second.

19 MEMBER SCAFIDDI: Further comment. As that is
20 written, as it is now proposed, it actually adds, in my
21 opinion, an additional term for anyone convicting or
22 pleading to any offense under 186.22 (a) or (b). Okay?
23 And, um, that will be something that will open up
24 litigation and clog up our court systems because it adds
25 an additional five years of information that normally

1 would not be there right now. So that proposal proposed
2 for this period has never been brought up before on the
3 record, but now, after thinking between three and five,
4 we have that. So I would urge the Members to vote
5 against that proposal.

6 MEMBER THORNTON: Why -- I understand the
7 position about when someone goes to prison. Why is it
8 necessary that it tolls when someone's on probation?

9 CHAIRPERSON NUNEZ: Marty, can you respond to
10 that?

11 MEMBER VRANICAR: I think that, uh, we still
12 have a number of, um, serious crimes that are taken
13 place. The individuals who get PRCS and that system, I
14 think, is still, um, somewhat in its infancy with
15 respects to, uh, tracking those individuals, and I think
16 it's important, especially, in parole -- probation
17 periods, usually typically shorter than parole, and I
18 think an individual who say had a two-year probation
19 period or a two year -- or a three-year probation period
20 and hadn't committed any other offenses, it's still
21 important should he complete probation, that we have
22 information with respect to what he had been engaged in
23 in the past.

24 CHAIRPERSON NUNEZ: I thought post-release PRCS
25 stands for Post-Release Community Supervision was working

1 really well actually. We have, you know, low --
2 consistently low violent crimes, even though we've, um,
3 diminished the prison population significantly.

4 Um, so can you repeat the Motion just so we can
5 very clear about what we're voting? Jeremy, did you have
6 another comment?

7 MEMBER THORNTON: Yeah. I guess I should have
8 explained. The question stems because in San Diego
9 County, at least, in San Diego County, probation is
10 pretty much three years across the board, unless it's
11 DUI, in which case it's five years. But for most cases
12 it's three years. And individuals do a term in county
13 jail and then go back home to where -- usually the
14 location where they got arrested. In addition to the
15 local police officers, who are on patrol, who know of the
16 individual, now they also have probation officers showing
17 up at the house to conduct searches.

18 So I do -- I don't think the same concerns
19 exist -- understanding what the concerns are, I don't
20 think the same concerns exist for probation and parole
21 because the individuals are on the streets, and, if
22 they're on the streets, then they can be contacted by law
23 enforcement officers if they're committing crimes. If
24 they're in prison, they can't be; right? Because they're
25 not next to the police and the police aren't patrolling.

1 So I think if -- I -- I guess to be -- for
2 transparency, I don't intend on supporting a Motion that
3 requires a five-year retention period and consistent
4 tolling, but, if that is something that is going to be
5 put forward, my, I guess, I would urge the Committee
6 Members who support that, that probation be eliminated
7 from that language and that it would just be parole.

8 MEMBER SGT. MEAD: Sergeant Mead here. There are
9 big gaps when you say probation, parole. A parole
10 officers caseload may include up to 80, 100, 200 people on
11 how often does he visit. Number two, when Prop 47 was
12 enacted, several Prison Gangs told their people to, "When
13 you get out there in the streets, go and get yourself
14 flash incarcerated so you can bring in narcotics and
15 information to our jail systems."

16 So now we have Prison Gangs having people who are
17 on parole and probation bringing in narcotics and
18 contraband into the jail. So we have to be very careful
19 when you say, "Hey, this guy is on parole and you should
20 know" when there's hundreds of them and one guy is looking
21 at them and the same thing with probation. So that's my
22 comment on that.

23 MEMBER COOPER: I'd also like to say if the
24 language -- I can barely read it up there, but if we keep
25 it consistent for Marty's Motion for the crimes under

1 186.22 and the gang-related crimes, same definition we
2 voted on earlier, that it's consistent. So if we're
3 going to say gang -- 186.22 (a)(b) or other gang
4 motivated gang-related crimes, if we use the same -- the
5 same verbiage would be my comment on that.

6 CHAIRPERSON NUNEZ: We got about two or more so
7 left on this. We're going to open public comment at
8 11:15. So any other final thoughts before we, uh, vote
9 on this issue?

10 MEMBER SCAFIDDI: Well, I do. Based upon
11 Sergeant Cooper's comments, are you modified -- are you
12 going to do as modified vote as modified by Cooper's
13 comments, or not? It would be up to the person that
14 first and seconded it I guess; right?

15 CHAIRPERSON NUNEZ: Yeah.

16 MEMBER BURGUAN: Well, the Motion was
17 specifically for that language -- the section supports
18 that language.

19 MEMBER SCAFIDDI: Right. And then Ryan just
20 made some language that could act as a modification. Is
21 that what you're asking for, Ryan, to be modified?

22 MEMBER COOPER: Yeah. It be modified to not
23 just be A or B from 186 Section, would also add gang
24 related -- other gang-related convictions. The same
25 language we went over earlier on Page 3, Package 1,

1 Section R.

2 MEMBER SCAFIDDI: So is that what we'd be voting
3 on then as modified?

4 MEMBER COOPER: The human trafficking, the ones
5 that don't specifically fall under here, the examples
6 I've given in the past of, um, using, you know, gang
7 members doing the various things.

8 CHAIRPERSON NUNEZ: So do we need to repeat the
9 Motion, because we have a first and a second right now.
10 Is that necessary or is that modification or amendment to
11 the original Motion?

12 MEMBER MONTES: Can you -- sorry. Can you guys
13 repeat the Motion --

14 CHAIRPERSON NUNEZ: Yes. Absolutely.

15 MEMBER MONTES: -- for me one more time because
16 I'm getting lost with --

17 CHAIRPERSON NUNEZ: Absolutely.

18 MEMBER MONTES: So including with all the added
19 language.

20 CHAIRPERSON NUNEZ: Yeah.

21 MEMBER MONTES: Yes. Go on.

22 CHAIRPERSON NUNEZ: Ryan?

23 MEMBER SCAFIDDI: Marty, that was your Motion.

24 CHAIRPERSON NUNEZ: Oh, I'm sorry. Marty. I
25 apologize.

1 MEMBER VRANICAR: Motion is to --

2 MS. RIVERA: Marty, into the mic.

3 MEMBER VRANICAR: Excuse me. Uh, the Motion is
4 to adopt a language -- let me find the page -- what page
5 was that again? Oh, 777.5 --

6 MEMBER MONTES: I'm not hearing anything.

7 MEMBER VRANICAR: -- uh, Retention Period of
8 Records:

9 An individual's record shall be retained in a
10 shared gang database for up to five years. If the
11 individual has been convicted of a gang-related crime
12 under 186.22 (a) or 186.22 (b), Ryan's, uh, comment was
13 that that section, the conviction section, would be, um,
14 um, broaden to include, uh, the crimes listed, um, on
15 Page -- Page 3, which, uh, offenses consistent with gang
16 activity, and the listing is therein and, uh, if that
17 person then was convicted of that list of crimes, then
18 the retention period is tolled during the period of
19 probation or parole. That's the Motion as modified.

20 CHAIRPERSON NUNEZ: Can I ask a -- we're out of
21 time aren't we? Yeah. Because I just want to know, so
22 the tolling is in addition to the original -- the words
23 [unintelligible] this is on top of, this is added --

24 MEMBER VRANICAR: Yes.

25 CHAIRPERSON NUNEZ: -- to the. Wow. Okay.

1 MS. THIND: Okay. So just to be clear, the
2 Motion is for the following language. This is, um, not
3 how the code reads -- or the section reads right now, but
4 this is the proposal.

5 Marissa, can you hear me?

6 MEMBER MONTES: Yes, I can hear you.

7 MS. THIND: Okay. So here's the language:

8 An individual's record shall be retained in a
9 shared gang data base for up to five years, if the
10 individual has been convicted of a gang-related crime
11 under Penal Code Section --

12 MS. RIVERA: It's just of a gang-related crime.

13 MS. THIND: So just take out both Penal Code
14 Sections? I thought it would be --

15 MS. RIVERA: No. Ryan modified that.

16 MS. THIND: So just take out both Penal Code
17 Sections and just say, offenses consistent with gang
18 activity?

19 MEMBER VRANICAR: That's correct.

20 MS. THIND: Martin, is that -- okay. So the
21 language would read -- the new language would read:

22 If the individual has been convicted of a
23 gang-related crime or offenses consistent with gang
24 activity, then the retention period is tolled during the
25 period of probation or parole.

1 MS. RIVERA: Do we have a second?

2 MEMBER COOPER: Second.

3 CHAIRPERSON NUNEZ: All those in favor say,
4 "aye."

5 [Ayes.]

6 CHAIRPERSON NUNEZ: Oppose?

7 [Hands raised.]

8 CHAIRPERSON NUNEZ: Marissa?

9 MEMBER MONTES: I oppose for the same reasons
10 that I stated before that, you know, if a person is truly
11 gang involved after they're released from prison, they
12 will subsequently come into contact with law enforcement
13 and placed on database, so I'm opposed.

14 CHAIRPERSON NUNEZ: Yeah. Uh, abstention?

15 MS. RIVERA: Did you capture the vote, Tommy?

16 MR. BIERFREUND: Yeah. I got them.

17 MS. RIVERA: Approve 39?

18 MR. BIERFREUND: Uh, approved.

19 CHAIRPERSON NUNEZ: All right. This is going to
20 now open us up for public comments. Right. It's for the
21 Second Package, uh, which is --

22 MS. RIVERA: So it will be for the Criteria,
23 Definition of a Gang Member and an Associate, and the
24 Definition of Reliable Source.

25 MR. BIERFREUND: Has everybody who wants to

1 speak during this public comment period signed up on the
2 signup sheet?

3 CHAIRPERSON NUNEZ: Don't be shy.

4 MR. BIERFREUND: Just like last time the
5 comments made during this, uh, period may address
6 criteria for an individual to be designated as a gang
7 member or gang associate; definition of a gang member or
8 gang associate; and, uh, the definition of reliable
9 source.

10 Based on the number of speakers who have signed
11 up, each individual will have three minutes to provide
12 their comments. All comments shall be directed to the
13 Committee, and speaker shall not yield their time to
14 another. Speaker shall refrain from making personal
15 attacks while making their comments, and the audience is
16 asked to be respectful of all the speakers. It is the
17 Committee's practice to listen to the speakers and not
18 engage in dialogue. After all the speakers have been
19 heard, the Community Members may respond as appropriate.

20 Please comply with all these procedures or we'll
21 have to ask you to leave the podium, and we thank
22 everyone for their participation.

23 All right. So we have Phal Sok, again, from the
24 Youth Justice Coalition.

25 MR. SOK: Clarification so we have member,

1 associate and --

2 MS. RIVERA: Uh, reliable source.

3 MR. SOK: Reliable source? Okay. So three
4 things. All right.

5 Um, this is a little bit hard for me to chew,
6 um, particularly with the conversation that you all were
7 having right now with retention periods and tolling and
8 all that. Um, I work with young people today. I stop a
9 lot of things that go on. We're taking alternatives to
10 schools. We run in it our organization with the kids
11 having been pushed out of schools and the public school
12 system has said, "You are impossible," and we get them
13 graduated and get them to college; and if stuff is tolled
14 during prison parole, I'd still be on the database today,
15 and I just got a pardon from the government office. So
16 that's totally contradictory. So I'm going to leave it at
17 that.

18 But in terms of people being members, associates,
19 affiliates, there's all kinds of designations. What I'm
20 really apt to say that people should not be designated a
21 member unless they've been convicted of something that's
22 related to a gang. Um, and I'm hesitant to say that
23 because I know I've been through the criminal court
24 process. I know people take plea deals. I know it. I've
25 seen it time and time again.

1 Um, but I'm really concerned about that because
2 I've seen it happen in immigration proceedings where
3 people are just in the gang database itself and never
4 gone, and I've saw that happen. So the consequences are
5 very, very great and to have a gap in distinction between
6 member, affiliate, and associate, leaves them with some
7 room, if they can get an attorney to help them, because
8 they're not going to have an attorney.

9 So if they're not listed as a member in the
10 database and they can say, "Hey, I'm just an affiliate.
11 I'm not a member." It gives them some room because they
12 have to deal with the U.S. Government on their own.
13 Right? When they're talking about trying to save their
14 families, take care of their wives, and children, and
15 stuff like that, that's some really crazy stuff. Some of
16 our own members have been deported because of that;
17 they're parents have been gone, and, man, they live on
18 the streets, kids drop out of school, end up in a prison
19 system, all kinds of stuff.

20 There are serious consequences when your
21 labeling people members and affiliates and all that.
22 Just for me, I was labeled a member when I went to
23 prison. The streets said I was an affiliate. I come
24 home, they're like, "Hey, who are you?" Everything is
25 all confused, but look who I am today. I'm here speaking

1 at the mic; right? So people can change, people can
2 grow. Those labels do not define people forever. Like I
3 said, if you have probable cause to paint this building,
4 you don't look at one little peck in the corner and say
5 "Hey, man, this is an ugly painting." Right? That's not
6 how we should look at people.

7 So in terms of reliable sources, man, I'm going
8 to say that we should really, really look really hard. A
9 lot of information cannot be are trusted. All right?
10 Family ties is just one thing, you know, all those are
11 always [unintelligible]. People just living in
12 neighborhoods, again, identified by some informant, who
13 knows what getting a plea deal over here, plea deal over
14 there, walking scott free say, "Hey, that person did it,
15 he's the gang member."

16 We really got to think about those things,
17 though. That information because they may not even work
18 on it. It's really about accuracy. It's really about
19 accuracy. We're not here to say [unintelligible] gang
20 data base [unintelligible]. We say, "Hey, look. Make it
21 accurate." We just asking for law enforcement
22 accountability. That's it. That's all that I'm saying.
23 Screw the cop, that's not what I'm saying. I'm saying,
24 "Look, lets just be, you know, accountable to the badges
25 you guys carry." That's all we're asking.

1 CHAIRPERSON NUNEZ: Okay. Thank you. Anyone
2 else?

3 MR. BIERFREUND: Thank you. Yeah. Next we have
4 Sean Garcia-Leys, from Urban Peace.

5 MR. GARCIA-LEYS: So three minutes. This is a
6 lot of time, so I'll try and just hit some big points.
7 First, with regard to the Motion that just passed, I
8 don't think it's considering the five-year path that is
9 set in statute and the reference to the code federal
10 regulations, and I don't believe that what was just
11 passed, uh, would survive court review for that reason.

12 Second, I think there is direction that, uh, the
13 retention period be based on empirical research. When
14 the author and sponsors when we wrote this bill, that was
15 an intentional use of language and that resolution not
16 only ignores the empirical research, it flies in the face
17 of it.

18 As for the upcoming discussion. Um, I was
19 reading the news at 4:00 a.m. this morning and something
20 caught my eye, which was a discussion of secret
21 societies, fraternities, or gangs within the LA County
22 Sheriff's Department. Um, I have a cousin who's a sheriff
23 that has a Viking tattoo on his legs. Um, it pointed out
24 in the article that there's been a federal judge who has
25 declared the Vikings a Neo-Nazi criminal

1 organization. My cousin swears up and down that that's
2 just crazy, that it's more -- came to a fraternity than
3 anything else. Frankly, I believe him. At least that's
4 his experience with it.

5 So when thinking about these sorts of criteria,
6 I think if you imagine would we -- if we were to apply
7 this to the Vikings, how would we do it? Um, would all
8 sheriffs symbols be gang symbols at that point? Would
9 the sheriff station be a gang area at that point? Um, so
10 when we think about these criteria playing out in the
11 streets, if we ask ourselves how would this play out with
12 trying to investigate the Vikings, would we put sheriffs
13 that don't belong in the gang database? I think that's
14 helpful.

15 Um, so on that point, I think a couple things.
16 First, as we said again, we have a 186.30 Gang
17 Registration System. In statute, it should be recognized
18 as being related to this work here. I think anybody who
19 qualifies as a gang member, it has to register with their
20 local department under 186.30 is validly considered a
21 gang member. I think anything that has not happened
22 should have different title; right? This is semantics in
23 some sense, but its semantics that matters in immigration
24 court and in other context.

25 Last discussion, there was never a reason

1 explained why calling somebody an associate instead of a
2 member makes the database less useful for investigatory
3 purposes, so long as the same number of people are still
4 in there under whatever criteria. So I think that needs
5 to be addressed. It was not adequately addressed last
6 meeting.

7 Um, also as far as defining in the definition
8 section, I think we create needless confusions. If we
9 have a criteria and definition and they are separate,
10 under court review what's the judge look to, the criteria
11 or the definition because they won't be the same. So
12 there's no need for definition that says anything other
13 than, meets the criteria.

14 Finally, as far as reliable source, um, this is
15 just a way of washing, uh, things where there's no source
16 documentation. This is better dealt with by a set of
17 hearsay rules that refer to when other criteria are
18 satisfied when, uh, third party is the person who has the
19 evidence. Thanks.

20 MR. BIERFREUND: Thank you. Next we have Rekha
21 Arulanantuum.

22 MS. ARULANANTUAM: Hi. Rekha Arulanantuum, for
23 ACLU. So I wanted to make a couple points. First of
24 all, the term "gang associate" should under no
25 circumstances include people who aren't involved in

1 gangs. So the language contributes to or derives a
2 benefit from language. Um, it captures people's whose
3 privacy rights are outweighed that interest in adding
4 their names to the database. For example, like, if a
5 gang member steals something and gives it to his grandma
6 for her birthday, is she now a gang associate?

7 Um, I also, um, want to reiterate the point that
8 Sean made about not including definitions in the
9 definition section that don't match the criteria. So
10 having a definition that defers from the criteria causes
11 ambiguity, in interpreting the language of the
12 regulation, and, if law enforcement can't agree right now
13 what the term gang associate means, for example, this
14 will just cause confusion.

15 Um, I also wanted to talk about, um, reliable
16 source. Um, so the preparatory language in the rights
17 specifically state that: Records from CalGang are not
18 intended to be relied upon to inform an opinion of gang
19 membership or substitute actual expertise, regarding
20 criminal street gangs.

21 So allowing one of the criteria to be,
22 essentially, a source has opined that X is a gang member,
23 completely substitutes the opinion of an informant for
24 actual evidence-based opinion of gang membership made by
25 an expert.

1 Thank you.

2 MR. BIERFREUND: Thank you. Next we have Jose
3 Valle from De-Bug.

4 MR. VALLE: I just wanted, uh, to make a quick
5 comment on what just went through earlier. Anything, uh,
6 you know, for any, uh, crime that's been convicted, you
7 know what I'm saying, and it's not in line with
8 expungement law, it's not in line with CO Water Law, you
9 know what I'm saying, is already cruel and unusual
10 punishment. That's an unconstitutional to have any toll,
11 bridge, or so on and so forth, any type of data based on
12 someone that's already done with their case. Already done
13 with probation and parole.

14 Uh, I'm going to shorten this down because I
15 actually have prepared two comments. I'm just going to
16 read this one. Um, hold on one second. Let me prepare
17 myself. Okay. A family member were supporting a Silicon
18 Valley De-Bug, has been incarcerated in Santa Clara
19 County, pretrial going on six years. This individual was
20 an associate, due to the neighborhood he was raised in
21 and his peers, although this person made all the right
22 choices, joined school sports, went to a prestigious high
23 school, attended college, worked full time, and lived
24 independently.

25 He got his first hung jury not able to convict

1 him, and the same prosecutor wanted to put him on trial
2 again. He is now on a second trial for the same charges,
3 and he now lost six years of his life. There is no
4 evidence. He wasn't a member of any gang. He did
5 nothing to benefit any gang. He has no criminal history
6 nor did he have any tattoos or insignias. Yet, he is on
7 trial for the second time simply due to a reliable
8 source, an informant that's been involved on the record
9 for at least twenty murders and attempted murders,
10 admitted to participation yet walks free, while others
11 including himself, are facing drastic charges. Some
12 already doing life. Simply for being a gang associate.

13 So the next story I'm going to read -- I think I
14 have some time how much time I got?

15 MR. BIERFREUND: About a minute.

16 MR. VALLE: I got one minute. Okay. A family
17 member of mine received a letter, shortly after being
18 released in prison. After parking with his family to
19 shop for groceries, covert Gang Task Force immediately
20 identified him, called his name, pulled out automated
21 rifles on him, in front of his wife and two children,
22 searched him, including pulling down his pant in a public
23 parking lot, simply for being on the database. Taking
24 his family -- just for similarly taking his family to buy
25 groceries. No charge followed up with

1 this search, but this incident alone speaks mountains on
2 the many indignities faced by adults entered into the
3 database. Even something as simple as going to get
4 groceries for your family.

5 MR. BIERFREUND: All right. Thank you.

6 Next we have Christine Clifford from De-Bug.

7 MS. CLIFFORD: Hi. I'm Christine -- can you
8 hear me? I'm Christine Clifford. I'm with Silicone
9 Valley De-Bug and PACT, People Acting in Community
10 Together. I live in San Jose. I'm a retired special
11 education teacher. Almost six years ago, my 18-year-old
12 was taken into custody and he remains in our county jail
13 awaiting trial. He wasn't identified as a gang member
14 when he went in, but, over the course of many years, our
15 Jail Intel Staff Units have used points, such as who he
16 speaks with, who he spends time with, shares food with,
17 and gives books to, and who he's housed with, as evidence
18 that he is a gang member.

19 He has no control over who he is housed with,
20 but all activity is looked upon as nefarious, and
21 interactions with others that the Gang Intel has decided
22 are gang members, makes him an associate in their eyes.
23 Over these many years I have come to know his cell mates.
24 I have come to know their families, and I have come to
25 spend time with them. I sometimes put funds on these

1 people's books. I sometimes send food and books to them.
2 I provide support and resources for them. I visit, I
3 live near them. By your definition, since I am providing
4 support and benefit and help I am an associate.

5 This is far too broad of a definition, which can
6 be misused and overused. It is too subjective. You may
7 claim that far more would be needed to call me an
8 associate, but I submit to you were I a young Hispanic
9 male involving myself in providing these resources to
10 someone in jail, the Gang Intel would feel it far easier
11 to place me on the database.

12 I've had the unfortunate experience of being in
13 a court and hearing a gang expert proclaim that every
14 young Hispanic male on the east side of San Jose
15 considers themselves a gang member by the time they're
16 15. So please be aware that these definitions lead to
17 broad assumptions and subjective definitions and find
18 themselves labeling entire populations. These
19 definitions have consequences. Similarly, your current
20 definition of a reliable source, seems to fold in just
21 about anyone.

22 I encourage you to consider a multiplicity of
23 reasons why someone might want to call someone else a
24 gang member. A far more involved system of vetting
25 people is really needed to claim someone's a reliable

1 source for consideration. Again, this definition is far
2 too subjective and broad and therefore easily misused, or
3 used for the wrong reasons. I am not an associate, but
4 this definition could be used to call me one. I do not
5 know if any of you are gang members, but under this
6 definition, I can be called a reliable source and name
7 you as one. I find this very disturbing. Thank you.

8 CHAIRPERSON NUNEZ: Thank you.

9 MR. BIERFREUND: Thank you. And that was the
10 last speaker Of Public Comment Period No. 2. I'll turn
11 it back over to Sammy.

12 CHAIRPERSON NUNEZ: Y'all let's go to lunch.
13 Let's break for lunch. A lot of things to ponder. Thank
14 you to the speakers of the audience. Um, all right.
15 Thank you.

16 MS. RIVERA: Please come back at 12:35.

17 [Thereupon the Committee recessed for lunch.]

18 MS. RIVERA: We are going to start with
19 Criteria, and we're going to turn it over to Sundeep.

20 MS. THIND: Okay. So, um, we're going to start
21 with [unintelligible]. Moving on to, um, Item No. 8, and
22 we're going to start talking about criteria now; and for
23 criteria, we decided that maybe we should do more of a
24 discussion approach. So there's a series of questions to
25 just kind of, like, see how we feel about things, so we

1 get as much advice and of your expertise as we possibly
2 can.

3 So first question is, um, what is the purpose of
4 having a primary and secondary criteria? I know that
5 some of the criteria that was proposed last time was
6 divided into primary and secondary, and without us, um,
7 indicating exactly what the primary and secondary
8 criteria are, let's just talk about, like, the purpose of
9 that. What would it serve if we divided it into that,
10 rather than what we have now, which if you all turn to
11 Page 5, of Package 2 -- or sorry. My apologies, 11 -- 7.
12 We're all wrong. We're all wrong.

13 [Laughter.]

14 MS. THIND: And I do have it projected on the
15 screen up there too, but it's -- okay. So with that
16 said, let's turn to the first question:

17 What would be the purpose of having a primary
18 and secondary criteria if we were to divide them somehow?

19 Talk about it? No? Should we move to the next
20 one?

21 MEMBER VRANICAR: I'll make the comment. This
22 is, uh, Marty Vranicar. I think that at our last meeting
23 we had -- we had, uh, some discussion, uh, with respect
24 to whether or not, uh, juvenile members, uh, should be
25 treated differently; and I -- I think that, um, some of

1 that, plus, to address, uh, also the issue of how to
2 differentiate someone who would be considered an
3 associate, and I think that that was kind of the driving
4 force behind coming up with primary and then secondary
5 criteria.

6 Um, I think if you looked at secondary criteria,
7 those are criteria that are perhaps a little bit more,
8 um, not as straightforward as someone who, you know,
9 self-admits or is identified as a gang member or an
10 associate, and secondary criteria kind of served to
11 corroborate the initial stuff because, uh, many -- many
12 individuals who are -- who would be identified as gang
13 members, they were probably -- probably just -- just, uh,
14 meet the criteria on the primary, but there are other
15 criteria that in the secondary category; and I think -- I
16 think it was driven also by the fact that the way you
17 drafted, um, the criteria, especially with respect to the
18 use of tattoos, that kind of [unintelligible] thinking
19 behind, you know, kind of separate.

20 MS. THIND: Okay. Um, thank you for that. Um,
21 I guess we can go on to the second question, which would
22 still going back to the primary and secondary criteria.
23 If it were to be divided up, what would be the pros and
24 the cons of doing so, as opposed to keeping it the way it
25 is and just having eight or more unique criteria?

1 MEMBER CHIEF BURGUAN: Well, let me weigh in
2 here just for a moment. So Cal Chiefs, through their
3 Legislative Committee, took a look at this and made, um,
4 some recommendations; and Jonathan Feldman from Cal
5 Chiefs is in the audience as well and can maybe speak to
6 a little bit more detail.

7 But what the Chief's group is talking about and
8 what they are -- what they believe, um, might be worthy
9 of consideration is self-admission in and of itself would
10 result in designation and then break it up into a primary
11 criteria and a secondary criteria, and what they have
12 listed here are seven items into the primary criteria, of
13 which if any two are met, would result in designation;
14 and then it drops down to the secondary criteria, three
15 have to be met to result in designation.

16 MS. THIND: Any other thoughts on this at the
17 moment, or would you like to take a minute to think about
18 it, or should we move to the next question?

19 MEMBER SCAFIDDI: May I comment about
20 self-admission?

21 MS. THIND: Move on?

22 [Head nod.]

23 MS. THIND: Okay. Um, okay. So last time, um,
24 I -- we received a comment with the language, um:

25 All criteria used to designate an individual as

1 a gang member or a gang associate, shall refer to the
2 same gang.

3 As a suggestion to put in -- not as a unique
4 criteria, but to limit any criteria that's input, limit
5 it to the same gang for one individual. So I wanted to
6 see if there were any instances when somebody has been
7 linked to different gangs, like, that one same
8 individual? This is more geared towards law enforcement.

9 MEMBER CHIEF BURGUAN: So is your question are
10 there examples of an individual person that has -- has
11 been linked in the system to more than one?

12 MS. THIND: Yes.

13 MEMBER CHIEF BURGUAN: So I'd have to refer to
14 the experts, in terms of what the actual the system
15 itself says, but I do know within our community, for
16 instance. Uh, you take San Bernardino, we have a very
17 unique, uh, set of circumstances because of our housing
18 dynamic in the city, where we have our local kind of
19 home-based gang, so to speak, that have been in the
20 community for many, many years and have a historical
21 setting in the city itself, but we have a fairly large
22 population of folks that have come from other areas, be
23 it Pasadena, Los Angeles, Long Beach, Compton, other
24 areas of Southern California that have migrated into the
25 [unintelligible] empire and have settled.

1 You know, whether they're living with the
2 girlfriend or they're just finding a cheaper place to
3 live in San Bernardino, where they may have membership --
4 original membership or affiliation with the -- with the
5 group based out of LA, or Pasadena, or Compton, one of
6 those communities, and then in many cases in San
7 Bernardino will start to align themselves with one of the
8 local groups there.

9 So we do have that dynamic. I don't know if Jim
10 can talk about what that actually looks like in our
11 system itself.

12 MEMBER CONSIDINE: Well, it's kind of built that
13 way. There's different clicks that are considered
14 different gangs, which is huge in San Bernardino, but,
15 yes, it's not uncommon for somebody to belong to one gang
16 in Long Beach and another one in San Bernardino or Las
17 Vegas, or -- yes, they're transitory but they'll hang or
18 gather with whoever makes them safe. We'll put it that
19 way.

20 MEMBER SGT. MEAD: Sergeant Larry Mead. I'll
21 also support that. Within LA County a lot of, um,
22 youngsters have migrated up to various areas like
23 Antelope Valley, and you'll find black and Hispanic gangs
24 from LA that are tattooed with their original
25 neighborhood, but then they'll have new tattoos for gangs

1 that have formed up in the Antelope Valley.

2 So what you're asking is not uncommon at all and
3 then we can take that whole thing and send it nationwide.

4 MS. THIND: So would it be then limiting to
5 insert language that was recommended last time as to say,
6 that any information that is entered into the CalGang
7 Database that designates an individual as a gang member
8 or gang associate, shall refer to the same gang. Would
9 that limit -- be limiting to you?

10 MS. RIVERA: Do you want -- is that in the
11 package now? Do you want to give them a page reference?

12 MS. THIND: No. It's not. It's just a comment
13 from a Committee Member. I believe it was from Marissa.
14 Um, there was the text that she proposed last time --
15 actually, I can project it on here. I believe it's in
16 one of her comments. Let me -- criteria -- okay.

17 Okay right here. Sorry. I am trying to find
18 her comment. Okay. I apologize I don't have it here,
19 but, um, it was something that she proposed as a stand
20 alone to insert into that criteria, and I wasn't quite
21 sure how to approach that situation, what to make of that
22 recommendation, and that's why I wanted to pose it to you
23 guys. Um, so that was --

24 MEMBER CHIEF BURGUAN: Can you clarify what it
25 was again? I wasn't -- I -- I didn't --

1 MS. THIND: So the language she said was, um:
2 All criteria used to designate an individual as
3 a gang member or a gang associate, shall refer to the
4 same gang.

5 So one gang. So if that individual ended up
6 going down -- later down the road and decided -- well,
7 he -- in Northern California he was a Nortenos, and then
8 he migrated to some area and somehow became a -- this
9 would never happen -- a Surenos.

10 [Laughter.]

11 MS. THIND: This would never happen, I know.
12 This is an extreme example, but -- but say that law
13 enforcement documented him as, you know, a gang member or
14 associate of Nortenos and say twenty years down the line
15 -- or maybe even, like, a couple months down the road,
16 they're documenting him to belong to another gang.

17 This is just an extreme example, but can one
18 individual like that be documented by two different
19 officers during two different stops as somebody who
20 belongs to different gangs, or is it usually just the
21 one? And if we enter languages limiting that scope, that
22 it can only refer to the one gang, all the criteria could
23 only refer to the one gang.

24 MEMBER CONSIDINE: I don't think we -- you're
25 talking about in each documentation? See it's hard

1 without her here. If we're doing a gang card on
2 somebody, it would be -- I've never done two gangs on the
3 same gang card. I can't think of --

4 MEMBER COOPER: You would say if a guy's a
5 member of a certain gang, he might say, "Hey, I also hang
6 out with these guys" because the guys from his gang
7 aren't around anymore, because he's moved or whatever.
8 So he might say, "Yeah. I associate with this other
9 gang, but I'm primarily from Gang A, but I hang out with
10 Gang B." But also I wouldn't want to limit it because
11 there's times when you stop guys that are from different
12 gangs you stop them together, and so you're going to make
13 those guys associates of each other and they're, what,
14 secondary membership of that other gang. So guy from
15 Gang A is now secondary is an associate of Gang B. So I
16 wouldn't want to limit it.

17 MEMBER VRANICAR: I think, uh, Marissa's comment
18 is probably handled by if you look at Paragraph D on, um,
19 Page 8:

20 For the purpose of entering an individual into a
21 shared, uh, gang database, a user shall not designate the
22 individual as a gang member or gang associate of a
23 Criminal Street Gang if that Criminal Street Gang does
24 not exist within the database.

25 And I think that clarifies it. But to limit it

1 to say that, uh, an officer in a -- in a different county
2 or a different, um, jurisdiction makes contact with a
3 gang member, uh, who says now that, "I now belong to" or
4 "I admit membership in this local gang" that that
5 criteria -- and meets the criteria and that information
6 does not get entered into the database, then there's no
7 history on that individual.

8 So he could only be designated the first time
9 under whatever gang he initially -- he initially, uh,
10 admitted membership or got established in. Any other
11 contacts with law enforcement, arrests, or otherwise
12 if -- if he wasn't claiming that particular gang, could
13 not be entered into the database under her comment.

14 MEMBER THORNTON: So in a situation where
15 someone is, uh, in a neighborhood and is caught with --
16 or not caught with -- is contacted with, consensually,
17 with gang members and that's FI'd by law enforcement, and
18 the next week he's in a different neighborhood, where
19 there are different gang members and he's contacted, I
20 think if we're not going to include Marissa's limitation,
21 he could be then documented as a gang associate, even
22 though he was seen in two different neighborhoods with
23 two different gang members; and I think that's
24 problematic because then is he an associate of both
25 gangs, or is he just someone that is perhaps a good

1 influence on these individuals and is going from
2 neighborhood to neighborhood, like many volunteers that
3 are probably in this room.

4 And so I think that maybe why Marissa's
5 limitation may be necessary to prevent those kinds of
6 things.

7 CHAIRPERSON NUNEZ: Yeah. I think that, you
8 know, a lot of folks relocate either because they get
9 pushed out, they get displaced, gentrified, or for other
10 purposes, not just to advance a gang. They move because
11 they want to uproot themselves and move somewhere else
12 and that has happened a lot.

13 There's a lot of folks that are moving into, uh,
14 my community that just simply can't afford to live in the
15 Bay Area anymore, for example. So because of the actual
16 outrageous cost of living -- Oakland, for example, is the
17 most expensive place to live. I think that it would
18 be -- I think it would be overkill, again, to actually
19 have them, you know, put into the gang database, you
20 know, under a different affiliation, because they're
21 already in the gang database.

22 I mean, where do we draw the line? The fact is
23 are we going to add five more years to their actual
24 sentence under the gang database for a total of ten years
25 at that point. You know, they're already in the gang

1 database. There's already data on them. They're already
2 in the system. It just seems to me like it's really
3 repetitive and a gross waste of resources to actually
4 have to go through the process of trying to re-enter
5 somebody for a whole different gang, uh, membership. It
6 just seems, again, that we're casting a wider net than we
7 should.

8 MS. THIND: Okay. I think --

9 MEMBER COOPER: That wouldn't be done. The guy
10 would be in there one time and that's it. He would just
11 have information that he's now associating with this gang
12 or that gang. They wouldn't sit there and send him
13 another letter saying, Hey now we're saying you're -- if
14 we ever come across it, there are times where a guy might
15 be in a database twice, because one agency put him in,
16 another agency contacted him, didn't do a deep enough
17 search to look for the guy, or maybe the birthday was off
18 by a little bit or the spelling of the name.

19 If we ever -- any time we come across somebody
20 that's got two records, we merge those records together.
21 So he's not going to have separate, I guess, separate
22 entries. The only way that happens the way it's
23 currently set up is, I contact a guy in LA, um, he goes
24 in the database because he meets the minimum criteria, he
25 gets contacted out in San Bernardino, he's not in the San

1 Bernardino section -- in their node. Um, they would do
2 an entry on him.

3 So then, in that instance, yes, there would be
4 two records for the guy, but that's just the way that
5 our -- I guess the program is set up currently.

6 MEMBER SGT. MEAD: Hey, Sammy. An example of
7 that, years ago, there was a Junta in the park, and they
8 call us over and we went and we talked to all these guys;
9 and one in particular I hadn't seen around, turns out
10 that, um, when -- when I looked at his tattoos, they
11 looked fresh, but then there was something under it that
12 was from another gang from the same area, which he was
13 originally from. So all we did was we just updated that
14 he's associating with this new gang, and we kept his
15 original.

16 MS. THIND: I found Marissa's original language.
17 Sorry. It took me a while. That's what she said. It
18 was only in reference to gang associate:

19 All criteria used to designate an individual as
20 a gang associate under Subdivision B, must refer to the
21 same gang.

22 And that B is invalid. That was her criteria
23 and it was referring that. So I would just take that out
24 and just say:

25 All criteria used to designate an individual as

1 a gang associate, must refer to the same gang.

2 MEMBER CONSIDINE: He's tide to a person, not a
3 gang anyway, so that would be a tough one.

4 MS. THIND: Yeah. So a member --

5 MEMBER COOPER: So it would be to a member.

6 MEMBER CONSIDINE: To a member, not to a gang,
7 that's how they're an associate.

8 MEMBER COOPER: Yeah.

9 MS. THIND: So would there be any value in
10 adding that language, refer to the same gang member?

11 MEMBER COOPER: No.

12 MS. THIND: Or, like, I mean, I don't know
13 how --

14 MEMBER COOPER: An associate has to be tide to a
15 person anyway. We can't just put Jim in there as an
16 associate, and we don't stop him with anybody. We got to
17 see him associating, meets the criteria, got to be
18 physically with somebody and -- that is already in the
19 system or eligible to be in the system, um, based off of
20 criteria. So it's not -- to say, "Oh, well, Jim's an
21 associate of..." you know, whatever gang, but he's got
22 to be with the person so.

23 MEMBER THORNTON: And do those members have to
24 be part of the same gang?

25 MEMBER CONSIDINE: Well -- we're talking one

1 person.

2 MEMBER THORNTON: So an associate is tide to a
3 member, and so if an associate is contacted with several
4 gang members on several different occasions but those
5 gang members are not part of the same gang, is that
6 person put into the database as an associate?

7 MEMBER COOPER: Depending on whoever that
8 person's tide to. So it might be just -- they might link
9 them all together or it could be -- that doesn't happen
10 very often that I've come across.

11 MEMBER SGT. MEAD: You know, what you just asked
12 right there, so many examples. Armed robbery, three
13 different suspects, two Bloods, one Crip. The two Bloods
14 are from different gangs -- uh, Blood Sets, and the Crip
15 is from, obviously, a Crip. So what we did was, uh, we
16 typed in, um, associates, went da, da, da, because now
17 they're doing armed robberies together.

18 MS. THIND: Okay. I guess then that was enough
19 discussion. We can move on to the next question.

20 Um, there was another comment which was, an
21 individual directs another documented gang member or gang
22 associate to commit a criminal act in the furtherance of
23 the interest of the gang. Would there be any value in
24 adding that as, um, into our criteria?

25 MEMBER VRANICAR: What page is that on?

1 MS. THIND: That is just text. Let me see if I
2 have it here.

3 MEMBER VRANICAR: Is that on 3?

4 MS. THIND: It's not currently in -- yeah. It's
5 not in the package.

6 MS. RIVERA: Someone submitted a response --

7 MEMBER VRANICAR: Yeah. I see.

8 MS. RIVERA: Yeah so we were seeing if there
9 would be value in adding it in criteria.

10 CHAIRPERSON NUNEZ: And that's up on the screen?

11 MS. THIND: It is not, but I'm finding it.
12 Right here. It's No. 3:

13 Individual directs another documented gang
14 member or associate to commit a criminal act in the
15 furtherance of the interest of the gang.

16 MEMBER VRANICAR: That is being proposed as an
17 additional criteria?

18 MS. THIND: Correct.

19 MS. RIVERA: Correct.

20 MEMBER VRANICAR: I mean, we, you know, that is
21 a circumstance that has -- has occurred. Uh, and which,
22 um, there was evidence that the individual, uh, directed
23 another person to or initiated another person in --
24 directed to commit a criminal act in furtherance of the
25 interest of the gang. I mean, you know, that's one of

1 the criteria.

2 It's interesting because under 186.22 (b), an
3 individual does not have to be a gang member to be
4 convicted of that -- of that crime, if it is proven that
5 he had the specific intent to further, um, the interest
6 of the gang. So I think that if you have that situation
7 where a gang member, um, has -- has been responsible for
8 that kind of contact, um, directing another individual,
9 uh, I think that that's -- that should be a valid
10 criteria.

11 MS. THIND: Um, I would ask, what would an
12 instance where this has happened look like, and is it
13 possible to document something like this if we were to
14 add it as a criteria?

15 MEMBER COOPER: It can be documented either most
16 likely in an arrest report.

17 MS. THIND: But how would you know that that
18 individual directed, you know, somebody else to commit a
19 criminal act? Just -- I mean, I'm just saying --

20 MEMBER COOPER: Some guy's the shot caller for
21 the gang, and let's say it's an associate and he wants
22 to, you know, put some work in, and he goes -- he's told,
23 "Hey go do a drive by." Go rob, you know, drug rip or
24 dope rip or something like that, and this guy's -- this
25 person's ordered to go do that crime. It could be

1 documented in an arrest report or a follow up
2 investigative report.

3 MS. THIND: Okay. So are there any -- of
4 course, I would Wordsmith this if we wanted to add this
5 in as a criteria. Are there any suggestions to add it or
6 objections to not adding it? Or revisions?

7 MEMBER CHIEF BURGUAN: Just to be clear, that's
8 a stand alone criteria; correct?

9 MS. THIND: Yes. As a stand alone or if you
10 guys see it -- want to add it to another criteria, that's
11 also a possibility. And I'm just referring to the three
12 part of it. The rest, I'm not. So just the bottom,
13 Individual directs another documented gang member or
14 associate.

15 MEMBER VRANICAR: I mean, as Ryan indicated,
16 that that is going to require some measure of proof, but,
17 obviously, that has occurred and, you know, an individual
18 who -- who basically, would direct or influence, uh, you
19 know, someone who is, uh, an associate or someone who is
20 currently affiliated with the gang to commit a -- to
21 commit a gang crime so that he can be -- he can be
22 initiated or included in that, I -- I think that should
23 be a criteria that, you know, if we establish it, it
24 should be a criteria to enter someone in as a gang
25 member.

1 Yeah, supporting document. I mean, all of this
2 is, you know, has to be -- has to be supported. But as
3 Ryan indicated, if it was there in the investigative
4 report that we could establish that, then it seems to
5 me --

6 MEMBER SGT. MEAD: Things like these occur very
7 often. Another incident -- I'd like to give you guys
8 examples of actual things that have occurred.

9 MS. THIND: I like that because that helps me a
10 lot.

11 MEMBER SGT. MEAD: Surveillance in the Pasadena
12 area monitoring -- monitoring for hours and then the
13 vehicle goes mobile with four people in it. The third
14 person we've never seen before. Stopped the car, there
15 is a gun in there, and it turns out that the third person
16 is a 15-year-old boy, who's an A student at the local
17 high school. I talked to the kid for three hours. Well,
18 they got him drunk on liquor. The lead guy in there they
19 were going to do a drive by for the initiation in a rival
20 gang, a Blood Gang.

21 Um, through the courts and his parents and
22 everything else, we didn't document him as a gang member
23 or associate, because that young man was an A student,
24 played music, these clowns snatched him up. Now, under
25 this section right here, we should be able to document

1 that and show that based on his testimony, et cetera.

2 But these are examples of things that are actually
3 happening out there in the streets.

4 MS. THIND: So it sounds like you're opposing,
5 then, maybe because in that one example that you
6 provided, this kid was -- could have been --

7 MEMBER SGT. MEAD: No. That was the choice on
8 my part.

9 MS. THIND: Okay.

10 MEMBER SGT. MEAD: That was a choice on my part.
11 This young man was an A student, never been contacted, had
12 no record, no nothing anywhere; and we patrol that area a
13 lot, so we know if he's walking around in the streets and
14 had prior contacts. Nothing. This was going to be one
15 of those initiation that would have destroyed him.

16 MS. THIND: Okay. Thank you.

17 MEMBER THORNTON: Actually, I -- I think this is
18 a very solid way to document, and I like that it requires
19 the proof, and I think this is kind of is juxtapose to
20 some of the other things that it highlights the
21 weaknesses in some of the other ways people are
22 documented. Because if you have someone telling gang
23 members to go do something for the purpose of the gang,
24 that seems to me very good proof that that person is also

25

1 active or wanting to play an active roll in that gang.

2 Whereas, we look at hanging out in the same
3 neighborhood. Like, this is why I think that these types
4 of activities should not carry the same weight when it
5 comes to labeling someone, a criminal gang member,
6 associate or criminal gang member. Um, so I think it
7 makes sense to include this as a criteria.

8 MS. THIND: Okay.

9 CHAIRPERSON NUNEZ: Um, I guess. I'm sorry. I
10 must be confused here. I guess I'm listening to the
11 comments that are made before you took off for lunch, and
12 one of the comments was regarding a personal relationship
13 with an individual, very much who fits the, uh,
14 description you just laid out, regarding a gentleman who
15 was in school, lives in the neighborhood, said he was a
16 member of a gang and essentially been doing, what, six
17 years, I think was the comment, um, and that was somebody
18 else saying -- and I think what happens also a lot when
19 somebody is looking at time, often times they're --
20 they're going to, you know, um, deflect or, you know, say
21 that somebody else is, um, you know, perhaps making them
22 do it.

23 I don't know. I don't know the situations in
24 the courtroom how they play out. I don't have those
25 specific stories, but I do remember the story that was

1 said from the audience earlier, and it seemed very
2 similar to this issue right here where somebody was, um,
3 was, um, is doing time, disrupted their life, and there's
4 no tangible evidence besides somebody saying that this
5 individual, uh, was involved in the crime. Now, I don't
6 know the circumstances, the details of it, um, but I just
7 wanted to remind us that the other kind of -- there's two
8 sides of that coin.

9 MS. THIND: So the way I'm reading this, it
10 seems like an individual would already -- would be
11 directing somebody who has already been documented in the
12 system to commit a criminal act in furtherance of the
13 interest of the gang.

14 CHAIRPERSON NUNEZ: No. It means that they would
15 be included in the gang -- the way I'm reading this is
16 criteria for them to be included in the gang database,
17 um, by virtue of this person saying that that person
18 is -- told them to do what they say.

19 MEMBER THORNTON: No. I'm understanding that an
20 individual who is not currently documented in the gang
21 database, is shown to have told gang members, already
22 documented gang members, to do something for the benefit
23 of the their gang.

24 CHAIRPERSON NUNEZ: Right. So they would be
25 include in the gang database for that.

1 MEMBER THORNTON: Those individuals who are
2 directing known gang members to --

3 CHAIRPERSON NUNEZ: But Sundeep's question, I
4 think, if I understood it correctly, was these are
5 individuals that are in the gang database or are you
6 saying that folks that are not in the gang database?

7 MS. THIND: So a person who is not in the
8 database is directing people who are in the database to
9 commit some sort of an act that's in the interest of the
10 gang.

11 CHAIRPERSON NUNEZ: That results in them being
12 included until the gang database and/or --

13 MS. THIND: Just included in the database. Just
14 included. Yeah.

15 MS. RIVERA: They could be included, if it was
16 found out that they were directing documented gang
17 members.

18 MS. THIND: This would just be one criteria. If
19 they met, like, another one, like, a self-admit then,
20 yeah.

21 MEMBER THORNTON: I'm assuming that the level --
22 it seems to me that this is going to require a level of
23 reliability where that information is coming from, and I
24 think that's what Sammy is bringing up. Not just
25 deflecting blame. "Oh, well, so and so told me to do

1 this because of this reason."

2 Um, but, I mean -- and I'm assuming because this
3 is a law enforcement tool, they're going to want it to be
4 reliable so they are going to do the leg work on the
5 investigation when it comes to that. I know as a defense
6 lawyer, I would certainly want this information because
7 if my guy's caught doing something but there is an
8 investigation that details that he was coerced into doing
9 it because he was scared, because he was threatened by
10 someone who was very dangerous, I would like this
11 investigation done and like it done well and it seems to
12 be a motivation on both ends to do it.

13 CHAIRPERSON NUNEZ: Right. Right.

14 MS. THIND: Should we take a vote on this?

15 CHAIRPERSON NUNEZ: Let's take a vote.

16 MS. RIVERA: We need Motions first.

17 CHAIRPERSON NUNEZ: We do. Of course. We do,
18 yes. Do we have a Motion?

19 MEMBER COOPER: I'll make a Motion.

20 CHAIRPERSON NUNEZ: Cooper? Do I hear a second?

21 MEMBER HUERTA: Second.

22 CHAIRPERSON NUNEZ: Thank you. Mr. Huerta
23 seconds it. All those in favor say, "aye."

24 [Ayes.]

25 CHAIRPERSON NUNEZ: All those oppose say, "aye."

1 [Silence.]

2 CHAIRPERSON NUNEZ: Abstain.

3 MS. RIVERA: Tommy, you got that Sammy
4 abstained?

5 CHAIRPERSON NUNEZ: What is next?

6 MS. THIND: Okay. So next we are going to go
7 with our criteria. So what we currently have in our
8 package on page -- Package 2, Pages 7 and 8. We have
9 this following criteria and, um, before we get to the
10 criteria, I do have some statistics.

11 So what I would like to do here is just kind of
12 go through our existing criteria, like, point by point
13 just to, you know, kind of talk about it. See what our
14 thoughts are on it so we get, like, a comprehensive
15 discussion and -- um, but prior to doing that, um, DOJ
16 team we obtain some statistics in between when the
17 moratorium was lifted by the AG until the present, so as
18 of yesterday, trying to determine exactly how much of the
19 criteria -- like, what percentage of, um, like, what the
20 percent values for the each criteria and how many times
21 it was like entered.

22 So 30 percent of the criteria is used -- the
23 first criteria is used upon stops. Subject has admitted
24 to, claimed, or expressed being a gang member or gang
25 associate.

1 Um, and since April, 5 percent of the criteria
2 that was documented pertained to Subdivision 2. Subject
3 has been arrested with offenses consistent with gang
4 activity.

5 Um, for Subdivision 3, subject has been
6 identified as a gang member by a reliable source. That
7 was cited 2 percent of the time.

8 And 4, subject has been arrested with or seen
9 associated with documented gang members. That has been
10 used as a criteria 14 percent of the time.

11 Subject has been seen displaying recognized gang
12 symbols and/or hand signs. That has been documented has
13 a criteria on 2 percent of the time.

14 For Subdivision 6, subject has been seen at one
15 or more gang locations. This has been utilized
16 15 percent of the time.

17 For Subdivision 7, subject has been seen wearing
18 a gang style of dress or accessories. This has been
19 documented 5 percent of the time as a criterion.

20 And then for the last one, subject has gang
21 tattoos, marks, scars, or branding indicating gang
22 membership. That has been documented as a criterion, 27
23 percent of the time. This is once again just between the
24 time the moratorium was lifted to present.

25 Um, so based on that information there, let's go

1 through each subdivision. Um, I know that A we already
2 talked about and voted on at the last meeting, subject
3 has admitted to, claimed, or expressed being a gang
4 member or gang associate, and we added the gang associate
5 language in. That we voted on already, so I don't think
6 that we need to further discuss that.

7 So I would move on to Subdivision A 2. Subject
8 has been arrested for offences consistent with gang
9 activity, and I would like to just hear what your
10 thoughts are. If you have any objections, suggestions.

11 MEMBER VRANICAR: I'll kick this off. What the
12 statistics don't, in my mind, reflect, is -- is that it
13 takes two of the criteria to enter someone in. Okay. So
14 just because, uh, you had, uh, the first one, at
15 30 percent, okay, then he must have had some other
16 criteria to qualify him.

17 So I -- I think the proper way to look at those
18 statistics is to -- is to try to determine, um, uh, what
19 was -- was he, uh, documented as a result of 30 percent
20 of the time as admitting gang membership and then the
21 tattoos was -- was the next the next thing that put him
22 over the top, as opposed to just looking at these things
23 in a vacuum and saying, "Oh, he's been identified as a
24 gang member or reliable source 2 percent of the time."
25 Well, that's just one criteria in a vacuum, and I have

1 some, uh, a little bit of heartburn just looking at these
2 individual criteria, just based on a review of the
3 percentage of the time that it was used, because that
4 gives the impression, then, that, you know, the reliable
5 source, uh, uh, that gang style of dress, and offenses
6 consistent with gang activity are not criteria that are
7 therefore utilized and perhaps should not be included.

8 MEMBER THORNTON: The, uh, I think that we need
9 to eliminate, uh, this criteria, uh 5 percent, 1 percent,
10 half a percent. It's all too much. Officers have to
11 show up, it's a chaotic scene, they have to make a split
12 second decision. They don't have time to get all the
13 facts. They may arrest the wrong person, and then we
14 have a process for that. Right? We have a district
15 attorney who reviews to see if charges are done. Then we
16 have a judge who reviews the evidence at a preliminary
17 hearing to see if there's probable cause to continue to
18 hold them.

19 And so documenting someone as a gang associate,
20 gang affiliate, gang member, based on an arrest alone I
21 don't think is a good criterion. It's -- having had the
22 chance to now review body wear camera evidence, I can
23 appreciate the chaos that parole officers walk into when
24 they show up at a scene. And, um, the idea that someone
25 can be documented gang member based on an arrest, I think

1 should not be something, uh, we acknowledge and list as a
2 valid criteria.

3 I also want to extend this to, um, there are
4 situations where there are stings done and, uh, a
5 prostitute, or a woman prostituting herself, will be
6 arrested. Um, she will be arrested for something that is
7 now going to be an offense associated with gang activity,
8 which I think we can all agree, gangs have involved
9 themselves in human trafficking. Okay. So now that
10 prostitute has that valid criteria. Um, she also is seen
11 with regularly maybe her human trafficker, who is a
12 documented gang member.

13 So if this criteria is used because she's
14 prostituting and being victimized, she now can be
15 included in CalGang as an associate or member of a gang,
16 when, in fact, she's a victim. And when we drop the
17 level down for inclusion based on arrest alone, we open
18 the door to over-inclusion and including members that can
19 considered - and not can be considered, I would go out on
20 a limb and say are victims, and including them in
21 databases that are meant to track criminal activity is,
22 um, I think we should strive not to do.

23 MEMBER SCAFIDDI: Just to echo on Jeremy's
24 comments, we have to realize, too, that the proof needed
25 to arrest someone is the lowest standard in the law,

1 reasonable suspicion. You simply just have to take a
2 look at each individual county's DA rejection rates to
3 show how many cases are not filed. And so why put
4 someone use a criteria at the lowest possible level in
5 the law? In fact, every law enforcement officer up here
6 in their career undoubtedly has blue sheeted someone or
7 released them under 836 or 849 (b) (1), (b) (2), or (b) (3)
8 for investigation only. So -- I just think the criteria
9 [unintelligible] for that to have any valid significance
10 to put someone in a database.

11 MEMBER CONSIDINE: But I think we're going down
12 the rabbit hole. Being in CalGang is just a pointer
13 system. We can't arrest off of CalGang. It's not
14 illegal to be a gang member.

15 MEMBER SCAFIDDI: I know that.

16 MEMBER CONSIDINE: I know. But you guys are
17 saying the lowest form. We're saying, if you admit
18 you're a gang member and you do a drive by, we're going
19 to put you in CalGang. If you do a drive by and don't
20 admit it, we're not putting you in CalGang.

21 That's one criteria. We need two or more as
22 Marty said. We're not taking this and saying each one of
23 these is going to be. We need two or more. Three is
24 awesome; four is even better. We do it all the time, but
25 a minimum of two. And I think that kind of goes toward a

1 good guideline of, yeah, if a prostitute, she's going to
2 be an associate of a gang member. So what? If she's a
3 prostitute, that's not against the law; right? It's just
4 giving us a place to go look, maybe who her pimp is, let
5 us work the gang enforcement, the other side of it.

6 So you're making CalGang's illegal. It's just a
7 pointer system. It's just a database for us to use as an
8 investigative tool.

9 MEMBER THORNTON: I disagree. I understand what
10 you're saying. There may be no legal significance to it,
11 especially if officers are abiding by the rules and
12 they're not disseminating information. I want to assume
13 all that's true, but I think there is a, um, real -- we
14 are discounting the alienation that happens, and when you
15 hand someone a letter that says you are being placed into
16 a system where that person knows criminals are; right?

17 Criminal Street Gangs exist, and there are real
18 Criminal Street Gang Members that do really bad things,
19 and people on the streets know who those people are;
20 right? So when you start placing someone who doesn't do
21 that kind of content, in the same place and in the same
22 category as those peoples, even though there may be no
23 legal significance to it, that has a real alienating
24 effect; and that has a real division where it does seem
25 like to that person in a community as an us versus them.

1 And then it has -- it carries over into how that
2 person views law enforcement, and then it carries over
3 into how law enforcement is treated by that individual.
4 And so there is -- I think we have to appreciate that,
5 although it may not have these legal consequences, there
6 are, um, manifestations of this in that person's life and
7 how that person makes decisions for the rest of their
8 life. And we need to be cognisant of that.

9 And so I disagree. I understand it's a pointer
10 system. I believe you. I believe every law enforcement
11 officer in this room when they say how helpful it is, but
12 to say that it has no affect on that person's life, I
13 absolutely disagree; and I'll tell you because I talk to
14 individuals, some of them real gang members, some of them
15 who aren't; right? But I hear the attitudes that they
16 have toward law enforcement, and it breaks my heart
17 because some of them, I mean, I don't have those
18 attitude; right? Even though I'm in the criminal justice
19 system, I am treated nicely by police officers, even ones
20 in cross-examining; right?

21 And it breaks my heart when people tell me how
22 they think of police, how they view police, and, if we
23 can avoid it with something like this, I think we should.

24 MEMBER SCAFIDDI: Just to follow up on that.
25 Thank you, Jeremy. Jim, I totally understood what you

1 said. My comment was more -- not related to just having
2 that as a criteria with such a low standard for arresting
3 someone on the street and not considering rejection of
4 cases is concerning; and Jeremy made a really good point,
5 though. At the last meeting, um, where we talked about
6 that 14-year-old kid, hanging out at the schoolyard in
7 front of other kids, and he self-admits because he wants
8 to look tough or whatever it is, and then you have the
9 low level to arrest someone.

10 I just wanted to point out that comment. But
11 mostly what I was talking about is this -- and I think a
12 lot of people in here that have spoken over the past
13 several months on these public sessions, they really talk
14 about in essence this. So you're driving a car, or your
15 a passenger in a vehicle, and you get stopped. Whether
16 you rolled the stop sign, or something really minor, and
17 the officer comes up doing their job or his job or her
18 job and says, "Hey. Let me see your license,
19 registration, proof of insurance." And you get it, and
20 they do a routine 29 check for warrants, or whatever, and
21 comes back clean, but it also comes back that the person
22 is in the CalGang data base; right? And now -- you can't
23 run them on the street?

24 MEMBER CONSIDINE: No. That's what we've talked
25 to you guys last time. Right to know, need to know.

1 There's no reason to be running those people.

2 MEMBER SCAFIDDI: So you can't run them on the
3 street? They never get run on the street? Never comes
4 up?

5 MEMBER CONSIDINE: No.

6 MEMBER SCAFIDDI: So in San Bernardino County,
7 chief and --

8 MEMBER CONSIDINE: You're just assuming. We're
9 telling you it doesn't happen.

10 MEMBER SCAFIDDI: Okay. You have, like, a Sids
11 or Safari, where information comes up, prior contacts,
12 whether they're victims, RPs, and things like that?

13 MEMBER CONSIDINE: That's part of -- if we need
14 to we could look into that.

15 MEMBER CHIEF BURGUAN: We have an internal RMS
16 system.

17 MEMBER CONSIDINE: Yeah.

18 MEMBER SCAFIDDI: Okay.

19 MEMBER CHIEF BURGUAN: That's different from the
20 CalGang Database.

21 MEMBER SCAFIDDI: Okay. Does it talk about in
22 the RMS system that gang contacts?

23 MEMBER CONSIDINE: No. No. That's a cross that
24 we wouldn't dump into RMS. That's public information.

25 MEMBER COOPER: To clarify, if you are out in

1 the field and you're using you're MDC your MDT, or
2 whatever [unintelligible] they call it this week.
3 When -- and you were on the stop, you could log into the
4 CalGang system independently.

5 MEMBER SCAFIDDI: Right.

6 MEMBER COOPER: But when I just run a guy,
7 here's his name, his birthday, physical description, they
8 run him for warrants, whatever, nothing comes back as far
9 as gang membership or --

10 MEMBER SCAFIDDI: Oh, okay. So that's what I
11 was talking about.

12 MEMBER CONSIDINE: But we don't have that.

13 MEMBER COOPER: You have to log in separately
14 and you would have to have the right to know and need to
15 know.

16 MEMBER VRANICAR: Reasonable suspicion.

17 MEMBER COOPER: Reasonable suspicion these guys
18 are involved in something.

19 MEMBER SCAFIDDI: So technically they could have
20 access to that subject to audit? Okay. Because what I
21 hear from clients on occasion is this, that contact --
22 the potential contact is going okay, and, all the sudden
23 they say, "You're from a gang. You're a gang guy." And
24 now there's a prolonged detention, you know, and they're
25 being searched and described earlier, "Let me see your

1 tattoos. Pull up your shirt." Things like that, and I
2 think that's what leads to the mistrust.

3 People that are thinking, all right, so they
4 independently pull something up from two years ago, and,
5 now all of the sudden, what was a consensual contact or a
6 real low key contact, becomes more accusatory and things
7 of that nature.

8 MEMBER COOPER: That's something they can take
9 up with that agency. If they think they're civil rights
10 have been violated, then they can take it up with a
11 personnel complaint or --

12 MEMBER SCAFIDDI: It's always benign in the
13 daytime, but it's not benign at 10:00 o'clock at night or
14 1:00 o'clock in the morning.

15 MEMBER CONSIDINE: Well, yeah. We don't need
16 CalGang to tell us if we're dealing with a gang member.
17 We're pretty good at it. We can usually just tell by
18 their tone of voice, who they are, how they talk.

19 MEMBER SCAFIDDI: That's how you can tell if
20 it's a gang member? Tone of voice? How they talk?

21 MEMBER CONSIDINE: It's all in [unintelligible]
22 yeah. We're pretty good at what we do.

23 MEMBER SCAFIDDI: Okay.

24 CHAIRPERSON NUNEZ: That's -- that's --
25 that's --

1 MEMBER SCAFIDDI: That's not in the criteria,
2 though; right? We're not using that as a criteria?

3 MEMBER CONSIDINE: That's the next criteria
4 we're going to ask for is tone of voice.

5 MEMBER SCAFIDDI: Tone of voice is hard pass
6 also for me.

7 CHAIRPERSON NUNEZ: Let me change my tone of
8 voice real quick when I speak, because I don't want to be
9 considered a gang member, again.

10 MEMBER CONSIDINE: Hey, Sammy, remember you're
11 the leader here. You're supposed be the grown up.

12 CHAIRPERSON NUNEZ: Yeah. I know, but I'm still
13 participating voting member of this group. I just find
14 it, again, this is scary to me, when we start saying
15 things about that, like, voice. You're going to start
16 assessing people's accents, and when does this stop?

17 I mean, I'm sorry I'm just wondering because
18 it's a pointer system. If you're on probation, you live
19 in the neighborhood, you're subjugated to living in a
20 poor neighborhood, and -- and -- and you've actually --
21 and you're black or you're brown. I mean, the realty is
22 you're going to be -- I would love to see the data, the
23 numbers on this. I would love to see what are the
24 demographics. What are the ages?

25 I'd like to see more of this data unpacked. I

1 -- I -- I, frankly, feel like it's important to be
2 informed by the data itself. We're here because there
3 were some serious issues with the gang database. I know
4 we're not here because we like hanging out on a Friday
5 afternoon. There was something that happened here.
6 There was --

7 MEMBER CONSIDINE: Less than one percent.

8 CHAIRPERSON NUNEZ: Let me finish real quick --

9 MEMBER CONSIDINE: Less than one percent.

10 CHAIRPERSON NUNEZ: Please. Let me finish real
11 quick. There was a serious egregious, uh, impact that
12 this has on people. I've been in the gang database. I
13 know what happens. I know what happens, and I could tell
14 you right now by being -- and that pointer system points
15 you to whose door you're going to kick in. That's what
16 it points it to. Whether or not you're involved in gang
17 activity anymore, criminal activity, um, I feel as though
18 -- I feel as though, I guess, this is just kind of scary
19 to me that we're, again, because I don't think people
20 have a choice sometimes in where they live. They don't
21 have a choice of, you know, what kind of family they were
22 born into.

23 Uh, I actually had to -- I actually had to move,
24 not because I was out there advancing the gang. Come on.
25 I'm a grown-ass man. It was because I needed to get away

1 from the police raiding my house to be honest with you.
2 I mean, that's just the truth. I got tired of people
3 coming in my house, and my children being subject to that
4 for my mistake, and I own it. I got shot, and I shot
5 people, I shot back at somebody who shot me, and it's on
6 the record. I'm sure it's out there.

7 The realty is, though, if I wouldn't have moved,
8 I don't think I would have survived. I would still be in
9 and out of incarceration. Um, I'm just -- yeah. So
10 anyway. I think that -- I think that it's really -- go
11 ahead.

12 MS. RIVERA: So I would like to ask you, Sammy,
13 if you could look at the criteria that we have presented,
14 and, if you could say the ones that you would get rid of.

15 MEMBER SCAFIDDI: But before you guys act, just
16 one last comment because of the public audience, 30
17 seconds, please.

18 MS. RIVERA: Okay. We only have 40 minutes to
19 discuss the criteria so, please.

20 MEMBER SCAFIDDI: It will be quick. And we've
21 all spoken in public here over the last few months and
22 occasionally people misstate things what they mean.

23 CHAIRPERSON NUNEZ: Well, we're giving our own
24 experiences too. I think it's important to be allowed to
25 bring our experiences in.

1 MEMBER SCAFIDDI: No. I agree. I agree. But
2 what I'm saying is this, that last exchange, where we
3 talked about we do our job right, we can tell from a
4 voice. That is one of the reasons we're here, because
5 every person out there, almost every person in that
6 audience when that happened, there was a visible
7 reaction. I was looking at them. That's the mistrust
8 that we're talking about.

9 Those are the comments, and I don't think
10 Lieutenant said that in any mean-spirited way any way,
11 shape, or form, because I know him to be a good man,
12 okay? But that's why these people are up here. That's
13 why they came from all over the state to be here today,
14 and that is exactly why we need to make sure that our
15 recommendations are right. Because it's an intelligence
16 protecting the citizens from gang members, but it's also
17 about the citizens themselves, um, and making sure we
18 have, um, benign clear criteria, so people don't think
19 that they're being jammed up as gang members because they
20 talked a certain way or they looked a certain way, and
21 that's exactly why this Committee is here. That's all I
22 wanted to say.

23 MS. RIVERA: So --

24 MS. THIND: Thank you, Michael. So I guess,
25 let's turn back to the question at hand. Let's take a

1 look at these criteria on Page 8, of Package 2. Go
2 through them. So criteria is 2 through 8 and talk about
3 them and see what we want to include and what we want to
4 get rid of.

5 So we were on Number 2, subject has been
6 arrested for offenses consistent with gang activity.
7 Offenses consistent with gang activity is the definition
8 that we defined back on Page 3 earlier this morning. So
9 any of those offenses.

10 MEMBER THORNTON: On Number 2.

11 UNIDENTIFIED SPEAKER: Excuse me, can you
12 display the criteria of Package 2?

13 MS. THIND: Of course.

14 UNIDENTIFIED SPEAKER: Appreciate it. Thank
15 you.

16 MS. THIND: So actually, in the interest of
17 time, we'll just, um, see which ones, um, you object to,
18 which ones you concur with.

19 MS. RIVERA: So, Larry, do you want to start
20 first, and we'll just go around and say, yes, to and then
21 say the numbers that you like and no to the ones you
22 don't like; and we'll do that, just a round table, and
23 then we'll open it up for discussion. Just so we can get
24 it on the record, because we are bringing back all this
25 information to the attorney general, so he can make an

1 informed decision.

2 MS. THIND: And also as a reminder, there is a
3 Subdivision A. All of these criteria are not stand alone.
4 Two of these criteria have to be met before the
5 individual is actually input into the system, and the
6 criteria has to be found only after its coupled with the
7 officer's reasonable suspicion, training, and expertise
8 through an investigation.

9 So all of that ties this criteria together. So
10 there is a little Subdivision A above it, just pointing
11 your attention to that. So this is the entire section
12 here.

13 MEMBER SGT. MEAD: Okay. Um, you know, I looked
14 at all of these and as far as I'm concerned all of them
15 are good. Now, 8E. Subsection E. I have a problem with.

16 MS. THIND: Okay. Unfortunately, we're not
17 talking about E yet, but I'll make note of that. Just A,
18 subdivision A.

19 MEMBER SGT. MEAD: I'm good.

20 MS. RIVERA: Chief Burgundy?

21 MEMBER CHIEF BURGUAN: On those eight, I'm good.

22 MS. RIVERA: Marty?

23 MEMBER VRANICAR: On those eight, I've got a
24 couple of, uh, comments, couple of changes. Um, I think
25 we also have to include individuals who were initiated

1 into the gang or initiated another person into the gang,
2 um, or is identified as a gang member by physical
3 evidence or authored communications taking credit for
4 gang crimes. But other than that, I'm -- I'm okay with
5 the rest.

6 MS. RIVERA: Go ahead, Jeremy.

7 MEMBER THORNTON: So when it comes to the
8 criteria as their listed, um, No. 2 I would not accept.
9 Convicted for offenses consistent with gang activity with
10 supporting documentation, I think, is okay, but as
11 written, no.

12 Um, reliable source, I think it depends on what
13 we're going to consider reliable source. So I would have
14 to say no to No. 3.

15 No. 4, no. I think it's too broad; No. 5, I
16 think that's an acceptable way for law enforcement to
17 know; No. 6 if a gang location is, uh, the Hells Angels
18 Motorcycle Clubhouse then I think, yes, but, if it's the
19 local park, then I think there's a problem with that; and
20 too often parks are considered gang locations because
21 they're in poor urban neighborhoods where gang members do
22 frequent and victimize people, and so I would have to say
23 no just because of the definition of gang locations.

24 No. 7 I think is too broad. I think there's
25 some First Amendment problems there; and No. 8 I do -- I

1 will say, yes, because I do understand how law
2 enforcement considers the tattoos and I -- I actually
3 thought that was a very sensible way to look at tattoos
4 when they were entering people into the system, so I
5 agree with eight.

6 MS. RIVERA: Ryan?

7 MEMBER COOPER: I'm good.

8 MEMBER SCAFIDDI: If I can, yeah. No. 1 I would
9 add as long as there was an addition of trustworthiness,
10 um, to the admission, and that's going back to Jeremy's
11 comments a couple sessions ago -- or a session ago. Um,
12 two, I disagree with. It's too low of a standard to put
13 someone in there; three, um, if there's -- a reliable
14 source, if there's an addition of trustworthiness, I'd
15 add that; four, is absolutely too broad; five, is okay;
16 six, I think it's, um, vague and -- actually, I think
17 it's constitutionally vague; seven, I think it's also
18 vague, and I would also argue, depending on how it's
19 documented throughout the state, you could have an equal
20 protection argument through the 14th Amendment of the
21 Constitution. I'm okay with eight.

22 MEMBER HUERTA: Okay. I'm -- based on the fact
23 that there's a -- it requires more than one, I'm okay
24 with all eight.

25 MEMBER CONSIDINE: Good with all eight.

1 CHAIRPERSON NUNEZ: Yeah. I have a problem with
2 lot of them, but I think that, uh, the ones that I'm more
3 uncomfortable with are No. 4, associating, and No. 6,
4 location, and No. 7, style of dress or accessories.

5 I think that, um, again, it's very subjective.
6 The world of implicit bias I think we know that, um, at
7 times we make some, uh, judgments based on our own
8 biases. I think that, um, if I can actually even just --
9 if you can entertain my actual, um, I got a prop here
10 actually.

11 Can you stand up, Jose? Based on this criteria,
12 Jose would probably be recognized as a gang member, and
13 this is one of the most honorable men I know working in
14 the neighborhood. Based on this criteria, he can be put
15 into the gang database. I think that's a problem for us
16 that work -- that gang intervention workers or things
17 like that. I think it's really, really, really, uh,
18 again, I think, um, it could have, um, it could implicate
19 people that shouldn't be implicated, uh, in my opinion.
20 Thank you, Jose. Sorry for picking on you.

21 [Laughter.]

22 CHAIRPERSON NUNEZ: I like his style, but you
23 know, that's just me.

24 MS. THIND: Okay. Thank you. I appreciate you
25 sharing your feed back. So in the interest of time,

1 let's actually move on to the next question, which is,
2 um, age. What would be a reasonable minimum age to enter
3 an individual into a shared gang database?

4 MEMBER VRANICAR: Where did that come from?

5 MS. THIND: Oh, and I'm also welcome to any
6 other comments you may have before our next meeting.

7 Minimum age. Yeah.

8 MEMBER VRANICAR: Minimum -- where did that come
9 from? I didn't see that question anywhere to be
10 discussed.

11 MS. REICH: Marty, it's just a question that
12 we're posing. We want to know what this Committee thinks
13 about if there should be an age limit with an individual
14 being put into the database.

15 MEMBER COOPER: I'll talk about what's going on
16 right now, and I've given the example before. Right now,
17 in our system, the minimum age is 10. Uh, there's nobody
18 that's 10-years old that's in the system right now, but,
19 in the example I gave a couple -- I forget which meeting
20 it was, a kid that was 11-years old, 12-years old, was
21 tagging up this wall in furtherance of this gang, and,
22 without getting into the details of it, it was hate crime
23 type stuff.

24 He was a third, fourth generation member of this
25 gang. All the family was members of this gang. Um, and

1 it was important to have something like that. If we
2 start -- you know, who this kid is when he started off
3 and start capturing this information. The reason we put
4 a cap there was because when the audit came out, there
5 was infants and babies in the system, and whatever, and
6 all it was was typos on behalf of the officers, or
7 whoever was doing the inputs, and they put the date of
8 the contact as opposed to the birthday. So that's why it
9 was showing up with one and two-year-olds in the system.

10 So that's been fixed. No future dates have been
11 fixed, so you can't do -- today's what the 25th, uh,
12 2018? You can't put 2081 extending somebody's purge
13 date. So we have it at 10. There's no 10, 11-year olds.
14 I think there's two, I'm just -- this is just for LA. I
15 think there's only, like, two people that are 12,
16 13-years old. It's a very small amount.

17 One of the guys that I was looking at, um, is
18 right on the cusp of -- he's an associate and the guys
19 that he's been stopped with admit that's he's an
20 associate, he's been hanging out. They're trying to
21 recruit this kid into the gang. I came across this the
22 other day. So I'm going to reach out when I get back to
23 that division, to see if they can go talk to him talk to
24 the parents, send our juvenile car out there whatever.
25 But he's dressing down, he's hanging out in a park, where

1 this gang controls this park, and people don't go there
2 because the gang controls it. Um, he's showing up in
3 photos in social media wearing the gang clothing for this
4 gang. Trying not to say the gang's name but, um, you
5 know, it's important for us to, you know, we do put a
6 limit on it. We're not putting 5, 6-year olds, or
7 anything like that, in the system because they wouldn't
8 meet the criteria.

9 So right now for our CalGang policy is minimum
10 of 10, but there's -- I don't know if you guys look
11 statewide. Okay. There's no --

12 MS. RIVERA: No 10 or 11-year olds in our
13 database and very few 12-year olds.

14 MEMBER COOPER: Just for LA, even the teens are
15 low numbers. We're only looking at anybody under 18
16 maybe less than a thousand.

17 MR. BIERFREUND: I think there's 1,037 minors in
18 the system right now.

19 MEMBER COOPER? How many?

20 MR. BIERFREUND: 1,037 in the whole CalGang
21 database, across all nodes, people under 18. Less than
22 one percent of the database.

23 MS. THIND: So with that, Ryan, can I also ask,
24 um, as we can see, gang members do exist as young as 13
25 or 14 in the system. Would there be a certain age --

1 would entering a certain age preclude or be preventive,
2 if they were entered into CalGang and notified of such
3 entry? Like, have there been instances where maybe
4 somebody was documented and you went to, like, the
5 parents, talked to the parents or --

6 MEMBER COOPER: Yeah. I mean, there's times,
7 like, I know Santa Ana Police Department goes out when
8 they have contact with juvenile. They go out and do a
9 home visit, um, with the family. We've -- we've been
10 sending letters prior to Senate Bill 4 -- prior to 458 and
11 2298 and AB 90. We've been sending letters since, at
12 least, the early 90s, from what I can find from my
13 department.

14 As far as notification, hey there's programs out
15 there for help, sent to the parents. Now, obviously, we
16 send them to the adults as well. Something that's been
17 brought up and I -- MS is one of the gangs that was found
18 in LA, and there's reports of coming from down in El
19 Salvador of these guys -- these kids getting trained up by
20 MS at 11, 12-years old and getting sent up to the United
21 States, and that's something that we would want to have
22 info on, if we come across somebody that age, um, and
23 they're coming up here to do work, not like a job, but
24 gang stuff. So --

25 MEMBER SGT. MEAD: To add to what Ryan said. In

1 the early days when I worked OSS, which was street
2 detectives, our job was to go out and meet the community.
3 I mean, literally, meet the community, gangsters
4 everybody. Uh, it didn't matter what area we worked in.
5 So when something did go down, um, the community would
6 come to us and tell us what's happening. Transition to
7 now, where things are a lot faster, more widespread, um,
8 makes it a little bit difficult, as far as staffing goes,
9 and it makes it a little tougher.

10 Now, as far as 10-year olds, I've seen as young
11 as 11, and as you say in the system there's a very few of
12 them in there because cops have this thing that, you
13 know, anybody that young we'd like to, at least, try to
14 do some sort of intervention and start with the parents
15 and then use other resources to try and take them off
16 that track.

17 And as far as Ryan had said, the unaccompanied
18 minors, there's very solid, uh, information, uh,
19 regarding unaccompanied minors that have no tattoos, no
20 nothing, but they are doing work for, uh, certain members
21 of MS-13. They're out there. So you have young kids
22 that are in the gang, and, um, not documented. But
23 overall, I'll leave you with this, um, I -- I believe and
24 I strongly believe, and I told my team anybody that young
25 is being influenced by someone else that's older, or

1 whatever, and you need to step back and take a look at
2 that young person and maybe decide that you want to make
3 a difference, and then go deal with the parents and let's
4 get some resources.

5 CHAIRPERSON NUNEZ: What is the total number?
6 You had mentioned that 1,037 children are in the gang
7 database, how many are -- maybe I shouldn't have to speak
8 into this. I forgot Marissa's not listening.

9 MR. BIERFREUND: Sorry. What was your question?

10 CHAIRPERSON NUNEZ: What was the total number of
11 folks in the gang database?

12 MR. BIERFREUND: Total number of minors so
13 people under --

14 CHAIRPERSON NUNEZ: No. You said 1,037 children
15 in there; right? And how many adults?

16 MS. THIND: We didn't tally that result.

17 CHAIRPERSON NUNEZ: No?

18 MS. THIND: Not for this -- not --

19 MR. BIERFREUND: It's roughly 100,000.

20 CHAIRPERSON NUNEZ: About 100,000?

21 MR. BIERFREUND: Uh-huh. Roughly.

22 MS. RIVERA: There's an a report on the AG's
23 website, and it will give you the demographics that you
24 wanted. Yeah. But it is from last year. There will be
25 another one next year --

1 CHAIRPERSON NUNEZ: Okay.

2 MS. RIVERA: -- as well.

3 MEMBER THORNTON: So -- there's a push in the
4 legal field to have 25. That's becoming more and more of
5 when it comes to punishing people, especially, for the
6 rest of their lives, that 25 is becoming the significant
7 age. Now, I think at 25 you're going to have a lot of
8 people that have aged out of the gang, so I don't know if
9 that's a realistic number for CalGang.

10 If we were to set the number at 18 and only
11 consider adults, we would only lose 1 percent of CalGang,
12 and we would still have 99 percent of the data -- of the
13 individuals currently in there to still track. I think
14 that's a pretty significant number.

15 Um, if -- I -- personally, I think 18 is fair,
16 and if it needs to consider juveniles because I do know
17 juveniles also are involved in gangs, I'd like it to not
18 go below 16. 16 is an age that's accepted -- well, I
19 shouldn't say accepted -- it's an age that's recognized
20 in juvenile court as where you can have strike
21 convictions at 16 and 17. Um, below that, they don't --
22 even though it's the same offense, you can't be punished
23 for that kind of conviction later on.

24 So these are -- that's something already kind of
25 acknowledged by the state that at 15, and 14, um -- I

1 think something, when it comes to setting the age limit,
2 we have to be cognisant also of we're notifying these
3 people, these children, that they're being put in a
4 CalGang database. There's a significant in that because
5 we're giving them that; right? So they have the ability
6 to address it.

7 At 12-years old, I don't think somebody really
8 appreciates what that means. In fact, they might think
9 it's cool. At 13, 14, and 15, maybe they do. I would
10 say at 16, and 17, probably. They think it's just --
11 it's still cool. They don't understand that that has
12 consequences, when it comes to the relationship with
13 police officers, um, when it comes to just living life in
14 their neighborhood.

15 And so, I think, 18 is the number that I'm
16 requesting, and I'm encouraged that only 1,037 juveniles
17 are, uh, entered in the database. Just based on my
18 experience in juvenile court, I would have thought it was
19 a lot more. Um, so I think only losing one percent would
20 still -- would not cripple the system.

21 CHAIRPERSON NUNEZ: Is that a Motion?

22 MS. THIND: Do we want to do any further
23 discussion on this? Does anybody have any other
24 additional comments?

25 UNIDENTIFIED SPEAKER: Can the public make

1 comments?

2 MS. THIND: Not at this moment, but, when we
3 have the comment period, you may. No? Okay. Then I
4 really appreciate the discussion. I thank you for all
5 your comments. Um, let's move into our next topic, and
6 we will be having a third comment period just for the
7 public, and you're welcome to comment at that time on any
8 of this.

9 Okay. So now we're going to go into talking
10 about the definition of a gang member, and I'm going to
11 pull up comments, but, originally, I would like to point
12 to, um, our Package 2, the definitions that we came up
13 with. So that would be on Page -- Page 2.

14 CHAIRPERSON NUNEZ: Page 2, Package 2?

15 MS. THIND: Yes. Page 2, Package 2. Do we --
16 sorry, Sammy. Do you want -- do you guys want to take a
17 ten-minute break after that discussion? Or power
18 through?

19 MEMBER THORNTON: Yeah. We can keep going.

20 MS. THIND: Keep going? Okay. Awesome.

21 Okay. We've defined gang member, as -- and this
22 is in no way is tied to the criteria discussion at all.
23 This is just we need stand alone definitions. Um, so
24 gang member means, a person who collectively identifies
25 himself or herself by adopting a group identity, which

1 she or he uses to create an atmosphere of fear or
2 intimidation, frequently employing one or more of the
3 following: A common name, slogan, identifying sign,
4 symbol, tattoo, or other physical marking, hand sign or
5 graffiti.

6 Let's pull up comments. Okay. So I have one
7 comment.

8 MEMBER VRANICAR: Yeah that was -- that was my
9 comment. Um, I added the phrase, uh, "or is recognized
10 as such." Gang member means, a person who collectively
11 identifies himself/herself by adopting a group identity
12 or who is -- or is recognized -- or who is recognized as
13 such.

14 You might have, uh, other members of that gang,
15 who basically say, "Yeah he's in the gang. He's in the
16 gang."

17 MS. THIND: So the comment is --

18 MEMBER VRANICAR: Or "He's a gang member."

19 MS. THIND: -- so the comment is right up there.

20 MEMBER VRANICAR: Yeah.

21 MS. THIND: So that was one recommendation.

22 Another recommendation was just an opposition, and then
23 another member presented that we should not call the term
24 gang member, that we should add the term "potential" in
25 front of it or "suspected" in front of it, because it's

1 not -- knowing with certainty that that person is a gang
2 member or gang associate. So those were the three
3 comments.

4 So shall we start out with, um, the first, which
5 was Martin's?

6 MEMBER VRANICAR: I think I was -- my comment
7 was based on the fact that I'm not sure how a person
8 collectively identifies himself or herself as, uh, a
9 member of the association. Is the notion that, uh, um --
10 and so that's why I had that clarification, "that is
11 recognized as such," because that means if you
12 collectively identify yourself, that means that you've
13 got input from others who validate your own, uh,
14 identification.

15 MS. THIND: Okay. Other comment on the
16 definition for gang member or adding the word potential
17 or suspected in front of the gang member definition?

18 MEMBER VRANICAR: And why -- why is this, uh,
19 definition then not tied to criteria -- you're saying
20 that this definition is a stand alone, but, when we get
21 to the criteria, what we say is a gang member -- a person
22 is designated as a gang member if he meets two criteria.
23 So I don't have a problem, myself, with, uh, uh, having
24 "suspected gang member" as a general concept, and then
25 once you meet the qualifying criteria, two or three or

1 whatever it's going to be, then you know, you're a gang
2 member, as far as the database is concerned.

3 MS. RIVERA: So that would be different --

4 MEMBER VRANICAR: Prior to that time, you're
5 suspected.

6 MS. THIND: Well, I think in either case you
7 would be suspected. Like, if you're a suspected gang
8 associate or a suspected gang member, but I think the
9 reason why I posed it that way because Marissa's criteria
10 last time, she opposed the definition of having --
11 opposed putting in the definition section the definition
12 of a gang member or a gang associate, but the way
13 regulations are written, you have to have a definition --

14 MEMBER VRANICAR: Right.

15 MS. THIND: -- to explain a term that you're
16 utilizing in the regulations.

17 MEMBER VRANICAR: Right. Right.

18 MS. THIND: So she wanted just her criteria to
19 define what that is, but we have to have a way of
20 verbalizing that in the definition section, if that makes
21 sense, so that the reading can be guided to -- the
22 reading can be guided within the section to understand
23 that this is what that is, this is what it would be. So
24 if we were to reconcile a way to do that, then this is
25 the time to talk about that.

1 MEMBER THORNTON: I know that Marissa included
2 it within the criteria, um, or defined it by the
3 criteria, but I think re-defining it here as someone who
4 has been found to be a member in a gang or a gang
5 participant, um, by a finder of fact through criminal
6 process. I -- I think that's what we should stick to and
7 continue to withhold the gang member name tagged to only
8 those individuals that have been convicted or it's been
9 found by a judge in some way, um, to be true -- or a
10 jury.

11 MS. THIND: So for the purposes of the
12 regulations and entering somebody into this pointer
13 system, would then it be fair to put them in, like, as a
14 suspected?

15 MEMBER THORNTON: I think -- since we already
16 have the two categorizations of member and associate, it
17 seems to me that, uh, a member can be someone who either
18 through plea -- guilty plea and admission, through that
19 plea or jury trial or court trial, whatever process they
20 chose to take advantage, that person can be designated a
21 gang member; however, in the instance that that hasn't
22 happened, but these individuals need to cataloged in this
23 pointer system, they can be cataloged as associates,
24 using the criteria we kind of just gone over and
25 digested.

1 And that heightens, because right now it seems
2 to me someone can either be an associate or gang member.
3 I know an associate is always tied to a member in the
4 system, but rather than kind of working within that
5 framework, we have a member and there's been some
6 judicial determination and there's an associate; and it
7 seems to me to be more reliable, in this pointer system,
8 if the source document that they're sending over is a
9 change of plea form -- even though there are problems in
10 the plea system. I understand that, and I wish I could
11 say I wasn't a participant in that, but someone is
12 admitting on a change of plea form, their lawyer is
13 signing it, and a judge is signing off on it, that is a
14 reliable source document --

15 MS. THIND: Okay.

16 MEMBER THORNTON: -- within this framework.

17 MS. THIND: So your recommendation is that that
18 would be -- so if you don't have a conviction or if you
19 don't plea or there isn't some sort of judicial document
20 indicating that, then that would be a member, then an
21 associate would be anybody else who did not undergo a
22 proceeding but the officer suspects?

23 MEMBER THORNTON: Yeah. With a reasonable
24 suspicion and the criteria we discussed, yeah.

25 MS. THIND: Okay.

1 MEMBER THORNTON: So within this definition of
2 member, we curtail it to just judicial findings or
3 judicial system findings.

4 MEMBER VRANICAR: The problem is that, um, uh,
5 you can be convicted of a gang-related crime without
6 being a gang member. So -- so, uh, because you did a
7 crime and it's proven that you did it for the benefit of
8 a gang, but you never -- you've never been a gang member.
9 So under that criteria, he gets added; right? So it's
10 his bad luck he got convicted, and he gets added as a
11 result.

12 MEMBER CONSIDINE: So on another note, if you
13 would have held it -- top of the Hells Angels, let's just
14 take them. They're real easy, they wear the colors on
15 their back, and the leader has never been convicted of
16 the 186 charge. We can't put him as a member? And he's
17 the president of the Hells Angels.

18 MEMBER THORNTON: Well, I understand the
19 problem. Marty, presented an interesting issue, but in
20 that case, I would just encourage -- I think, at least in
21 San Diego County, I know that they're not having a
22 problem convicting leaders of these gangs, um, under 186
23 and federal indictments now. So if you know who the
24 leader of Hells Angels is and you know Hells Angels is
25 responsible for armed robberies and murders at head shops

1 ands tattoo parlors that are unregulated, then it seems
2 to me that he could be arrested.

3 MEMBER CONSIDINE: No. It's just a pointer
4 system anyway. But I'm just saying for our hierarchy,
5 our intelligence world, we'd want to know who the
6 president is, I mean, at least for documentation on our
7 end; correct?

8 MEMBER THORNTON: Yeah. So you can list him as
9 an associate and I see -- I see no disadvantage -- well,
10 see this is what I was asking last time, and that's why I
11 kept asking the question, and it could be that I'm just
12 extremely dense and I don't understand, and that's very
13 possible, believe me.

14 MEMBER CONSIDINE: I don't think so, Jeremy.

15 MEMBER THORNTON: I don't know. It's a pointer
16 system and it's effective and people get caught. I still
17 don't know what the advantage is or why there are two --
18 why someone -- member and associate, I don't know how
19 that affects law enforcement. If someone's in the
20 system, they're in the system, you know what they're
21 tattoos look like, you know where they live, you know
22 what neighborhood they hang out with, you know what
23 they've been convicted of previously, you have all this
24 information on them. Associate or gang member doesn't
25 matter because it helps you the same, because you have

1 the information.

2 And so if we're going to persist in including
3 all of these individuals, I think it would be fairer if a
4 member have admitted to it in a judicial process and be
5 found guilty of it and that allegation be found true by a
6 judge or jury and an associate found this other way, um,
7 through the criteria we discussed previously. And I
8 think that was Marissa's suggestion last time, and I
9 thought it was, um, a good distinction if we're going to
10 have these distinctions within the system.

11 MS. THIND: Okay. Any other comments?

12 MEMBER SCAFIDDI: Can I ask a question? If
13 they're either an associate or classified a gang member.
14 The intelligence -- as long as they're in there, it would
15 still be the intelligence gathering process. It would
16 still be the same; right? Within each process, like, if
17 someone was in there, and let's say they were the
18 sergeant at arms for a motorcycle gang or -- um, that
19 information would be listed whether they're listed as a
20 gang member or not or a gang associate. It would still
21 be accessible for officer safety reasons and things like
22 that, if it was in there.

23 MEMBER CONSIDINE: Yeah. Associates aren't
24 worked on. They're a much lower classification in CG,
25 CalGang, than a member is. Very much -- they're there,

1 yes, but the information is not half as detailed as a
2 member.

3 MEMBER SCAFIDDI: Is that just because -- is
4 that a collection-process issue in the field or is that
5 by design?

6 MEMBER CONSIDINE: I don't know. I rarely do
7 associates. Members are just a little bit more work, a
8 little bit more meat to putting them in there. You feel
9 a little bit better about it.

10 MEMBER SCAFIDDI: All right. Thank you.

11 MS. THIND: Okay. Yeah. Should we continue on
12 to our discussion for associate, what we have for that
13 right now? I mean, Jeremy, did you feel like your
14 question was answered? Because you were trying to get
15 why law enforcement needs to collect information for a
16 member as opposed to an associate. Did you --

17 MEMBER THORNTON: Well, I mean, I've just
18 accepted I'm not going to appreciate the difference,
19 um --

20 MS. THIND: Okay.

21 MEMBER THORNTON: -- as its currently -- I think
22 that's why I'm on board with advocating the, um --

23 MS. THIND: What your recommendation was?

24 MEMBER THORNTON: -- the distinction between
25 judicial process, because that's more something I can

1 wrap my head around. I'm assuming they have valid
2 reasons because why would they do it if they didn't, but
3 I'm just not getting it.

4 MEMBER SCAFIDDI: Well, it does seem like the
5 information is in there anyway, whatever the
6 classification is, for intelligence gathering.

7 MS. THIND: Okay. Then should we talk about the
8 definition for associate? I mean, I'm going to take all
9 of your recommendations and, you know, present them to
10 the attorney general. So right now what we have for gang
11 associate means:

12 Gang associate means an individual, not a gang
13 member, who joins with a gang member on a regular or
14 periodic basis and who contributes to or derives a
15 benefit from the gang, including but not limited to,
16 active involvement in gang activities.

17 And there were a few comments on this. Marty
18 suggested that we add, you know, gang associate means an
19 individual, not a gang member continuing with the
20 definition -- let me make this bigger -- to add the term
21 "participates in." "Including but not limited to active
22 involvement in gang activities."

23 And then let's see what the other comments on
24 this are. There was, "Potential gang associate means an
25 individual, not a gang member, who joins with a gang

1 member on a singular or regular basis and who contributes
2 to or derives a benefit from the gang, including but not
3 limited to active involvement in gang activities." That
4 was --

5 MS. RIVERA: I think Ryan.

6 MS. THIND: Ryan's. And then Marissa just said
7 she opposes a definition for gang associate. And she
8 said including a gang associate definition, along with
9 gang associate criteria, is needlessly ambiguous, and
10 that would have been had we adopted her recommendation.

11 So those were the three comments. Are there
12 any -- let's discuss.

13 MEMBER VRANICAR: I think for the first part,
14 uh, AB 90 specifically calls out both terms. So, uh,
15 to -- to get rid of the -- the category of -- of gang
16 associate and to not include it, uh, I -- I don't think
17 that the regulation can adopt that on its own.

18 MS. THIND: Okay. Any other comments?

19 MEMBER VRANICAR: I think both my comment and I
20 think Ryan's were an attempt to, um, bring an associate a
21 little bit closer to -- to, uh, just to avoid the
22 situation of an individual just hanging out. Someone who
23 is -- who is, uh, participatory, in some fashion, in the
24 gang activity that is taken place, as opposed to somebody
25 who's hanging out in the neighborhood.

1 MS. THIND: Okay. Then I guess. Thank you for
2 that. We will take all of these recommendations into
3 consideration when we come out with the next draft, since
4 there's no more.

5 Um, yes. So next we're going to move on to, um
6 the meaty part. Definition of reliable source. So let's
7 keep in mind for the purpose of regulations, we want to
8 be as clear as we can in defining that term at the
9 beginning and for it to apply in the criteria. So right
10 now what we have, um, is on Page 4 -- or sorry. Page 3
11 of Package 2, and this is just kind of like a combination
12 of everybody's ideas, rather than like a strict case law
13 definition.

14 So its saying, "A reliable source may be but is
15 not limited to a law enforcement officer, family member,
16 friend, neighbor, associate, crime victim, fellow gang
17 member, or court pursuant to Penal Code Section 186.30.
18 The sources information is deemed reliable unless proven
19 otherwise through the course of investigation, audits,
20 the judicial process and/or testimony."

21 So that's just what we came up with. Um, in
22 terms of comments, so the first comment proposes adding
23 in an informant and a teacher.

24 MEMBER CHIEF BURGUAN: And? And a teacher?

25 MS. THIND: Yeah. An informant and a teacher,

1 in addition to what we already have here. And then
2 Marissa has proposed an alternative. Sorry. Let me
3 smaller -- let me make this smaller so I can read it off
4 to you, and I'll make it bigger.

5 A reliable source means, "A source of
6 information reasonably relied on considering the detail,
7 consistency, and corroboration of the information
8 provided. Law enforcement officers shall consider and
9 document why this source is reliable in sufficient
10 detail, so that the reliability of the source may be
11 reviewed. Law enforcement shall consider whether the
12 source has provided reliable information in the past and
13 whether this source has a reason to provide false
14 information, when determining if the source is reliable.
15 Children younger than 14 shall not be used as reliable
16 sources."

17 So she's put forth that one. Let's see. And
18 then there's another one. She also put forth, "a
19 reliable source may be but is not limited to a law
20 enforcement officer, family member, friend, neighbor,
21 associate, crime victim, alleged gang member, or court
22 pursuant to Penal Code Section 186.30, that has been
23 deemed credible after an evaluation under --" um, she had
24 a criteria for reliable source, pertaining to her source
25 document section. So she cited that, but we're not

1 discussing that right now.

2 So I have that, those two there. So what are
3 your thoughts on what we have and what we could possibly
4 add to the definition?

5 MEMBER THORNTON: I think the presumption of
6 reliability is a difficult concept. And it's kind of --
7 it's not something -- it's -- it's not something that is
8 typical in the legal -- in court, I guess. Um, that --
9 there first needs to be a demonstration of reliability
10 before something can be used. Um, and so this
11 presumption of reliability is a departure from things.

12 And so I know that Marissa was attempting to
13 point to that, um, and embrace that, this is why we think
14 something is reliable. These things have to be
15 established, and I think that approaches a little bit
16 better. Because the language currently has a presumption
17 of reliability unless the opposite can be shown, and the
18 opposite -- the opposite -- it's going to be hard to show
19 the opposite, um, from -- by someone who is trying to
20 demonstrate that they are not a gang member or gang
21 associate. Um, that someone is not a reliable source.
22 It's going to be difficult to show, um, especially if
23 there's the opposite presumption.

24 So that stands out. I also think there was a
25 mention of 14, the age. You know, I guess I would

1 caution -- I would limit reliable sources to adults, just
2 as something basic. There's just a lot going on with
3 juveniles and high school and middle school, and, what is
4 reliable one day, may not be reliable the next.

5 MEMBER SCAFIDDI: I would agree with Jeremy's
6 comments. One of the things we look for as lawyers if
7 you want to bring something before the court, you have to
8 make an offer of proof and you have a formal hearing and
9 things of that nature. One of the concerns -- and I do
10 like a lot of Marissa's language that she has suggested.
11 I would agree with Jeremy, no minors, but one of the
12 things that I would ask for the definition that was a
13 compilation of all the information. I would like to see
14 something that shows, um -- so these are people bringing
15 this information forward, that there be an offer of proof
16 that the information -- the informant has not received a
17 benefit, some type of benefit, from any type of law
18 enforcement agency, whether it be police, or the DA's
19 Office, um, because if someone's got skin in the game and
20 are getting something for it, that's when you -- "I can
21 help you out with this, but I need help here," that's
22 what leads to false information.

23 So I think there should be something -- maybe
24 that's the offer of proof, you know, you can't be using
25 that data if someone is getting a benefit or, at least,

1 someone needs to know about it in some way shape or form.
2 Because when people have some skin in the game, they can
3 say whatever they want to get a benefit. So I think
4 that's always a concern when there's a presumption of
5 reliability.

6 MEMBER COOPER: So you're saying that if we had
7 an informant that was getting -- either a paid informant
8 or working a case off or something like that, that would
9 not be reliable?

10 MEMBER SCAFIDDI: Yeah. I think that inherently
11 that is unreliable, and you should have a secondary
12 source for that. I think inherently that is unreliable.
13 It's a quid pro quo, and you should have an independent
14 source.

15 MEMBER COOPER: Yeah. That -- I'm going to
16 disagree on that.

17 MEMBER SCAFIDDI: Hard no.

18 [Laughter.]

19 MEMBER SCAFIDDI: All right. We're broke up.

20 MEMBER COOPER: For us, if we're going to use
21 the term "informant," it's going to be somebody that
22 we've done a full background check on them, we know
23 everything about them, it's on strict -- very short
24 leash. Um, you know they're vetted, supervisory review,
25 supervisory, you know, meets with the person, all

1 contacts are basically listed.

2 Um, if the guy is going to benefit by saying,
3 "Yeah. This guy is selling drugs, this guy is this, you
4 know, whatever." It's not used very often, the reliable
5 source, as you guys saw. It's, what, 2 percent or
6 something like that, but it is something that, you know,
7 if another police officer informant, a teacher that has
8 firsthand knowledge, it's an option that we can use. We
9 don't want to lose.

10 MEMBER SCAFIDDI: Yeah, but -- my -- what I'm
11 talking about, though, how often would that apply to a
12 teacher? What's the benefit that the teacher is getting
13 from law enforcement?

14 MEMBER COOPER: The teacher wouldn't get a
15 benefit from it, but, you know, I know the one on here
16 was a crime victim. I had an incident where I had a
17 woman witnessed a murder -- an attempted murder, and one
18 of the guys on the attempted murder was out on bail,
19 confronted her at the gas station, says, "If you testify,
20 you're going to end up in a box," you know blah, blah,
21 blah; and she goes, "I know they're from this gang"
22 because she lives in the neighborhood, whatever, and they
23 used reliable source to update their -- they ended up the
24 arresting the guy, witness intimidation all that stuff.
25 But they did an update on them and they used reliable

1 source, using her as a reliable source. So I think
2 that's why it's still a good criteria to keep.

3 MEMBER SCAFIDDI: I mean, in that scenario,
4 though, you can just argue that someone who's a victim
5 under Marsy's Law can be considered reliable source. I
6 mean, if that's the only benefit the person is deriving,
7 is the benefit that everyone would derive under Marsy's
8 Law or Victim Compensation Act, things like that. I
9 mean, I can see that. I mean, that's a different story.

10 MEMBER THORNTON: You know, these are all
11 factors to consider; right? Someone's paid, I get it.
12 Sometimes there's a really bad snitch in the case and
13 they're getting a good benefit, but they're a really good
14 witness and it's really bad for us; right? They're
15 reliable, but I don't like it.

16 So getting a benefit is, I think that's
17 something to consider. I think -- the reason I like the
18 factor approach that Marissa was suggesting is -- it's
19 hard because sometimes a really good idea of someone
20 who's probably a gang member in a Criminal Street Gang is
21 a person working at the corner store, who sees who that
22 person comes in with every day, who seen that person with
23 weapons. I mean, I know some of the best witnesses I've
24 ever had to point to another person, are the people
25 working at the corner stores. Um, you know, the

1 individuals who hang out in front of the stores, who can
2 help.

3 So the factor-driven definition, I know it's
4 difficult to draft regulation that looks like that, um,
5 but I would say that that is probably the most accurate
6 way to define something, because there are so many
7 different circumstances. Someone could be considered
8 reliable or unreliable, and, when you label it, things
9 like teachers, it's easy for people to have shortcuts,
10 and we don't want shortcuts. So when there's all the
11 factors to consider, I think it's less clean but more
12 accurate.

13 CHAIRPERSON NUNEZ: I think that, um, there's
14 actually a bill that was passed on racial profiling for a
15 reason. Um, I think that -- at times a reliable source
16 aren't too reliable. Often times the police are called
17 and for a black family having a barbecue, lets say, or
18 folks hanging out at Starbucks trying to wait for their
19 coffee. I just think that, again, you're putting
20 "reliable" in the hands of folks that aren't trained or
21 really understand really what a -- truly an active gang
22 member is.

23 So I feel, again, that this is uh, um, I find it
24 kind of striking the reliable, because I don't -- I
25 don't -- I know teachers didn't like me growing up, so, I

1 mean, again, I just feel like it's really -- I don't
2 think -- I don't think -- quote unquote reliable, is not
3 so reliable in my mind, I guess, and that's my fear.
4 That we're going to be putting these folks in a position
5 that could determine who's put into this gang database.
6 So can we move on?

7 MS. THIND: We can. So that wraps up our agenda
8 Item No. 8. I believe we are now going to start our
9 third comment period.

10 MR. BIERFREUND: All right. Has everybody,
11 uh -- has everyone signed the Public Comment 3? All
12 right. Everyone's signed up. We're now going to start
13 Public Comment Period No. 3.

14 The comments made during this period can address
15 the Committee on any items of interest that are within
16 the Committee's jurisdiction but are not on the agenda.
17 Based on the number of speakers who signed up, each
18 individual will have five minutes to provide their
19 comments. All comments should be directed to the
20 Committee. Speakers may not yield their time to another.
21 Speaker shall refrain from making personal attacks while
22 making their comments, and the audience is expected to be
23 respectful of all speakers.

24 It is the Committee's practice to listen to
25 speakers and not engage in dialogue. After all the

1 speakers have been heard, the Committee Members may
2 respond as appropriate. Please comply with the
3 procedures or we will have to ask you to leave the
4 podium, and once again we thank everyone for their
5 participation.

6 First person, we have Phal Sok.

7 MR. SOK: All right. We're getting towards the
8 end of the day; right? All right. Just some comments.
9 Um, there was a question I had earlier regarding process.
10 I know that there was some suggested amendments made. Is
11 there some way we can see that before this is put out?
12 Because this is all we see online. It would be good to
13 know, like, what are you suggesting, to really engage in
14 a discussion about that, to take input from the public's
15 side of things. So that's in terms of one.

16 The next question -- or the next issue I had
17 raised my hand about is minimum age limit. You know, we
18 worked hard to get SB 1391 to set a minimum age limit for
19 juveniles to be tried as adults. The floor is now 16.
20 Right? A minimum age prosecution for SB 439 is no longer
21 under 12. So we're moving forward. So that's a
22 discussion that we should really have and really think
23 about and give us some thought. I mean, I got in trouble
24 when I was 14, 15, 16, but I'm definitely not 14, 15, 16
25 today; right? Spent my entire adult life in the prison

1 system because of that, because of that label.

2 Um, another thing I want to say might be a
3 little bit controversial but I'm going to be honest with
4 you. A lot of the community wants to see cops in the
5 database. They want to see cops that have shot their
6 family members. They want to see cops that have filed
7 false police reports, done things that you would say are
8 criminal. They want to see cops in that database, too.
9 All right?

10 In YJC we have a black board. We have two black
11 boards, and we have an alter, and there's a lot of names
12 on there written of names that people have been killed by
13 law enforcement since the year 2000 only through 2015,
14 because that's all we could fit in two black boards, and
15 the names are written very small. That is a lot of
16 names. All right? So families aren't seeing any
17 justice. They're like, where's the accountability for
18 that? I'm just saying cops should be put into the
19 database when they do something wrong too. All right?

20 Label me a gang member. If they're getting
21 tattoos, if they're in the CDC getting a badge on them,
22 that was a green wall. That was the cop gang. They were
23 taking slamming us on the wall, [unitelligible]; right?
24 Those things were happening. What's the difference? Still
25 a person doing something wrong. That's all you're

1 seeing is that person is doing something wrong, you're a
2 gang member. If a cop does something wrong, maybe he's a
3 gang member too. Cops have gang LASD -- just a big ol'
4 article about it.

5 So my last comment then, just being up here
6 being a part of this, having done the work behind AB 90
7 and stuff that brought this together. I'm really going
8 to say that this is an exercise of futility on the
9 public's part. We really do -- or I feel it that way.
10 I've been on many comments, said a lot of things, in the
11 end doesn't see any of its considered, thought about. We
12 don't get any feedback to us, there's no engagement with
13 us. It's us talking to you, and then that. Where's the
14 engagement? Engagement is two ways. It's not one. Bye,
15 bye, wall. Here's your five minutes, take it, and get
16 on.

17 So I'm going to leave it at that. That's why I
18 feel it's very futile, and, if you want me to bring
19 people that says the same thing, I can bring people over
20 here that are going to say the same thing. We really
21 feel this. So I will leave it at that. Thank you.

22 MR. BIERFREUND: Thank you. Next is Sean
23 Garcia-Leys, for Urban Peace.

24 MR. GARCIA-LEYS: So since I have a lit bit more
25 time than during the second period, I'd like to expand a

1 little bit on something I said briefly, which is that,
2 uh, I think the idea that, uh, a reliable source could be
3 a criteria is a mistake and that it should be replaced by
4 hearsay rulings. What I mean specifically by that is, if
5 another person, reliable, assuming they're reliable, says
6 that somebodies a gang member, they should have a basis
7 for making that claim, and that basis should be something
8 that's there as a criteria.

9 So to have "identified by reliable source" as a
10 criteria, allows people to make baseless allegations.
11 And so that's the concern about that. Um, and the audit
12 does suggest that there are instances where police
13 officers thought they were valid, uh, sources, and so
14 they can just be like, well, you know, walks like a duck,
15 talks like a talk, therefore, that's one of the criteria.
16 I'm the reliable source. So I understand that can be
17 dealt with training, but there's a million ways where
18 that sort of baseless allegations can get through using
19 that criteria.

20 So instead, if all allegations should have a
21 basis and those basis are criteria, then what that leaves
22 is the question of, what do you do with third-party
23 statements, which is what I meant by hearsay. So if a
24 teacher says, "I know that kid, who sits in that seat, in
25 my fourth-period class, is a gang member because I see

1 him putting gang graffiti all over his things, and I saw
2 him claiming the neighborhood while punking some little
3 kid," right?

4 Okay. That sounds good, because now we've got
5 criteria as the basis for the allegation, and then you
6 make the assessment that Professor Montes suggested, as
7 to how you decide whether or not that's there.

8 As I tried to wrap my head around this, one of
9 the problems is how do we do this without giving officers
10 complete discretion and really what we've come up with is
11 you have to give officers complete discretion, um, but
12 that it should be documented for review. And so in that
13 sense, I don't think that removing the reliable source
14 criteria and adding in a hearsay rule that leaves room
15 for officer discretion in any way inhibits law
16 enforcement, um, but it makes for more accurate criteria.

17 Also, I'm glad to hear what starts to sound like
18 a weighing of what do we do that solves crimes and what
19 can we do to encourage good policing and protect people's
20 privacy and recognizing that that's a balance and that
21 there's two sides on all these issues in weighing those.
22 But it became very clear to me in the juvenile
23 discussion. What matters is not the number of juveniles.
24 If we had all the juveniles in California in the
25 database, it might actually help solve some crimes. The

1 issue -- it's not the number out of context.

2 The real question is how many times has CalGang
3 been queried and a juvenile record came up and that was
4 useful. Now, that may be an impossible number to come up
5 with, a number of times that a juvenile query solved the
6 crime. If we had that number, we could know whether or
7 not we put juveniles in there is a good idea or not. But
8 even maybe as a proxy for that, if -- if CalGang use is,
9 um, uh, recorded, in as much detail as Detective Cooper
10 said, which sounds right to me knowing some of IT guys
11 and looking at police records, it seems to me we should
12 at least know how many times juveniles have been queried,
13 um, and that number would probably be more useful than
14 the number of juveniles that are on there. If our
15 question is does adding juveniles to the CalGang database
16 help solve crimes? Was that the end of my time?

17 MR. BIERFREUND: You got about minute and
18 20 seconds.

19 MR. GARCIA-LEYS: Okay. Um, and then, lastly, I
20 want to say -- okay. So in the statute, it refers to
21 member, associate, and affiliate -- or member, affiliate,
22 associate. That goes back to SB 54 several years ago,
23 and the goal with that language was to be inclusive. The
24 concern was, if gang databases were only defined as
25 databases that talk about gang member, then law

1 enforcement could say, oh, we just have a database of
2 associates. That's not members, so we're not subject to
3 the law.

4 So the purpose of listing those three was never
5 to create three individual categories, the purpose of
6 that was just to be as inclusive as possible. And I
7 don't think there's any problem with these policies
8 restricting those to just two or saying there's member
9 category, or a proven member, or adjudicated member, an
10 unproven member, and an associate, and no affiliate, or
11 whatever combination I think should be fine. And I think
12 that's my time. So I'll leave it at that. Thank you.

13 MR. BIERFREUND: All right. Thank you. And
14 next we have Rekha.

15 MS. ARULANANTUAM: Rekha.

16 MR. BIERFREUND: Rekha. Sorry.

17 MS. ARULANANTUAM: No worries. Rekha
18 Arulanantuum, for the ACLU. So I wanted to talk -- to
19 return to the two-tier system. So the primary and
20 secondary criteria system prioritizes criteria that are
21 more reliable indicators and would prevent privacy
22 violations against those who could be added, um, through
23 just too shaky criteria.

24 And you said you like examples, and so I have
25 one for you. I've been working with an individual who

1 was added to the, um, database in August, based on a
2 single field interview, um, which LAPD claims establishes
3 that he has been seen with a documented gang member and
4 has frequented gang areas. So first of all, frequented
5 gang areas, he lives and works in gang areas and he was
6 stopped while driving. So I don't know how he's supposed
7 to get around that.

8 Um, putting that aside, um, frequent -- seen
9 associating with documented gang members is also shaky.
10 So in this one instance, he was giving a ride to a high
11 school classmate, who he hadn't spoken to in over ten
12 years. It was just single field interview, that's it.

13 So, um, I also want to talk about the criteria.
14 So the criteria subject has been seen wearing gang style
15 of dress or accessory. Um, that's problematic. There's
16 no differentiation between the attire of gang members and
17 urban youth. We must ensure the criteria doesn't capture
18 everything that black and brown people wear. Um, as the
19 regulations currently read, gang tattoos can be entered
20 as a criteria after they've been purged out, and we know
21 this to be un-reliable.

22 Um, I want to go back to the definition of
23 reliable source as well. So, um, in the definition it
24 includes a police officer's opinion. So a police
25 officer's opinion that someone is a gang member is

1 unnecessary. Um, any factual basis for an officer's
2 opinion that someone is a gang member, should be captured
3 with the other criteria. Um, if there's no articular
4 factual basis for the officer's opinion based on
5 recognized criteria for inclusion, then this individual
6 should not be included. Um, it also does not prevent an
7 officer from relying on the same facts already used to
8 satisfy one criteria to form his opinions. Thus it
9 double counts the criteria.

10 And then this is going to, um, when we talked
11 earlier about, um, adding some of the language about, um
12 challenging. Uh, so the individual that I spoke to had,
13 um, to try to remove his name from the gang database,
14 visited the police station three times before someone
15 gave him a removal form. And so this is something that
16 DOJ can do. You can put your forms on the website to
17 make it easier for people to find them.

18 Um, so when an agency adds a person to the
19 database, they should have responsibility to help those
20 people, um, to explain those forms and the processes. So
21 there should be a uniform training, so the agencies don't
22 drop the ball. The individual that I spoke to, um, his
23 request was denied, and so he called the police station
24 two more times. On the third try, he finally got ahold
25 of an officer who told him to go to the public defender's

1 office. He doesn't have a criminal record. Like, he
2 doesn't have a criminal offense, so the public defender's
3 office can't help him either.

4 So what does he do? He's going around in
5 circles trying to figure out how to access the court
6 system. So there needs to be training on where to, you
7 know, send people so they know what to do. I think
8 that's it. Thank you.

9 MR. BIERFREUND: All right. Thank you. And
10 next we have Jose Valle, De-Bug.

11 MR. VALLE: And if possible I would like to see
12 if I could get two appointed times. The only reason I'm
13 asking for that is for my own comment, and also for an
14 individual that, uh, was too scared to be here, um, if
15 that's okay.

16 MR. BIERFREUND: Um, that's going to have to go
17 to the higher ups.

18 MR. VALLE: All right. Higher ups, what do you
19 say?

20 CHAIRPERSON NUNEZ: Yes.

21 MR. VALLE: Okay. Thank you.

22 MR. BIERFREUND: Higher than me.

23 MR. VALLE: All right. So I'll start off with
24 my own. Okay. What we're talking about here is a
25 two-tier criminal justice system. The have's and the

1 have not's, American citizens, and those subject to the
2 13th Amendment, the men, and the three-fifths of a man,
3 the public, and the gang members, and the humans, and the
4 subhumans. Without any and all due process protections,
5 a court hearing, legal representation, it's absolutely
6 unconstitutional to enter anyone as a gang member or
7 associate in any type of criminal database.

8 Now, to the comments on, uh, the criteria.
9 Number one, law enforcement abuse of Miranda Rights. Uh,
10 there's law enforcement abuse of Miranda Rights on youth
11 and adults, so that's entirely subjective and arbitrary.
12 Number two, adding another web of law enforcement to
13 individuals already on probation, parole and/or formally
14 incarcerated, is doing too much. We already have parole
15 agents. We have police officers, detectives. We don't
16 need another form of monitoring or what have you.

17 Number three, this is far too subjective and
18 arbitrary, Orange County has already shown us enough, as
19 far as the abuse of reliable sources. Number four, is
20 racist and bias towards our communities, peers, and
21 family members. Number five, without due process
22 protections, this is absolutely debatable and
23 unconstitutional, and I'm going by the actual criteria's.

24 Number six, as criminalizing communities that
25 are alleged gang members, do not own these so-called gang

1 areas and have been subjected to these gang areas due to
2 historical and generation poverty and inequality. In
3 addition, due to gang suppression efforts and
4 gentrification, to enter a gang member or an associate in
5 more than one gang, is an absolute criminalization of the
6 victimization of gentrification.

7 And to the comment earlier that was made about
8 the two Bloods and one Crip committing an armed robbery,
9 that's just three individuals committing an armed
10 robbery. That's not benefitting any gang. Lastly,
11 Number seven and Number eight, that's just absolutely
12 racist and criminalizing an entire culture. Um, so I
13 just wanted to put that out.

14 And then let me read the letter. This person
15 was too afraid to come in today. So I don't know if you
16 want to start that time over.

17 I'm writing this letter to share my experience
18 of how being labeled as a gang member has affected me in
19 my life. In 2014 I was arrested and charged with a gang
20 enhancement, which now I have a felony and was placed on
21 gang probation. I could not understand how any of this
22 could be. I had no ties to any gang nor was I a part of
23 any gang. I have always worked and cared for my family.

24 At this time, at the time of my arrest, I was an
25 employee at Kaiser Permanente and was the sole provider

1 for my children. Because of the incarceration, I lost my
2 job, even though my employer tried to hold my position, I
3 was denied bail, which resulted me losing the job. I
4 also lost my Section 8 housing assistance because of
5 these charges and had to live with different family
6 members.

7 I spent three months in jail and upon release
8 one of the conditions was having to register as a gang
9 member. It was very hard to find work and resume my
10 normal life. I worked dead end jobs here and there, but,
11 still, that did not really get me anywhere to benefit my
12 family. My life was definitely different but because I
13 knew these charges or that label was not me or the
14 lifestyle I lived, I pushed myself to remain positive, to
15 get myself back on my feet. I completed my probation,
16 and I had my charges dismissed.

17 I now have a stable union job after four years,
18 and I have a place to live. No more bouncing around.
19 Labels can really hurt someone's chances and close many
20 doors of opportunity. It is not fair to be robbed of who
21 you are really, who you are and looked at for a label
22 that can just be slapped on you because of someone in the
23 law accuses you of being something that you're not.

24 While being incarcerated, I remember realizing
25 how you have no voice. You can speak as loud as you

1 want. No one listens and no one cares what you have to
2 say. That's why I decided to share my story, because I
3 want to be able to speak up, uh, and be a voice for those
4 who don't have the opportunity to do so.

5 MR. BIERFREUND: You still got more time.

6 MR. VALLE: I think that's it. Appreciate it.

7 MR. BIERFREUND: Thank you. All right. Next we
8 have Christine Clifford, also from De-Bug.

9 MS. CLIFFORD: Hi, again, and thank you. You
10 know, the longer I've been sitting here, the more
11 agitated I've become, and I've been trying to figure out
12 why, and I had to look back on my own experiences as an
13 adult. When I was very young adult in my 20s, I was very
14 brutally attacked. I was a victim of violent crime, I
15 was almost killed. I was raped at knife point and almost
16 left to bleed to death in a field. And as I got older
17 after just being furiously angry and wanting this person
18 to spend the rest of their life behind bars, I got to a
19 point what I really hoped for this young man, because he
20 was a juvenile, was that he would be made better by going
21 into this system. And I've come to know over years now
22 of being an adult it probably made him far worse.

23 I don't know whatever happened to him. I was
24 not allowed to know what happened to him, but I know that
25 the system that he went into probably totally destroyed

1 him rather than helping him. And now I watch my son go
2 through this same system, and I know it's totally
3 destroying him, and it's totally destroying my family.

4 And so I think the task of commissions like this
5 and bodies like this, is for us to work together as a
6 community to figure out how we make our systems work
7 better for all of us, not just we checked off a box that
8 we've all gotten together and we've looked at the
9 regulations and we've decided to move forward, but are
10 really including everybody that needs to be heard and are
11 we really listening to one another. It's extremely
12 important that all the communities that are impacted by
13 the regulations that you're about to put into place are
14 really, really vetted, loudly, in this process. And if
15 you feel like you're there already, then I'm sorry that
16 I'm here at the end.

17 But I hope there's more, um, opening for more
18 discussions as you go forward, because when I hear words
19 like -- I spent my entire career giving standardized
20 tests, and, when I hear words like, "we frequently see,"
21 or "we often have," or, you know, "we have very solid
22 information." I always want it backed up by charts and
23 graphs and, you know, percentages. Is this one out of
24 five? Is this two out of a thousand? What are you
25 talking about when you talk about you see this

1 frequently? "We see this all the time, we see this
2 everywhere."

3 For all of us, we need to have more solid data
4 when you're going to make pronouncements about entire
5 classifications of people, entire groups of people. Um,
6 so I have a lot of trouble with words like that. And
7 then I just caution us all to really look at your lens
8 when you're talking.

9 Um, the comment that was made about the criteria
10 of clothing. Um, I had a friend who came back from an
11 event that she was at and she said, "I was in a parking
12 lot. There were people dressed in red. There were
13 people dressed in blue. There was drinking, there was
14 fighting, there was screaming, you know, it was the
15 violent." It was the Cal Berkeley game against Stanford.

16 [Laughter.]

17 MS. CLIFFORD: So with a different circumstance
18 with red and blue, you're going to come to a different
19 conclusion and people are going to get arrested, and
20 they're going to be called gang members. So, um, please
21 watch your lens and your assumption and our own biases.

22 And another area with the whole neuroscience.
23 The law is finally aligning with the wisdom of
24 neuroscience that tells us our brains aren't nearly
25 developed at the age of 14 and to call that reliable

1 source of information when the law clearly, you know, is
2 moving more towards we shouldn't be incarcerating people
3 or trying people or treating people as adults in the
4 criminal system or while they're incarcerated until
5 they're 25, but, to say a 14-year-old is a reliable
6 source of information, seems, you know, pretty silly to
7 me.

8 So I think that's all I had to say but, I mean,
9 just lastly, I really would look to all the systems that
10 are here for our safety and for our community to help us
11 all get back to a point where we have confidence for one
12 another as we're moving forward. So sell me on how this
13 is going to help me get there. So thanks.

14 MR. BIERFREUND: Thank you. Next we have Benee
15 Vejar.

16 MS. VEJAR: Hi. Um, I'm a community organizer
17 with Silicon Valley De-bug, so I deal with a lot with the
18 jail system. We go to board of supervisor meetings, we
19 do a lot of interaction with both inmates and the
20 community. Um, so I'm going to go ahead and read a
21 letter that somebody anonymously wrote because they're
22 too scared to be here, because, you know, what's here.

23 They said: I wish to remain anonymous because
24 I'm in fear that this letter being public may have a
25 negative affect on my life and parole. I worked very hard

1 to be on the path I'm on, and I want to keep it that way.
2 But I strongly agree that something needs to happen in
3 the face of justice for men and women who went through
4 what I went through. Here's my story.

5 A few years ago I was wrapped up in a case for
6 distribution of Meth for having no priors for anything
7 like this, not being a drug user, or never selling drugs
8 in my adult life. I knew, or thought I knew, that the
9 case would be dropped, and I would be able to continue
10 down the right path and live my life the best I could.
11 But, no, that was not the option for me.

12 You may ask how was I wrapped up in this. It's
13 as simple as a person being arrested with the said case
14 and being questioned about other people's involvement.
15 The first time this person was asked about my
16 involvement, he stated that I was not involved.
17 Unfortunately, two weeks later in court, he changed his
18 statement to, "He was possibly involved."

19 Why this change happened I don't know. I wish I
20 knew. Apparently that was enough for them to rip me from
21 my family and loved ones and involvement in this case, in
22 which I had no part in. Shortly after the charges of
23 Intent to Distribute Drugs were dropped, due to no
24 evidence and simply being wrongly accused and innocent.
25 By that time it was too late. They had no intentions of

1 letting me go. They decided on a 7-year, 8-month
2 sentence for gang enhancement and gave me two strikes to
3 top it off.

4 This was a losing battle. A fight I could not
5 win. Fast forward two weeks before my release, with
6 barely any contact from my counselor throughout my time,
7 I was told I was being released to a county that had
8 absolutely no ties to. I was no longer being released to
9 the county I lived my whole life in, where my family and
10 my loved ones were. I was dropped in a county I had zero
11 ties to. I was left to struggle to find a place to live,
12 a job, I was in panic mode.

13 I was unable to get an apartment. I was unable
14 to job hunt while incarcerated, obviously. In the home
15 county where I should have been released, I had
16 everything planned for a smooth transition back home and
17 back into life. I had a safe place to live. I had a
18 great job lined up and ready to start on my Monday after
19 being released. It's been a struggle since being
20 released, which is an issue for most parolees, but this
21 could have all been avoided if I was treated like a human
22 being and not a label. In fairness, it was given -- if
23 fairness was given to me.

24 This is a lot of injustice I have to see during
25 my time of incarceration done to me and others around me.

1 I hope there are changes made. This cannot continue to
2 happen, not only there injustice happened, during trials
3 and sentences it continues upon release. I hope this
4 reaches fair and hearing ears. We're human. Everyone
5 deserves to be treated fairly and justice should be
6 non -- biased. Innocent until proven beyond a reasonable
7 doubt. Thank you for your time, anonymous.

8 MR. BIERFREUND: Thank you. Next we have
9 Yolanda Ledasma, from De-Bug.

10 MS. LEDASMA: Hello. I also have a letter, um,
11 to read from a mom who's regarding her son who's
12 currently incarcerated. She also was too scared to be
13 here to read it herself. It says:

14 I would like to express my feelings and opinion
15 on my son being falsely labeled and accused as a gang
16 member. He is currently incarcerated and is due for
17 sentencing on January 24, 2019. He has a gang
18 enhancement as part of his charges that I feel should not
19 be imposed. The police/investigators made it sound
20 organized because it was a group, but the majority of the
21 group made my son had never met.

22 He never in his life had any intentions of being
23 part of a gang nor did he have any tattoos. I feel that
24 it is unfair to have my son labeled as a gang member when
25 it was pure speculation of the police -- on the police

1 behalf. If you were to know my son, he is someone who
2 was very popular since he lived in different sections of
3 San Jose throughout the years. He has always been liked
4 and well-known kid.

5 Just because my son had friendships with certain
6 individuals does not make him an affiliate of a certain
7 group or gang. The gang enhancement on his record will
8 now have a permanent affect on not only his life but his
9 reputation as well. His harsh sentence has affected our
10 whole family tremendously. I think the justice system
11 needs to do more thorough investigating in individuals
12 before profiling them. Thank you.

13 MR. BIERFREUND: Thank you. And last up we have
14 Jonathan Feldman from Cal Chiefs.

15 MR. FELDMAN: Thank you, guys. I'll go quick
16 because I know everyone wants to get out of here. So
17 quickly on age limits. Same concern we have with SB 1391
18 and the other bills that have reduced penalties on
19 juveniles. You then make them targets for the gangs. If
20 you're saying, "Hey, you're not going to get charged as
21 an adult for any one of these serious crimes, and the law
22 enforcement can't track you in CalGang," then this is the
23 one that you're going to ask to go do the drive by
24 shooting, go commit the murder, go do the hit, because
25 they're going to be out by the time they're 25, they're

1 going to have put in work, and they're going to be able
2 to move up the ranks quickly. You're going to make them
3 targets.

4 So setting an arbitrary limit on age is
5 problematic for that reason, and it discounts the fact
6 that there are juveniles that are part of the gang. Now,
7 the numbers that we got it's one percent. So I would say
8 the law enforcement is using a lot of discretion in
9 putting any juveniles into the system. It's one percent
10 of the total database. They're not throwing tens of
11 thousands of juveniles into the system. They're being
12 very thoughtful about it. So I would mention that.

13 As far as retention periods, two things. There
14 are other state that is have tolling periods in their
15 retention, so I don't think that we're going to have a
16 problem there, and, you know, we've talked about
17 empirical data, asking for empirical data to show the
18 longevity of gang members. I haven't seen any yet, and
19 I've been asking for it for quite a long time now. I've
20 looked for some reports, and I've seen things from, like,
21 Ohio, where they've studied juvenile gangs in Ohio, and
22 they've mentioned two years, three years, things like
23 that. But I would contend that studying gangs in Ohio is
24 much different than gangs in California. It's very
25 unique here it's very different here, and I wouldn't

1 think that research would hold up in a discussion about
2 gang life in California.

3 The additional criteria that Marty mentioned,
4 that comes out of the power point presentation that we
5 had the research assistant present to us in Gardena. So
6 that's being used in other states. I think it would be
7 helpful here in California, and it's stuff that's already
8 in place, so let's go ahead and add that.

9 Then as far as tiering, you know, I've been
10 having these conversations with the advocates on the
11 criminal justice reform side for two and a half years
12 now. You know, since before the audit came out, since
13 2298 and 90 and 505 and all these bills came up, and I've
14 been listening. I've heard these same criticisms. So I
15 went back to the chiefs in our Legislative Committee and
16 I asked them, "Can we look at tiering?" You know, there
17 are a lot of criticisms out there, and how can we take
18 that into account so that we are working cooperatively
19 with the other side?

20 That's what we did. We've had that
21 conversation, and we're willing to have that conversation
22 because we realize that the attorney general is not going
23 to just take the recommendations that are made here
24 today. He's going to listen to everyone on each side
25 when these regulations come out, and that is a priority.

1 The social justice reform side, it's something that I'm
2 sure he's going to consider, and we want to be part of
3 that conversation as well. So we look forward to
4 everything else moving on from here. Thank you, guys.

5 MR. BIERFREUND: Thank you. Pass it back to
6 Sammy.

7 CHAIRPERSON NUNEZ: All right. I think that
8 brings us to our, uh, adjournment. I don't think there's
9 anything left at this point. Just safe travels. Happy
10 Halloween.

11 UNIDENTIFIED SPEAKER: Next meeting?

12 MS. RIVERA: Tentatively December 13. We'll
13 send the flier out on Monday, I believe.

14 CHAIRPERSON NUNEZ: All right. Meeting
15 adjourned, everybody.

16 (End of Recordings.)

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CERTIFICATION AND
DECLARATION OF TRANSCRIBER

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Dated this 12th day of November, 2018, at Sacramento, California.

/s/ MICHELLE MARIE WILSON

MICHELLE WILSON, RPR