

April 15, 2019

Senator Nancy Skinner, Chair
Committee on Public Safety
State Capitol, Room 2031
Sacramento, CA 95814

**RE: SB 516 (Skinner): Evidence of participation in a criminal street gang.
AAP-CA Position: Support**

Dear Senator Skinner:

The American Academy of Pediatrics, California (AAP-CA) representing the over 5,000 board-certified pediatrician members of California AAP Chapters 1, 2, 3 and 4 statewide, strongly supports your proposed legislation SB 516 (Skinner), which would require that arguments for a gang enhancement be separated from the arguments on a defendant's underlying charges.

Under current law, arguments for a gang enhancement occur at the same time that arguments are presented for the controlling offense. This means the judge and jury hear evidence as to the criminal activity attributed to a gang, which the defendant may have little or nothing to do with. Under California law, gang enhancements can add 2 to 15 years to a sentence, or even 25 years to life under Three Strikes provisions.

Youth transferred into adult court also face gang enhancements. A gang enhancement alone can carry a sentence longer than some young defendants' lifespans at the time of the offense. Young people may associate with gangs because in the areas they live it is dangerous not to. Aggression, particularly among young people, can be a sign of untreated trauma, and is better addressed through mental health and social services, education, and rehabilitation—not years or decades of incarceration, which studies have shown actually *increase* the probability of future criminal activity. Youth of color are especially likely to be prosecuted and sentenced under gang enhancement provisions, indicating the potential for unjust bias in the sentencing system.

SB 516 (Skinner) would safeguard due process by recognizing the inherent prejudice of gang evidence at trial and requiring the jury in a criminal case to first determine guilt on the substantive crime charged with no reference to any gang evidence. Gang enhancements would only be tried if the defendant was found guilty of the primary offense, thereby avoiding prejudicing criminal procedures and helping to reduce unjust prison sentences.

Pediatricians across the state of California urge an AYE vote on SB 516 (Skinner). Thank you for your public service and leadership on behalf of the health and well-being of the children, youth, and families of California.

Sincerely,



Kris Calvin
Chief Executive Officer
American Academy of Pediatrics, California

Cc: AAP-CA Leadership; AAPCA Advocate Lydia Bourne