



PREVENTING VIOLENCE
AND DEVELOPING
YOUTH LEADERS

YOUTH ALIVE!
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March 29, 2021

The Honorable Reginald Byron Jones-Sawyer, Sr.
Chair, Assembly Public Safety Committee
1020 N Street, Room 111
Sacramento, CA 95814

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Executive Director
Youth ALIVE!
Oakland, CA

RE: AB 333 (Kamlager) – SUPPORT

Dear Assemblymember Jones-Sawyer, Sr.:

Youth ALIVE! is pleased to inform you of our support for Assembly Bill 333 (Kamlager) - The STEP Forward Act.

Youth ALIVE! is a nationally recognized community-based organization known for initiating an alliance to treat violence as a public health crisis and developing young leaders in the process. Tasked as Oakland’s anchor organization for violence prevention, intervention, and healing, Youth ALIVE! has maintained a successful track record of implementing evidence-based violence intervention and prevention services. Our decades of experience serving community members who have been directly impacted by California’s gang enhancement laws and mass incarceration informs our support of Assembly Bill 333.

California’s gang enhancement laws have caused immeasurable damage to our communities by criminalizing culture and relationships among people in low-income Black and Latino communities. While no empirical studies have been conducted to show that gang enhancements deter crime or violence, it is well documented that they have been applied inconsistently and disproportionately against people of color: 92% of people who receive gang enhancements are people of color. Gang enhancements have helped boost mass incarceration due to their vague definitions and weak standards of proof. They are responsible for the collective trauma of countless families and communities and are used as bargaining tools by the prosecution to seek longer sentences. AB 333 is a necessary step to undoing the harm of gang enhancements by addressing several damaging effects of “gang evidence” at trial and narrowing the applicability of such evidence.

First, AB 333 limits the possibility of a charged person being convicted based on mere rumor, speculation, or conjecture. Current law allows a person to be convicted of a gang enhancement based largely on speculation that the type of offense they are being charged with boosts the reputation of an alleged gang. AB 333 prevents such an assumption by requiring evidence that the offense was committed with the goal of benefitting the alleged gang.



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Second, AB 333 safeguards against someone's prior convictions being used to convict another person – even though the two may have never even met. Under current law, a “pattern of gang activity” can be established by evidence of another person's previous convictions who are alleged to be from the same gang as the currently charged individual. This has led to absurd results, where gang enhancements are common for people who have never even met each other. AB 333 ends prosecutors' ability to claim people are gang members simply because they may come from the same community, be related, or know each other.

Third, AB 333 protects against wrongful convictions based on what would otherwise be inadmissible “character evidence.” Under current law, “gang evidence” can be presented at the same time a jury is deciding if the charged person is even guilty of the charges against them. This evidence can consist of decades-old alleged prison or street gang criminal history, is often racially discriminatory, is almost entirely from biased law enforcement “gang experts”, and often has nothing to do with the actual defendant or the alleged crime.

Research shows how prejudicial “gang evidence” can be. In many cases, “gang evidence” not only taints the perception of the jury against the defendant, but causes racial fear mongering. One study found that just mentioning a person was seen near gang members increased guilty verdicts from 44% to 60%, and saying the defendant was a member of a gang increased guilty verdicts to 63%.¹ The only way to avoid wrongful convictions based on highly prejudicial “gang evidence” is to present that evidence *after* the jury decides if the charged person is guilty of anything at all. Furthermore, in many cases, “gang evidence” from different cases is presented during trials that are unrelated to the current case. To address this, AB 333 requires that the guilt phase of the trial be separated or bifurcated from the gang allegations portion of a trial.

AB 333 will curtail the disproportionate effect of gang enhancements on communities of color. These enhancements are often charged against young people merely because of where they live or grew up, with law enforcement “gang experts” using residence or cultural identity as evidence of a person's involvement in a gang. Social relationships between members of the same ethnic group, the same community, or even the same family are often deemed as gang-related. Despite the low burden of proof, these gang enhancements can sometimes double, triple, quadruple or impose a life sentence that could not otherwise apply for the charged offense.

For these reasons, we strongly urge you to vote AYE on AB 333 (Kamlager).

Sincerely,

A handwritten signature in blue ink, appearing to read "Anne Marks".

Anne Marks
Executive Director

¹ Eisen, M. et al. (2013). Examining the Prejudicial Effects of Gang Evidence on Jurors. *J. Forensic Psych, Practice*.