



June 26, 2014

Governor Lincoln Chafee
State House, Room 224
Providence, RI 02903

Dear Governor Chafee:

REGARDING H 7457 AND S 2639

Our organizations strongly urge you to veto H-7457 as amended and S-2639 as amended, bills that would authorize an additional ten-year prison sentence for people convicted of any felony “that is knowingly committed for the benefit, at the direction of, or in association with any criminal street gang or criminal street gang member.” We believe the bill will be unfairly used to target – as so many crime bills do – the minority community in particular for increased imprisonment.

The definition of a criminal street gang is so broad as to be almost no definition at all, encompassing any “organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal or delinquent acts [and] having an identifiable name or common identifiable signs, colors, or symbols...” The wording makes no differentiation between a “gang” that engages in occasional random acts of vandalism and one that has been involved in murders and other serious felonies.

In fact, as the General Assembly passes legislation expanding the definition of a felony to involve more and more crimes, it is all but guaranteed that this bill will be used not against gang members committing violent offenses, but against at-risk youth making mistakes. Only last year, to give one example, the General Assembly made some graffiti offenses a felony, punishable by two years in prison. If this legislation passes, an 18-year-old who writes a recognizable gang sign on the side of a bus could face twelve years in prison.

It is worth noting that the police department facing the biggest gang problem – Providence – maintains a gang database, but that agency has absolutely *no* policies or procedures in place governing how the determination of a person’s gang status is made before being entered into the database. As such, the determinations are often arbitrary and subjective, placing innocent young people into a database that falsely identifies them as being “gang members.”

We believe the bill would also adversely affect some of the least culpable people allegedly involved in actual gang activities. Young people may often be coerced into committing crimes for a gang, facing threats of punishment and harm if they fail to do so. Under this bill, they would bear the brunt of the enhanced sentencing provisions. The bill could even have the unintended effect of encouraging gang leaders to make

more use of teens in this position, and help insulate the leaders themselves from the enhanced sentences envisioned by this legislation.

Without diminishing the seriousness of addressing gang violence and the root issues that result in gangs, the potential that young adults may find themselves in prison for an extra decade for nothing more serious than writing a word on a bus does nothing to address these root issues. Instead of assisting youth who are at risk of becoming involved with dangerous individuals, this legislation puts the state in the position of locking up these at-risk youth for lengthy periods of time with exactly the kind of individuals we should be trying to help them avoid. Even if this sentencing enhancement is rarely officially invoked, we know that it is almost certain to be used by prosecutors as a hammer to coerce potentially innocent youth into pleading to lesser charges.

It is the minority community that suffers the most from gang violence. But it is also our community that suffers the most from overly harsh sentencing laws that, either in purpose or effect, target inner city youth and adults. Rather than imposing more and harsher punishment on offenders, including teenagers, the state should be much more focused on prevention, education and mediation activities. We urge rejection of this bill.

Respectfully,

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