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Chapter 797: Un-handcuffing Minors from the Gang Life

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*Penal***Chapter 797: Un-handcuffing Minors from the Gang Life***Dacia Anderson**Code Sections Affected*

Penal Code § 186.34 (new).

SB 458 (Wright); 2013 STAT. Ch. 797.

I. INTRODUCTION

Gang databases provide police officers with access to a wide variety of information about alleged members of criminal street gangs.¹ These databases are helpful tools in preventing and solving crimes.² However, the use of such databases has become widely criticized due to the lack of transparency and accountability.³ The information stored on gang databases is not available to the public, and prior to Chapter 797, there was no way for an individual to determine if law enforcement had designated him or her as a suspected gang member in a database.⁴

Since the inception of law enforcement-created gang databases, police officers “have been racially profiling and tracking people—primarily youth of color—suspected of ‘gang involvement’ often based on what they look like, where they live, and how they dress.”⁵ Being labeled as a gang member can lead to both societal biases and trial biases, because lay persons as well as juries in

1. *Policy and Procedures for the CalGang System*, CALIFORNIA GANG NODE ADVISORY COMMITTEE 3 (Sep. 27, 2007), http://oag.ca.gov/sites/all/files/agweb/pdfs/calgang/policy_procedure.pdf [hereinafter *CalGang Policy and Procedures*] (on file with the *McGeorge Law Review*); see also SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 458, at 6 (Apr. 9, 2013) (explaining that gang databases contain hundreds of pieces of information, such as a gang member’s physical description, race, address, and police records); CAL. PENAL CODE § 186.22 (West Supp. 2013) (“[C]riminal street gang’ means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the [enumerated] criminal acts, . . . having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”).

2. *CalGang Policy and Procedures*, *supra* note 1, at 3; Ana Muñiz & Kim McGill, *Tracked and Trapped: Youth of Color, Gang Databases and Gang Injunctions*, YOUTH JUSTICE COALITION’S REALSEARCH 7 (Dec. 2012), available at <http://www.youth4justice.org/wp-content/uploads/2012/12/TrackedandTrapped.pdf> (on file with the *McGeorge Law Review*).

3. *Id.*

4. Dan Bluemel, *Report Challenges Gang Database*, L.A. ACTIVIST (Dec. 15, 2012), <http://www.laactivist.com/2012/12/15/report-challenges-gang-database/> (on file with the *McGeorge Law Review*).

5. Ana Muniz, *What’s Wrong with California’s Gang Databases and Gang Injunctions*, OPEN SOC’Y FOUND. (Jan. 22, 2013), <http://www.opensocietyfoundations.org/voices/whats-wrong-californias-gang-databases-and-gang-injunctions> (on file with the *McGeorge Law Review*).

2014 / Penal

court proceedings may be prejudicial against an individual solely because he or she is an alleged gang member.⁶ Additionally, being profiled as a gang member can have detrimental consequences for a criminal defendant because the district attorney can add a gang enhancement to the charged crime—which will lead to a more serious punishment, if sentenced, due to the enhancement.⁷

Entering a minor into a gang database can also have disastrous effects on his or her future.⁸ In one devastating scenario, a young man learned police had entered him into a gang database only after being shot.⁹ Unfortunately, the young man was not a gang member, but because the gang database contained his name, the state precluded him from receiving compensation under California’s victim assistance program.¹⁰

Senator Roderick D. Wright authored Chapter 797, focusing solely on the youth of California.¹¹ The aim of Chapter 797 is to ensure that minors are not unfairly labeled as gang members by mandating that law enforcement notify minors and their parents or guardians before entering the minor into a gang database.¹²

II. LEGAL BACKGROUND

Los Angeles County was the first in the country to develop and use a gang database to keep records of gang members.¹³ Until 2013, law enforcement agencies were not required to inform minors and their parents or guardians when an officer entered a minor into a gang database.¹⁴

6. *Campaign Research: Gang Injunctions and Gang Data Base*, YOUTH JUSTICE COALITION 6, available at http://www.njln.org/uploads/digital-library/resource_263.pdf [hereinafter *Gang Injunctions and Data*] (last visited July 3, 2013) (on file with the *McGeorge Law Review*).

7. Blumel, *supra* note 4.

8. *Id.*

9. *Id.*

10. *Id.*; see generally CAL. GOV’T CODE § 13950(a) (West 2005) (“The Legislature finds and declares that it is in the public interest to assist residents of the State of California in obtaining compensation for the pecuniary losses they suffer as a direct result of criminal acts.”); *id.* § 13950(b) (West 2005) (explaining that crime victims may be paid restitution through California’s Restitution Fund); *id.* § 13956(c) (West 2005) (“An application for compensation may be denied, in whole or in part, if the board finds that denial is appropriate because of the nature of the victim’s or other applicant’s involvement in the events leading to the crime or the involvement of the persons whose injury or death gives rise to the application.”).

11. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 458, at 1 (Apr. 9, 2013).

12. Press Release, Senator Roderick Wright, Cal. State Senate, Senate Approves Wright Bills on Gang Database, Safe Gun Storage (May 17, 2013), available at <http://sd35.senate.ca.gov/news/2013-05-17-senate-approves-wright-bills-gang-database-safe-gun-storage> (on file with the *McGeorge Law Review*).

13. Muñiz & McGill, *supra* note 3, at 2.

14. See *id.* at 12–13 (expressing the growing concern with law enforcement’s failure to notify minors and their parents about recording alleged gang affiliations and an individual’s inability to challenge allegations).

A. The History of Gang Databases

In 1987, the Los Angeles County Sheriff's Department created the first gang database.¹⁵ The database was designed "to collect, store, and analyze personal information about alleged gang members."¹⁶ Ten years later, California created "a new unified statewide database"—known as CalGang—incorporating all of the information from regional databases into one system.¹⁷ While all state law enforcement agencies have access to CalGang, some agencies continue to use their own regional databases.¹⁸

CalGang enables California law enforcement officers to share information about gangs and specific gang members with officers all over the state through an Intranet system.¹⁹ CalGang has been referred to as "the clearing house for information on gang members, suspected gang members, and . . . gang associates—people who hang out with gangs."²⁰ "The CalGang system is not designed to provide users with information upon which official actions may be taken, [r]ather, its purpose is to provide users with *sources* of information upon which official action may be taken."²¹ CalGang gives law enforcement agencies the ability to investigate and track gang members, compile gang-related intelligence, conduct efficient criminal investigations, and reduce the amount of crime.²²

B. Notifying Minors

Prior to Chapter 797, law enforcement officers could enter any individual into a gang database if they determined that the person had connections to a

15. *Id.* at 2 (identifying the "Gang Reporting, Evaluation and Tracking System [GREAT]" as the first gang database).

16. *Id.*

17. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 458, at 5–6 (Apr. 9, 2013).

18. *CalGang*, STATE OF CAL. DEP'T OF JUSTICE, OFFICE OF THE ATT'Y GEN, <http://oag.ca.gov/calgang> (last visited Nov. 12, 2013) (on file with the *McGeorge Law Review*) ("Regional Databases are maintained by: Los Angeles County Sheriff's Department, Los Angeles Police Department, San Bernardino County Sheriff's Department, Riverside County Sheriff's Department, Riverside Police Department, Riverside County District Attorney's Office, Orange County District Attorney's Office, Sonoma County Sheriff's Department, San Diego Police Department, Kern County Sheriff's Department, Fresno County Sheriff's Department, San Jose Police Department, [and] Santa Barbara Police Department.").

19. *Gang Injunctions and Data*, *supra* note 6, at 2 ("[CalGang is a] project between California Department of Justice (DOJ)/Bureau of Investigation, Division of Criminal Justice Information Services, Hawkins Data Center, local law enforcement agencies and ORION Scientific Systems.").

20. *All Things Considered: Holly Kernan Discusses How California Gang Database Attracts Criticism*, NAT'L PUB. RADIO, at 0:31 (Apr. 19, 2003), <http://www.npr.org/templates/story/story.php?storyId=1237702> (on file with the *McGeorge Law Review*).

21. *CalGang Policy and Procedures*, *supra* note 1, at 6 (emphasis in omitted in part).

22. *Id.* at 3.

2014 / Penal

gang.²³ It was not mandatory for law enforcement to provide notification to a minor prior to his or her designation as a suspected gang member.²⁴ Law enforcement only had to give notification when a minor had been “convicted in a criminal court”²⁵ or “had a petition sustained in a juvenile court,”²⁶ for a crime that was committed for the benefit of a gang,²⁷ involved a gang enhancement, or was a gang-related offense.²⁸ Even then, law enforcement only had to inform the minor’s parent or guardian “that the juvenile belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity.”²⁹ There was nothing the minors or their parents could do to contest the allegation of the minor’s designation as a gang member in a gang database.³⁰

III. CHAPTER 797

Chapter 797 adds a new section to the Penal Code.³¹ This Part examines those new provisions of the law.³² Section A explains shared gang databases and the notification procedures, which include a minor’s designation as a “suspected gang member, associate, or affiliate.”³³ Section B discusses how individuals can dispute designations and request information about their designations in the database.³⁴ Lastly, Section C details the policies surrounding the maintenance of records within the database.³⁵

A. *Defining Databases and Providing Notification*

Chapter 797 first defines a “shared gang database.”³⁶ A “shared gang database” must meet all of the following requirements:

23. *Challenging a Gang Database*, L.A. TIMES (June 25, 2013), <http://articles.latimes.com/2013/jun/25/opinion/la-ed-gangs-database-california-sb458-20130625> (on file with the *McGeorge Law Review*).

24. *Id.*

25. CAL. PENAL CODE § 186.30(b) (West Supp. 2013).

26. *Id.* § 186.22(b)(1).

27. *Id.* § 186.32(a)(1)(B).

28. *Id.* § 186.30.

29. *Id.* § 186.32(a)(1)(B).

30. *Id.* § 186.32.

31. *Id.* § 186.34 (enacted by Chapter 797).

32. *See infra* Part III (explaining the provisions of Chapter 797).

33. *See infra* Part III.A (describing gang databases and the requirements for notifying minors and their parents).

34. *See infra* Part III.B (discussing how individuals may contest gang member designations).

35. *See infra* Part III.C (detailing the maintenance procedures necessary for operating gang databases in compliance with Chapter 797).

36. PENAL § 186.34(a)(1) (enacted by Chapter 797).

McGeorge Law Review / Vol. 45

(A) Grant access to law enforcement.³⁷

(B) Provide information about alleged gang members and designate the individuals as “gang member[s], associate[s], or affiliate[s]”³⁸

(C) Be subject to federal regulations.³⁹

Chapter 797 protects minors⁴⁰ from being entered into a shared gang database without first notifying the minor and the minor’s parent or guardian of the allegation.⁴¹ Once law enforcement gives written notification to the minor and his or her parent or guardian,⁴² the officer may enter the individual into the database as a “gang member, associate, or affiliate.”⁴³

B. Disputing Designations and Requesting Information

Chapter 797 provides individuals with the opportunity to contest the allegation that they are “gang member[s], associate[s], or affiliate[s].”⁴⁴ Upon receiving notification of this designation, the minor, or the minor’s parent or guardian, may dispute the designation.⁴⁵ The notifying law enforcement agency must then review the suspected gang member’s documentation and evaluate whether the minor is in fact connected to a gang.⁴⁶ Within sixty days of receiving a designation dispute, the law enforcement agency must return a verification decision in writing to the person disputing the designation.⁴⁷ If the agency finds that the minor is not a “gang member, associate, or affiliate,” then that minor will be purged from the database.⁴⁸ Furthermore, when a minor receives notification of having suspected ties to a gang, he or she can request information from the agency on whether he or she has been classified as a “gang member, associate, or affiliate.”⁴⁹

37. *Id.* § 186.34(a)(1)(A) (enacted by Chapter 797).

38. *Id.* § 186.34(a)(1)(B) (enacted by Chapter 797).

39. *Id.* § 186.34(a)(1)(C) (enacted by Chapter 797).

40. *See id.* § 186.34(b) (enacted by Chapter 797) (clarifying that a minor is an individual under the age of eighteen).

41. *See id.* (providing the right to withhold notification only if it “would compromise an active criminal investigation or compromise the health or safety of the minor”).

42. *Id.*

43. *Id.* § 186.34(d) (enacted by Chapter 797).

44. *Id.* § 186.34(c) (enacted by Chapter 797).

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. *Id.* § 186.34(d) (enacted by Chapter 797).

2014 / Penal

C. Maintaining Information in a Database

Chapter 797 provides that law enforcement agencies may retain an alleged “gang member, associate, or affiliate[’s]” information in the database only so long as the information is “validated for continuing compliance with system submission criteria.”⁵⁰ Once an individual has avoided gang-related activity for five years, Chapter 797 requires law enforcement to remove the individual from the database.⁵¹ Lastly, Chapter 797 prohibits law enforcement agencies from disclosing the whereabouts of a minor if “there is credible evidence that the information would endanger the health or safety of the minor.”⁵²

IV. ANALYSIS

This Part explores the implications of Chapter 797.⁵³ Section A examines the consequences of being classified as a gang member.⁵⁴ Section B considers how Chapter 797 may keep minors away from the gang life and out of gang databases.⁵⁵

A. The Consequences of Gang Member Classification

Law enforcement agencies use a broad range of criteria to label individuals as gang members, and it is not necessary that the individual ever committed a crime.⁵⁶

50. *Id.* at § 186.34(f) (enacted by Chapter 797) (“[A] shared gang database . . . shall retain records related to the gang activity of the individuals in the database consistent with the provisions contained in Section 23.20(h) of Title 28 of the Code of Federal Regulations.”); 28 C.F.R. § 23.20(h) (2011).

All projects shall adopt procedures to assure that all information which is retained by a project has relevancy and importance. Such procedures shall provide for the periodic review of information and the destruction of any information which is misleading, obsolete or otherwise unreliable and shall require that any recipient agencies be advised of such changes which involve errors or corrections. All information retained as a result of this review must reflect the name of the reviewer, date of review and explanation of decision to retain. Information retained in the system must be reviewed and validated for continuing compliance with system submission criteria before the expiration of its retention period, which in no event shall be longer than five (5) years.

Id.

51. PENAL § 186.34(f) (enacted by Chapter 797); 28 C.F.R. § 23.20(h) (2011).

52. *See* PENAL § 186.34(e) (enacted by Chapter 797) (prohibiting the disclosure of “the location of the person designated as a suspected gang member, associate, or affiliate to his or her parent or guardian if the agency determines there is credible evidence that the information would endanger the health or safety of the minor”).

53. *See infra* Part IV (describing the significance of Chapter 797).

54. *See infra* Part IV.A (explaining the consequences that arise when law enforcement labels an individual as a gang member).

55. *See infra* Part IV.B (considering the benefits of Chapter 797).

56. Muñiz & McGill, *supra* note 3, at 5.

McGeorge Law Review / Vol. 45

An individual is considered a gang member by law enforcement if he or she fits two or more of the following criteria:

(a) admits gang membership or association, (b) is observed to associate on a regular basis with “known” gang members, (c) has tattoos indicating gang membership, (d) wears gang clothing, symbols, etc., to identify with a specific gang, (e) is in a photograph with known gang members and/or using gang-related hand signs, (f) name is on a gang document, hit list, or gang-related graffiti, (g) is identified as a gang member by a “reliable” source, (h) is arrested in the company of identified gang members or associates, (i) corresponds with known gang members or writes and/or receives correspondence about gang activities, and (j) writes about gangs (graffiti) on walls, books, paper, etc.⁵⁷

The lenient criteria used to identify gang members are problematic because a minor living in a neighborhood permeated with gangs is likely to be photographed or seen with known gang members; this could easily lead to mistaken designations of innocent minors.⁵⁸

Once an individual is labeled as a gang member, law enforcement inputs this individual into a gang database.⁵⁹ Gang databases expand the criminalization of minors because law enforcement officers and prosecutors use them to determine who to add to a gang injunction and who to charge with a gang-related crime.⁶⁰ The district attorney’s office can charge an individual for gang-related activity in two ways—for “actively participat[ing] in any criminal street gang” and for committing a felony “for the benefit of . . . a criminal street gang.”⁶¹

In addition to simply charging an individual with participation in the crime, the district attorney often alleges gang enhancements as a way of increasing the severity of gang members’ punishment.⁶² An individual can receive a gang enhancement once he or she has been “convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in criminal conduct by gang

57. *Id.* at 5–6; *CalGang Policy and Procedures*, *supra* note 1, at 7.

58. ASSEMBLY FLOOR, COMMITTEE ANALYSIS OF SB 458, at 5 (June 20, 2013); Bluemel, *supra* note 4.

59. *See CalGang Policy and Procedures*, *supra* note 1, at 7 (delineating the procedures required for labeling an individual as a gang member prior to entering information into a database).

60. Muñiz & McGill, *supra* note 3, at 6; *see also Gang Injunctions and Data*, *supra* note 6, at 3 (defining a gang injunction as “a restraining order against specific gang members of a particular gang”).

61. CAL. PENAL CODE § 186.22(a)–(b) (West Supp. 2013); Erin R. Yoshino, *California’s Criminal Gang Enhancements: Lessons from Interviews with Practitioners*, 18 REV. OF L. & SOC. JUST. 117, 118–19 (2008) (distinguishing “active participation,” which “creates a substantive offense and provides for punishment of up to three years,” from committing a felony “for the benefit” of a street gang, which “creates gang enhancements”).

62. *Gang Injunctions and Data*, *supra* note 6, at 5. An offense is “gang-related” when “the suspect or the victim of the incident is a known member of a gang, or there is reliable information indicating that a gang member committed the offense.” *Id.* at 1.

2014 / Penal

members.”⁶³ The gang enhancement imposes an additional punishment, such as a longer sentence, for gang-related offenses.⁶⁴ For instance, if a criminal defendant has committed residential robbery, he or she could face life imprisonment if a jury finds the crime to be gang-related.⁶⁵ Judges can also use the allegation against the minor in a variety of ways, such as to transfer a minor out of juvenile court and into adult court.⁶⁶ Overall, sentence enhancements affect the way the judge or jury perceive and treat the minor because the accusation that a minor is a gang member often results in prejudice.⁶⁷

Chapter 797 may cause police officers to think twice before entering a suspected gang member into a gang database because of the new, time-consuming policies and procedures that govern law enforcement agencies.⁶⁸ Police officers must take an extra step before entering a minor into a gang database—they must inform the minors and their parents or guardians that the minor is a suspected gang member.⁶⁹ No notification requirement existed before Chapter 797,⁷⁰ so this new task will create additional work for law enforcement if an officer decides to designate an individual as a gang member.⁷¹

B. How Chapter 797 May Keep Minors Away from the Gang Life and Out of the Database

Senator Wright authored Chapter 797 after realizing “[t]he current system ignores clear opportunities for early intervention to steer children away from gangs.”⁷² Law enforcement officers previously entered minors—as young as ten years old—into gang databases, without ever notifying the minor or the minor’s parent or guardian.⁷³ Officers could also enter individuals who had never been arrested or even accused of participating in a gang-related activity into gang databases.⁷⁴ These officers could add a minor to the database for simply having a tattoo symbolizing a gang, for wearing clothing associated with a gang, or for repeatedly visiting a gang area.⁷⁵ Prior to Chapter 797, minors and their parents or

63. See PENAL § 186.22(b)(1) (providing for gang enhancements ranging from a minimum of two years to a maximum of a life sentence); SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 458, at 2 (Apr. 9, 2013).

64. *Gang Injunctions and Data*, *supra* note 6, at 5.

65. *Id.*; PENAL § 186.22(b).

66. *Gang Injunctions and Data*, *supra* note 6, at 6; PENAL § 186.22(b).

67. *Id.*

68. SENATE APPROPRIATIONS COMMITTEE FISCAL SUMMARY OF SB 458, at 2 (May 28, 2013).

69. PENAL § 186.34(b).

70. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 458, at 8 (Apr. 9, 2013).

71. SENATE APPROPRIATIONS COMMITTEE FISCAL SUMMARY OF SB 458, at 2 (May 28, 2013).

72. Press Release, Senator Roderick Wright, *supra* note 12.

73. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 458, at 5 (Apr. 9, 2013).

74. Muñoz & McGill, *supra* note 3, at 4.

75. *Challenging a Gang Database*, *supra* note 23; Muñoz & McGill, *supra* note 2, at 5–6.

McGeorge Law Review / Vol. 45

guardians were not allowed to request information about the minor that was held on the database.⁷⁶ Because the confidentiality of gang databases, people tended to view them as “secret surveillance tool[s] for monitoring children.”⁷⁷

Chapter 797 minimizes the secrecy of gang databases by requiring law enforcement agencies to provide notification.⁷⁸ This notification requirement will give the minor’s parent or guardian an opportunity to help guide the minor away from life as a gang member⁷⁹ because parents and guardians can now confront the minor and intervene, if necessary, by placing the minor into a gang intervention program or moving the minor away from the neighborhood.⁸⁰ In addition, upon receiving notification that law enforcement has designated the minor as a suspected gang member, the minor and his or her parent or guardian can contest the allegation if the minor is wrongly accused.⁸¹ As Senator Wright explained, Chapter 797 allows law enforcement to “partner with parents to lead children down the right path, instead of simply putting them under surveillance until they run afoul of the law and end up in jail.”⁸²

If a minor is entered into a gang database, Chapter 797 gives the minor and his or her parents or guardians the right to inquire as to the alleged status of the gang member so they can find out whether the minor is considered a “gang member, associate, or affiliate.”⁸³ Chapter 797 also requires law enforcement agencies to purge records from the database after five years if an officer has not made any modification to the individual’s record.⁸⁴ This benefits individuals who have freed themselves of the gang life, because prior to Chapter 797 it was not possible to find out whether officers had entered an individual into a gang database or whether the officers had ever removed the individual from the database; there were also “‘no opportunit[ies] to appeal or clear and consistent opportunities for removal’ from the [gang] database[s].”⁸⁵

However, this change could be somewhat burdensome and problematic for law enforcement agencies because records held on gang databases contain valuable information.⁸⁶ For example, in an appalling case, fourteen gang members raped three girls; officers acknowledged that they might not have been able to solve the crime without being able to utilize the CalGang database.⁸⁷ And

76. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 458, at 5 (Apr. 9, 2013).

77. *Id.* at 7.

78. *Id.* at 5.

79. *Id.*

80. *Id.* at 7.

81. CAL. PENAL CODE § 186.34(c) (enacted by Chapter 797).

82. Press Release, Senator Roderick Wright, *supra* note 12.

83. PENAL § 186.34(b), (d) (enacted by Chapter 797).

84. *Id.* § 186.34(f) (enacted by Chapter 797); 28 C.F.R. § 23.20(h) (2011).

85. Bluemel, *supra* note 4.

86. See *CalGang Policy and Procedures*, *supra* note 1, at 3.

87. Bluemel, *supra* note 4.

2014 / Penal

even if officers were able to solve the crime without the database, it is likely that the investigation would have required greater time and resources.⁸⁸ As crime investigator Don Mace explains, “[CalGang] helps solve cases—what more can you ask?”⁸⁹

V. CONCLUSION

Prior to Chapter 797, gang databases were secret law enforcement tools, lacking in transparency and accountability.⁹⁰ Chapter 797 helps remedy these two concerns by establishing procedures that law enforcement officers must follow when using a shared gang database.⁹¹ Chapter 797 requires law enforcement agencies to notify minors and their parents before entering a minor into a gang database.⁹² When presented with notification that the minor has been designated as a suspected gang member, minors and their parents or guardians may contest the allegation.⁹³ Chapter 797 is burdensome to law enforcement agencies because it creates additional tasks; yet it is beneficial to minors because it provides them with previously withheld information.⁹⁴ Additionally, Chapter 797 gives parents and guardians the opportunity to guide minors away from gang life, if the minor was even truly affiliated with a gang in the first place.⁹⁵

88. *Id.*

89. *Id.*

90. Muniz, *supra* note 5.

91. CAL. PENAL CODE § 186.34 (enacted by Chapter 797).

92. *Id.* § 186.34(b) (enacted by Chapter 797).

93. *Id.* § 186.34(c) (enacted by Chapter 797).

94. *Id.* § 186.34 (enacted by Chapter 797); *CalGang Policy and Procedures*, *supra* note 1, at 3.

95. Press Release, Senator Roderick Wright, *supra* note 12.