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# **Urban Street Gang Enforcement Operations Manual**

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# Urban Street Gang Enforcement Operations Manual

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# Executive Summary and Outline of Strategies

Law enforcement agencies in the United States face some 4,800 gangs and 250,000 gang members, according to the National Institute of Justice. This operations manual is designed to help law enforcement agencies combat those gangs. It explains a program model, or prototype, for urban street gang enforcement that is relevant regardless of whether the police department or prosecutor's office has a specialized gang enforcement unit.

The strategies presented focus almost exclusively on enforcement and prosecution. They are based largely on the practical experiences of agencies that participated in the Urban Street Gang Drug Trafficking Enforcement Program funded by the U.S. Department of Justice, Bureau of Justice Assistance (BJA). The strategies are also based on on-site interviews with police departments, a mail survey with telephone follow-up, and a literature review.

One challenge in developing a gang enforcement model is to determine which processes and strategies may be useful in many jurisdictions, not just the demonstration sites. Although gangs share some characteristics (such as trafficking in illegal drugs, committing violent crimes, and intimidating witnesses), they differ in others (such as degree of organization, ethnic background, and use of profits). There is no universal prescription.

This manual is intended for law enforcement administrators, managers, and supervisors; prosecutors; probation and parole directors; judges; corrections administrators; city or county managers; city or county council members; and public housing police and security directors.

## Outline of Strategies

The following list outlines the steps a law enforcement agency may wish to take in combating gang crime:

### ***Planning and Analysis***

- Perform groundwork to articulate the scope and nature of the community's gang problem.
- Develop or improve a gang intelligence database (macro level), establish realistic goals and objectives to counter gang problems, and develop strategies to meet objectives.

### ***Intelligence and Management Information System Support***

- Gather, input, and disseminate detailed (micro level) database information.

### ***Gang Suppression Strategies and Tactics***

- Use gang data (on culture, MO, form of organization, etc.) to select enforcement strategies.

### ***Interagency Collaboration and Cooperation***

- Collaborate with prosecutors' offices, probation and parole agencies, jails and courts, crime labs, and federal agencies.

### ***Applying Specialized Laws and Administrative Regulations***

- Plan enforcement efforts toward prosecution under the most punitive charges available, whether they be based on state laws (felony drug trafficking, homicide, assault, robbery, or special anti-gang laws) or federal laws (RICO, weapons, drug, or other laws). Take advantage of sentence enhancements.
- Make use also of lesser charges that may be relatively easy to prove (nuisance abatement statutes, ordinances against congregating, and health, building, and zoning code violations).

### ***Evaluating Results***

- Perform a process evaluation to document and analyze the early development and actual implementation of the program.
- Perform an impact evaluation to measure the program's effects and the extent to which its goals were attained.
- Study the evaluation results to find ways to improve or expand the effort.

For a fuller summary of the gang suppression prototype, see Chapter 2 of this manual.



# **Chapter 1**

## **Introduction**

This operations manual is designed for law enforcement agencies interested in developing or refining strategies to combat urban street gangs. It explains a program model, or prototype, for gang enforcement that is relevant whether or not the police department or prosecutor's office has a specialized gang enforcement unit. The prototype is based largely on the practical experiences of agencies that participated in the Urban Street Gang Drug Trafficking Enforcement Program funded by the U.S. Department of Justice, Bureau of Justice Assistance (BJA).

This chapter provides background information on the Urban Street Gang program and explains the purpose and recommended use of the manual. Chapter 2 provides a concise description of the key elements of the gang suppression prototype. Subsequent chapters discuss the following program elements in greater detail:

- Planning and Analysis (Chapter 3)
- Gang Information and Intelligence Systems (Chapter 4)
- Gang Suppression Strategies and Tactics (Chapter 5)
- Interagency Cooperation and Collaboration (Chapter 6)
- Applying Specialized Laws and Administrative Regulations (Chapter 7)
- Evaluating Results (Chapter 8)

## **Focus on Enforcement**

To avoid duplicating other materials being developed by BJA, this manual focuses almost exclusively on enforcement and prosecution strategies. At the same time, it recognizes that effective enforcement, while critical, is only one element of a community's efforts to eliminate criminal street gangs. Residents, prevention specialists, private businesses and organizations, schools, and many others must get involved. A comprehensive approach is needed, and this manual should be considered a companion to other planning documents that encourage interagency collaboration,

resident involvement, and problem solving approaches to dealing with criminal street gangs.

## **The BJA Urban Street Gang Program**

Many of the strategies described in this manual were used successfully by seven agencies awarded demonstration grants from 1987 through 1992 under Track I of the BJA Urban Street Gang Drug Trafficking Enforcement program. The prototype described in the manual draws upon the practical field experiences of these and other sites. Program examples and case studies from the demonstration sites are included throughout the manual to illustrate how local objectives were met.

Track II of the BJA Urban Street Gang program involved a technical assistance grant to the Institute for Law and Justice (ILJ), which prepared the manual after working with BJA and the demonstration sites to develop the prototype. In the context of the Urban Street Gang program, a prototype is a type of model, but an early version of one. It includes successful program elements that were taken from many sites; however, the prototype as a whole has not yet been rigorously evaluated.

The seven BJA Urban Street Gang demonstration sites made substantial contributions to developing the prototype described in this manual. The sites were: San Diego, California; Kansas City, Missouri; Atlanta, Georgia; New York County, New York; Tucson, Arizona; Kings County, New York; and Ft. Wayne, Indiana. The Kansas City, Atlanta, Tucson, and Ft. Wayne grants were administered by the police departments in those cities; the San Diego, New York County, and Kings County grants were administered by the prosecutors' offices. At all of the sites, ILJ reviewed program data and documents; conducted on-site interviews; observed program activities; and sought recommendations from local police, prosecutors, and other experts.

A detailed outline of the manual was discussed by key site personnel at a grantee cluster conference in December 1992. A draft of the manual was also carefully reviewed by BJA and a panel of expert practitioners before final publication.

The Riverside, California, Police Department and the Oakland, California, Police Department also assisted the project by granting on-site interviews and permitting ILJ to review their data and program materials. In addition, ILJ conducted a mail survey of 175 law enforcement agencies in cities of 250,000 residents or larger. Follow-up telephone interviews were conducted with gang unit commanders and other

police managers at 25 of the sites that responded to the survey. Some of the examples in this manual are taken from these sites. Finally, ILJ conducted a literature review and considered the results of other gang and drug enforcement programs sponsored by BJA and the Office of Justice Programs.

## **Types of Gang Problems for Which the Prototype Was Developed**

One of the main challenges in developing the gang enforcement model presented here was to determine which processes and strategies can be useful in many jurisdictions, not just the demonstration sites. Of course, there is no universal prescription. Each jurisdiction's gang problems and resources differ. For example, the gangs targeted by the demonstration sites included the following:

- Jamaican posses (Kansas City, New York County (Manhattan), and Kings County (Brooklyn))
- Crips and Bloods (San Diego, Kansas City, and Tucson)
- Dominican and Puerto Rican gangs (Manhattan)
- Black Gangster Disciples and Vicelords from Detroit, Chicago, and other midwestern cities (Ft. Wayne)
- Local Hispanic gangs (San Diego, Tucson, and Ft. Wayne)
- Local African-American gangs (Atlanta and Ft. Wayne)

These gangs had several common characteristics, the most important of which were the following:

- They trafficked in illegal drugs.
- They committed violent crimes.
- They trafficked in or used illegally obtained firearms.
- They had virtually overtaken certain neighborhoods, contributing to the economic and social decline of these areas and causing fear and lifestyle changes among law-abiding residents.
- They used force and threats of force to intimidate witnesses and victims.

Thus the manual will be most useful to jurisdictions that have gangs exhibiting some or all of the above characteristics. At the same time, the prototype acknowledges that gangs differ in many ways despite these common threads. Some of the most significant differences are:

- Degree to which the gang as a whole is organized as an illegal drug-trafficking enterprise.
- Other types of crimes in which gang members specialize.
- Ethnic background and racial composition.
- Organizational structure, turf orientation, and migration patterns.

- Ways in which gang members spend or invest the profits from their illegal activities.

It is important to note that not all gangs of interest to law enforcement are drug-trafficking organizations (although all of the gangs targeted by the BJA demonstration sites were involved in selling drugs). Many of the examples used in this manual focus on drug trafficking gangs, but the prototype has a broader application. It may also be useful in suppressing gangs that commit other types of crimes or have a different racial or ethnic composition than those targeted by the demonstration sites. Gang-related crimes may include murder for hire (e.g., the Spangler posse), vehicle theft (e.g., various local gangs and motorcycle gangs), extortion (e.g., gangs affiliated with Chinese tongs), home invasion robberies (e.g., Vietnamese gangs), hate crimes (e.g., Skinheads and motorcycle gangs), and others.

According to a recent study sponsored by the National Institute of Justice (NIJ), there are more than 4,800 gangs across the country and nearly 250,000 members.<sup>1</sup> It is probably impossible to know exactly how many gangs there are because of differences in local definitions of *gang* and *gang member*, differences in recordkeeping systems, and the constant flow of people into and out of gang affiliations. Some of these definitional problems are discussed later. The main distinction to make here is between hard-core criminal gang members and their criminally involved associates (adult and juvenile), and young juveniles or "wannabe's" who may imitate certain gang behavior but are not involved in serious crimes. This manual is primarily concerned with the first group: the members and regular affiliates of criminal gangs.

## Differences in Police and Prosecutor Resources

Nearly half of the country's 175 largest police departments do not have separate gang units,<sup>2</sup> and the gang units that have been created vary considerably in terms of size, function, and placement within the overall organization structure. More than 90 percent of the country's police and sheriff's departments of all sizes participate in some type of multi-jurisdictional law enforcement task force,<sup>3</sup> which usually involves federal and state enforcement agencies. But fewer departments are part of multijurisdictional task forces organized specifically for gang suppression; about half of the 175 largest departments report belonging to such a gang task force.<sup>4</sup>

Working relationships with other police and criminal justice agencies also vary among departments. Housing authority police are a significant resource in some cities

but are nonexistent in others. In some police departments (e.g., Tucson and Ft. Wayne), there are solid relationships with probation and parole agencies for the purpose of gang suppression, while other cities have not yet developed such strong liaisons. In San Diego, two judges hear all major gang cases, while most other jurisdictions do not have these special "gang courts." In many cities, prosecutors do not make special distinctions between gang-related and other cases for the purposes of attorney assignment. In contrast, the prosecutors in San Diego County, Los Angeles County, and elsewhere use a vertical prosecution approach in which one prosecutor or a special team of prosecutors handles all gang-related cases from start to finish.

The BJA Urban Street Gang demonstration sites illustrate only a few of the possible ways in which gang suppression efforts can be administered. The Kansas City Gang Narcotics Intelligence and Enforcement Program was managed by the major in charge of the narcotics division, with investigative resources provided by the drug enforcement unit. In Atlanta, where development of a computerized, regional gang database was a major objective, the project was supervised by a lieutenant in charge of the special investigations section within the intelligence and organized crime unit. In Ft. Wayne, general oversight for the project was provided by the deputy chief in the detective division, which included a project coordinator (a sergeant in charge of crime analysis and database development) and a team of five career criminal investigators, two of whom were gang specialists. In Tucson, the Deputy Chief of the Uniformed Division was in charge of the gang suppression effort. The San Diego District Attorney's Office expanded its existing gang unit by adding two attorneys to work closely with police and district attorney investigators in developing gang case investigations. The New York County District Attorney's Office used BJA Urban Street Gang resources to strengthen the homicide investigation unit, which focused on Jamaican, Dominican, and other violent drug gangs of Caribbean origin. In Kings County, the grant was administered by the head of the major narcotics investigation bureau of the Kings County Prosecutor's Office.

### **Gangs in the Year 2000**

The California Attorney General's office conducted a survey of criminal justice authorities to assess the current gang situation and forecast gang trends in California for the year 2000. The report, entitled *Gangs 2000: A Call to Action*, was published in March 1993 and estimates that there are currently as many as 175,000 to 200,000 criminal street gang members in California. By the year 2000, there could be as many as 250,000 gang members in the state. They will remain a significant, violent crime threat to all of the major metropolitan areas, and will become a major crime problem for many of the rural counties.

Specifically, by the year 2000:

There could be as many as 135,000 Hispanic gangs members; 90,000 African-American gang members, particularly Crips and Bloods; 20,000 Asian gang members; and 5,000 white gang members with approximately 600 Skinheads. The size of the gangs will range from a few to more than 1,000 members.

Gangs will recruit new members at younger ages, and they will be used to commit crimes due to the leniency of the juvenile justice system. There will be fourth-generation gang members. The age of gang members will range from 10 to 40, with many in their late 30s, and they will stay involved with their gangs for longer periods of time. There will also be more female gangs and gang members.

More gang members will become career criminals. Gang members will also learn the benefits of being structured, and a few will evolve into organized crime groups.

The number of serious crimes attributed to gangs will increase and the majority of crimes will be felonious. The number of gang-related assaults, killings and drive-by shootings will reach an unprecedented high; police will become targets of many gang shootings; and gang warfare will escalate. Gang members will rely more on the use of concealable handguns and high-powered, large-caliber automatic assault weapons, and they will begin to use incendiary devices and bombs, including fragmentation and tear gas grenades.

The report predicts criminal justice agencies will be engulfed with gang-related investigations, prosecutions, incarcerations, and probationers and parolees. Gang members will outnumber law enforcement officers. Gang prosecutions will target only hardcore gang members. Courts will be gridlocked with gang cases. There will be an unprecedented number of gang members on probation and parole. The agencies will become ". . . dangerously close to being solely reactive -- rather than proactive -- to the gang situation in California."

While the report provides a sobering glimpse of the future regarding criminal street gang crime and violence in California, its goal is not to suggest that the situation is hopeless. Rather, its purpose is to motivate California to fashion bold solutions so that the future projected in the report will not come to pass.

For copies of *Gangs 2000*, call 916-324-5500 or write to the California Department of Justice, Bureau of Investigation, 4949 Broadway, P.O. Box 163029, Sacramento, California, 95816-3029.

## **Audience for the Manual**

This manual is intended primarily for law enforcement administrators, managers, and supervisors and for prosecutors. Other criminal justice and community leaders who may find the manual useful include:

- Probation and parole directors
- Judges
- Corrections administrators
- City or county managers
- Major city or county council members

- Public housing police and security directors

One commonality among these various audiences probably is a lack of time to read manuals. With this in mind, this manual has been written as concisely as possible, while at the same time providing a clear rationale for the recommendations presented. Readers are encouraged to contact some of the referenced agencies and gang specialists to further discuss issues, problems, solutions, and needs.

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<sup>1</sup> G. David Curry, et. al., *National Assessment of Law Enforcement Anti-Gang Information Resources, Draft 1992 Final Report*, National Institute of Justice, U.S. Department of Justice, 1992.

<sup>2</sup> Survey by the Institute for Law and Justice, Urban Street Gang project, Bureau of Justice Assistance, U.S. Department of Justice, 1992.

<sup>3</sup> Results of the 1990 National Assessment Program survey, National Institute of Justice, U.S. Department of Justice.

<sup>4</sup> Survey by the Institute for Law and Justice, Urban Street Gang project.

## **Chapter 2**

# **Program Summary: Key Elements of the Gang Suppression Prototype**

Although the types of gang problems, available resources, and program administration differed among the BJA Urban Street Gang sites, each was required to incorporate the program elements outlined below. Taken together, these elements define the prototype for gang suppression. As noted earlier, the final model has been refined based on the experiences of these and other sites, but the basic elements remain the same.

## **Planning and Analysis**

In the earliest stages, law enforcement must do all the groundwork necessary to be able to articulate the scope and nature of the community's gang problem. In many communities—particularly those that have little experience with gangs—the first reason for conducting a thorough assessment of the problem is to overcome widespread denial that criminal gangs even exist. Are warehouses and school baseball dugouts covered with graffiti because of "roving, loose-knit bands of mischievous youth?" Is the increase in shootings a statistical aberration? Is the market for drugs and weapons controlled by a handful of independent operators? Or is there a real gang menace?

Determining the answers to these and many more questions (see Chapter 3) about the extent and nature of the gang presence is an essential first step. It enables the agency to (1) develop or improve a gang intelligence database, (2) establish realistic goals and objectives, and (3) develop strategies aimed at meeting these goals. Many departments have paid a high price for hastily devised neighborhood gang sweeps, for



example. The risks include injury to officers and innocent bystanders, recurrence of the same problem a few days or weeks later, legal problems, and alienation of witnesses and residents who might otherwise provide valuable information and assistance.

Finally, a thorough analysis and carefully designed plan are essential for convincing others—department administrators, other agency directors, elected officials, and the public—of the need to devote resources to a concerted gang suppression effort.

## **Intelligence and Management Information System Support**

The planning and analysis effort above is closely linked to the development of intelligence gathering and gang database support for gang suppression operations. The experts involved in preparing this manual emphasized that such support is absolutely essential.

The planning and analysis task and database development task overlap, but the former can be thought of more as a "macro" analysis. For example: What gangs exist? What territories do they claim? How large are they? How are they organized? Who are the leaders? Which gangs are the most violent? In contrast, the intelligence and database support effort concerns itself with a greater level of detail: What should be included in the gang database (names, affiliations, associates, monikers, criminal histories, methods of operation (MO), identifying marks, addresses, etc.)? How will information be gathered and from what sources? How can this information be disseminated to those who need to use it?

In addition, the intelligence gathering and database development task involves dealing with other issues:

- Using common definitions and establishing criteria for inclusion in a gang database.
- Developing sources of information (patrol officers, gang specialists, informants, etc.) and systems for managing the information they provide.
- Obtaining information from outside databases.
- Disseminating gang information.

Chapter 4 provides a detailed discussion of the development of gang information systems to support tactical and management decisions. Examples and case studies are also included.

## Gang Suppression Strategies and Tactics

This element of the prototype encourages the use of the gang information developed above to select and implement enforcement strategies. It discourages hastily devised enforcement actions in favor of those that feed into an overall plan to eliminate the targeted gang or gangs. This includes:

- Careful consideration of the gang's cultural background, MO, form of organization, and other unique characteristics in devising suppression strategies.
- Development of strategies that will ultimately incapacitate the leaders and the most violent and criminally involved members and associates.
- Specific agreements with other criminal justice agencies in support of the overall strategy.
- Follow-up involving all possible resources to secure and strengthen targeted neighborhoods and to prevent other members or other gangs from filling the void.

Within this framework, there is a wide range of options for devising local strategies to attack local problems. To provide just one example, consider the different approaches used by the San Diego County District Attorney's gang unit and the New York County District Attorney's homicide investigation unit. San Diego used paid informants to make videotaped drug buys in targeted neighborhoods, resulting in delayed arrests of street- and mid-level members of the Crips, Bloods, and another gang whose members were Hispanic. The vast majority of gang members arrested pled guilty and were sentenced to prison. New York used undercover investigators to make drug and gun purchases, working "up the organization" of targeted Jamaican and Puerto Rican gangs, resulting in multiple indictments of their leaders.

Chapter 5 summarizes some of the key characteristics of various criminal gangs in terms of cultural factors, organization, strengths, criminal history, and vulnerabilities. It provides general guidelines for selecting tactics in light of these characteristics; discusses a range of possible drug and gang investigation and suppression tactics; and provides an overview of the role of directed patrol, community policing, and enforcement of nuisance abatement and other ordinances and codes.

## Interagency Collaboration and Cooperation

Collaboration with other criminal justice agencies is critical to the success of the overall gang suppression strategy. In addition to police and prosecutor collaboration, this also involves coordination with probation and parole, jails and courts, crime labs, and federal agencies.

Chapter 6 discusses vertical prosecution strategies, using detailed examples from Pima County, Arizona, and San Diego County, California. Prosecutor and police strategies for witness identification and protection are essential in gang-related cases, and these are also discussed, along with motions to deny bail and other measures used successfully by gang prosecutors. Chapter 6 also provides examples of successful police cooperation with probation and parole agencies to establish and enforce conditions of probation.

The prototype also recommends coordination with jail and prison officials for several purposes: to enable jail officials to prepare for an influx of arrested gang members; to attend to special courtroom security needs; to arrange interviews of imprisoned gang members; and to facilitate the flow of information gathered by jail and prison personnel. Coordination with the crime lab can result in more efficient and accurate processing of physical evidence and can improve the scheduling and effectiveness of crime lab personnel testimony in court.

Finally, the prototype encourages cooperation with federal agencies. Federal agencies can benefit from the extensive gang information accumulated by local agencies and from local agencies' considerable experience in combating street gangs. Local agencies often find the Bureau of Alcohol, Tobacco, and Firearms (ATF) a valuable partner in street gang enforcement because of its information about gun dealers, ability to provide intelligence, ability to trace the origin of weapons, and backing by powerful federal weapons statutes (e.g., Operation Triggerlock, discussed in Chapter 7). Many of the functions of the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and Immigration and Naturalization Service (INS) can also be brought to bear on specific local gang problems, while the U.S. Marshals Service may be able to assist with witness protection, fugitive apprehension, and asset seizure and forfeiture.

## **Applying Specialized Laws and Administrative Regulations**

As the discussion of interagency collaboration suggests, the gang suppression prototype recommends exploration of all possible legal avenues to incapacitate gangs and remove violent gang members and associates from the community. In many situations, the most productive route is to plan toward prosecution in state court on felony drug trafficking, homicide, assault, robbery, or other appropriate charges. Other situations may be best served by a collaborative effort with the U.S. Attorney and other federal resources toward prosecution under federal weapons, drug, Racketeer Influenced Criminal Organization (RICO), or other laws. Chapter 7 discusses the main considerations involved in pursuing these options and provides case examples, including the Philadelphia Violent Drug Traffickers Project and others.

In addition, many states in the past few years have passed specialized gang statutes, with the California Street Terrorism Enforcement Program (STEP) Act serving as a model. These statutes may make active membership in a criminal street gang a separate offense unto itself. More often, they provide for sentence enhancements for gang-related crimes. Chapter 7 discusses some of these laws, the burdens of proof involved, the extent of their use, and the results of their application in selected jurisdictions. In addition, the chapter discusses the applicability to gang problems of state and local laws such as nuisance abatement statutes; ordinances against congregating; and health, building, and zoning code violations. Finally, Chapter 7 relates the experiences of some jurisdictions with administrative regulations such as school policies banning pagers and gang colors.

## **Evaluating Results**

An essential part of the gang suppression prototype is the regular monitoring of operations and assessment of progress toward meeting the stated objectives. It is difficult for the department and the community to know whether its overall gang suppression strategy is successful without a systematic evaluation. A careful evaluation will suggest ways to improve or expand the effort. It will point out strengths that can be built upon as well as weaknesses that may need to be overcome. Evaluation results will also help other jurisdictions determine how the prototype can best be applied in their communities. Finally, potential funding sources will want to see evidence of success.

An evaluation design need not be overly complex to produce meaningful results. Chapter 8 presents some basic concepts to consider in conducting evaluations. The chapter on evaluation is included at the end of the manual, but preparation for an evaluation must occur during the planning stages of the project. As noted in Chapter 3, the planning and analysis effort will help produce a description of the environment in which the program is operating, as well as more specific information about gangs and their impact on the community. It may also reveal areas where new data collection procedures are needed. The evaluation design will be an important part of establishing project objectives, since planners must consider how they will know the objectives have been achieved.

In general, the evaluation seeks to answer several key questions:

- Was the program implemented as intended?
- What specific activities were implemented?
- Did these activities lead to the attainment of specific objectives?
- Were the program's overall goals achieved?
- To what extent were successes or failures a result of factors other than the program?

To answer these questions, a two-stage approach to evaluation is needed:

- A *process* evaluation to document and analyze the early development and actual implementation of the program.
- An *impact* evaluation to measure the program's effects and the extent to which its goals were attained.

Thus, while the evaluation need not be tedious or expensive, it must be more than listings of numbers of arrests, amount of drugs seized, number of weapons confiscated, etc. It needs to provide useful management information that can be used to constantly improve operations and build upon the strengths of the overall gang suppression strategy.

## Chapter 3

# Planning and Analysis

Police managers and prosecutors consistently emphasize the importance of planning before launching any major anti-gang effort. In some cases, this advice comes after an agency's failure to plan carefully enough. At one extreme, the community—sometimes including the police agency—refuses to admit there is a gang problem. On the other extreme, a recognized gang problem is attacked quickly through crackdowns or street sweeps, but with little thought to gaining community support beforehand or to following up afterward.

This chapter reviews the main tasks associated with planning gang suppression strategies. These tasks can be summarized as follows:

- Use information and intelligence from within and outside the agency to clarify the extent and nature of the gang problem.
- Agree on common definitions of *gang*, *gang member*, *gang-related* and other key terms. Data comparisons will be meaningful only when agencies use the same definitions.
- Take inventory of all possible resources—inside and outside the department—that can be brought to bear on the gang problem.
- Keep everyone focused by developing specific goals, objectives, and priorities.
- Use the information and intelligence obtained to develop priorities (specific gangs, neighborhoods, individuals), then target enforcement strategies accordingly.
- Ensure that adequate management tools are in place, including a time/task plan, written policies and procedures, and an evaluation plan.

## The Need for Common Definitions

The way in which agencies define *gang*, *gang member*, *hard-core gang member*, *gang associate*, *gang-related crime*, and other terms will significantly affect the planning and analysis tasks. In the Chicago Police Department, for example, a crime in which one or more parties (perpetrator, victim, witness) has gang affiliations is

classified as *gang-related* only if there is a gang motive. In contrast, in Los Angeles the gang affiliation in itself is enough to trigger the label *gang-related*.

Since information will be gathered from sources outside the department and from sources outside the city or county, it is important to understand the definitions in use by various agencies and to work toward adopting common definitions, at least within the jurisdiction and the region. Resolving definitional issues will be critical in developing a gang intelligence database (see Chapter 4).

## Purpose and Types of Analysis

"Every writer on warfare, from the time of the ancient Chinese warrior Sun Tzu to the present, has stressed the principle of knowing your enemy and his strengths and weaknesses as well as your own."<sup>1</sup> The enemies with which this manual is concerned are violent criminal street gangs. Police often note that some criminal gang members have more powerful and sophisticated weapons than the police. The purpose of this chapter is to help ensure that gangs are not also better armed in terms of planning and analysis capabilities. If the community is to win a war on gang violence, then the department must be able to describe in detail:

- The nature and extent of the gang problem.
- The environment in which the gang problem exists.
- The resources available to combat the problem.
- The department's and the community's weaknesses and the potential pitfalls associated with planned solutions.

The next section reviews several types of analysis that can be employed to accomplish the following goals:

- Overcome denial of the gang problem within the department or the community.
- Enable the department to develop a realistic plan of action.
- Ensure that the enforcement strategies selected are based on accurate assessments of gang operations and accurate profiles of key gang members or associates.
- Provide baseline information for developing performance standards and evaluation measures (Chapter 8).
- Help develop or improve a computerized gang database (Chapter 4).

## Types of Analysis

Experts at the Middle Atlantic Great Lakes Organized Crime Law Enforcement Network (MAGLOCLLEN) encourage law enforcement to distinguish between three basic types of analysis:

- Crime analysis
- Investigative analysis
- Strategic analysis<sup>2</sup>

A fourth type, related to crime analysis, is also relevant:

- Problem analysis

Crime, investigative, and strategic analysis have distinct features. *Crime analysis* involves analyzing data from the past (e.g., on a series of crimes committed in a particular geographic area), with the objective of preventing similar crimes.

Traditionally, crime analysts have compiled data from arrest reports, offense reports, computer-assisted dispatch (CAD) records of calls for service, and other official records. Increasingly, however, police departments are embracing a community-oriented policing philosophy, which encourages not only crime analysis, but also examination of noncriminal incidents that create community problems (e.g., gang members congregating on street corners), and examination of the underlying causes of crimes and problems. Information sources for problem analysis include official criminal justice agency records, and also information from residents and many different community agencies. Thus, the results of officers' gang-related *problem analysis* should also be considered.

*Investigative analysis* involves analyzing current data that may be useful in completing an ongoing investigation or prosecution. The term investigative analysis actually involves many types of analyses, including telephone toll, association, financial, and flow analysis.

*Strategic analysis* is conducted outside the course of a particular investigation and is concerned with a criminal group (e.g., criminal street gangs) or criminal activity. The aim is to give decisionmakers information about trends, predictions about future crimes, and recommendations for strategies and policy. The differences among these types of analysis in terms of time, purpose, and subject are summarized in the following graphic.



<b>TYPES OF ANALYSIS</b>			
<u>DISTINCTION</u>	<u>CRIME/ PROBLEM</u>	<u>INVESTIGATIVE</u>	<u>STRATEGIC</u>
Time element	Reactive to past	Responsive to present	Predictive of future
Purpose	Crime prevention	Solve present case	Management tool
Subject	Series of crimes	Particular investigation	Group or criminal activity

Marilyn P. Sommers, "Law Enforcement Intelligence: A New Look," *International Journal of Intelligence and Counter Intelligence*, Intel Publishing Group, Inc., Vol. 1, No. 3, p. 26.

### **Two Levels of Analysis**

In planning the community's gang suppression strategy, it is useful to think of two levels of strategic analysis:

Level 1: An assessment of a criminal group (e.g., criminal gangs) or a specific crime type (e.g., drug trafficking).

*Product:* Comprehensive gang suppression strategy.

Level 2: An analysis of a given group's involvement in a specific type of crime (e.g., the involvement of the 47 Hoover Crips in drug trafficking).

*Product:* Operational plan targeted to a specific gang or specific gang members.

The narrower the topic, the more specific is the information produced. Thus, Level 2 strategic analysis, typically conducted by investigators, is essential for planning specific enforcement actions aimed at specific gangs or gang members. But only by first conducting a Level 1 assessment of the community's larger gang problem can the department develop a comprehensive strategy for gang suppression.

Of course, information will need to flow between the two levels. Enforcement action planned against the 47 Hoover Crips above should be compatible with the overall suppression strategy. Similarly, the results of any such enforcement action should be available to decisionmakers so that the overall strategy can be modified accordingly.

# Assessment of Criminal Gang Activity

## Develop Information on the Nature and Extent of the Gang Problem

The first assessment task is to determine as precisely as possible the nature and extent of the gang problem in the jurisdiction. This moves the department and the community away from generalities (e.g., we have a serious gang problem, we have no gang problem here) to specific information about the number of criminal gangs, their main characteristics, the crimes in which they are involved, the neighborhoods that are in greatest jeopardy, etc.

Compiling and analyzing information on specific gangs and gang members is necessary not only to inform investigations, but also to inform the public. Obviously, some of the details about gang members and activities will be included in an intelligence database and will not be released to the public. But many of the assessment results can and should be made available to other agencies and to the public to help ensure that the gang problem in the jurisdiction as a whole is neither understated nor overstated.

Some of the information to be obtained and organized includes the following:

### General Information

- Number and names of gangs, subgroups, or sets
- Number of members, associates
- Locations of gang-related crime
- Victims of gang-related crime
- Types of gang-related crime

### Information on Specific Gangs and Gang Members

- Names of leaders and violent members/associates
  - Identifying characteristics
  - Criminal history
  - MOs
  - Associates
  - Probation or parole status; anticipated release dates of incarcerated members
- Age range of gang members
- Gender of gang members
- Ethnic composition of gang
- Organization structure, decisionmaking process
- Recruiting process
- Identifying signs (graffiti, tattoos, colors, hand signs, etc.)
- Geographic range of criminal activity
- Extent of involvement in drug trafficking

- Drug trafficking locations (including those beyond the agency's jurisdictional boundaries)
- Types of drugs
- Sources of drugs
- Drug customers
- Extent of involvement in weapons offenses
  - Types of weapons
  - Sources of weapons
- Extent of involvement in other crimes
- Relationships with other local gangs
- Linkages to gangs in other jurisdictions
- Patterns of spending or investing profits of crime (purchases of luxury items, investment in real estate or legitimate business, transportation/transfer of funds out of the country, etc.)

## Consider Patterns and Trends

The assessment needs to consider patterns and trends, not simply raw crime statistics, to produce an accurate understanding of gang activity. Descriptive information and data covering several years will be needed to uncover patterns and trends. If important data are not available, systems should be set up to capture and track it.

Listed below are some of the questions that should be asked to uncover trends and patterns of gang activity:

- Is gang activity confined to specific neighborhoods, or is it a community-wide problem? Have the affected neighborhoods shifted or remained the same?
- Has there been an increase or decrease in gang-related crimes in the past five years?
- Has the number of gangs and gang sets changed? Are they larger or smaller? More organized, more fragmented, or about the same?
- Are gangs recruiting younger persons than in the past?
- Have there been significant shifts in gang leadership?
- Have changes in gang activity or crimes coincided with the imprisonment or release of key gang members?
- Do gang members tend to live in one jurisdiction and commit crimes in another?
- Are there seasonal variations in the level or type of gang activity?
- What observations or data can the schools provide about gangs, violence, drugs, and guns on school grounds or involving students?

By considering trends and patterns, the assessment seeks to uncover not only generalizations that can be made about gang activity, but also exceptions to the rule. In 1991, the former Attorney General characterized most criminal street gangs as "relatively unsophisticated [compared to traditional organized crime groups], typically with a cellular or horizontal rather than vertical structure. Their leadership is often more exposed than insulated; their ill-gotten gains are seldom protected by creative money

laundering schemes; and their approach to conflict resolution is frequently based on firepower.<sup>13</sup>

Although this general description may still hold true, a proactive local law enforcement agency must be alert to change. In some cities, gangs committed to making money (e.g., through drug trafficking) have given up the wearing of colors and other outward signs of gang affiliation in favor of keeping a lower profile. Some gang members also take on more conventional appearances as they move into legitimate businesses. Other gangs have members or informants who apprise them of police policies, operations, and schedules. Others (e.g., the Vicelords in Chicago) have had leaders who commanded a strong following for many years. Still others have "gone high tech." They may use not only cellular phones and pagers, but also computers, state-of-the-art surveillance equipment, and sophisticated weapons.

## **Consider the Environment**

In addition to developing information about criminal gang members and activities, the assessment process also involves examining the environment in which gangs operate. This includes relevant social, demographic, economic, and legal factors.

### ***The Jurisdiction as a Whole***

An assessment of the environment begins with several broad questions:

- Why do some jurisdictions have gang problems, while others do not?
- What factors have permitted gangs to gain a foothold in this jurisdiction?
- What conditions have made specific neighborhoods particularly vulnerable to gangs?

These questions are asked not to cast blame, but to identify conditions that could be addressed as part of a long-range gang suppression strategy.

Regarding the community as a whole, the assessment will need to consider such factors as the following:

- Transportation systems by which gang members and drugs enter and leave the jurisdiction along with current interdiction efforts.
- Level and type of gang activity in nearby or easily accessible jurisdictions and the anti-gang strategies employed by those jurisdictions.
- Federal and state laws (drug, weapons, conspiracy, RICO); specialized state anti-gang legislation; state nuisance abatement laws; local codes, nuisance ordinances, gang-free zones, and others (see Chapter 7).
- History of gang and drug enforcement efforts in the jurisdiction.

- Political climate (e.g., public acknowledgment or denial of gang problem; history of police relationships with the community).

### ***Targeted Neighborhoods***

Although gang activity may be located throughout the community, certain areas or neighborhoods will be hardest hit and will become the targets of gang suppression efforts. With regard to gang activity in specific neighborhoods, an assessment of the environment would address such factors as these:

- History of gang presence in the neighborhood (have gangs existed there since the turn of the century, or are they a recent phenomenon?).
- Demographic changes in the neighborhood (e.g., changes in age of population).
- Changes in economic conditions and employment opportunities in the neighborhood.
- Changes in social conditions, educational opportunities, recreational and other resources for residents and their children.
- Physical condition of dwellings, streets, and common areas (abandoned, boarded-up buildings; abandoned cars, trash, lighting, etc.; public housing areas; parks, common areas, etc.)
- Types of businesses in the neighborhood (bars, liquor stores, etc.).
- Ownership of buildings where gang members live or gang activity takes place.

### **Information Sources**

Essentially, the department will be interested in all information that can conceivably be useful in eliminating entire gangs. Some information will meet criteria for entry into a computerized gang intelligence database (see Chapter 4). Other information will be descriptive of the environments in which gangs operate or will portray criminal gang activity, crime patterns, and trends.

Information from police records (offense reports, etc.) will be useful if it is coded to indicate the possibility of gang-relatedness. Many departments have a checkoff box on their incident report forms for patrol officers to indicate knowledge or belief that one or more parties (offender, victim, witness) is affiliated with a gang. In Ft. Wayne, Indiana, for example, crime analysts each morning review all reports from the previous day that have been so marked, then enter relevant information into the gang database kept in the detective division. Of course, patrol officers must be encouraged to consistently report gang activity if the database is to benefit from their knowledge.

Listed below are some of the information sources that should be explored when conducting an assessment of the jurisdiction's gang problem. The use of undercover officers and confidential informants is discussed in Chapter 5.

### **Local Law Enforcement Agency**

- Call for service data
- Incident reports
- Arrest reports
- Field contact cards or reports
- Citizen complaints
- Analysis of community "hot spots"
- Internal reports
- Officers' experiences and observations
- School liaison officers
- Crime tiplines or crime solvers programs
- Neighborhood or business watch groups
- Confidential informants
- Undercover officers
- Arrestee interviews

### **Other Criminal Justice Sources**

- Regional gang and drug enforcement task forces
- State police
- Police and sheriffs departments in surrounding jurisdictions
- Federal law enforcement agencies
- Prosecutor
- Juvenile probation
- Adult probation and parole
- Juvenile and adult court judges
- Court services workers
- U. S. Attorney's Office
- State department of criminal justice

### **Other Sources**

- Community based organizations
- Social service agencies
- Schools
- Code enforcement, health, zoning, other city or county agencies
- Crime victim assistance services
- Beat profiles
- Community groups

## **Taking an Inventory of Resources**

The assessment process also involves taking an inventory of criminal justice and other resources that are currently involved, or that might become involved, in helping the

department meet its gang suppression objectives. Resources might be grouped into three main categories: (1) those available to combat gangs in the jurisdiction as a whole, (2) potential resources for combating gangs in specific neighborhoods, and (3) resources that can aid in the investigation of selected individuals. In determining citywide or countywide resources, the department will need to review the following:

- Internal divisions and units currently responsible for gang intelligence gathering, investigations, database management, and enforcement.
- Support provided by other divisions and specialized units for current gang suppression efforts, including patrol and community police officers; drug enforcement; career criminal and organized crime; tactical (e.g., SWAT); juvenile investigators, school resource officers, etc.; and crime analysis, research and planning, and records.
- Support available from other criminal justice agencies, including federal agencies like the IRS, U.S. Customs Service, U.S. Attorney, ATF, FBI, DEA, INS, etc.; state police and prosecutors; corrections, probation and parole, and courts; housing authority police and security personnel; and campus police.
- Support available from law enforcement agencies in other jurisdictions.
- Current police/prosecutor agreements and systems regarding gang cases.
- Agreements and working relationships with other organizations involved in gang issues (schools, prevention programs, victim assistance agencies, etc.).
- Training resources.
- Technical assistance resources (regional and national criminal justice associations and organizations, colleges and universities, etc.).
- Equipment available and needed.

Resources to support police interventions in targeted neighborhoods might include:

- Residents' organizations
- Business groups
- Churches and church organizations
- Community-based organizations such as gang prevention or intervention programs
- Public housing tenant associations.

Some of the potential resources cited above may have to be developed over time. Often one of the reasons gangs become entrenched in a neighborhood is that it lacks, or has lost, strong organizations such as those above. Once gangs gain a foothold, many residents become increasingly afraid to be seen talking to the police. Still, often a few strong individuals can be identified and cultivated as sources of information and potential leaders. These individuals and community organizations will also be essential to achieving long-term stability after enforcement actions have taken place.

Resources to aid in targeting selected individuals include:

- Department's gang database and other records.
- Databases developed by other local jurisdictions.
- Federal gang, drug, and other databases (See resource organizations in the Chapter Exhibit).
- Development of new intelligence gathering sources (e.g., school resource officers, victim services unit).

## Implementation and Management Plan

### Department Organizational Issues

When a serious problem emerges, often the first reaction is to form a special unit to deal with it. Sometimes there is intense political pressure to do so. But special units are not always the most effective way to combat gangs. Nearly half of large police departments have not created gang units.

The best advice from experienced departments is first to develop and analyze intelligence and information about gangs in the jurisdiction, then to determine the organizational implications. Ongoing intelligence efforts are a must, but there are many alternatives to forming a gang unit. Further, if the agency determines that a gang unit is needed, there are many ways in which such a unit may be structured and placed within the agency.

The decision not to form a gang unit, of course, does not mean there is no need for gang specialists. All officers will need to have some basic training with regard to gang characteristics, intelligence gathering and reporting, and special enforcement considerations. There will also be a need for gang specialists, i.e., officers whose experience and training gives them a more in-depth understanding of gang problems. However, the decision to place these officers in a special unit or assign them to investigations, juvenile, patrol, crime analysis, or some other division should be a local decision based on a thorough analysis of the problem.

### Setting Goals, Objectives, and Priorities

Goals and objectives both express an end to be achieved, but they differ in specificity. A goal is a broad statement of a desired result. Objectives state the interim results needed to attain the goal. For example:

*Goal:* To protect the community through long-term incarceration of hard-core gang offenders.



Objectives related to that goal might include the following:

*Objective 1:* Arrest and prosecute leaders of the three gangs that control drug trafficking in the Hanley Heights area.

*Objective 2:* Under federal or other firearms statutes, arrest and prosecute 10 hard-core criminal gang members.

Goals and objectives serve as the basis for an action plan that can help keep everyone focused. They can also help political leaders from getting diverted from the most compelling issues to other issues. Most comprehensive plans will contain a combination of long- and short-term objectives. Decisions will have to be made about which ones are most urgent.

Whenever possible, objectives should be stated in measurable terms so the degree of progress can be assessed and the scope of work is readily apparent. Tasks can then be developed to support each of the stated objectives. For complex tasks, subtasks will also need to be stated.

## **Developing and Implementing Strategies**

A thorough analysis of the criminal gangs identified will enable the agency to set priorities and select enforcement strategies with the greatest potential for success. The strategies employed will depend on many factors: the degree to which the gang is organized as an illegal enterprise; the types of crimes in which members specialize; cultural and language barriers; the ways in which gang members spend or invest their illegally gained profits; the support of residents in a targeted community; and many others. Chapter 5 on operations and tactics discusses these issues more fully. The implementation plan should also address how the accomplishment of tasks will be monitored.

## **Communication and Publicity**

The implementation and management plan should also indicate how others will be informed about the gang suppression effort and its accomplishments. This includes other departmental units, other agencies, the community, and the media. Many gang prosecutors aggressively publicize convictions of major gang figures, hoping this will have a deterrent effect. The Los Angeles District Attorney's Office, for example, prints photos of convicted gang-member felons, posting them around the offender's home turf. The implementation plan should consider all of the vehicles that might be used to inform

people of the gang suppression strategy and its outcomes. These may include presentations at neighborhood meetings as well as newspaper and television coverage.

## Training

It is also important to think through the training needs of personnel involved in the gang suppression effort. Training should emphasize the importance of developing a multi-agency, community-based approach to addressing the gang problem and developing long-term strategies.

Training efforts should extend to practitioners throughout the criminal justice community: patrol, narcotics, and gang unit supervisors; prosecution planners and supervisors, including assistant district attorneys; and juvenile and adult probation planners and supervisors.

## Evaluation

The results of the planning and analysis tasks will provide the department with a portrait of the community's gang-related problems at a given point in time. Without this baseline information, before and after comparisons cannot be made. The analysis task can also point out areas where record-keeping systems need to be brought in line with actual needs for gang information.

During the planning process, the department must consider what type of data would be meaningful for an evaluation later. For example, if eliminating drug trafficking by the 86th Street Crew is an objective, how will the department know (or clearly demonstrate to the public) that it has been successful? Questions like these must be considered during the planning phase, and Chapter 8 on evaluation should be reviewed in conjunction with this chapter.

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<sup>1</sup> W. Allan Williams, "The Case for Proactive Prosecution," *Criminal Justice Journal*, Vol. 13: 389.

<sup>2</sup> Marilyn P. Sommers, "Law Enforcement Intelligence: A New Look," *International Journal of Intelligence and Counter Intelligence*, Intel Publishing Group, Inc., Vol. 1, No. 3, p. 26.

<sup>3</sup> *Attacking Organized Crime*, Organized Crime National Strategy, U. S. Department of Justice, January 1991.

# Chapter Exhibit, Gang Technical Assistance Resources

## ATF

Violent Crime Prevention Branch  
Bureau of Alcohol, Tobacco, and Firearms  
800 K Street, N.W., Suite 842  
Washington, DC 20001  
202-682-4220

## FBI

Violent Crime Section  
Federal Bureau of Investigation  
10th and Pennsylvania Avenue, N.W.  
Washington, DC 20535  
202-324-8874

## OJJDP

Gang Consortium  
Juvenile Justice Clearinghouse  
Office of Juvenile Justice and Delinquency Prevention  
U.S. Department of Justice  
633 Indiana Avenue  
Washington, DC 20531  
202-307-0751

## PERF

Police Executive Research Forum  
1120 Connecticut Avenue, N.W., Suite 930  
Washington, DC 20036  
202-466-7820

## ILJ

Institute for Law and Justice  
1018 Duke Street  
Alexandria, VA 22314  
703-684-5300

## GREAT

Safe Streets Bureau (Attention Sergeant McBride)  
Los Angeles County Sheriff's Department  
3010 E. Victoria Street  
Rancho Dominguez, CA 90221

310-603-3105

## **Chapter 4**

# **Gang Information and Intelligence Systems**

To take enforcement action without first obtaining adequate gang intelligence data is a pitfall of major proportions, according to experienced agencies. Intelligence on gangs and gang members supports proactive enforcement by patrol officers and gang specialists; investigations by narcotics, homicide, and other units; and decisions by those responsible for managing the agency's gang suppression strategy.

In this manual, the gang intelligence function is concerned with collecting, processing, and disseminating information related to crimes and criminal activities. The gang databases advocated here contain substantiated information.<sup>1</sup>

## **Importance of the Gang Database**

Discussed below are some of the main reasons that gathering gang information is such an essential first step in gang suppression.

### **Overcoming Denial**

In many communities, gang enforcement and suppression actions are not initiated because of widespread denial of a gang problem. Government leaders, influential members of the business community, or even elements within law enforcement may deny the existence of criminal gangs or understate the seriousness of gang problems. The gang intelligence database along with other information on gangs (see Chapter 3) can often overcome such skepticism and demonstrate that the real danger is not to the reputation of the community, but to its residents. It can help the agency gain the support and cooperation of others, which is necessary to deal decisively with gang issues.

## **Gang Targeting**

Law enforcement resources are limited. Prioritizing is necessary, and it should be based on sound information, not speculation. On which gang or gangs should the agency focus? Which gang members should the agency target? Who are the violent, hard-core members who will be prime targets for suppression tactics? Who are the youth at risk of becoming gang members, candidates for measures designed to divert them from that possibility? Such information helps prevent the misallocation of resources that can result from misgauging or overstating the gang threat.

## **Selecting Suppression Strategies and Tactics**

Information on the nature, MOs, and crimes of each targeted gang helps identify appropriate enforcement and investigative tactics. For example:

- Whether a gang is turf-oriented or primarily entrepreneurial (engaged in drug or weapons trafficking, for example) rules out some tactics and rules in others. If a gang leader rarely touches drugs, but is known to be armed or interested in buying or selling guns, the investigation would be developed accordingly.
- Knowledge of how tightly or loosely a gang is organized affects whether a RICO, conspiracy, or similarly complex investigation would be worthwhile.
- Infiltration by undercover officers would be ruled out based on certain critical information. For example, a gang of illegal immigrants admits only persons who have committed a capital offense in their native land; a gang requires new members to commit a felony; or gang members speak a language or dialect in which no officers are fluent.

## **Officer Safety**

Knowledge of specific gang MOs and gang member characteristics can alert agencies to potential dangers. Some Indochinese (Vietnamese, Cambodian, or Lao) street gangs have been reported to employ tactics used by U.S. military forces in Vietnam. Jamaican gangs in Brooklyn, street gangs in Oakland and Chicago, and many others have taken full advantage of the physical layout of housing complexes, stationing armed lookouts on rooftops and armed guards at entrances and in hallways. The Miami Boys in Atlanta, among other gangs, have "taken out a contract" on an officer's or prosecutor's life. These are just a few examples of the dangers involved in gang suppression operations.

## Gang Mobility

Certain street gangs can be highly mobile, traveling from jurisdiction to jurisdiction. Other gangs, although perhaps not as mobile, may reside in one community but commit their crimes in a nearby city or county. Such situations require a high degree of interagency cooperation and, often, the formation of multiagency task forces. Similarly, an interjurisdictional gang problem argues against an insular information system within an agency. What is required is an arrangement promoting effective information sharing within the region and perhaps beyond.

### **The GREAT System**

The Los Angeles County Sheriff's Department's (LASD) Gang Reporting, Evaluation and Tracking (GREAT) System is a computerized database used by LASD as an investigative intelligence tool to identify and track street gangs and their members. There are an estimated 500,000 to 750,000 gang members in the U.S. The GREAT database currently contains 200,000 records.

GREAT links state and local GREAT databases nationwide and contains, among other things, a master index of street gang members' records that participating law enforcement agencies can use to identify and access information about subjects from one another's databases.

Since 1987, GREAT maintained selected information on identified street gang members principally in the Los Angeles area and to a lesser extent in areas of participating law enforcement agencies nationwide. These agencies have access to data in GREAT records through their computer systems for use in investigating criminal activities by gang members in their areas.

GREAT uses Advanced Revelations, a database application that is user-friendly and offers such capabilities as automatic report generation, security and password encryption, and photo imaging.

Agencies must request authorization for access to GREAT, as defined in federal regulations. The need for access based on the extent of the gang problem in each jurisdiction is determined and reviewed before access is approved. Access is not granted to all agencies requesting it. However, more than 130 law enforcement agencies in 10 states have been granted direct access to GREAT.

On-line users access GREAT through their computer systems using a series of confidential system access codes and individual passwords. Off-line users (agencies without direct access) can obtain access by calling on-line users. On-line users are required to verify the identity of off-line requesters and determine their right and need to receive information from GREAT. Each record contains an audit trail that records the names and agencies of on-line users who queried or modified the record. This permanent and unalterable part of GREAT records is designed to deter unauthorized access to and misuse of records. Each record also displays a message to users emphasizing that the information is never to be used as probable cause to arrest.

Another GREAT design feature is that records are purged automatically if they have not been modified or updated for five years. However, each time a record is modified or updated, the countdown begins anew.

LASD emphasizes the importance of determining criteria to be used in identifying gang members and indicating in each record which criteria were used. A new record cannot be created in GREAT unless criteria are indicated. GREAT also protects the associates and acquaintances of gang members by preventing access to their names from the system unless they have also been identified as gang members.

For more information about GREAT operations, contact LASD's Safe Streets Bureau at 310-603-3100. To find out about GREAT software, contact the Law Enforcement Communications Network at 310-543-3195.

## What Should Be in the Gang Database?

To a significant extent, how one defines "gang," "gang member," and "gang crime" determines the type and amount of information entered into the gang database. The matter of definitions is not academic, but has very practical ramifications. For example, some states have anti-gang statutes containing definitions of some or all of these terms for purposes of law enforcement, prosecution, and sentencing. If agencies' definitions (and databases) do not include all elements of statutory definitions, use of those special gang laws may be precluded.

Definitions of "gang member" must be such that they will survive court challenges. Also important are definitions of types of members or aspiring members (e.g., "hard-core," or "associate" ). The definition of "gang incident" or "gang crime" should be uniform across jurisdictions within a region, especially if they share intelligence and contribute to a common database. A higher rate of gang incidents in one jurisdiction than in another could be almost entirely the result of differences in how "gang crime" is defined.

### How Gang-Related Definitions Affect Database Content

Definitions of "street gang" usually include most or all of the following elements:

1. Three or more individuals associate periodically as an ongoing criminal group or organization, whether loosely or tightly structured.
2. The group or organization has identifiable leaders, although the leader for one type of criminal activity may be different from the leader for another.
3. The group has a name or identifying symbol.
4. The organization's members, individually or collectively, engage in or have engaged in violent or other criminal activity.
5. Frequently, but not always, the group identifies with or claims control over specific territory (turf) in the community, wears distinctive dress and colors, and communicates through graffiti and hand signs, among other means.

Among specific crimes sometimes included in Element 4 above are homicide, assault with a deadly weapon, aggravated battery and assault, arson, intimidation of witnesses and others, robbery, forcible rape, kidnapping, vandalism (graffiti), burglary



and larceny, and drug trafficking. In most instances, gang crime involves violence, drugs, weapons, or a combination thereof.

An analysis of reported gang crimes is critical in deciding whether a gang problem exists, assessing its scope, forming law enforcement's response, and evaluating the effectiveness of that response. But what determines whether crimes are gang crimes?

Agencies may classify a crime as a gang crime if it is gang-related, gang-motivated, or both. A gang-related crime is any crime in which a gang member is the suspect, offender, or victim, regardless of motivation or circumstances. Theft of clothing on a whim by a gang member acting alone as well as a home invasion by gang members acting collectively would fall under the category of gang-related crime. But only the home invasion would qualify as a gang crime if the agency were counting gang-motivated crimes. Gang-motivated crimes are those committed at the direction of, for the benefit of, or in association with a street gang. Those crimes may involve inter-gang violence for the purpose of retaliation or turf protection, and other criminal activity affecting the reputation or interests of the gang as a whole.

The motive-based definition yields significantly fewer gang crimes than does the gang-related definition. This is especially true if under the definition of gang-motivated an agency decides that both the suspect and victim must be gang members or that the crime must be related to inter-gang encounters. It is recommended to classify a crime as a gang crime if it is gang-related, but also indicate which gang-related crimes in the database are gang-motivated. This will (1) provide a broad picture of gang members' criminal activity, (2) allow the agency to conform to whatever gang crime definitions are used in new or amended anti-gang legislation, and (3) enable the agency to more accurately compare gang crime across jurisdictions.

Who are gang members? Answers to this question affect what types of information to include in the gang database. Generally, most gang members are males 24 years of age or younger, with older adolescents and young adults engaging in the most serious and violent activity. However, veteranos or OGs (original gangsters, old gangsters) can be in their 50s. The average age of violent offenders across the nation (whether belonging to gangs or not) is declining. Thus, gang databases must include data on both juvenile and adult offenders. To omit criminally involved juveniles is to fail to address a sizable part of the gang problem. Investigators and analysts should also be

alert to gangs led by and largely composed of females. These numbers are also increasing.

"Gang member" may be defined as any person who participates in or with a criminal street gang, with knowledge that gang members engage in or have engaged in criminal activity, and who willfully promotes, furthers, or assists in any criminal conduct by members of that gang.

What criteria indicate that a person is a gang member? Will these criteria both meet the needs of law enforcement and survive court challenges? Certain criminal justice agencies considered that question and developed a number of criteria, which are incorporated into a form now used in 12 states (see Chapter Exhibit 4-1). If the criterion "subject admits gang affiliation" is not met, the subject often must fit at least two other criteria noted in the exhibit to warrant designation as a gang member. Before deciding that a given criterion is applicable to an individual, some agencies require the subject to have engaged in activity related to that criterion on more than one occasion. For example, one agency states that the subject must have associated with known gang members on at least three different occasions before the criterion "subject associates with gang members" is met.

The gang database should also include information enabling agencies to categorize gang members according to the extent to which they are committed to a criminal lifestyle, gang values, and violence. This will aid the agency in determining priorities, identifying appropriate strategies and tactics, and allocating resources. Two common designations, "hard-core members" and "associate members" are often defined as follows:

- Hard-core gang members are the most dangerous and violence-prone—the gang's leaders, enforcers, and shooters. Completely committed to gang life, the hard-core tend to be older (late teens and beyond) and have had numerous contacts with the criminal justice system. Frequently, not more than 10 percent of a gang's members are hard-core.
- Associate members are criminally active and claim allegiance to the gang but usually participate in fewer gang activities than do the hard-core. Generally in their teens, associates tend to exhibit violent or aggressive behavior and often commit crimes to elevate their status within the gang. Associates' commitment to gang life may not be as strong as that of the hard-core; some may even be looking for a way out.

Gang "wannabes" are also of concern to law enforcement but should not be included in a gang intelligence database unless they are criminally involved. Typically in

their early teens, these youth have not yet joined a gang but often express gang values and may affect the outward signs of gang involvement (clothing, hand signs, etc.). Often, they are on the fringes of criminal activity, sometimes acting as runners or weapons holders, and some can become dangerous in their attempts to impress gang members. Wannabes usually do not fully understand gang life or its consequences but are at risk of becoming gang members. Youth at risk of gang involvement are also found in elementary schools. Their interest in gangs may take the form of experimenting with gang attire and symbols as early as the second grade.

## Data Elements for Intelligence and Management

Too much as well as too little gang data may impede processing and analysis. How much is enough? Start by conferring with other jurisdictions facing gang problems. Ask what information they collect, why it is collected, and how it is organized in their files. Those files are often computerized in jurisdictions facing significant gang problems, but also useful are hard-copy files containing field reports, photos, gang member criteria forms, arrest and conviction data, probation and parole reports, and other information used to back up and substantiate what is in automated files.

One way to help identify what should go into the database is to determine the type of information or reports that the information system should generate for strategic, tactical, or managerial purposes. Some of the main factors to consider are listed below:

- Scope and patterns, as well as emerging trends, of gang activity in specific neighborhoods or jurisdictions over time. The inability of gang information systems to generate such "big picture" reports for administrators and policy makers is a frequently cited weakness, according to a 1992 national survey of law enforcement agencies.<sup>2</sup>
- Specific events or situations that merit immediate attention by tactical or other units.
- Effectiveness of prior enforcement strategies and tactics.
- Listing of members of each gang, including profiles of each member, especially the hard-core.
- Types of gang crimes by gang and location. Some agencies not only list the number of such gang crimes as homicide and assault, but also break down the total for each type by motive or circumstance (e.g., retaliation, street fight, recruitment, vice related, and turf violence). "Stress maps" (computer-generated pin maps) depict types and locations of gang crimes during specified periods.
- Gang members on bail, probation, and parole (including their release conditions) and gang members with outstanding warrants.

Other factors that may affect database content are local, state, and federal laws and regulations that may apply to the collection of gang data (as well as to its storage, access, security, dissemination, audit, and purging). For example, criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, are subject to federal requirements in 28 C.F.R. 23. (Contrary to the belief of some, 28 C.F.R. 23 neither precludes collection, storage, or dissemination of information about street-gang members who are juveniles nor requires separation of juvenile offender files from adult files.)

Chapter Exhibit 4-2 lists the type of data that agencies may wish to consider entering into their gang databases. The exhibit organizes the data under various categories or files. Agency needs will determine whether more or fewer files are advisable.

The number of files also depends on whether the information system is manual or automated and, if automated, on how it is designed, especially in terms of search capabilities. For instance, manual systems usually need a moniker file, where subjects are organized by moniker, so that street names can be linked to true names more speedily than by searching through the gang member file for monikers.

Computerized systems can be designed to search for monikers and other identifying information. The advantages of being able to quickly search for subjects associated with specified characteristics argues strongly for computerized systems. For example, if the word "eagle" were associated with a gang crime, a computerized search based on that word could identify gang members owning Eagle cars, living on Eagle Street, having eagle tattoos, or using Eagle as a moniker. Or "eagle" might be one of a number of characteristics associated with an unidentified suspect: eagle tattoo, Hispanic, blue Chevy lowrider, and associates with Rambo. A "string search" could identify the gang member(s) possessing all those characteristics.

The files noted in Chapter Exhibit 4-2 are likely to contain many gang members' names that, because of their foreign origin, may be difficult to spell and, therefore, difficult to search for in the database. To help overcome that, some systems provide the capability to display all names that may sound like the one (perhaps spelled phonetically) for which a search is being conducted.

Chapter Exhibit 4-2 contains references to photos of individuals, identifying marks, graffiti, and vehicles. Some computerized information systems possess imaging

capabilities so that photos can be generated electronically, thereby hastening suspect identification (e.g., by generating photo lineups).

## Sources of Information for the Database

The principal contributors to the gang database are patrol officers, gang specialists, investigative units, other criminal justice agencies, community agencies and organizations, and outside databases. The role of each is critical.

### The Patrol Force

Beat officers are an essential source of gang information. They can identify gang members in accordance with agency-specified criteria, provide current information on gang activities and who is committing the most crimes, and spot indicators of impending trouble, among other information. Some patrol officers routinely carry cameras and photograph gang members. The quantity and quality of information reported by beat officers largely depends on several factors:

- The emphasis placed by the department's leadership on gang suppression and intelligence gathering.
- Training provided to patrol in gang identification.
- The development of streamlined reporting processes and forms that do not add excessive paperwork burdens.
- Officers' observational skills.
- Officers' rapport with beat residents, business owners, mail carriers, and others who know the neighborhood, as well as with current, former, and aspiring gang members.

Officers' information can be recorded on field interview and observation cards having a special section for gang data; special gang contact forms; or the agency's standard incident and arrest report forms. These reports are channeled to gang specialists for evaluation and possible entry into the gang database.

Among the information that beat officers can supply through field contacts and observations are confirmation of gang membership, name of gang and colors, along with the subject's moniker, address, physical description, date of birth, school, employer, hangouts, dress, jewelry, tattoos or other identifying marks, associates, vehicles, and weapons.

Officers should also submit reports describing graffiti and its location. Photographs of it are valuable. Officers find graffiti not only on walls but also in notebooks, on clothing, and in photograph albums, among other places. A form of gang

communication, graffiti can indicate gang territory, turf in dispute, gang leaders and other members, monikers, challenges by rival gangs, individuals targeted for retaliation, and claimed responsibility for crimes committed by the gang. As one moves away from the center of a gang's power or territory, the more the gang's graffiti may be crossed out and the graffiti of rival gangs substituted. Many agencies say they regret not paying more attention to graffiti in the early stages of their gang problems.

## **Information Generated by Gang Specialists**

Gang specialists within agencies can contribute to the database in many ways. One of their most important functions is to debrief as many arrested gang members as possible. The gang unit of one agency asks such arrestees to identify the five most dangerous gang members; eventually, a consensus among arrested gang members becomes evident. Gang specialists also review reports of crimes often associated with gang involvement, such as homicides, assaults with guns or other weapons, and sexual assaults.

Surveillance of known gang drug-trafficking locations, hangouts, and residences can provide information about customers, vehicles, associates, MOs, countersurveillance methods (such as lookouts), etc. During surveillance, gang officers take both still photos and videos. One gang unit set up an observation post above a city street and videotaped (with sound) gang members on the opposite sidewalk reenacting homicides, displaying weapons, getting payoffs for hits, receiving instructions for the day's activities, and accepting "treats" (gold chains and the like) from gang leaders. Another gang unit finds aerial photographs of a gang's locale, such as a housing complex, extremely useful.

### ***Confidential Informants***

Much information comes from confidential informants cultivated by gang specialists and other officers. Informants cooperate for a variety of motives. Some of the most common include:

- A gang member hopes to weaken a rival gang by providing tips to law enforcement.
- A non-gang drug trafficker informs to help eliminate competition from gangs.
- An arrested gang member hopes to gain a reduction in charges or sentence.
- A girlfriend of a gang member is mistreated or abused and retaliates by supplying information to officers.

- An imprisoned gang member serving a long sentence is disgruntled because of lack of continued support and communication from former associates (see Chapter 5 for a description of how the Manhattan District Attorney's homicide investigation unit has worked with imprisoned gang members).

Gang officers, as well as personnel from other units, who enter gang members' vehicles and homes to make an arrest or execute a search or bench warrant, should be alert for items and information of value to the intelligence effort. For example, many gang members like to take photographs and videos of one another. These may be located at subjects' homes, as might address books with phone numbers of other gang members. Chapter Exhibit 4-3 contains excerpts from a search warrant affidavit prepared by the Riverside (California) Police Department describing information and items often obtained from gang members' homes, safe houses, or vehicles.

## **Information from Other Agencies**

Both ad hoc contacts and formal arrangements between agencies yields valuable information about criminal gang members and gang-related crime. Often, the information network among gang investigators is an informal one, but about half of the country's largest departments are represented on multijurisdictional task forces formed specifically to combat gangs.

### **Electronic Manpower**

The Oxnard, California, Police Department's Gang Offender Comprehensive Action Program (GOCAP) is designed to provide a central clearinghouse for information about gang members, including their criminal record and current probation status, so that every officer in the patrol division can deal with gang-related crime. The premise of GOCAP is to have a gang intelligence officer conduct crime analysis, collect and correlate gang information, and get it out to all street officers, thereby creating a department-wide gang unit. The Oxnard Police Department has 148 sworn officers. GOCAP is modeled after a U.S. Justice Department-sponsored program that the department was already using to track habitual offenders. This system helps law enforcement agencies identify the worst gang offenders, track them, and prosecute more successfully when they go to court.

Essential to this program is the custom-designed computer and software package that creates dossiers on the city's estimated 1,100 individual gang members, associates, and wannabes. GOCAP includes a small computer with keyboard and monitor, a laser printer for reproducing photographs and dossiers, and a video system for putting gang members' booking pictures and other photographs into the system. The video camera can also be taken into the field to film suspects or samples of graffiti.

Information for the system is gathered through field interview cards filled out by patrol officers whenever they have contact with gang members. These are given to the gang analyst who inputs them into the computer and classifies the individual's gang involvement into three levels based on the number and type of contacts, associates, dress, and criminal record.

Information gathered through GOCAP is used for intervention efforts. Beat officers seek out and contact the parents of youth who are identified as having some level of gang involvement. For parents who are inclined to deny their child's involvement, the dossiers offer convincing evidence that is hard to deny. The same approach is used to help other community organizations overcome denial or ignorance of the gang problem. Officers regularly use GOCAP information to present to PTAs, Rotary and Kiwanis clubs, and hospitals, among other groups. GOCAP began in 1991 with \$90,000 in federal grants from the Justice Department's Office of Juvenile Justice and Delinquency Prevention, which wanted an agency to develop a computerized gang-tracking system for smaller police departments.

In some regions, gang investigators from criminal justice agencies form associations that alert members to important developments and publicize requests for information about recent gang crimes. For example, the minutes of one such association meeting indicate the following:

- Formation of new gang. Pee Wees. Some members 10 years old.
- Middle and high school gangs popping up.
- Graffiti found in restricted areas at airport.
- ABC gang is increasing its narcotics sales and may move east. Gang terms should be included in items to be seized.
- Officer shooting. Posse attempting to take over north end of town. Gang member known only as "Pirate" shot at officer. Missed. Believed hit by officer.
- Gathering information on Skinheads. Form attached to minutes and will be available at meetings. Please circulate in your agency and cooperate in gathering information.

Gang officers' contacts with personnel from criminal justice agencies other than law enforcement—such as probation and parole, corrections, courts, and prosecutor offices—can also generate substantial information. One police agency reports that most



gang data in its computerized information system originates from the local probation department.

Agencies also stress the value of information obtained from jail and corrections officials. For example, watchful jail personnel may be able to identify those with whom a jailed gang member associates, intercept communications, and report graffiti.

One Illinois state corrections official estimates that about 46 percent of inmates in the state's prisons are gang-affiliated, including 90 percent of inmates in maximum security facilities. Beginning at intake, an offender tracking system records inmates' gang affiliation, rank, and other information. Noting that what happens in prisons tends to feed back into the community, he recommends that investigators develop strong linkages with prison officials to obtain gang information.

Rather than affiliate with traditional prison gangs while incarcerated, some members of various sets of Crips and Bloods have consolidated into all-Crips and all-Bloods gangs, such as the Consolidated Crip Organization and the United Blood Nation. The latter is said to be a significant force not only within prisons but also on the streets. Others note a link between some traditional prison gangs (e.g., the Black Guerrilla Family) and street-gang members on the outside regarding drug trafficking. Hence, consulting with corrections officials for gang information should be a priority for law enforcement agencies.

## **Other Community Organizations and Agencies**

Gang specialists should elicit gang-related information from organizations outside the criminal justice system. Grass-roots community organizations in gang-crime areas are one such source. In neighborhoods where there are many recent immigrants, misconceptions of the criminal justice system may have to be addressed before residents come forth with information. Residents may be traditionally distrustful of the police because they were oppressed by police in their native lands, do not understand American criminal justice processes, or have had poor relationships or few positive contacts with police in this country. For example, they may believe that the release from custody of a recently arrested gang member resulted from a bribe. In this case, the concept of bail would have to be explained to them before they place trust in law enforcement.

Schools are major sources of information once contacts are established through gang specialists or school resource officers. In some jurisdictions, school

administrators, teachers, security staff, and parent-teacher organizations alert law enforcement by using gang information forms or special phone numbers. School staff can report graffiti as well as gang-related violence and threats. Because gang members frequently boast about their exploits, gang activity may come to the attention of school personnel and students.

Similarly, park and recreation employees are aware of gang activities in their areas and frequently can identify the more active gang members. Often, children will inform park employees about gang-related matters before they will tell law enforcement officers.

Gang-related reports and complaints by citizens constitute a valuable source of information for gang officers, but it may take time to overcome citizen fear of retaliation by gang members or distrust of the police. Citizen reports can be encouraged by establishing and publicizing a gang hot line, which should guarantee anonymity if callers so desire. Gang specialists can give anonymous callers code names so that, during subsequent calls, they can receive feedback on how their previous information has been used and thereby become motivated to continue their assistance. Code names also permit gang officers to track the reliability and value of a given caller's reports.

## **Obtaining Information from Outside Databases**

Because information about a gang or gang member is often collected by more than one jurisdiction, agencies should carefully consider expanding their focus by tapping into regional, statewide, or even national gang databases. For example, many local agencies have links with information systems operated by state police, who can access other regional or statewide databases.

Agencies that are members of local or regional task forces benefit from the expanded opportunity to share data. One jurisdiction, for instance, merged all city and county narcotics units with personnel from the Drug Enforcement Administration and U.S. Customs Service. Gang investigators can enter subjects' names and addresses into the task force's information network to determine whether another agency is already conducting an investigation of a particular target.

### ***RISS***

The databases of each of six regional projects of the Regional Information Sharing Systems (RISS) program contain gang information available to RISS members.

Participating agencies submit inquiries and receive responses through callbacks. Because of the complexities of various state laws, not all RISS projects collect data on juveniles. Focusing on multijurisdictional crime, RISS projects hold periodic information-sharing meetings and disseminate information to member agencies through bulletins, flyers, or other publications. The projects also conduct investigative, financial, criminal activity, and telephone toll analyses for member agencies. RISS projects are based in Nashville, Tennessee; Phoenix, Arizona; Randolph, Massachusetts; Sacramento, California; Springfield, Missouri; and Trenton, New Jersey.

### ***ATF***

The Bureau of Alcohol, Tobacco and Firearms (ATF) also maintains a number of databases, some of which include information on gangs, including motorcycle gangs, Bloods, Crips, Jamaican posses, and prison gangs. ATF's gang data are available to law enforcement agencies, which are encouraged to reciprocate by providing gang information to ATF. Agencies seeking gang-related information should initially contact the nearest ATF district office. If a district office does not have access to the requested data, agencies may contact the Bureau's Tactical Intelligence Branch in Washington, D.C. ATF either disseminates gang information directly to inquiring agencies or indicates sources that have the requested data.

### ***GREAT***

Nationwide implementation of a gang tracking system is an initial goal of the Law Enforcement Communication Network (LECN), a nonprofit organization run by and exclusively for the criminal justice community (law enforcement, prosecution, probation, parole, corrections, etc.). Available from LECN is the PC-based Gang Reporting, Evaluation And Tracking (GREAT) system, used by several hundred agencies in 21 states from Hawaii to Massachusetts. GREAT contains more than 150 fields of gang-related information (monikers, aliases, locations, tattoos, etc.) and includes a color photo system and an imaging capability for fingerprints, graffiti, and reports. GREAT requires LECN-specified hardware and software upgrades for agencies' existing PC-based systems. The GREAT system can operate as a totally independent stand-alone gang-tracking work station or as part of a regional network. Through its PC, an agency can query other GREAT participants in the region by dialing the region's "node," which will automatically download to the agency's PC all requested records and photos held by other members of the regional network. When fully

developed nationally, GREAT will enable an agency to contact and receive data from participants in other regions by dialing its regional node (currently, agencies must dial other regions one at a time). GREAT is said to provide access to data on more than 200,000 gang members, including their vehicles and associates. GREAT also includes a case management module, which generates incident-based management information and statistics.<sup>3</sup>

### ***Regional Databases***

Another option for some agencies is to convince adjoining jurisdictions to cooperate in forming a centralized gang database that all share and to which all contribute. Chapter Exhibit 4-4 outlines the process used by Atlanta in establishing such a database.

When developing automated information systems, agencies should carefully consider into which outside databases it would be useful to link and determine the implications for compatible hardware and software.

## **Disseminating Gang Information**

The basic principle governing dissemination of gang data is *need-to-know, right-to-know*. How that principle is applied depends on who receives the information: gang specialists in the agency; other agency personnel, such as investigators and patrol officers; outside criminal justice agencies; or others.

### **Dissemination within the Agency**

Gang specialists, whether or not they are part of a gang unit, have routine access to the gang database. In addition, to keep gang officers current, some agencies maintain logs in which gang incidents are recorded daily. Informal information sharing among gang specialists is another effective way to keep current. Special bulletins or newsletters published by some agencies alert gang officers and others about developments, cautions, information needs, and priority targets. One newsletter included items such as these:

- Gang members are hiding weapons and contraband inside vehicles' air-bag compartments and behind pull-out radio slots.
- An officer identified a gang member by querying the GREAT system about the neck tattoo "ABC."
- The 20 most wanted gang members are as follows, with their descriptions.

- The gang unit received information that subjects living at 123 Elm Street are gang members. If contacts are made with subjects at or near that address, please forward all field interview cards to the gang unit.

Whether other investigators and patrol officers should have routine access to the gang database is a question that each agency must address. Some agencies permit all officers to gain direct access to gang data through remote computer terminals. Other agencies limit initial access to queries about whether a gang member is in the database; if so, the requested information about the subject is released in accordance with specific procedures, which may require release only after approval by a gang officer. Another option is to routinely disseminate certain information to specified officers, such as by notifying beat officers about gang members who are on bail, probation, or parole or for whom bench warrants have been issued. One agency disseminates weekly bulletins on gang activity to officers throughout the agency and to city officials. These bulletins include:

- A synopsis of each incident by area, other activity in the area, related offense reports, victim and suspect information, and persons arrested.
- A listing of drive-by shootings and charges filed.
- Gang offense reports filed for the week.
- Arrestees by gang, offense, and whether juvenile or adult.

## **Dissemination to Other Agencies**

Also required are guidelines for disseminating gang data to outside criminal justice agencies, including prosecution and corrections as well as other law enforcement agencies. One police department's policy requires the following:

- Assurance that the request for information is for a legitimate law enforcement purpose.
- Confirmation of the identity and authority of the requester if the request is made orally.
- Routing of written reports to the requester through the head of the requester's agency.
- Inclusion on each report of the following release statement:

This document contains neither recommendations nor conclusions of the XYZ Agency. The document is the property of XYZ Agency and is loaned to your agency. Neither the document nor its contents are to be distributed outside of your agency.

CONFIDENTIAL

ISSUE TO:

DATE:

This report is not to be given to any other agency. Its contents are for your information only.

Another agency attaches the following statement to documents based on media sources: "The information in the publication has been obtained from mass media sources. Any conclusions and inferences drawn by the author do not reflect the official position of the XYZ Agency."

Formal or informal dissemination of gang intelligence to non-criminal justice agencies should be prohibited, unless expressly authorized by the head of the disseminating agency. When speaking to the media about a gang-related incident, many agencies take care not to attribute it to a particular gang. To do so, they say, would tend to bestow unwarranted status on gangs, legitimize them, and give them the publicity that they often seek.

## **Chapter Exhibit 4-1, Gang Member Identification Criteria**

Source: Tucson (Arizona) Police Department





## Chapter Exhibit 4-2, Data Elements Commonly Included in Gang Information Systems

Gang File	Gang Member File	Moniker File	Vehicle File
Gang name and moniker	Person name and moniker	Person name	Owner's name
Ethnic composition	Gang name and subset	Street name (moniker, which may be the same for several people)	License plate number (state and year)
Number, names, and monikers of members (and whether hard-core)	Residence address and other locations frequented	Date of birth	Make of vehicle
Turf boundaries	Phone and pager number	Gang affiliation	Model of vehicle
Hangouts and hideouts	Social Security Number		Color
Associated hazards (dogs, weapons, lookouts, booby traps, explosives, toxic materials)	Race and ethnicity		Interior and exterior oddities
Symbols	Physical description with photo		
Graffiti samples and photos	Identifying marks (tattoos, scars, etc.) with photos		
Colors	Place and date of birth		
Alliances and affiliates	Membership status (hard-core, etc.)		
Rivalries	History of violent behavior		
Assets and locations thereof	School background		

Gang File	Gang Member File	Moniker File	Vehicle File
Drug customers and suppliers	Associates and their addresses and phone numbers		
Distinctive identifiers (e.g., clothing, hair styles, tattoos, jewelry)	Criminal history (arrests, dispositions, jail or prison time served, associated ID numbers)		
Hand signs, rituals and rules	Current criminal status: bail, probation, parole, release conditions, warrants outstanding		
Communication methods	Fingerprints		
	Field contact information		
	Family data (involvement of family members in gang activity)		
	Other comments		

## Chapter Exhibit 4-3, Search Warrant Affidavit Excerpts

*Your affiant has found that gang members generally do not possess firearms validly registered and held in their names. . . . [but rather their weapons] are often stolen. Your affiant has also found that gang members will use a weapon in the commission of a crime and then take that weapon to a safe house or hide it in a specific location within their own residence or at a fellow gang member's or girlfriend's house. They then later retrieve the weapon and use it at a later date.*

*Your affiant knows that gang members frequently hide their weapons in vehicles to which they have access. . . . [They use] vehicles or vehicles belonging to their parents or friends to commit crimes. Your affiant personally knows that gang members will frequently hide weapons inside of cars located at or near locations where they live or [that they] have access to. . . .*

*. . . Additionally, your affiant knows that gang members and their families frequently park their cars down the street from their residences to (1) avoid any rival gang members being able to identify the location of their homes by virtue of seeing their car parked at their residence and (2) minimize the chance of their car being shot at or vandalized by rival gang members in case of a drive-by shooting of that person's residence. Your affiant therefore requests to search any vehicles . . . parked directly on the [gang members'] property or on the street in front of the property or adjacent to the property. . . .*

*Permission is requested [to search for weapons] and any miscellaneous gun pieces, ammunition, gun cleaning items or kits, holsters or ammunition belts, original box packaging, targets, expended pieces of lead, any photographs of firearms or any paperwork showing the purchase, storage, disposition or dominion and control over any guns, ammunition, or any of the above items.*

*Your affiant notes that whether or not the firearms sought are recovered, the above items would tend to show that a firearm existed and may have once been located in a place to which the suspect has access and that these items would tend to connect the suspect with the weapons sought. It is your affiant's experience that because of the value of firearms to the gang, the above items are not normally disposed of after the commission of a crime, and*

*that they are therefore still likely to be found at any location or in vehicles to be searched, or on the person of any suspect to be searched pursuant to this warrant. Gang members rarely dispose of firearms entirely. Firearms are valuable to street gangs as they help them to retain control of a geographical area, defend themselves against rival gangs' attacks, and to attack rival gangs. Gang members are more likely to keep the weapon themselves or pass the weapon among [gang members].*

*Gang members are known by your affiant to drape rags from their persons or vehicles to denote association with a street gang. Your affiant knows that gang members will often possess drawings or writings which contain their gang name or their moniker. Gang members will often possess these writings or drawings in notebooks or in photograph albums. Your affiant has seen gang members pose for gang pictures. Gang members will often flash their gang's hand sign in photographs and often can be seen wearing gang clothing and displaying drugs and weapons in photographs. Gang members also tend to keep these items in their residences and vehicles to which they have access. It is your affiant's experience that most gang members are known by street names or monikers and that their true identities are frequently not known to fellow gang members or rival gang members. Gang members frequently write their gang moniker in graffiti. Your affiant has seen this graffiti with the gang name and monikers of gang members on numerous items. This would include clothing such as hats, shirts, jackets, pants, and shoes; photographs; notebooks; papers; articles of furniture such as dressers, mirrors, tables, lamps, and refrigerators; various locations within and outside residences, such as closet doors, walls within residences, windows, . . . exterior walls of residences, mailboxes, and garage doors; computer programs and discs; and automobiles and trees.*

*\* \* \* \* \**

*Gang members also tend to keep newspaper clippings that make reference to criminal activity. These members will sometimes place . . . newspaper clippings in scrapbooks. These articles describe crimes committed by or against their gang. Your affiant has seen newspaper clippings seized from gang members on numerous occasions. It is your affiant's experience that gang members will write graffiti on those clippings and will cross out the names of rival gang members. . . . Your affiant also knows that gang members tend to keep address books, lists of gang members*

*and monikers or lists of current telephone numbers and addresses of fellow gang members as well as rival gang members.*

*Your affiant also knows that with the advent of modern technology and reasonably priced home computer equipment, it is possible that evidence of gang membership, affiliation, association, locations, plans, correspondence, and criminal intent may be located on the hard discs of computers as well as [on] "floppy" discs. . . .*

**Source: Riverside (California) Police Department**

## Chapter Exhibit 4-4, Case Study: Developing a Regional Gang Intelligence System

By the late 1980s, Atlanta, Georgia, faced an emerging gang problem. Because of better drug-trafficking profit margins, outside gangs moved into metropolitan Atlanta and clashed with indigenous gangs, causing violence and bloodshed.

Two initial problems prevented effective gang suppression by law enforcement: denial in some quarters that a gang problem existed and, in the face of gang activity that crossed jurisdictional boundaries, inadequate sharing of gang intelligence among agencies in the metropolitan area, which has a population of more than two million.

To help convince persons both within and outside of law enforcement that a gang problem existed, the Atlanta Police Department persuaded several gang members to meet for a videotaping session. The conversation, hand signs, and other characteristics recorded by the video helped convince skeptics. Submissions of field interview cards relating to gang members increased from two to 200 per month.

Because the gangs moved across jurisdictions, often residing in a suburban community but conducting "business" in Atlanta, and because gang activity in Atlanta spread into outlying areas, the Atlanta Police Department proposed that all affected agencies establish a shared Gang Intelligence System (GANGIS), from which all would receive information and to which all would contribute data. More than 30 metro area agencies now participate in GANGIS, which was developed with financial assistance from the BJA Urban Street Gang program. The system provides automated information support (text and image data) not only to law enforcement but also to prosecution, correctional, and parole agencies. GANGIS is housed within the Special Investigations Section of the Atlanta Police Department, which provides direct operational, technical, and administrative support. The objectives of this computerized intelligence network include the following:

- Transcend jurisdictional and political boundaries and increase gang suppression effectiveness by targeting important gang members, gang associates, and gang criminal activities; track gang assets; and identify emerging gangs. Of particular concern are gang leaders, violence-prone members, and mid- to upper-level drug traffickers.
- Enable contiguous local, state, and federal law enforcement agencies to share information more effectively, thereby leading to better decision making and strategies.

- Provide commanders, as well as patrol and investigative supervisors, with a better understanding of gang-related problems in their areas of responsibility by permitting them to gain access to the GANGIS database from remote locations throughout the metro area.
- Support selective prosecution of gang leadership and membership, and deprive gang members of anonymity, even when they change jurisdictions.
- Discover links between incarcerated offenders and outside gang activities, and provide background information on gang members entering correctional facilities so that officials can segregate members as appropriate.
- Provide information on parolees' involvement in gang activities and their association with gang members.

As part of the development of GANGIS, a lengthy requirements analysis was performed. It covered objectives; data entry, update, and purging; data elements; search capability; reports; software and hardware; security; backup and recovery; training; and definitions of key terms. Regarding search capability, for example, GANGIS can retrieve information in response to queries ranging from simple to complex. For instance:

- Who is the leader of the Rolling 60s Crips? What is the address of John Doe? Who are the members of the I-Refuse Posse?
- Which gang members have been arrested on beat 101 for trafficking crack cocaine? Which gang members have been arrested for more than three aggravated assaults? Which gangs are identified by the five-point star symbol?
- Which gang members rented a vehicle between February 1, 1992, and February 10, 1992, and purchased less than one-quarter kilogram of cocaine from an undercover agent in an auto detail shop in southwest Atlanta?

The GANGIS bylaws and constitution govern the system's participants and describe the membership application process, advisory board, and the system's location, maintenance, operations, security, and dissemination procedures.

GANGIS is the cornerstone of a coordinated, multijurisdictional undertaking designed to identify and monitor gang members, track gang-related activity, generate analyses on emerging gang-related trends and patterns, target gang leadership for selective enforcement, and help agencies evaluate their performance.

**Source: Atlanta, Georgia, Police Department**

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<sup>1</sup> Standards for Law Enforcement Agencies, Commission on Accreditation for Law Enforcement Agencies, July 1990, p. 51-1.

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<sup>2</sup> Johnson, Claire, B. Webster, E. Connors, and D. Saenz, "Gang Enforcement Problems and Strategies: National Survey Findings," report on the 1992 survey on gang prosecution by the National Institute of Justice, U. S. Department of Justice.

<sup>3</sup> For more information, contact LECN, P.O. Box 3098, Torrance, California 90510-3098, telephone 310-543-3195. LECN membership and participation in GREAT are restricted to official criminal justice agencies.



## Chapter Exhibit 4-1, Gang Member Identification Criteria

### GANG INFORMATION CARD

\*\* Shaded items are required to be completed prior to submission \*\*

Alert Info: <input type="checkbox"/> Armed & Dangerous <input type="checkbox"/> Informant <input type="checkbox"/> Address <input type="checkbox"/> Precinct/Parole <input type="checkbox"/> Other																			
Last Name					First Name					Part. No.									
Address										Date									
Race		Sex		Age		Hair		Eyes		Light		Dark		Color					
DOB		City		County		DOB		DOB		DOB		DOB		DOB					
Owner's LG: <input type="checkbox"/> A State <input type="checkbox"/> Other																			
Clothing (includes type and color)										Jewelry (fracture)									
Name of employer										Occupation									
SH address					City					State									
Gang type: <input type="checkbox"/> MC <input type="checkbox"/> Street gang <input type="checkbox"/> Prison gang <input type="checkbox"/> Extremist <input type="checkbox"/> Narcotics <input type="checkbox"/> Other										Gang location									
A Name										Relation									
S Name										Relation									
S Name										Relation									
O Name										Relation									
C Name										Relation									
Crime:										<input type="checkbox"/> Suspected of <input type="checkbox"/> Associated with <input type="checkbox"/> Involved in									
Occurrence - Date:										City:					State:				

Source: Tucson (Arizona) Police Department

The narrative shall include information on how gang membership was established (i.e. admission, affios, dress, etc.). The following things should be considered when gathering information, when applicable:

- Subject's demeanor
- Subject's destination and length of stay
- Purpose of visit
- Names and addresses of relatives in area
- Money (including money orders) in possession
- Paper information
- Prer charges and agency
- Contraband, weapons, paraphernalia
- Names, addresses and telephone numbers
- Graft is
- Gang colors
- Length of time as a gang member
- Rival gangs in town

Gang Membership Identification: \_\_\_\_\_ Self Proclamation \_\_\_\_\_ Paraphernalia and Photographs \_\_\_\_\_ Tattoos \_\_\_\_\_ Other (Explain below)

Narrative: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

S	Type:	1 = Tattoo - Animal	3 = Tattoo - Words	5 = Scars	7 = Abnormality
C		2 = Tattoo - Person	4 = Tattoo - Other	6 = Hype tracks	
A	Location:	01 = Head	04 = Left hand	07 = Back	10 = Unknown
R		02 = Left arm	05 = Right hand	08 = Abdomen	11 = Genitals
S		03 = Right arm	06 = Chest	09 = Buttocks	12 = Left leg
M	TYP	LDC	DESCRIPTION		13 = Right leg
A					14 = Left foot
R					15 = Right foot
K					
S					
T					
A					
T					
O					
O					
S					

Tattoo's photo \_\_\_\_\_ Agency ID# \_\_\_\_\_ Design # \_\_\_\_\_ Reviewed By \_\_\_\_\_ FBI Link # \_\_\_\_\_

## **Chapter 5**

# **Gang Suppression Operations and Tactics**

Effective suppression is essential to establish an environment that remains free of criminal gang activity in the long term. The BJA Urban Street Gang project focuses primarily on strategies leading to the incarceration of hard-core and associate gang members who commit felonies and virtually control neighborhoods. These enforcement actions are seen as paving the way for longer term community and agency interventions.

Only by putting gang suppression in that larger context will law enforcement make a difference. Although this publication focuses primarily on suppression, many law enforcement agencies consulted in the development of this manual are concerned with a broad-based approach as expressed by the Tucson, Arizona, Police Department:

The roots of the gang drug lifestyle are embedded in the social fabric of the community. This makes a broad-based, multifaceted effort critical. [Short-term] goals . . . target hard-core gang members, the individuals firmly committed to a variety of criminal enterprises, including drug dealing and violence. . . . [Long-term goals] attempt to ‘target harden’ the community and its children in order to prevent the gang drug lifestyle from easily taking root or growing in neighborhoods and schools.

From experience, the local criminal justice system has learned that unless it is effective in ensuring that the hard-core face the consequences of their actions, the community will not become or stay involved in combating the problem. The simple fact is that providing tutoring, recreation programs, or even jobs will not work if intimidation by drug-dealing gang members forces people into unacceptable choices. On the other hand, even the most effective criminal justice system cannot make up for the lack of opportunity for a decent life. The overall plan strives to integrate these activities in order to achieve the balance necessary to effect substantive changes.<sup>1</sup>

## Developing Strategies Based on Gang Intelligence

The many tactics outlined in this chapter are intended as a basic presentation of options. Their use may or may not be appropriate depending on local circumstances, including gang characteristics and MOs and the characteristics and criminal histories of targeted gang members.

### Street Gang Classifications and Characteristics

The unique nature of each targeted gang must be considered in developing enforcement strategies. Based on reliable gang intelligence, how does the agency characterize these gangs, and what does this mean in terms of selecting suppression tactics?

As gangs frequently organize along ethnic lines—that is, by racial, national, linguistic, and cultural background—the practice of most agencies is to classify gangs initially by ethnicity. The next step is to select and refine tactics by examining each gang in terms of such characteristics as geographic range, history of violence, crimes committed, organizational structure, rituals, citizenship status of members, whether turf-oriented or entrepreneurial, and whether indigenous or new to the jurisdiction.

Agencies commonly use broad ethnic classifications such as Asian, Hispanic, African American, Jamaican, White, Chinese, etc., although some broad classifications relate to a common interest (e.g., motorcycle gangs, white supremacist gangs). These groupings will vary depending on the gangs that predominate in the jurisdiction. Of course, there may be many subcategories within these classifications, and within the subcategories there may be hundreds of specific gangs. The Crips and Bloods, for example, whose members are primarily African American, have formed hundreds of factions or "sets" in the Los Angeles area where they originated and in other cities. Asian gangs may include Vietnamese gangs with such factions as the Natoma Boyz, Nip Family, and Oriental Boyz. White supremacist gangs may include Skinheads, Posse Comitatus, and others.

The sections that follow highlight some of the most violent gangs encountered by the Urban Street Gang sites and other jurisdictions. The discussion is not exhaustive, and readers should be alert to the fact that there are many exceptions to the generalizations made. Within these limitations, the discussion draws upon experienced gang investigators as its primary sources and illustrates the diversity among criminal gangs in this country.

## ***Asian Street Gangs***

The cultural differences among gangs with ethnic ties to China, Vietnam, Korea, Laos, and other Asian countries are important and should be examined in depth. However, some common trends can be noted. For example, Asian street gang members tend not to dress in a distinctive manner, display colors, bear tattoos (with the exception of the Japanese Yakuza), or adopt other visible indicia of gang membership, and they are not inclined to claim gang affiliation to law enforcement. Law enforcement agencies have several other reasons for considering Asian gangs particularly difficult to investigate. These include language barriers, a lack of Asian investigators, a limited understanding of Asian cultures and Asian gang formation, a poor or distant relationship with Asian communities in general, and the mobility of Asian gang members across state and national lines.

At the most basic level of investigation, the many languages and dialects spoken by Asian gang members represent a formidable obstacle. Electronic surveillance becomes more time-consuming and costly because of the language factor. Infiltration by undercover officers is virtually impossible unless they thoroughly understand the nuances of the language, dialect, and culture. Even when that hurdle is surmounted, initiation rituals requiring commission of a crime are likely to block undercover infiltration.

As a rule, Asian gangs are more profit-motivated than turf-oriented. Violence to protect territory per se is not common. When violence does erupt, it is much more likely for defense of profitable criminal activity in a locality, not as an expression of a proprietary claim to a neighborhood. Indeed, Asian gangs can be highly mobile, especially Vietnamese and other Indochinese gangs, whose members roam across the nation, committing crimes as they go. Often described as criminally sophisticated and violent, Indochinese gangs are said to be quite familiar with states' extradition laws and sometimes select their crimes accordingly. Such mobility and criminal expertise argues for tactics based on interregional cooperation and coordination among agencies.

The types of crimes associated with Asian gangs have obvious implications for suppression tactics—for example, hit-and-run home invasions, drug trafficking (often at the “weight” level), extortion of merchants and other business owners, auto theft, and insurance fraud. Victims are likely to be members of the Asian community, who often do not report crimes because of intimidation, a culturally-based distrust of law

enforcement, or an acceptance of some forms of victimization (as with some Chinese business owners who regard extortion as a customary way of doing business).

### ***Hispanic Gangs***

This broad category generally refers to gangs with cultural ties to Mexico, Cuba, the Dominican Republic, other Central American countries, and Puerto Rico.

Hispanic gang members often dress in a distinctive fashion, use monikers, display colors, communicate through graffiti, and bear tattoos (frequently denoting monikers or gang affiliations). The gangs are often intergenerational, with a long tradition that inspires extreme loyalty by members, including a strong code of silence. This unwritten code emphasizes that members are never to cooperate with law enforcement or other authorities and are never to inform. For this reason, many agencies regard Hispanic gangs as more difficult to investigate than gangs whose formation is relatively new. Further, as with many other gangs, membership may involve commission of a crime.

Hispanic gangs, whose names frequently refer to their territories (such as streets), tend to be highly turf-oriented, a characteristic that often triggers violence when the neighborhood or barrio is perceived as threatened by rival gangs or government agencies. Many Hispanic gang members regard violence toward rivals as legitimate behavior and may regard no insult too small to go unanswered. Crimes have included homicide, assault, drug trafficking, robbery, auto theft, and others.

Particularly in the western states, agencies observe that gang leadership is often quite fluid and can be assumed by any member who has skills needed at a given moment. This type of loose organizational structure could rule out investigations patterned on RICO-like statutes.

### ***Crips and Bloods***

The Crips originated in Los Angeles in the mid- to late 1960s, and the Bloods were formed in reaction to the Crips.<sup>2</sup> Both gangs have many loosely structured subgroups or "sets," most of which are from specific neighborhoods. Typically, members dress in a distinctive fashion, display colors (with blue associated with Crips and red with Bloods), use monikers, sometimes display gang names or monikers on clothing, and communicate through graffiti. However, when individual members or sets

become more serious about drug trafficking, they may also become more cautious about calling attention to themselves with these outward signs of gang affiliation.

In the early 1980s, members of both gangs turned up in other cities and other states, primarily to sell cocaine. Investigative reports in 1991 placed Crips or Bloods in 32 states and 113 cities, including 69 cities outside of California.<sup>3</sup> However, these migrations are not orchestrated by any sort of national leadership. Instead, criminal acts are often committed or directed by individual leaders (who change frequently), rather than resulting from some hierarchical or collective decisionmaking process.<sup>4</sup> The Los Angeles District Attorney provides this description:

“The Crips is a loose association of some 200 gangs, many of which are at war with one another, and none of whom recognizes or exerts any kind of central authority. Individual gangs are equally marginal in their organization. Most are loosely knit coalitions of small, autonomous cliques.”

The District Attorney also states that there is no evidence that youngsters are routine participants in gang violence. The average age of shooters in gang homicides is around 20.

### ***Jamaican Posses***

Jamaican street gangs or posses formed during the 1970s in the area of Kingston, Jamaica. Members of a given posse tend to come from the same neighborhood in Jamaica, but there are some notable exceptions. These include the Rat Posse, all of whose members have killed Jamaican police officers; the Hotsteppers, composed only of Jamaican prison escapees who have been convicted of a capital offense;<sup>5</sup> and the Shower posse, so named from its practice of showering victims with bullets.<sup>6</sup> Between 1985 and 1992, over 4,000 homicides in the United States were attributed to Jamaican gangs.<sup>7</sup>

Like the Crips and Bloods, Jamaican posses are not hierarchical organizations. Leadership appears to be based on such things as "status and reputation in Jamaica and access to money, weapons, and drugs."<sup>8</sup> Nevertheless, many posses have successfully imported, distributed, and directed the street sales of vast quantities of drugs, focusing on crack cocaine by the mid-1980s. Although drug trafficking is the major source of income, some posses are organized for other purposes, including firearms trafficking, robbery, shoplifting, and murder for hire.

Most posse members in the United States are illegal aliens. They change their names frequently (although they retain their street names) and have easy access in Jamaica to illegal immigration documents and other forms of identification. Within this country, they are highly mobile and are found in rural as well as urban areas. From points of entry in Florida and New York City, and more recently New Orleans and Houston, Jamaican posses have spread throughout the United States. An estimated 40 posses with a total membership of 22,000 now operate in 35 states.

### ***Chicago Gangs***

Among the most notorious of Chicago street gangs are the El Rukns, Vicelords, Black Gangster Disciples (BGDs), and Latin Kings. The Chicago Police Department's gang crimes unit considers these gangs inseparable from drugs and estimates that 75 percent of gang crime arrests are drug-related.<sup>9</sup> They are generally characterized as well organized, but with splinter factions that often undermine their enterprises. Low-level members acquire criminal histories and have few assets, while higher-ups often invest in real estate acquired in the names of family members. In recent years, loose alliances between gangs have formed. Vicelords, BGDs, and Latin Kings have been encountered in other states, primarily in the Midwest. However, they do not appear to engage in much interstate communication.<sup>10</sup> For example, members of the BGDs and Vicelords who were based in Detroit came to Ft. Wayne, Indiana, in the mid-1980s and were able to organize local gangs for the purpose of drug trafficking and other criminal activity.

The El Rukns were dealt a severe blow when, as a result of seven separate federal trials in 1991, 62 members were convicted of racketeering, drug trafficking, and other charges, with 12 defendants receiving life sentences. The El Rukns have a 25-year criminal history under the leadership of Jeff Fort, who began serving a 75-year sentence in 1987 for conspiring to commit terrorist acts for the Libyan government. The gang began as the Blackstone Rangers in the 1960s and later became known as the Black P Stone Nation, a large amalgamation of gangs. In the mid-1970s, Fort formed the El Rukns, and by the 1980s the gang had more in common with organized crime than with most other street gangs. With drug profits as their main income, gang members bought buildings and businesses, bribed public officials, and sought out national and international criminal connections.



### ***Other Street Gangs***

Virtually all large jurisdictions, and many small ones, are contending with indigenous criminal gangs. Some are relatively well organized and have factions outside their home jurisdictions (e.g., the Miami Boyz in Florida and several southern states). Others have small territories and are very loosely organized. Some develop their own indicia (clothing style, hand signs, etc.) or copy those of nationally known gangs. Some engage in violent confrontations with other gangs over turf or drug trafficking "rights," while others are organized by—or used by—members of Crips or Bloods sets, Vicelords, BGDs, or others.

Most local gangs tend to organize along racial or ethnic lines (although some are multiracial), and many "homegrown" gangs are composed of either Hispanic or African American members. Today, law enforcement is increasingly concerned about the criminal activities of several types of gangs whose members are primarily Caucasian. Some are distinguished by their affinity for a particular type of music (e.g., punk, heavy metal). Others (e.g., Skinheads, various neo-Nazi groups) advocate white supremacy and perpetrate hate crimes. Agencies have associated both groups with drugs, assault, burglaries, vandalism, shoplifting, petty theft, and other crimes.

Other violent groups may also fit the legal definition of a criminal gang but are not generally considered street gangs. These include groups that commit rape, child abuse, murder, desecration of churches and graveyards, and other crimes in connection with Satanism or the occult.

### ***Outlaw Motorcycle Gangs***

Outlaw motorcycle gangs were not targeted by any of the Urban Street Gang demonstration projects. However, many biker gangs are well organized and are involved extensively in drug and weapons trafficking, murder, rape, and other violent crimes. The major biker gangs operate nationally or regionally in urban, suburban, and rural communities. Further, more and more members in recent years have purchased legitimate businesses as fronts for their illegal operations.

## Motorcycle Gangs

In 1948, members of the Pissed Off Bastards of Bloomington, a motorcycle gang with a reputation for violence, formed a new gang in San Bernardino, California—Hell's Angels. The gang's "mother chapter" moved to Oakland, California, in the late 1960s, where it remains today. Hell's Angels, with some 700 members, is now the largest of the country's hundreds of outlaw motorcycle gangs. Among the other large biker gangs with reputations for violence are the Outlaws, Pagans, Bandidos, Sons of Silence, and the Vagos.

Many of the well established outlaw motorcycle gangs have organizational structures reminiscent of traditional organized crime families, with national, regional, and chapter officers, members assigned to intelligence, and associates that include attorneys and financial advisors as well as drug traffickers.<sup>1</sup>

The involvement of biker gangs in crime includes trafficking in methamphetamine and other drugs, weapons violations, murder, rape, prostitution, counterfeiting, extortion, arson, and motorcycle and other vehicle thefts. The biker subculture is nearly impossible for undercover investigators to penetrate, since prospective members are often required to commit a felony in the presence of members. Many biker gang members have military backgrounds, bringing with them weapons expertise and countersurveillance skills. The women associated with these gangs are demeaned and violated. The wings and some of the patches that gang members wear are awarded for performing sex acts in front of witnesses.<sup>2</sup>

The Harley Davidsons, tattoos, denim or leather vests, and other outward trappings of membership are well known. What is not so well known is the extent to which biker gangs have moved into legitimate business. As they became more profit-oriented in the 1970s and 1980s, "Hell raising brawls or disturbances became less pronounced as members of larger gangs became more image conscious. . . . Many members posed as legitimate businessmen and began purchasing properties, restaurants, construction companies, only to later use the 'legitimate' businesses as fronts for laundering moneys profited [sic] from their illegal operations."<sup>3</sup>

<sup>1</sup> *Outlaw Motorcycle Gangs*, Bureau of Alcohol, Tobacco and Firearms, pp. 5-8.

<sup>2</sup> *Dangerous Motorcycle Gangs Glossary of Terms*, Bureau of Alcohol, Tobacco and Firearms, 1985, p.6.

<sup>3</sup> Ann Richardson, Criminal Intelligence Specialist, California Department of Justice, *A U. S. Perspective on Outlaw Motorcycle Gangs*, briefing paper for the 17th Annual International Outlaw Motorcycle Gang Conference, Orlando, Florida, September 1991, p. 17.

## Implications of Gang Characteristics for Law Enforcement Strategies

### *Language and Cultural Barriers*

Investigating gangs whose members have roots in foreign cultures often presents difficulties that surpass those encountered with investigating Italian-American or other organized crime groups. There are several reasons for this, including language barriers, a lack of understanding of cultures and gang formation, the history of the agency's relationship with the community in general, and the mobility of crime group members across state and national borders.

As an example, consider the problems associated with investigating Asian gangs. At the most basic level of investigation, local police are often poorly equipped to deal with Asian (and other) victims, witnesses, and perpetrators who speak little or no

English. Asian witnesses and victims may be reluctant to report crimes to the police or to cooperate in investigations for a number of reasons, and not only because of language barriers. They may fear retaliation. They may have a poor understanding of the American criminal justice system, believing, for example, that a person released on bail must have paid off the authorities. Many simply distrust the police because of poor relations with them here or abroad. Some Asian merchants accept extortion as a customary way of doing business.

The local police department may have few resources with which to break down such barriers. It may have no Asian officers, the Asian officers it does have may not speak the language or dialect of the perpetrators, they may lack general investigative experience, they may choose other specializations, or the department may be concerned about creating, or appearing to create, special units along racial lines. At the same time, undercover investigations of organized Asian crime groups are virtually impossible unless investigators thoroughly understand the nuances of various Asian languages, dialects, and cultures.

Further, there is a broad spectrum of crimes in which various Asian crime organizations are engaged, including heroin trafficking, extortion, gambling, prostitution, money laundering, home invasion robberies, assault, and homicide. The lines between federal and local areas of responsibility are not always clear. Extortion and prostitution, for example, clearly affect local communities, yet they may have federal implications (e.g., the proceeds may help finance international drug trafficking, or the emerging gangs involved in these crimes may have the potential to evolve in a few years into more complex and far-reaching organizations). Similarly, at the local level the lines are often blurred between organized crime, gang crimes and gangs that do not fit the definition of organized criminal enterprises, and street-level crime. These definitional problems affect the way in which departments allocate their personnel and resources to combat Asian crime.

One recent study found that there were probably as many different local police responses to Asian organized crime as there were cities with Asian crime problems (Dombrink, 1990).<sup>11</sup> Among police responses are the following:

- Develop traditional investigative units dedicated to Asian crime.
- Develop specialized Asian organized crime databases and intelligence files.
- Assign Asian crime specialists to various types of investigative units.
  - Organized crime units
  - Intelligence units

- Gang units
- Immediately connect Asian victims through the police switchboard to a 24-hour translation service provided by a local language institute.
- Use one officer with language or cultural facility to staff an official or unofficial desk for Asian racketeering.
- Create community relations-type patrol squads comprised of officers with language or cultural facility.
- Create specialized backup squads that respond to calls for assistance from patrol officers.
- Set up Asian crime desks in precincts that are populated by Asian residents.
- Coordinate the work of Asian crime investigators with vertical prosecution units in the district attorney's office.
- Participate in various types of multi-agency Asian crime task forces for intelligence sharing and joint investigations.
- Assign local police specialists regularly to specific federal agency operations.
- Serve as a host agency for federal agency investigators to work on a specific case, organization, or group of suspects.

The diverse nature of Asian organized crime groups, the varying levels of experience local departments have with these groups, the variations in local resources, and a lack of evaluations in this area preclude developing a generic model for combating Asian organized crime at the local level. However, some recommendations can be made:

- Base the department's response on a thorough assessment of available intelligence and information and on cooperation with Asian residents. The organizational models used for traditional organized crime investigations may not fit.
- Ensure the availability of translators to aid in taking reports from and interviewing Asian victims, witnesses, and perpetrators. Interpreters should not only be fluent, but should be sensitive to cultural factors and aware of the nuances of language.
- Actively recruit and train Asian officers and investigators. Some of the obstacles associated with this recommendation were noted earlier; however, the benefits in terms of both investigations and community outreach are important. There is often a reluctance among qualified Asian American men and women to go into police work. Personal contacts and other active recruitment efforts will be needed at colleges and within Asian communities.
- Conduct a targeted community education and outreach effort. This is essential if local police are to make progress in getting Asian victims and witnesses to be

more forthcoming. In this regard, a number of techniques should be considered, including the following:

- Develop foreign language videotapes that explain:
  - General orientation to the American criminal justice system
  - Various police functions
  - When and how to contact the police, and what to expect
  - Community concerns with gangs and organized crime.
- Establish foreign language crime and information reporting hotlines that ensure caller anonymity.
- Consider ways in which various community policing approaches can be adapted to meet the unique needs of Asian communities. Techniques to consider include establishing Asian crime desks at local precincts and staffing storefront offices or establishing foot patrol beats using officers selected for their ability to communicate with members of the Asian community.

In addition to language and cultural barriers, gang MOs often limit the range of suppression tactics available to enforcement agencies. Some examples are provided below.

### ***Control of Geographic Areas***

Some violent gangs have been able to take advantage of the geography, street configurations, and traffic patterns of certain neighborhoods or of the physical layout or isolation of certain housing complexes. In these situations, law enforcement's ability to conduct surveillance or use traditional buy/bust tactics is severely hampered. For example, one Tucson neighborhood's grid of exterior streets and curved interior streets made the area ideal for retail drug trade. Crack houses were located so that surveillance was impossible to survey. A mid-level drug dealer there dealt only with acquaintances. This combination precluded the police department's use of most of its traditional enforcement and investigative methods.

The department, in cooperation with the neighborhood, declared the area a "high profile enforcement drug trafficking area" subject to special enforcement efforts, including around-the-clock police presence and signs indicating that surveillance was occurring and license plates were being recorded. This strategy hurt drug operations economically. When the dealer moved to other locations, police followed him and ensured a high discomfort level through similar tactics. In addition, the agency pursued possible code violations in buildings where the trafficking occurred and prodded landlords to evict tenants known to be involved in criminal activities. The Tucson Police

Department reported that residents began to organize in the community and were able to walk freely and congregate in the neighborhood. However, the police also acknowledge that the neighborhood's ultimate fate still rests in the ability of its residents to remain organized and promote an intolerant attitude toward criminal gangs and drugs.

When traditional enforcement tactics seem blocked, some individual officers have devised innovative tactics. For example:

- To avoid recognition by a gang member selling drugs, an undercover officer cruising a neighborhood on his motorcycle made the buy with his helmet's visor down.
- To videotape his street-corner drug buys at night, the undercover officer drove a heavy duty utility truck with infrared cameras installed in the outside air vents. A baby's restraining seat strapped to the passenger-side seat prevented sellers from getting out of camera range by entering the vehicle.

Gangs in public housing developments also pose significant problems and often require special approaches to investigate and suppress. Drug abuse in public housing areas has been a critical problem for years, and gangs have virtually taken over some public housing developments.<sup>12</sup> In Chicago, the Chicago Housing Authority (CHA) implemented a program, Operation Clean Sweep (OCS), in cooperation with the Chicago Police Department that systematically swepted numerous public buildings to secure temporary control.

OCS involved ousting trespassers, inspecting all units, securing lobbies, installing security guards, and giving residents photo identification cards. It included identifying residents' needs, repairing and maintaining units, and involving residents in establishing security. OCS was a multi-stage program. Phase I involved securing the facility and restoring common areas. This stage had 12 steps, which included selecting sites, meeting with involved parties, securing the perimeter of the development, opening an on-site operations center, inspecting units, making building repairs, instituting visitor policies, identifying immediate social service needs, and notifying the press and local officials.

Phase II involved improving property management. Improvements in administration were designed to remove tenants who broke the law or CHA regulations and ensure that new residents would act responsibly. This included improving income review procedures, resident screening, leasing requirements, tenant recertification, and rent collection.

Phase III involved social services assessments and resident participation in improvement initiatives. In the months immediately following a sweep, resident service teams made door-to-door assessments of resident needs, identifying and helping school dropouts, unemployed persons, and persons with substance abuse problems.

The benefits of this approach are still under study by the U.S. Department of Housing and Urban Development.

### ***Insulated Adult Leaders***

Hard-core members of many gangs are well known for their use of juvenile "employees" to insulate themselves from law enforcement. Leading gang members do so by using juveniles to conduct street-level drug trafficking and other front-line work, to carry their weapons, and to act as bodyguards. These leaders are often extremely intimidating to associates and witnesses and hire others to handle whatever violence is required to assure control.

Unless through error or negligence such a person provides the basis for a serious charge, an agency's options may be limited. One approach is to arrest the individual for any number of misdemeanor offenses committed, such as disorderly conduct, reckless driving, or trespassing. The short-term objectives here would be to document enough of a criminal history to eventually merit a prison sentence.

### **Suppressing the Black Park Gang**

Although the gang itself used no particular name, neighborhood residents dubbed it the Black Park gang because it shot out lights surrounding a park to inhibit detection by police. Essentially, the gang had commandeered the park as a base of operations.

This New York City gang was comprised of Puerto Ricans who grew up in a public housing development near the park. Active gang members numbered between 50 and 75. Law enforcement targeted the gang because it was particularly vengeful, vicious, and murderous and because it distributed multiple kilos of heroin and crack throughout the city. The gang's activities also occurred in one other state and Puerto Rico. Investigators believed that Black Park members committed at least 15 murders and that the gang had targeted 14 other persons for the same fate. Among the numerous murders committed by one 19-year-old Black Park member was that of a woman in Puerto Rico, shot 40 times with a semiautomatic weapon.

With drug-trafficking proceeds, gang leaders bought legitimate businesses through which they could launder additional drug profits. Those businesses included a stationery store, beauty parlors, grocery stores, and a liquor store.

Taking the lead, the homicide investigation unit (HIU) of the Manhattan County District Attorney's Office pursued an investigation in cooperation with many other agencies, including the New York City Police Department, housing authority police; police in another state and in Puerto Rico; and federal agencies, including ATF, DEA, and FBI. Among the tactics that the HIU used within the context of its multijurisdictional approach were the following:

- Intensive study and initial surveillance of the gang. This included photo and video surveillance as well as use of confidential informants to identify the gang's hierarchy, structure, drug-selling locations, and range of illegal activities.
- Infiltration of the gang by undercover officers. Although the focus of undercover officers was on top-level gang members, information was gathered on all members and on their business locations, goods or property owned, and means of communication. Often lower level gang members became informants or witnesses. In addition to buying drugs and weapons at the highest possible level within the gang, undercover officers tried to acquire information that justified court permission for the unit to use various electronic surveillance devices.
- Cultivation and use of confidential informants. By debriefing gang members after arrests or while in prison, the unit identified and cultivated those willing to become confidential informants. They proved invaluable for introducing undercover officers to other gang members, for gathering supplementary information about past, present, and planned gang crimes (particularly about homicides), and for testifying against key gang members.
- Electronic surveillance. The unit found electronic surveillance essential to making successful cases against gang members, especially when the goal was to prosecute them as participants of a criminal enterprise under applicable state or federal statutes.
- Cooperation with parole and probation. The unit initiated action to revoke probation or parole of gang members found violating release conditions.
- Asset forfeiture. The unit targeted for seizure and forfeiture gang members' possessions—such as cars, boats, real estate, and businesses—purchased with drug proceeds or used to facilitate the distribution of narcotics.

Through use of such tactics, the HIU dismantled the gang. However, the park was, in effect, a power vacuum and lay in wait for another gang to take over. To prevent this, the lights surrounding the park were repaired and activities for youth at the park initiated, such as recreation programs supervised by the Police Athletic League. The neighborhood soon renamed Black Park as White Light Park, which has remained gang free.



Removing the individual from the streets temporarily could disrupt the flow of business and permit the use of other tactics, or at least send a message that the agency will diligently pursue criminal gangs. In some instances, such arrests might warrant a search of the subject, which could yield drugs, weapons, or stolen property, leading to more serious charges.

To be effective, of course, such a tactic depends on cooperation by prosecutors, whose priorities are inclined to focus on more substantive cases.

An individual such as the one described above may also be a candidate for a state conspiracy investigation. Some gangs use a structured communications system involving pagers and pay and mobile phones. In such cases, court permission for wiretaps may be required. But if cost, legal, or resource constraints prevent a local agency from doing this, involving a federal agency in the investigation is another possibility (e.g., ATF, when federal firearms violations are involved). These approaches are discussed later in the chapter and in case examples.

### ***Knowledge of Police Operations and Policies***

Not infrequently, gang MOs are rooted in an awareness of investigative techniques. This does not necessarily negate the effectiveness of the techniques themselves, but it does argue for their review to determine whether changes in their implementation are warranted.

For example, in New York City, one Jamaican posse included members who were ex-police officers, some having trained in the United States. Their knowledge of tactics used by the New York Police Department (NYPD) was substantial. Undercover officers operating out of a district attorney's office were permitted to use tactics significantly different from those of other law enforcement personnel in the city. The district attorney's (DA) gang unit acted inconsistently with local police practices in the following ways:

- Provide front money for drug buys.
- Conduct inside buys.
- Carry weapons during buys. Because of high robbery potential, absence of weapons would alert sellers that buyers were undercover officers.
- Purchase drugs and weapons as part of the same transaction.
- Make buys on weekends and at night, not just during “typical shift” daylight hours.
- Make buys during special events (e.g., on Super Bowl Sunday).

### ***Hidden Wealth***

Some criminal gang leaders and hard-core members have accumulated such wealth through their illegal enterprises that an examination of their investments may be worthwhile. In addition to purchasing such items as luxury cars and jewelry, they may have purchased real estate or businesses through which they launder illegal profits. Agencies may consider seizing such possessions by applying state or federal asset forfeiture laws, and some gang leaders may be appropriate targets for financial investigations.

### ***Status as Illegal Residents***

With gangs whose members are primarily illegal aliens, law enforcement should consider delaying arrests until the entire gang can be apprehended in one operation and consequently deported. A more incremental approach permits members to flee to their native lands. When illegals are gang members, obtaining confidential informants by threatening deportation is often an effective tactic. Some agencies have worked successfully with the Immigration and Naturalization Service (INS) on gang cases involving illegal residents.

### ***Aggressive Attempts to Organize Local Gangs***

Gang members who are new arrivals from other jurisdictions may require agencies to revise tactics. For example, instead of covert surveillance, some agencies switch to overt surveillance, including videotaping, to let new arrivals know that their anonymity is lost. Sometimes this is enough to induce them to leave the jurisdiction. The ability of any agency to do this, of course, depends on high quality gang intelligence networks.

## **An Overview of Suppression Tactics**

Because street gangs have become increasingly involved in drug-related crimes, the tactics outlined below have a strong drug enforcement orientation. This section assumes that agencies have a thorough working knowledge of how to implement drug enforcement tactics. The descriptions here are brief and primarily serve to provide a context for such tactics in gang suppression. For further information, the reader should review other BJA drug enforcement monographs.<sup>13</sup>

## **Use of Confidential Informants and Undercover Officers**

### ***Confidential Informants***

The cornerstone of gang suppression efforts is cultivation and use of confidential informants (CIs), by far the tactic that agencies employ the most, despite the often high cost of CIs in terms of maintenance, time, protection, preparation for court testimony, and possible eventual relocation.

Working under the direction of investigators, CIs supply four major services:

1. Purchasing drugs, weapons, and other items from, or selling them to, gang members, who thereby expose themselves to arrest and prosecution.
2. Introducing undercover officers to gang members for purposes of infiltration, purchase or sale of drugs, and collection of essential information.
3. Providing such data as the location of crack houses and other "business" locations; assets held by gang members; identity of gang leaders and violent members; past crimes and who committed them; planned crimes; MOs; and addresses, phone numbers, etc.
4. Serving as witnesses at trials.

CI-supplied information about imminent clashes between gangs, including those at schools, or planned killings is of particular value to proactive suppression. Gang investigators may be able to defuse gang fights or prevent murders by acting on tips from reliable informants. They may not only prevent the incident in question, but also prevent an even more violent gang "war."

Generally, the most valuable type of CI is a member of the targeted gang, although members of rival gangs, friends of gang members, or persons who are not affiliated with gangs but who compete against them in the drug market can serve as CIs and provide highly useful information. In some cases, agencies import professional CIs, often through the cooperation of federal agencies, such as ATF.

The usual range of motives applies to persons who decide to become gang-related CIs: money, revenge, fear, elimination of competition, prosecutive or judicial leniency, and repentance. However, gang investigators should take special note that some gang members, perhaps pressured by friends, committed themselves to the gang before fully understanding the scope of its violence and criminal activity. They often develop reservations and seek a way to terminate their involvement. They may regard becoming a CI as an acceptable way to exit gang life, especially when faced with the possibility of arrest or lengthy incarceration.

### ***Undercover Officers***

Frequently, use of undercover officers is extremely difficult because of the nature of the targeted gang, as discussed earlier. Under the right circumstances, however, undercover officers can achieve the following through gang infiltration or other means:

- Make drug buys as part of either buy/bust operations or long-range investigations.
- Conduct reverse stings.
- Supply information establishing probable cause for issuance of search or arrest warrants.
- Provide information supporting requests for court-ordered electronic surveillance.
- Tape or transmit incriminating conversations with gang members.
- Identify potential CIs.
- Identify suppliers of drugs and weapons to gang members.
- Obtain information similar to that listed earlier for CIs, such as gang members to target, gang assets, locations of crack and stash houses, etc.

## **Surveillance/Arrest, Buy/Bust, and Reverse Sting Operations**

### ***Surveillance and Arrest***

One traditional approach to curbing open-air drug trafficking by gangs is observation followed by arrest of parties to the transaction by the surveillance officer. Surveillance is from unmarked vehicles, buildings, or any other location providing a clear view of the market area. Alternatively, the surveillance officer may observe transactions from a more distant point and identify the buyer and seller by radio to a jump-out squad, which then moves in and makes the arrests. The second approach reveals neither the surveillance officer nor the surveillance location.

### ***Buy/Bust***

Buy/bust operations have proved effective against gang members. In the most basic form of this tactic, undercover officers make drug buys and either immediately arrest the sellers personally or signal jump-out squads. In some scenarios, the arresting officers are hidden in the back of vans driven by the undercover buyers. To better protect undercover identities, a variant of this tactic is for undercover officers to make

the buys and remove themselves from the scene, after which backup units, which either observed the transaction or were in radio contact with undercover officers, move in for the arrests.

Yet another variation avoids alerting targeted gang members until they all have made sales to either undercover officers or CIs, after which arrests are made en masse. Each transaction is recorded on audiotape or videotape (preferably the latter). Officers familiar with the neighborhood can often identify the sellers from the tapes. The San Diego prosecutor's office has used this tactic to induce many guilty pleas and has found the videotapes to be strong evidence in cases that go to trial. The tapes may also be effective in persuading gang members to become CIs.

#### **Prosecuting Gangs for Drug Trafficking**

The San Diego District Attorney's Office (SDDA) formed a gang unit in 1981. The main function of the unit's three attorneys at that time was to prosecute gang-related homicides. In 1989, a BJA grant enabled the office to hire two more attorneys to coordinate the investigation and prosecution of violent members of drug trafficking gangs. One investigation targeted Crips (Operation Blue Rag), one targeted Bloods (Operation Red Rag), and another was directed at Hispanic gang members (Operation Bandanna).

Police investigators worked side-by-side with the prosecutors to plan and execute these operations, all of which involved using "flipped" gang members to make drug buys. The buys were recorded by video cameras hidden in informants' cars. Investigations lasted from six weeks to three months. Most defendants pled guilty to drug trafficking charges and received sentences in state court of an average of five years.

Several elements were critical to the success of these operations:

- A motivated and reliable informant who was easily accepted by targeted hardcore gang members.
- A vertical prosecution team that worked together with investigators from the beginning of the operation.
- A principal prosecutor who was freed from responsibility for other cases.
- Videotaped corroboration of drug transactions.
- Coordination with judges to inform them of the number of forthcoming indictments and to discuss security issues. (In San Diego, two judges were assigned to try all gang cases.)
- Coordination with the jailer before a sweep to allow preparation for the increased number of detainees.

Two FBI agents were later assigned to the SDDA gang unit to review the processes used by these operations. The FBI successfully emulated the strategy in Oceanside, California, resulting in 58 arrests (and 56 guilty pleas) within one month. The FBI then brought one of its informants to Seattle, Washington, for another operation that resulted in the arrest of 110 gang members.

#### ***Reverse Stings***

In reverse sting operations, which target drug buyers, undercover officers effect the arrests of gang members or their customers on charges of either purchasing drugs or, in states with the appropriate legislation, soliciting for the purpose of buying drugs.

In soliciting cases, actual drugs are not needed because the offense is triggered when buyers, at the request of undercover officers, show their money. At that point, the undercover officers, in sight of surveillance teams parked nearby, direct the buyers to locations where drugs supposedly are available or otherwise convince them to drive away, perhaps by expressing concern about police in the area. The undercover officer videotapes the solicitation. After a customer drives away from the solicitation scene, officers in a marked police vehicle intercept the customer, whose driver's license provides identification, and explain that the stops are routine because the area is known for drug activity and is dangerous. If appropriate, officers issue traffic tickets. In any event, the stop serves to corroborate the solicitation, and the encounter with the uniformed officer is also videotaped. Arrests are made at a later time.

When undercover officers sell actual drugs during reverse stings, buyers are videotaped and, upon completion of the transaction, arrested by a backup unit, which may also seize the buyer's vehicle under state forfeiture laws. Included among the many details that must be considered prior to such operations are protection of the drugs, avoidance of entrapment, officer safety, arrest and booking procedures, and, if a large number of arrests are expected, coordination with courts and corrections.

## **Interdiction, Barriers, Sweeps, and Warrant Execution**

### ***Interdiction***

Interdicting gangs' drug supplies through traffic stops must be supported by observation of illegal activity or at least by reasonable suspicion. Searches of vehicles and occupants must be based on probable cause unless occurring as incidental to arrest, in conformance with the plain view exception, with the consent of the driver or owner, or in accordance with agency regulations governing impoundment searches. Probable cause may arise during the interaction between officers and the driver and passengers, such as odors associated with marijuana or substances used to mask the smell of drugs, pry marks on the vehicle, or narcotics paraphernalia in plain view.

Some police agencies have established roadblocks because of traffic congestion due to street narcotics activity by gangs. These roadblocks involve checks of driver's licenses and vehicle registrations and can result in arrests not only for traffic-related violations, but also for drug-related offenses. To the extent that drugs are found, roadblocks can be regarded as a form of interdiction. Agencies often use roadblocks in

conjunction with other tactics targeting gang activity in a neighborhood, such as uniformed saturation patrol, undercover buys, reverse stings, and asset seizure.

At transportation terminals, interdiction teams can intercept gang-related drugs and currency. Those teams may patrol terminals on a regular basis and use drug courier profiles or respond to tips by CIs or by sources among the terminal's security personnel.

### ***Barriers***

Some agencies have erected street barriers, combined with increased police presence, in neighborhoods seriously afflicted with drug trafficking, drive-by shootings, and other illegal activity by gangs. In Bridgeport, Connecticut's Project Phoenix, for example, the barriers create a maze of dead-end streets in a neighborhood. This greatly reduces the ease with which drug purchasers can turn off the adjacent interstate, make their buys, and quickly return to the highway. If conditions improve enough to warrant dismantling the barriers, there must be a strong commitment among residents and the police to improve overall conditions and retain control of the neighborhood. No one wants a city to become a series of barricaded neighborhoods as gang activity is displaced from one area to another. Further, police agencies must consider how barriers may also inhibit the access of emergency vehicles (including fire and ambulance) before proceeding with this tactic.

### ***Sweeps***

Police sweeps are intended to provide at least temporary relief to neighborhoods suffering from particularly intense gang violence or drug activity. A sweep can target criminal activity on the streets, in buildings (as in apartment complexes), or both.

To help ensure that criminal activity does not reassert its dominance after a high profile sweep, one agency maintains a relatively intense patrol presence in the area for six weeks afterward. During that period, other city agencies move in to begin rehabilitating the neighborhood: streets and alleys are cleaned and made passable, unoccupied buildings boarded up, unsalvageable structures demolished, fire and housing codes enforced, etc. Subsequently, patrol officers identify the area's law enforcement needs on a continuing basis. Other city agencies also remain involved for the long term. A case in point is Operation Clean Sweep in Chicago (described earlier), which is only one component of a comprehensive plan to regain control of high-rise apartment

buildings. Follow-up, including security measures, building repairs, and resident services, begins immediately after the sweep.

### ***Execution of Warrants***

Because of the habitual criminality exhibited by hard-core gang members, a critical first step in gang enforcement is to determine whether outstanding arrest or bench warrants have been issued for them; if so, such warrants should be executed.

Developing probable cause to support search warrants can prove highly fruitful. For example, the Riverside, California, Police Department investigated gangs and related violent crimes, including drug dealing, for two months in order to prepare a 174-page search warrant affidavit. The affidavit supported 100 warrants that targeted gang-member residences in Riverside and the surrounding area. Following a detailed operations plan covering chain of command, communications, operational procedures and timing, and responsibilities of all involved, over 300 officers from 35 agencies executed the warrants in one day. The operation resulted in 55 arrests on charges ranging up to murder. Officers seized 98 firearms (some fully automatic), explosive devices (including hand grenades), knives, and other weapons.

Search warrants in support of crack-house raids may yield dividends, although in many cases, large amounts of drugs are not on the premises. Gangs frequently use their own version of a just-in-time inventory system by supplying crack houses small quantities of the drug on an hourly basis. Stash houses are often more promising warrant-authorized raid targets, as are clandestine labs, although extreme caution is mandatory during their dismantlement.

## **Other Investigative Approaches**

### ***Surveillance***

As already noted, surveillance is appropriate in many investigative contexts. Surveillance techniques applicable to gangs include use of listening devices, wiretaps, body wires, car tagging devices for electronic tracking, audio and video equipment, and plain observation.

Wiretaps and listening devices are usually restricted to surveillance of major players and to investigations leading to prosecutions of gang members as participants in conspiracies, such as in RICO-like cases. In some agencies, tapes are monitored and



reviewed by paralegals, detectives, investigators, and prosecutors for all pertinent gang intelligence. All relevant information obtained through electronic surveillance is then entered into the gang databases.

Agencies use surveillance techniques to identify stash houses, safe houses, crack houses, and street sales locations. A typical procedure would be for an agency's gang specialists to conduct surveillances of crack houses and street sales locations, videotape the criminal activity, and if probable cause exists, make arrests or obtain search warrants.

In San Diego, investigators working for the District Attorney's Office taped to a CI's body state-of-the-art audio equipment to corroborate drug purchases transacted from the CI's vehicle, inside apartments, or in front of crack houses. After each transaction, the agency recorded the debriefing of the CI on the same audiotape used during the purchase. The debriefing included the suspect's name, description, quantity of drugs purchased, and the like. The CI made 65 drug purchases from gang members during the four-month investigation, and the tape enabled the CI to prepare effective court testimony.

In another San Diego operation, a CI made purchases from a vehicle in which a video camera and microphones were installed. The agency found that videotaping was much more effective than audiotaping for corroborating drug purchases. Videotaping eliminated the possibility of a defense based on false identification, a tactic often used by defendants and their attorneys.

### ***Follow-up Investigations***

In departments with gang units, there is often an attempt to strike a balance between gang-related follow-up investigations conducted primarily by other units of the agency (with the gang unit being an as-needed resource) and those conducted primarily by the gang unit itself. Policies from two different agencies related to this issue are highlighted below.

One agency states, "The [gang unit] will also concentrate on follow-up investigations. Through their expertise about gangs, the members of the unit have become adept at putting together cases with very meager evidence and, often, intimidated witnesses." However, gang unit members, often required to be available around the clock, generally are careful not to become overly involved in follow-up

investigations. They also need enough time to fulfill the unit's proactive responsibilities in such areas as intelligence and prompt responses to threatened gang incidents.

In contrast, the Gang Task Force (GTF) in another agency, in conjunction with other investigative units, conducts follow-up investigations on all criminal acts committed by targeted gang members. To identify crimes committed by gang members, all police reports are reviewed daily by GTF's criminal intelligence officer. This officer compiles a list of all crimes in which a targeted gang member is likely to be involved. The unit supervisor coordinates the follow-up investigations on those crimes. GTF conducts most of the investigations, but specialized investigations, such as homicides, sexual assaults, and arson, are handled by other units. In those cases, a GTF officer is assigned to assist the investigating unit.

### ***Other Investigative Approaches***

Investigations leading to arrests of gang members (or any person) for violations of state or local firearms laws may qualify for referral, via ATF, to U.S. attorneys for prosecution under one of the federal Triggerlock statutes, which often carry much stiffer penalties than those authorized by state firearms legislation. For example, a gang member convicted for the use or possession of a firearm during a crime of violence or drug trafficking receives a mandatory consecutive sentence of five years in federal prison, even in the absence of prior convictions. Gang members violating another Triggerlock law, the Armed Career Criminal Statute, face 15 years to life in federal prison. (See Chapter 7 for details.)

Gang investigators may choose to pattern their investigations on the federal Continuing Criminal Enterprise statute or its state counterparts or on federal or state RICO statutes (see Chapter 7). Gang members convicted under the RICO conspiracy approach, for instance, face not only incarceration, but also possible erosion of their economic base through asset forfeiture and injunctive relief.

Apart from RICO legislation, laws in all states authorize asset forfeiture in connection with drug trafficking and drug manufacture and, in some states, other crimes. Gang units often refer such cases to their agencies' financial investigation units, which can pursue forfeiture on either a criminal or civil basis.

In many states, gang investigations benefit from legislation based on the "mad-dog pack theory," as one investigator describes it. Under certain circumstances, such legislation holds individual gang members responsible for the actions of the gang as a

whole, even if they were not present at the crime scene. Perhaps the most widely known legislation of this type is California's Street Terrorism Enforcement and Prevention (STEP) Act. Under this law, a single homicide and an attempted murder led to the prosecution of 32 gang members. The outcome of this case included a 22-year state prison sentence for a gang member who was riding in the car from which shots were fired; a three-year sentence for a gang member who, though not in the car at the time of the shooting, was present at a meeting where the shooting was planned; and a two-year sentence for the head of the gang, who was neither at the planning meeting nor in the car. Whether agencies are able to take full advantage of investigations patterned on legislation like the STEP Act depends, in large part, on how thoroughly agencies identify the gangs in their respective jurisdictions and how well they document the identity of each gang member. (See Chapter 7 for details on the STEP Act.)

A frequently used investigative approach is to focus on revoking the bail, probation, or parole of gang members whenever possible. (See Chapter 6.)

### ***Task Forces***

Whether composed of agencies within one jurisdiction or across jurisdictions (such as local-county or local-federal), task forces offer a framework that often can magnify the effectiveness of investigations. Advantages associated with use of task forces include:

- Availability of more resources than otherwise could be brought to bear, including personnel, skills, and specialized equipment.
- A pool of undercover officers (and, perhaps, CIs) whose identities are not known by local gangs.
- Avoidance of duplicate investigations.
- Ability to select from a wider range of laws on which to base investigations and prosecutions (best charge in best court) or to seek court permission to use such investigative techniques as electronic surveillance.
- Coordination in gathering and sharing gang-related information.
- Containment of the interjurisdictional mobility of some gangs.

A formal task force agreement can avoid misunderstandings pertaining to such interagency issues as command and control, responsibilities, objectives, asset sharing, overtime, liability, insurance, access to confidential information, weapons policies, rotation of personnel out of the task force, cross designation, tactics, and funding.

## Suppression Through Patrol

### *Directed Patrol*

Under a directed patrol approach, agencies provide the relevant information about a gang-related problem to uniformed officers and give directives for what to do. The officers proceed to the problem neighborhood and, among other possible tasks, overtly enforce drug and other criminal laws, as well as local ordinances. Visible police presence hinders gangs' street activities and encourages citizens to come out on the streets and take part in outdoor, safe neighborhood activities.

Directed patrol can serve to solidify an effective relationship between the patrol force and gang officers by increasing communication and by bringing to bear more resources on the gang problem than would have been the case in the absence of a cooperative effort. For example, some patrol officers could be directed to work for a few hours each day on specified gang-related tasks, such as answering gang-related calls for service, gathering gang-related information, executing warrants on gang members, or carrying out gang prevention activities.

Directed patrol was an integral part of a multiagency task force approach in Ft. Wayne, Indiana. Established in 1991 in the operations division of the Ft. Wayne Police Department, the Community Anti-Narcotics (CAN) concept advocates a more thorough approach whereby a team of officers, under the direction of the community policing supervisor, goes through five basic steps in each CAN operation:

1. *Targeting*. This involves selecting a target area after analyzing crime data (call for service, felony arrest, drug line, crime stoppers, gang data, etc.) and conducting video surveillance.
2. *Surveillance*. Several other police departments assist with this.
3. *Intensive undercover enforcement* (2-4 weeks). One two-week CAN sweep in 1992 resulted in approximately 50 arrests.
4. *Saturation patrol*.
5. *Evaluation*. In 1992, this involved door-to-door canvassing by CAN officers (reserve officers assisted in 1991), who also distributed crime prevention information and made referrals to city resources.

## ***Community-Oriented Policing***

A proactive, decentralized, neighborhood-based approach, community-oriented policing stresses close interaction and cooperation between citizens and uniformed patrol officers, frequently based at neighborhood substations. The community policing philosophy emphasizes identification and resolution of problems and conditions underlying and giving rise to crime, rather than focusing exclusively on individual incidents.

Ideally, neighborhood residents and police should jointly define the problems, select the targets, and share in developing appropriate strategies. Solutions to underlying problems or conditions contributing to neighborhood crime include removing abandoned cars, improving street lighting, converting pay phones to function on only a call-out basis, securing advance permission from business owners for police to enter private property (e.g., parking lots and exterior stairs), and arresting and investigating gang members or others who are loitering.

Community-oriented policing is seen by many as holding considerable potential for addressing the fears and misapprehensions often prevalent among minority communities. As one gang unit commander explained, the agency must sell its anti-gang program to minorities so that they will not regard it as a form of repression against their respective communities.

For example, the Oakland, California, Police Department recognizes the value of a community-oriented approach by consistently reaching out to Latino and Asian organizations to explain that, in contrast to some other nations, the police here are part of the solution, not part of the problem. Among its other outreach activities, the department distributes videos featuring minority narrators explaining how police and other criminal justice agencies operate. The efforts appear to be worthwhile in terms of promoting a greater willingness among minorities to volunteer gang-related information.

### **Community-Oriented Gang Control**

The Aurora, Colorado, Police Department (APD) established the Aurora Gang Task Force (AGTF) to implement gang prevention recommendations identified from a study of the gang problem and solutions in the community. AGTF is a structured, ongoing group composed of 75 members representing city government, the police department, health care, businesses, schools, religious organizations, military installations, and nonprofit groups.

APD and AGTF have a symbiotic relationship, with APD providing first-hand information to AGTF members, and AGTF mobilizing the rest of the Aurora community to do its part in supporting gang control and prevention efforts. Members of the task force obtained donated video cameras, mobile telephones, and surveillance and night vision goggles from local Rotary clubs and military installations to assist the gang investigation unit. A local trade school donated services to APD to turn police cars into unmarked surveillance vehicles. Humana Hospital-Aurora provided meeting space, support staff, and funds to support APD- and AGTF-related services.

AGTF, in conjunction with APD, also produced a videotape, *Aurora Colors*, which, along with a companion publication, was distributed nationally and internationally. The materials chronicle the rise of gangs and the city's efforts to combat them. They were funded and produced by Humana Hospital-Aurora, whose director served as chairman of AGTF.

AGTF is considered a model in its broad-based community approach to controlling gangs. In 1992, the program received an outstanding achievement award through the 1992 City Livability Award program at the U.S. Conference of Mayors' Annual Meeting. Also in 1992, Aurora was selected as the site for a \$250,000 study from the National Institute of Justice. The study is expected to be used in developing a national model on how to deal with gangs in America.

For copies of the video or publication, or information about Aurora's gang control efforts, contact AGTF, c/o Human Hospital-Aurora, 1501 South Potomac Street, Aurora, CO 80012; 303-695-2831.

### ***Suppression Through Enforcement of Codes and Abatement Ordinances***

Compliance with health, building, and zoning codes as well as nuisance abatement ordinances can be enforced to close crack houses, clandestine labs, and other gang locations, to evict gang members from apartments used for drug-related purposes, and to otherwise control gang activity. For example, one agency produced evidence resulting in the eviction of 324 tenants for drug-related reasons over a 30-month period and, in some instances, used eviction threats as leverage to cultivate CIs.

In one jurisdiction, law enforcement and another city agency cooperate to survey buildings in high crime areas and determine whether code violations exist. The legal owners of buildings with code violations are given a month to comply. If violations are not remedied within that period, the property is fenced and boarded up. If the owner does not respond after a series of additional notifications, the property is subject

to demolition, or the city can take steps to rehabilitate the property for resale or public housing. The objective is to avoid leaving buildings in a boarded-up condition.

Enforcement of gang-free or drug-free zones at parks and schools is another option for controlling gang activity. Chapter 7 provides more information on the legal issues surrounding the use of these tactics.

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- <sup>1</sup> Tucson Police Department planning document.
  - <sup>2</sup> Ira Reiner, *Gangs, Crime and Violence in Los Angeles, 1992*, Findings and Proposals from the District Attorney's Office, May 1992, p. xi.
  - <sup>3</sup> *Attacking Organized Crime*, Organized Crime National Strategy, U. S. Department of Justice, January 1991, p. 13.
  - <sup>4</sup> Reiner, xvi.
  - <sup>5</sup> Walter Arsenault, Assistant District Attorney, Manhattan County District Attorney's Office, National Conference on Armed Criminals and Gang Violence, June 1992.
  - <sup>6</sup> *Attacking Organized Crime*, p. 16.
  - <sup>7</sup> Remarks by Kenneth W. Sukhia, U.S. Attorney, Northern District of Florida, National Conference on Armed Criminals and Gang Violence, June 1992.
  - <sup>8</sup> *Attacking Organized Crime*, p. 16.
  - <sup>9</sup> Deborah Lamm Weisel and John Eck, *Police Response to Drugs and Gangs: Case Studies of Police Decisionmaking*, Police Executive Research Forum, 1992, p. 41.
  - <sup>10</sup> James S. Reynolds, National Conference on Armed Criminals and Gang Violence, June 1992.
  - <sup>11</sup> John Dombrink, University of California, Irvine, 1991. Court records of 50 closed cases in Los Angeles, San Francisco, and New York City; interviews with 200 police officials and prosecutors in these cities and in Honolulu, Nevada, Canada, and Hong Kong; and interviews with a smaller number of Asian community leaders.
  - <sup>12</sup> For other examples of efforts in public housing, see Barbara Webster and Edward F. Connors, "The Police, Drugs, and Public Housing," NIJ Research in Brief, June 1992.
  - <sup>13</sup> Edward F. Connors, H. Nugent, and F. Leahy, *Managing Confidential Funds*, Narcotics Control Technical Assistance Program, Bureau of Justice Assistance, U.S. Department of Justice, 1989; Edward F. Connors and H. Nugent, *Street-Level Narcotics Enforcement*, Narcotics Control Technical Assistance Program, Bureau of Justice Assistance, U.S. Department of Justice, 1990; Michael Goldsmith, E. Connors, and H. Nugent, *Entrapment Defense in Narcotics Cases: Guidelines for Law Enforcement*, Narcotics Control Technical Assistance Program, Bureau of Justice Assistance, U.S. Department of Justice, 1990; and Hugh Nugent, F. Leahy, and E. Connors, *Managing Confidential Informants*, Narcotics Control Technical Assistance Program, Bureau of Justice Assistance, U.S. Department of Justice, 1991.

## **Chapter 6**

# **Interagency Cooperation and Collaboration**

Given the violence and other characteristics associated with gangs, heightened cooperation between law enforcement and other criminal justice agencies is critical to the success of gang suppression efforts. This involves police coordination with prosecutors, probation and parole, jails and courts, crime labs, and federal agencies.

## **Police-Prosecutor Cooperation**

### **Vertical Prosecution**

Vertical prosecution is often considered critical to effective prosecution of gang members. Under such a procedure, the prosecuting attorney, trained in and usually devoting full-time to gang matters, is responsible for each phase of the case, from filing through trial and sentencing. The Manhattan County District Attorney's Office uses different prosecution teams for different gang types. For example, one team focuses on Dominican, Jamaican, and other gangs primarily composed of illegal aliens from Central America, while another team focuses on Asian gangs.

In California, a state task force on gangs and drugs concluded that vertical prosecution ". . . has proven to be the most productive tool in attaining longer sentences for serious gang and drug offenders. This method of prosecution provides for more continuity throughout the court process. With specialized caseloads, attorneys can learn unique aspects of gang and drug cases. Prosecutors become more aware of the criminal history of individual gang members and have the opportunity to structure a case for more effective prosecution."<sup>1</sup>

Under vertical prosecution, which is also characterized by reduced caseloads, attorneys become trained in or otherwise attuned to the culture, structure, and guns-



and-drug economy of the street gang. Some prosecutors become skilled in understanding and speaking street jargon and put that knowledge to good use, such as by deciphering the maximum amount of information from audiotapes of gang member conversations. Others may feign ignorance of street language when interviewing gang members, often resulting in the subjects revealing more than intended. Attorneys in vertical units emphasize gang affiliation of defendants as an aggravating factor in support of no-bail motions and petitions for maximum sentences. (If bail is made with illegal funds, attorneys can, under applicable law, initiate steps to revoke it.) Vertical prosecution often results in greater willingness by attorneys to accept cases involving relatively mundane charges, such as disorderly conduct or vandalism, in order to deter gang activity and to build up gang members' criminal histories. Such prosecutors also determine the relative advantages of bringing charges through an information, grand jury, or preliminary hearing.

## **Early Involvement and Advice**

The earlier the prosecutor becomes involved in gang cases the better, according to law enforcement agencies experienced in dealing with gangs. In the ideal situation, the prosecutor assists in all phases of investigations and in identifying appropriate targets for prosecution.

Prosecutors can advise on particularly effective laws, their elements of proof, and procedural pitfalls so that law enforcement can tailor investigations accordingly. Additional advice available from prosecutors pertains to the following topics, among others:

- Preparation and execution of search warrants.
- Avoidance of entrapment during buy-bust and reverse sting operations.
- Use of electronic surveillance.
- Selection of charges most likely to result in no bail or high bail.
- Asset seizure and forfeiture.

In addition, prosecutors may be present at the scene of raids and other operations to provide on-the-spot advice as legal questions arise.

## **Managing and Protecting Witnesses**

The likelihood of witness intimidation is always a factor in gang cases and should be among the first problems addressed by law enforcement and prosecutors. Relocation of a threatened witness to a relative's house, public housing apartment, hotel

room, or out-of-town site is one option. If the case was the result of work by a task force including federal agencies, one of them may be able to absorb the cost of relocation and related security. Alternatively, a state victim-witness assistance fund may help to offset relocation costs.

Even when federal agencies are not involved in investigations, local requests to put witnesses in the federal witness protection program could be made to U.S. attorneys, who could decide to forward the requests to the U.S. Marshals Service. As of mid-1992, more than 300 gang members were accepted into this program. However, gang members often have difficulty adhering to the program's guidelines, which require minimal contact with friends and family. Only about 10 percent of those entering the program have remained in it.

In some jurisdictions, law enforcement may request prosecutors to obtain from the court an ex parte protective order prohibiting release of witnesses' names until just prior to testimony.

Prosecutors should make every effort to deny bail to gang defendants, thereby helping witnesses to feel more secure. Says one prosecutor in the Riverside, California, District Attorney's Office:

The gang prosecutor should treat the detention or bail hearing as a major appearance, which may spell out whether the case is ultimately won or lost. If a gang member who has committed a violent crime is out of custody pending resolution of the charges, witnesses will disappear. . . . Prior to the hearing, the prosecutor should review the defendant's probation file, records with the police gang unit, and general criminal history, including reading the police reports for every detail, such as a prior occasion when the defendant was noted to have an extremely anti-authority attitude.

Harassment can be devastating to witnesses. Responses to threats and taunts must be swift and dramatic if they are to be effective in maintaining lines of communication with victims and witnesses. The practice by gang members of loitering in front of a witness's home could be stopped by placing additional patrols in the area. Probation or parole conditions prohibiting association with other gang members could serve as the basis for arrest and revocation in these instances.

In any event, the absolute minimum requirement is getting to witnesses early, establishing as strong a rapport with them as possible, assuring them that their interests

and safety are prime concerns of police and prosecutors alike, and giving them the name of the investigating officer as well as a phone number that will be answered on a 24-hour basis.

Of course, many witnesses will be reluctant or hostile for reasons other than safety concerns. They may be relatives, friends, or gang associates of the defendant, for example. Incarceration of material witnesses deemed likely to fail to appear at trial may be possible, at least until they post court-ordered bond. Immunity from prosecution may convince some witnesses to cooperate. However, when it is appropriate, prosecutors prefer granting use immunity rather than transactional immunity.

Reluctant witnesses may decide to recant or change their initial statements to police and prosecutors. To help counteract this, one gang prosecutor advocates that police and prosecuting attorneys familiarize themselves with, and assess the applicability of, the law on prior inconsistent statements. He notes that in *California v. Green* (1970),<sup>2</sup> the Supreme Court held that a prior inconsistent statement could be offered not only to impeach a witness at trial, but also for the truth of the matter asserted therein.

Another prosecutor often brings witnesses in gang cases at the preliminary hearing—in contrast to an information or grand jury hearing—in an attempt to neutralize possible future problems by reluctant witnesses. By so doing, witnesses are brought before the judge and defense counsel and their stories put on the record early in the case as insurance against their failing to appear later or subsequently presenting different testimony.

Other agencies advocate qualifying law enforcement officers, through their experience and training, as expert witnesses in gang prosecutions. Their use is often required to lay a foundation for the admission of gang-affiliation evidence in prosecution under gang statutes, for example.

### **Case Study: Vertical Prosecution in Tucson**

At one time, the Pima County, Arizona, Attorney's office did not make a distinction between gang members and other defendants. Prosecution generally involved a different prosecutor for each stage of the case. In addition, practical case-management considerations often prevented acceptance of gang-member cases. For example, an Arizona statute allows criminal prosecution for damage of \$250 or more, but to control caseloads, attorneys would not bring cases involving graffiti damage of less than \$500. Graffiti is often the first indication of a gang problem, but many incidents did not meet the \$500 criterion. The Tucson police wanted to pursue these and other misdemeanor cases more aggressively, both to deter gang activity and to compile criminal histories on hard-core gang members.

To address these problems, the county attorney's office designated a trial attorney to review gang cases for charging decisions. The attorney also handled a general felony caseload. As the number of gangs and gang-related crimes increased, the attorney could not keep up with intelligence updates and maintain service levels while devoting time to other types of cases.

What became apparent was that violent street gangs, which often engaged in drug trafficking, required a more specialized approach. Police stressed that street gang cases often involve witnesses or victims who do not possess great jury appeal. Furthermore, these witnesses and victims may be reluctant or even unwilling to cooperate with law enforcement due to intimidation and fear or out of loyalty to the gang. General prosecutors often lacked the special expertise required to solidify an investigation containing problem witnesses or victims and bring it to trial. Opportunities to target high-profile gang members were lost, and prosecutors not specifically charged with making an impact on the street-gang problem had little time for proactive involvement at the investigative stage. As a result, criminal cases involving street gangs tended to get inadequate attention and eventually not materialize.

Thus, the county attorney's office assigned a full-time prosecutor exclusively to street-gang cases and investigations. This prosecutor handles all gang-related cases except those involving homicide and adult or child sexual assault (although he assists in these cases as necessary). The gang prosecutor also trains officers in the latest legal developments affecting investigations, advises during the search-warrant process, uses special grand juries and grants of immunity, moves cases through preliminary hearings to evaluate and preserve witness testimony, and offers recommendations on how to interview defendants (for example, videotapes of interviews show the clothing style and colors of gang members—in contrast to how they dress for court—and may record hand signs).

The gang prosecutor also ensures coordination with the probation and juvenile justice systems. Thus, prosecution of juvenile street-gang members is coordinated to achieve maximum exposure to the penalties for their adult counterparts. Also, the gang prosecutor notifies probation of all gang-member convictions and pleas so that preparation of presentence reports is assigned to investigating officers familiar with gangs. The gang prosecutor also assists probation in expediting probation revocation proceedings involving street-gang members.

## **Coordination with Probation and Parole**

These probation and parole recommendations of a California task force on gangs and drugs are worthy of serious consideration:

- Develop standardized gang control probation and parole conditions that will preclude continuing gang and drug involvement and provide enhanced ability for probationer/parolee tracking.
- Require that parole and probation conditions be listed on an identification card to be carried at all times and presented to any peace officer on request. The card is also to include the name of the probation or parole officer and a 24-hour contact phone number for that agency.

- Establish a centralized statewide registry, accessible to criminal justice agencies, to maintain information on all probationers and parolees, including the specific probation and parole terms and conditions applicable to each individual.
- Ensure that gang and drug offenders violating their probation are returned to the judge who sentenced them.

#### **Police-Probation Coordination to Control Gang Probationers**

In 1990, the Pima County (Tucson) Court sentenced 50 percent of gang members found guilty through plea or trial to prison terms and the remainder to probation. Of those receiving probation, about 70 percent were placed on the lowest level of supervision. The probation department realized that most gang members were not being held fully accountable for their actions.

Initial efforts established a liaison with the police department's gang task force to obtain information on the activities of gang members pending sentencing and on those already on probation. With that information, presentence investigating officers were able to increase the number of gang members receiving prison sentences, and probation officers became more aware of and better able to control the activities of gang-member probationers.

Typically, probation officers are generalists who deal with lower risk, high need probationers. In contrast, gang members are generally high risk offenders for whom officers require special training and expertise. Thus, to increase the effectiveness of supervision, reduce the risk, and enhance surveillance and suppression of illicit activity, the probation department assigned six officers to specialize in dealing with gang members. Focusing on suppressing gang activity and generating information and intelligence, the officers were firearms qualified, underwent unarmed self-defense training, and began working closely with the police department as part of the gang task force.

Gang task force and probation officers worked together in several ways to increase gang-member accountability. They jointly conducted home inspections, particularly when a defendant was suspected of possessing weapons or engaging in drug trafficking. The probation department also implemented minimum standards of conduct for all persons under supervision (whether under routine supervision or assigned to enhanced programs, such as intensive probation supervision) and imposed special conditions for gang members.

Among the probation and parole conditions recommended by the task force are prohibitions on associating with other gang members, use of car phones and pagers, and displaying gang colors, paraphernalia, hand signs, and slogans. Gang probationers and parolees would have to submit to drug testing on demand, obey curfew terms, participate in drug prevention and education programs, and submit to personal and vehicle searches and seizures. In addition to the foregoing conditions, a probation department includes among its special conditions for gang members the following prohibitions:

- Recruiting or coercing others to become involved in gang activity.
- Associating with juveniles or frequenting school grounds without prior approval.
- Appearing in court or at the courthouse unless a party in the proceeding or reporting to a probation officer.

- Associating with any person who has firearms, weapons, or replicas in his or her possession.
- Being an occupant in a stolen vehicle or in one that the probationer should have known was stolen.
- Driving a vehicle without a valid driver's license, registration, and proof of insurance.

With close coordination and information sharing between law enforcement and probation and parole, police can attempt to present testimony against granting gang members probation or parole. If probation or parole is granted, officers can make special efforts to detect violations of conditions, especially by hard-core gang members. Probation and parole officers can ride with law enforcement on directed patrol, receive police backup in potentially dangerous situations, and use their search and seizure powers to provide police with timely access to gang members' homes when appropriate.

## **Coordination with Corrections and the Courts**

### **Alerting Officials to Gang Arrests**

When special operations, such as stings, are likely to result in an unusual number of arrests, law enforcement should alert jail personnel to the ensuing extra workload. But preparations for the influx should be done in a way that does not alert currently detained gang members, who may tip off associates (by phone or through visitors) after observing unusual jailhouse activity.

In addition, police should inform jail personnel of the gang affiliations of arrestees so that members of rival gangs can be segregated from one another if possible. Courts should also be forewarned of an impending surge in caseloads that will result from vigorous gang enforcement activity.

### **Court Security**

Many agencies warn of the likelihood that gang members will attempt to intimidate witnesses and victims when in the courthouse (e.g., by threats, menacing looks and gestures, etc.). There a variety of ways in which witnesses can be provided protection in the corridors and in the courtroom itself.

Ideally, through a combination of physical layout and timing, circulation patterns in courthouses should separate routings for the general public, judges, juries, court staff,

witnesses, and defendants. Gang-member defendants and witnesses should occupy separate rooms while awaiting the beginning of proceedings. A close relationship should be developed with local victim/witness programs, both to discuss with staff the potential dangers involved in gang cases and to arrange to meet witnesses' special needs.

Use of metal detectors and video cameras at either the courthouse or courtroom entrance is a common security precaution. Some security suggestions from various jurisdictions include:

- Gangs will often pack the court to intimidate witnesses. Investigative officers could attend court and point out potential gang members to the judge and the witnesses.
- Known gang members can justifiably be removed to the outside corridor of the court for safety purposes. They should be identified, frisked, and asked what they are doing in the courtroom. One investigator can bring a Polaroid camera and have them pose for the department's "gang book." Younger gang members may become nervous and leave, although hard-core gang members believe it is their duty to back up fellow members.
- Investigative officers should check all identified gang members in their data system to discover whether they are on parole or probation, or whether they have a trial pending. This can be used as a basis for a bail increase motion. Non-association with gang members may be a condition of the probation or parole.
- Making the judge aware of potential problems can prepare the way for quick action if any intimidating "signs" are flashed to witnesses, etc. The gang member caught doing something like this can then be barred from the court and possibly arrested.

The San Diego court system assigns gang cases to particular judges, who realize the unique aspects of adjudication involving gang members. This approach is in line with the recommendations of the California task force on gangs and drugs. The task force advocated that large communities establish specialized courts hearing only cases involving gangs and drugs. It also recommended that judges receive training to better prepare them to handle serious gang and drug cases. The task force's rationale is summarized below:

Gang and drug cases involve complex facets of the law that address narcotics trafficking, juvenile offenders, and violent crimes. However, the judiciary is not provided the specialized training necessary to address those problems.

. . . Judges may not yet be aware that gang offenders have

become increasingly sophisticated in manipulating the criminal justice system. . . . They often use juveniles in drug operations in order to avoid adult penalties, and by requesting diversion to drug treatment programs, they often avoid incarceration.

Gang- and drug-related cases contain many nuances. Judges must consider the complexity of the narcotics laws, the potential for victim and witness intimidation, the attributes of gang behavior that influence the criminal act, and the manipulations of attorneys who may endeavor to delay unnecessarily the court proceedings. Weighing all of these factors within a general court caseload can be difficult. Specialized courts adjudicating gang and drug cases will provide judges with the opportunity to learn more about the attributes of these cases, leading to more effective adjudication.<sup>3</sup>

## Cooperation with the Crime Lab

By alerting the crime lab to significant operations targeting gang drug trafficking, agencies improve the chances that the analysis of seized substances will be expedient and will not delay development of the prosecution's case.

### **Crime Lab Tips for Handling Gang-Related Drug Evidence**

The following basic procedures can avoid serious problems:

- When officers who have participated in an gang enforcement operation submit seized drugs to the lab, they label their respective submissions not just as Item 1, Item 2, etc., but also include the initials of the seizing officer after each such designation. This enables the lab to quickly identify which item is needed when someone requests "Item 1" from the operation.
- When officers submit evidence to the lab, drugs and other items are not combined on the same property sheet (such as crack cocaine and a knife). Doing this could create excessive paperwork in connection with preserving the chain of custody.
- When the lab stores submitted drugs, it places each submission within a transparent glassine container, which is placed in an outer glassine packet along with the envelope used to send the drug sample to the lab. In this way, the evidence may be seen without disturbing it. The outer glassine packet has a coded seal so that tampering can be easily detected. The lab weighs the inner drug packet before and after analysis and before disposal to assure that part of the contents have not been removed.
- The lab recommends that officers submit bullets or fragments thereof in the type of metal container used for film. Using envelopes exposes their contents to inadvertent damage.



Given the agreement of the court and prosecutor, field testing of drugs may be a feasible alternative for preliminary or bind-over hearings, which require probable cause rather than proof beyond reasonable doubt.

If told that a drug-seizure operation targets members of the same gang or may otherwise result in related court cases, the crime lab may be able to use the same technician for all submitted substances, simplifying later court testimony.

## **Cooperation with Federal Agencies**

Keeping in close contact with appropriate federal agencies can yield many of the advantages cited in the previous discussion of task forces (Chapter 5). Local agencies can often benefit from federal help when dealing with gangs involved in the interstate movement of people, drugs, weapons, and money. Federal agencies can benefit from the extensive gang information accumulated by local agencies and from the considerable experience of the local police in combating street gangs.

Local agencies frequently collaborate with the regional office of ATF, which can provide information about gun dealers and can supply valuable intelligence. ATF is backed by powerful federal weapons statutes, such as those underlying Project Triggerlock. In addition, ATF can trace the origins of weapons, perform ballistics analysis, and raise fingerprints on weapons through laser printing. In some cases, ATF has also provided buy money (for weapons), overtime funds, and specialized equipment to local agencies. (One agency was able to reciprocate assistance to ATF by providing space for its agents.)

Many of the resources of the FBI and DEA, especially in the areas of drugs and violent crime, can be brought to bear on specific local gang problems. The U.S. Marshals Service operates the federal witness protection program, heads a program to locate and apprehend dangerous and violent fugitives (Operation Gunsmoke), and is a source of information on asset seizure and forfeiture. Because many gang members are illegal aliens, the Immigration and Naturalization Service can be a useful ally to local agencies seeking deportation or imprisonment of deported gang members who violate U.S. law by returning here.

Some agencies work with the U.S. Department of Housing and Urban Development (HUD) and local housing authorities to force cleanups of certain gang-affected properties. In addition, the local housing authority may be eligible for HUD

drug elimination funds to hire officers, develop citizen patrols, or support other measures to improve security and combat drug-related crime.

Although not a federal agency, the National Guard also warrants mention. It has assisted local agencies by providing Guard personnel to help in developing gang intelligence databases and by conducting air surveillance over public lands where gang-related drug-trafficking activity is suspected.

As discussed in Chapter 4, ATF, FBI, and other agencies maintain gang databases that can be accessed by local gang investigators. For more information, contact the local or regional field offices of these agencies.

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<sup>1</sup> California Council on Criminal Justice, *State Task Force on Gangs and Drugs, Final Report*, Sacramento, CA, January 1989.

<sup>2</sup> 399 U.S. 149 (1970).

<sup>3</sup> California Council on Criminal Justice, *State Task Force on Gangs and Drugs, Final Report*, Sacramento, CA, January 1989.

# **Chapter 7**

## **Legal Issues**

Law enforcement has responded to the epidemic of street gang crime with new strategies and tactics that complement more traditional approaches. Although these new strategies have proven effective in many jurisdictions, they are often accompanied by new legal issues to be resolved. Failure to resolve legal issues can threaten the future success of these new strategies. This chapter discusses the most common legal issues that arise in the context of law enforcement efforts to control street gang crime.

This chapter first examines the criminal code provisions applicable to street gang crime. This includes a brief review of applicable traditional (common law) criminal provisions and recent innovative additions to the criminal code that target street gangs and related criminal enterprises. The chapter then discusses the primary legal issues associated with traditional law enforcement. These include the major police activities from a temporary stop through record keeping and information sharing. The chapter also analyzes the legal issues relating to the use of civil law statutes, including nuisance abatement and building code requirements, and discusses innovative prosecutorial tactics.

### **Criminal Code Law Enforcement**

Street gang law enforcement uses two types of criminal code. These include common law-based provisions establishing criminal liability and new criminal laws directed at street gangs.

#### **Traditional Criminal Code Provisions**

Traditional law enforcement tactics aimed against street gangs are directed at resolving criminal acts. These may include a variety of criminal offenses involving both direct and vicarious criminal liability.

Direct criminal liability includes drug trafficking, homicide, assault with a weapon, robbery, home invasion, arson, extortion, and auto theft. Vicarious criminal liability refers to the basis for invoking the criminal law and includes penal or criminal code provisions defining criminal acts such as conspiracy to commit crime, and aiding and abetting overt criminal acts.

## **Innovative Law Enforcement Provisions**

There are two types of innovative criminal law provisions complementing common law provisions: (1) laws directed at gangs and gang members and (2) laws providing for enhanced punishments for crimes that are often gang-related, but that are not limited in application to gang members.

### ***Racketeering Enterprise Laws***

State laws targeting criminal enterprises are directed at organizations of a continuing nature that engage in repeated acts of crime. The federal Racketeer Influenced Corrupt Organizations (RICO) Act (18 U.S.C. § 1961 et seq.) is the prototype for state laws directed at organized crime and other racketeering ventures. RICO provides for enhanced sentences for 24 separate federal and eight state crime types. It also provides for a separate crime of engaging in a pattern of racketeering activities, defined as committing two or more racketeering crimes within a 10-year period. Most crimes committed by street gangs are among those listed as RICO predicate crimes.

### ***Street Gang Laws***

The California Street Terrorism Enforcement and Prevention (STEP) Act (California Penal Code § 186.20 et seq.) is the most extensive statutory scheme to criminalize gang acts as separate, substantive gang crimes that are distinct from traditional criminal law provisions. The key feature of the Act is its criminalization of knowing membership in a criminal street gang. The Act defines a criminal street gang as an ongoing and self-identified association of three or more members who individually or collectively engage in specified criminal acts (e.g., assault or robbery) on an ongoing basis. Thus, the Act requires proof of both membership in a gang and knowing approval of the gang's criminal acts. Other states' laws suggest how both elements are proven. The Florida law (Florida Statute § 874.01 et seq.), for example, provides that membership in a gang is based on self-identification, parental identification, or circumstantial proof, such as residing in a gang area, dressing as a gang member, or associating with other known gang members. Indiana law (Indiana Code § 35-45-9-1

et seq.) provides a definition of a criminal gang that includes a gang requirement for members to commit a felony. Virtually all state gang laws define, at least minimally, "a continuing pattern of criminal behavior." California simply requires proof of two or more specific criminal acts, attempts, or solicitations.

The California street terrorism law and similar statutes create a new crime. Other states' gang laws provide for enhanced penalties to be given to gang members when they are convicted of violations of more traditional laws. Florida law, for example, simply increases the crime level to one that is more serious (e.g., from felony 3 to felony 2). Georgia law (Georgia Code § 16-15-3 et seq.) provides for an additional one to three years to be added to prison sentences for criminal law violations. The California law also contains enhancement provisions, including an additional enhancement for committing a crime in the vicinity of a school or for carrying a firearm during the commission of a crime. Another variation in creating substantive gang laws is an Oklahoma law (Oklahoma Statute Title 21 § 856) that criminalizes the recruitment of minors into a gang as contributing to the delinquency of a minor.

### ***Enhanced Punishments***

Innovative criminal laws include laws authorizing enhanced punishments for dangerous offenders, habitual criminals, use of a firearm or other weapon in the commission of a crime, and commission of a crime in a protected area, such as a school zone. Although these laws may apply to all types of offenders, they are especially useful against gang members.

### ***Aiding and Abetting***

Criminal laws providing for aiding and abetting punishments can be interpreted as applicable to gang leaders who lead organizations whose members engage in continuing criminal enterprises such as a crack network. Hence, a gang leader convicted of aiding and abetting can be punished under the continuing criminal enterprise laws as a principal in the criminal enterprise itself.<sup>1</sup> Gang membership may also be a basis for proving, in part, aiding and abetting serious violent crime where the gang members participated (e.g., rode in a car to the scene of an assault) in the preliminary stages of the crime without actually participating in the crime itself.<sup>2</sup>

## **Law Enforcement Actions**

Law enforcement actions encompass police gang suppression operations, crime investigations, interdiction, and gang information systems.

## Police Gang Suppression Operations

Police gang suppression actions include street stops and arrests, which, in the context of gangs, present some unique legal issues.

### ***The Terry Stop***

The U.S. Supreme Court recognized in *Terry v. Ohio* the reasonableness of permitting police officers to stop individuals for investigative questioning, provided specified conditions are met.<sup>3</sup> Thus, a police officer may stop and ask an individual to identify himself or herself, if the officer has a "reasonable suspicion" for believing that the stopped individual may be engaged in criminal acts.<sup>4</sup> This reasonable suspicion must be based on both the officer's expertise and some objective element. In the gang context, this objective element may be, in part, gang insignia or association with known gang members who have a history of criminal involvement. Courts have also upheld *Terry* stops based on police observation of furtive movements or other unusual behavior.<sup>5</sup> In some circumstances, the basis for a stop may be "quantified," in a manner of speaking. For example, courts have become increasingly accepting of police use of "courier profiles" that list common characteristics of drug couriers who are seen at public transportation centers (e.g., airports or bus terminals).<sup>6</sup>

Incidental to a legitimate *Terry* stop, a police officer may conduct a limited search of the detained person for reasons of safety.<sup>7</sup> The *Terry* search must be for weapons and based on fears for personal safety.<sup>8</sup> One factor affecting the reasonableness of the search is the nature of the suspected crime for which the *Terry* stop is made. The *Terry* stop crime must be of the sort where a suspect's carrying of a weapon is not unusual (e.g., drug trafficking). Obviously, seriousness of crime is correlated with danger, but not exclusively so; a *Terry* search can be legitimate even if the stop is for a minor offense.<sup>9</sup> If the person detained for street questioning is under court-ordered probation, the officer's search may not necessarily be limited by a personal safety motive.<sup>10</sup> California courts have held that where an adult offender's probation order includes an obligation to submit to warrantless searches, such a provision is valid because it is based on waiver (defendants may refuse probation and its attendant conditions) and destroys any expectation of privacy that otherwise may exist. Juveniles cannot waive probation as an adult offender can; however, juvenile courts have wide discretion to tailor probation conditions to the individual based on prior actions. Notwithstanding the officer's initial lack of knowledge of probationary status, warrantless searches of juvenile probationers under court order may be valid where the order was valid.<sup>11</sup>

Another use of *Terry* stops is for the detaining officer to run warrant checks to see if the person stopped is wanted on an outstanding arrest warrant. While such a stop may be by itself unquestioned, the warrant check may exceed permissible bounds if it lasts too long. Moreover, there must be some reasonable basis for making the warrant check. If the suspect is suspected of only a minor crime, a warrant check is not appropriate.<sup>12</sup>

### **Arrest**

The general rule is that warrantless arrests must be based on probable cause that a crime has been committed and that the individual arrested committed the crime.<sup>13</sup> In misdemeanor cases, most states require that the arresting officer witness the offense for which an arrest is made. One exception is the arrest of a juvenile for a misdemeanor offense. Some states, including California, authorize warrantless arrests of juveniles for misdemeanor offenses based on probable cause.<sup>14</sup>

A common law enforcement strategy in gang crime suppression is to arrest gang members for minor crimes that might otherwise go unnoticed. In one jurisdiction, police enforce disorderly conduct laws based on such behavior as use of gang signs and hand signals. Such a strict interpretation of the laws may violate several federal constitutional guarantees, including First Amendment freedoms of speech and association. Moreover, courts may well suppress evidence gained from a *Terry* stop safety search if the crime charged does not support a police officer's claim of fear for personal safety.<sup>15</sup>

Saturation patrol or "sweeps" are another arrest tactic whereby police saturate an area with officers to arrest large numbers of offenders—typically those engaged in buying or selling controlled substances. Offenders who commit crimes in the sight of the police are, of course, arrested. Other individuals in the target area may be asked to identify themselves, and a record of each contact is kept, including physical descriptions and the like. As noted, a *Terry* stop permits asking individuals to identify themselves and can be the basis for warrant checks, and also allow safety searches for weapons. In the gang context, police sweeps may also be directed at offenders who are in possession of dangerous weapons. In addition, sweep targets may commit some lesser crimes in response to the sweep such as obstruction of justice or disorderly persons violations.

## **Criminal Investigations**

The principal criminal investigation techniques used in gang-related criminal cases include the use of confidential informants, undercover officers, drug buys and sales (raising entrapment issues), forced entry, and surveillance.

### ***Confidential Informants***

Information from confidential informants is commonly used to justify warrantless arrests and applications for search warrants. The constitutional "reasonableness" requirement for police actions necessitates that the informant's information have indicia of reliability. If the informant is willing to be known and swear to the accuracy of the information, no further corroboration is needed. But confidential informants, by definition, wish to remain anonymous. Corroboration in this context may come from prior experience with the accuracy of the informant's information.<sup>16</sup> It also means that the informant's information is based on personal knowledge; otherwise the informant's information is hearsay, requiring an assessment both of the reliability of the original source of the information and of the extent to which the informant may have misperceived what was said or made errors in repeating the information. Another way in which corroboration occurs is that the police are able to verify significant elements of the informant's information (e.g., description of suspect or actions).<sup>17</sup> Finally, corroboration may be made based on two (or more) informants providing similar information where the informants are independent of each other and their information is based on personal knowledge.<sup>18</sup>

Defendant discovery of the identity of a confidential informant is required only where the informant can testify to issues relating to guilt or innocence.<sup>19</sup> If the informant's information was used only to provide probable cause for a search warrant, the Constitution does not require discovery of his or her identity. But if the defense raises significant issues of entrapment, coercion, or planted evidence, the informant may be required to testify about these defenses.<sup>20</sup>

### ***Undercover Officers***

The problems of using confidential informants can be avoided by using police officers as undercover agents. The information they report is based on personal knowledge, and they are available to swear personally to affidavits of the truth of their statements, avoiding the need to show prior reliability of unsworn statements of informants.



The most common legal issue associated with the use of undercover investigators is the defense of entrapment. Entrapment is a technical defense to criminal charges that contends that *but for* police actions to encourage criminal acts, the alleged crime would not have occurred. The entrapment defense has two elements: "outrageous" acts of the police that encouraged criminal acts by the defendant, and the propensity of the defendant to commit criminal acts without police encouragement. Police actions that arguably encourage criminal acts constitute entrapment only where it may be reasonably said to be likely to cause a normally law-abiding person to commit a crime.<sup>21</sup> Mere solicitations (offers) by the police do not constitute entrapment, nor does providing an opportunity for criminal acts. More is required for entrapment, such as continued and prolonged offers for criminal partnerships, strong references to friendship as a motivating factor, or even the absence of any reasonable suspicion to justify making the police offer.

### ***Drug Buys and Sales***

One of the most common uses of undercover investigators is to buy or sell controlled substances to an offender who is otherwise involved in the drug trade. Of course, drug trafficking is often a gang-related crime. Two types of drug enforcement tactics are most common: the buy-and-bust and the reverse sting, in which the police sell drugs to drug traffickers or users. In the gang context, law enforcement's primary objective is to maximize potentially applicable penalties by increasing the total number of charges and the amount of drugs involved. In practice this often results in a continuing series of drug trades. This series of transactions is the basis for the courts to later issue arrest warrants. In addition, buy/bust operations may be used against individual gang members. Here, probable cause for a warrantless arrest comes from the defendant's immediately prior participation in a drug transaction.

The reverse sting scenario involves police selling drugs to users or lower-level drug traffickers. In some jurisdictions it may be argued that police reverse sting operations violate the law making possession of controlled substances illegal, since there is no exception in that law authorizing police possession of seized contraband—which is the only source of drugs for reverse stings. In a related scenario, the California Supreme Court has held that it is a criminal offense for police to supply a controlled substance to a confidential informant.<sup>22</sup>

### ***Forced Entry***

Police officers executing a search warrant must ordinarily knock and announce their purpose before entering.<sup>23</sup> Forced entry is permitted to gain admission to a

building where police entry can be expected to be resisted, resulting in danger to the officers, or where delayed entry may result in destruction of evidence. Forced entry may be accomplished by physical force such as the use of a battering ram, or through a ruse in which an officer poses as a deliveryman, salesman, or similar person to get the residents to open the door, permitting other officers to rush in.

Some jurisdictions authorize police to enter a building without notice, using so-called "no-knock warrants."<sup>24</sup> Jurisdictions differ on the requirement to show a particular need for a no-knock entry, rather than a general need based on the type of crime involved.<sup>25</sup>

### ***Surveillance***

Police surveillance is another common investigative technique used to produce evidence for applications for search or arrest warrants. Depending on the type of crime involved, surveillance may be of a person or a location. Often, visual surveillance is supplemented by the use of audiovisual equipment to maintain a permanent record of what the surveillance uncovered. The principal legal issues with surveillance typically involve privacy. One issue is the breach of a reasonable expectation of privacy through placement of audiovisual equipment in an area not open to the public. A search warrant is needed because the area is appropriately designated not open to the public and the offender is privileged to be there.<sup>26</sup> A second privacy issue is that of surveillance harassment. This issue is more problematic from the law enforcement perspective because subject awareness of surveillance reduces the likelihood of obtaining investigative information. In the absence of any strong law enforcement motive, courts are likely to balance the importance of other police motives against the claimed invasion of privacy.<sup>27</sup>

### **Interdiction**

The primary interdiction methods—roadblocks, traffic stops, and street barriers—are all intended, in part, to disrupt drug trafficking patterns. The first two tactics may also be used to gain physical evidence of criminal activity.

#### ***Roadblocks***

Roadblocks involve the simple establishment of checkpoints at which vehicles must stop. Randomly stopping cars at any point in a city is overly dependent on police discretion and is obviously an intrusion into privacy, protected by the Fourth Amendment.<sup>28</sup> However, court decisions conflict in their rulings on when roadblocks

are permitted. At a minimum, the use of roadblocks must be reasonable—that is, likely to result in the identification of a high numbers of persons in possession of controlled substances or other contraband.<sup>29</sup> This may, however, be difficult to show.<sup>30</sup> Less difficult to prove is that a roadblock serves a traffic control function, such as limiting pedestrian drug buys that interfere with traffic flow.<sup>31</sup> A third type of roadblock simply provides drivers with information that is intended to deter buyers from reaching sellers. California Attorney General guidelines require road checkpoints to be publicized in advance and for posted signs to warn of the checkpoint before drivers reach it.<sup>32</sup>

### ***Traffic Stops***

Traffic stops of individual cars must be based on a showing of either a traffic violation or probable cause to arrest an individual in the stopped vehicle (e.g., based on an arrest warrant). The *Terry* "reasonable suspicion" test has been accepted by some courts to justify a traffic stop when the officer has some basis for believing that something relating to a crime has occurred, or is occurring, and the car's occupants are connected with that activity.<sup>33</sup> After a justified traffic stop, the officer may make safety searches of the driver<sup>34</sup> and, in some instances, any other occupants of the vehicle.<sup>35</sup> If the officer sees contraband in plain sight after the stop, no search warrant is needed to seize such evidence.<sup>36</sup> In virtually all cases, a validly arrested driver may be searched, along with the vehicle being driven.<sup>37</sup>

### ***Street Barriers***

Barriers prohibiting or preventing entry into a street are used to inhibit drug trafficking by rerouting traffic patterns. The legal authority in some jurisdictions may require a rulemaking-like procedure to be used when street barriers are set up to create a permanent or non-temporary traffic pattern change. However, for temporary use, virtually no jurisdictions limit the police power to place traffic barriers.

## **Gang Information Systems**

Investigation and suppression efforts are supported by systematic information collection about gangs and their members. In many jurisdictions, this information includes

- Field interrogation or contact cards
- Arrest reports
- Crime reports
- Photographs of gang members
- Court records

These records may be collected for internal use, such as planning gang suppression programs. They may also be disseminated to other governmental agencies, including those working with gangs, or to non-governmental parties (e.g., press). Challenges to police internal use of gang information records goes to the propriety of the data collection itself. Contentions that police information collection is illegal have been upheld where the data collection was motivated by political considerations, potentially infringing on First Amendment values.<sup>38</sup> In those cases, unlike the gang context, the crimes involved were few (if any) and rarely involved Part I crimes.

Police may use photographs of gang members before trial to have witnesses identify offenders, even if all the photographs used are limited to gang members.<sup>39</sup>

Dissemination of police records about street gangs and their members to other persons, in or out of government, is a more serious issue. Gang members often are juveniles, and state laws typically restrict dissemination of juvenile records. However, most of these laws are directed at dissemination of juvenile court records, not law enforcement records.<sup>40</sup> To the extent that law enforcement records parallel juvenile court records (i.e., they contain records of court appearances), they may also be covered by the same statutory limits. But other elements of police juvenile records simply report on police contacts, which are not covered by these laws. In practice, dissemination of records within the criminal justice community is not likely to be successfully attacked. Thus, police, prosecutors, and probation officers may share their gang records among themselves when the records are created independently of the juvenile court.<sup>41</sup> They should not, however, release these records to non-law enforcement agencies without explicit authority.

## **Innovative Uses of Criminal and Civil Law for Problem Solving**

Innovative tactics against crime conditions include criminal and civil laws providing for

- Nuisance abatement
- Gang ordinances
- Building code requirements
- Parental criminal and civil liability
- Curfew laws for juveniles
- School code requirements (e.g., dress code, use of pagers).

## **Nuisance Abatement**

Nuisance abatement laws are concerned with the elimination of public and continuing nuisances. In this context, nuisance refers to property rather than personal conduct. Hence, a legal action to eliminate a nuisance may be directed at the property itself, as well as at the owners or users of the property.<sup>42</sup> A public nuisance action may be brought by governmental officials to protect public order and decency. In contrast, private nuisance actions may be brought only by the injured party to "cure" that person's injury.

Nuisance abatement measures range from court orders to stop a particular use to seizure of a property for up to one year. Colorado nuisance law even permits forfeiture of property such as a car used in a drive-by shooting.<sup>43</sup> The California and Louisiana STEP acts classify as nuisances buildings used by gangs for the commission of a pattern of crimes and permit the court to order eviction or sealing of the building. These laws permit law enforcement to have abandoned buildings razed and vacant lots cleared.

A common use of nuisance abatement laws is to force owners to act against gang use of their buildings or face governmental takeover. Landlords have been ordered by courts under these laws to clean up graffiti, erect security gates, install lighting, remove abandoned cars, evict known drug dealers, etc. These orders are commonly coordinated with community policing tactics to reinforce the owners' ability to act against gangs.

The Los Angeles city attorney has expanded on the nuisance abatement concept to get injunctions against street gangs based on the effect of their presence on daily life. Evidence to support such injunctions comes from daily "logs" kept by residents that describe such things as the occurrence of gunshot sounds or municipal sanitation or road maintenance schedule changes due to fear of gangs to prove the existence of a public nuisance.

## **Gang Ordinances**

Local government laws may also permit police to arrest gang members who violate a police directive to disperse or leave an area. These new gang-loitering laws expand on the common law vagrancy laws that date back to the end of the feudal period in England. While vagrancy and loitering laws have often been successfully attacked for their vagueness,<sup>44</sup> these laws have also been upheld when directed at a specific problem, such as prostitution.<sup>45</sup> These latter cases support the constitutionality of gang loitering laws, especially if they can be tied to criminal actions such as drug

trafficking.<sup>46</sup> An ordinance that is simply directed at gang members may, however, be subject to challenge on First Amendment grounds as infringing on the right of association protected by that amendment—unless the gang has been formally declared a criminal organization pursuant to a state gang law such as California's STEP Act.

## **Building Code Requirements**

Building code requirements refer to state and local laws that regulate building construction and maintenance. Thus, buildings in a jurisdiction must comply with fire codes, health and sanitation codes, and the like. For example, the lack of running water in an occupied building may violate code requirements. Local housing codes can be used to show illegal occupancy of a building. Zoning codes can be used for similar purposes. Building codes can be used to close a building that is structurally unsafe or that does not have running water or working toilets. Under these codes, abandoned buildings that are safety hazards may even be razed.

## **Parental Liability**

Parental liability is based on the responsibility of parents for the acts of their children. Parents are responsible for supervising their children. Failure to properly supervise may be considered a form of parental negligence unless the children are in the company of their parents. Depending on the degree or blameworthiness of parental negligence, civil or criminal liability may be authorized by statute.

Parental liability laws are of three types:

- Laws on contributing to the delinquency of a minor authorize juvenile courts to have jurisdiction over the parents of a minor for the parents' actions or inactions that arguably contributed to the minor's delinquency. The contributing-to-delinquency laws are essentially a variant of vicarious criminal liability laws. Hence, some degree of causation must be shown. These laws also require that the minor's acts be within the jurisdiction of the juvenile court. If the minor is tried in the adult criminal court, there can be no contributing to delinquency.
- The California STEP Act expands on the contributing-to-delinquency laws with a provision (California Penal Code § 272) permitting criminal prosecution against a parent whose child commits a crime and who has knowingly failed to control or supervise the child. Prosecution is authorized only after the parent has been offered counseling or a course in parenting (after a prior crime has occurred). Similar legislation has been enacted in New York and Kentucky.

- At common law, a parent can be held civilly liable for injuries caused by a minor when the minor's act was directed or ratified by the parent or the parent's negligent acts were a proximate cause of the injury.<sup>47</sup> State statutes today permit parties injured by the intentional acts of a minor to collect monetary compensation from parents for property damage and, in half the states, personal injuries. All states with parental liability laws place monetary limits on the amount that can be recovered (up to \$15,000 in Texas). Indiana law lifts the monetary limit for gang-related activities resulting in injury.

## Curfew Laws

Curfew laws prohibit minors from appearing in public streets or places, including places of amusement or eating, unless they are supervised by an adult between specific hours of the evening and morning (e.g., 11:00 p.m. to 6:00 a.m.). Curfews may be used to keep juveniles off the streets and out of public parks. The primary justification for these laws is that juveniles who leave the home at night are more vulnerable to peer pressure and committing crime than are adults.<sup>48</sup> This contention is not always accepted,<sup>49</sup> and curfew laws are typically challenged on civil liberties grounds.

## School Regulations

School regulations are administrative rules that regulate the dress or behavior of youth attending public schools by barring specific types of dress, activities, or property (e.g., pagers) from school grounds.

School disciplinary rules may be used to enforce school grounds "neutrality" that prohibits gang activities in or near the school or even to discipline students for participating in gang actions outside of school. One common rule aimed at gang members is prohibition of gang "dress" and hair style. Most courts have upheld this type of school rule where the school can show that the prohibition is reasonably directed at limiting school disruptions due to gang affiliation conflicts.<sup>50</sup> School safety represents a strong state interest that outweighs a student's rights of free expression or association. This type of rule may be subject to challenge if it is written in language that is directed at race or gender.<sup>51</sup> There is also court precedent for schools' outlawing gang membership.<sup>52</sup> One basis for such a bar is case law permitting schools to discipline students based on their engaging in illegal acts (such as drug possession) away from school grounds.<sup>53</sup> The gang membership bar may, presumably, extend to barring student use of gang symbols, hand signals, or actions furthering gang interests

such as recruitment of new members on school grounds. Schools may also bar students from leaving school grounds during the school day.<sup>54</sup>

## **Prosecution Issues**

Prosecutors in gang-related prosecutions have developed several innovative strategies that are directed at increasing the penalties imposed on gang members. Other innovations are directed at preventing witness tampering.

### **Maximum Penalties**

The three prosecutorial tactics directed at maximizing the available penalties are cross-assigning of state prosecutors, filing enhancement charges, and using juvenile records in adult court.

#### ***Cross Assignment***

Federal law often provides for more severe penalties for committing drug-related crimes than are available in state court. In other cases, the federal Armed Career Criminal Act (18 U.S.C. § 924[e]) may also be applicable for increased sentences. In some jurisdictions, a common tactic is for the state prosecutor to ask the U.S. attorney to accept jurisdiction and file charges in federal court. When the U.S. attorney accepts the case, the state prosecutors may be given temporary status as assistant U.S. attorneys and prosecute in federal court the same case that they would have filed in state court.

#### ***Enhancement Charges***

In many states, the criminal code provides for enhanced penalties to be given to defendants convicted of a crime. For example, a defendant convicted of committing a robbery may be given a sentence of up to 10 years imprisonment with probation eligibility. An enhanced sentence for possession of a firearm during the robbery may both add an additional prison term and bar suspension of that term for a probation sentence. The most common enhanced sentences include those for

- Possessing a firearm
- Committing a crime in a school or other protected zone
- Furthering gang ties or motives

When an enhanced penalty is sought, most states require the charging instrument to specify the allegations for which enhancement is authorized.<sup>55</sup> State law may require that each separate count of an indictment or other charging instrument



include the relevant enhancements. Where some charges are dropped or do not result in a guilty finding, this rule can result in the loss of the enhancement charges unless each count contains an enhancement specification.

Of the three types of sentencing enhancements, furthering gang ties or motives is the only one with unique proof elements. Proving that a defendant acted as a gang member or to further gang interests may require evidence specifically directed at proving this enhancement. For this purpose, the prosecutor may offer the testimony of an expert witness. Among the matters to which an expert can testify are the meaning of gang graffiti or signs, gang processes, or even the psychology of gangs and their members to show a gang-related motive.

Evidence of gang membership may be admitted by the court when membership is relevant to proving motive and identity as a participant in a crime committed by gang members.<sup>56</sup>

### ***Juvenile Records***

Most state sentencing laws provide for enhanced penalties for defendants who had been previously convicted of a crime. Many of these states also provide that, for sentencing purposes, a juvenile disposition for a felony is the equal of an adult conviction.

## **Witness Intimidation**

Prosecutor efforts to limit witness intimidation and similar problems include the use of witness intimidation laws, methods to ensure that witness intimidation does not lead to changes in testimony, and establishment of a victim advocate position.

### ***Witness Intimidation Laws***

Both federal<sup>57</sup> and state laws<sup>58</sup> make it a crime to attempt to intimidate witnesses in criminal matters. Some prosecutors argue that high bail should be ordered in cases of alleged witness intimidation. They contend that efforts to obstruct justice are equivalent to an attempt to flee the jurisdiction.

### ***Protecting Testimony***

Some prosecutors who anticipate witness intimidation seek to obtain an early record of witness testimony. This is accomplished by presenting the witness at a preliminary hearing where the testimony is subject to cross-examination. Witness unavailability at a later date will not prevent the introduction of the preliminary hearing

testimony. Some other jurisdictions, however, prefer to defer witness testimony by using the indictment process. This is done to eliminate early confrontations between the witnesses and gang member defendants.

Alternative measures may be taken to preserve witness testimony. In some jurisdictions, witness testimony may be taped on audio or video equipment. Using a deposition procedure can provide for the cross-examination needed under the "confrontation" provision of the Constitution. Alternatively, a witness who changes his or her testimony at trial may be challenged in some jurisdictions with the recorded testimony as a prior inconsistent statement.

In some jurisdictions, laws may provide for a witness protection program similar to that used by the federal government.<sup>59</sup> In other instances, witnesses may be placed in protective custody.

### ***Victim Advocate***

Gang retaliation for testifying against a gang member is a significant impediment to both crime reporting and successful prosecution. Prosecutor use of witness intimidation laws can protect witnesses, but does not by itself attack the problem of community perceptions. Thus, a victim advocate is a necessary corollary to the witness intimidation laws. Among the duties of the advocate are notifying witnesses of court hearings, transporting them to court, and providing the linkage to ensure that victims' and witnesses' fears are dealt with.

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<sup>1</sup> See comment to "Aider and Abettor Liability, the Continuing Criminal Enterprise, and Street Gangs: A New Twist in an Old War on Drugs," 81 *Journal of Criminal Law and Criminology* 348 (1990).

<sup>2</sup> See *People v. Bradford*, 104 Cal. Rptr. 852 (1972); *Commonwealth v. Meadows*, 428 N.E. 2d 321 (Mass. 1981).

<sup>3</sup> *Terry v. Ohio*, 392 U.S. 1 (1968).

<sup>4</sup> See also *INS v. Delgado*, 466 U.S. 210 (1984).

<sup>5</sup> In *California v. Hodari*, 111 S. Ct. 1547 (1991), the Supreme Court admitted into evidence drugs thrown by a suspect after he fled from the appearance of police officers on the basis that the police chase was not a *Terry* stop until the defendant was caught.

<sup>6</sup> See *Florida v. Royer*, 460 U.S. 491 (1983); *U.S. v. Sokolow*, 490 U.S. 1 (1989).

<sup>7</sup> *Terry v. Ohio*, 392 U.S. 1 (1968).

<sup>8</sup> *Ybarra v. Illinois*, 444 U.S. 85 (1979) (a break-in search to continue safety search of others, after noting suspicious non-weapon, shows non-safety intent for subsequent research).

<sup>9</sup> *Chimel v. California*, 395 U.S. 752 (1969).

<sup>10</sup> *Griffin v. Wisconsin*, 483 U.S. 868 (1987), permitted a warrantless search of a probationer's home on the basis of the state's need to maintain an effective probation system.

<sup>11</sup> *In re Binh*, 6 Cal. Rptr. 678 (1992).

<sup>12</sup> See *U.S. v. Luckett*, 484 F.2d 89 (9th Cir. 1973) (jaywalking stop not serious enough to support warrant check).

<sup>13</sup> See, e.g., *Henry v. U.S.*, 361 U.S. 98, 102 (1959); *Dunaway v. New York*, 442 U.S. 200 (1979) (detention for custodial investigation requires probable cause, not reasonable suspicion of *Terry*).

<sup>14</sup> *In re Samuel*, 277 Cal. Rptr. 14 (1990).

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- <sup>15</sup> *U.S. v. Guzman*, 864 F.2d 858 (11th Cir. 1988). See also *Gustafson v. Florida*, 414 U.S. 260 (1973); *U.S. v. Lockett*, 484 F.2d 89 (9th Cir. 1973).
- <sup>16</sup> *Aguilar v. Spinelli*, 378 U.S. 108 (1964).
- <sup>17</sup> *Illinois v. Gates*, 462 U.S. 213 (1983).
- <sup>18</sup> See *People v. Ballassey*, 30 Cal. 3d 614 (1973).
- <sup>19</sup> See *People v. Bounda*, 11 Cal. 3d 523 (1974).
- <sup>20</sup> See *People v. Fried*, 214 Cal. App. 3d 1309 (1990).
- <sup>21</sup> *Jacobsen v. U.S.*, 112 S.Ct. 1535 (1992).
- <sup>22</sup> *People v. Backus*, 23 Cal. 3d 360 (1979).
- <sup>23</sup> *Ker v. California*, 374 U.S. 23 (1963).
- <sup>24</sup> See, e.g., 21 U.S.C. § 879 (1988).
- <sup>25</sup> See *People v. Gastelo*, 432 P.2d 706 (Cal. 1967); *People v. Dumas*, 512 P.2d 1208 (Cal. 1973), for leading cases adopting the particularized showing rule. See also *U.S. v. Singer*, 943 F.2d 758 (7th Cir. 1991) (officer danger exception).
- <sup>26</sup> See *Nader v. General Motors Corp.*, 298 N.Y.S. 2d 137 (1970).
- <sup>27</sup> In the absence of any legitimate police motive, open surveillance may result in the commission of the tort of intentional infliction of emotional distress (RESTATEMENT, TORTS (2d), § 46) and prima facie tort (RESTATEMENT, TORTS (2d), § 870).
- <sup>28</sup> *Delaware v. Prouse*, 440 U.S. 648 (1979) (check on driver's licenses).
- <sup>29</sup> In *Michigan Department of State Police v. Sitz*, 496 U.S. 444 (1980), the Supreme Court upheld a roadblock directed at identifying drivers who were under the influence of alcohol.
- <sup>30</sup> See, e.g., *Galberth v. U.S.*, 590 A.2d 990 (D.C. 1991). But see *State v. Everson*, 474 N.W.2d 695 (N. Dak. 1991)
- <sup>31</sup> *U.S. v. McFayden*, 865 F.2d 1306 (D.C. Cir. 1989).
- <sup>32</sup> Discussed in Note, "Walking the Constitutional Beat: Fourth Amendment Implications of Police Use of Saturation Patrols and Roadblocks," 54 OHIO St. L. J. 497 (1993).
- <sup>33</sup> *Delaware v. Prouse*, 440 U.S. 648, 663 (1979).
- <sup>34</sup> *Michigan v. Long*, 463 U.S. 1032 (1983). In *Pennsylvania v. Mimms*, 434 U.S. 106 (1977), the Supreme Court approved the actions of a police officer who directed the vehicle driver to leave the car after a *Terry* stop and patted down the driver after observing a shoulder bulge.
- <sup>35</sup> *Rucker v. United States*, 455 A. 2d 889 (D.C. 1983) (Passenger search upheld on basis of prior observation by another officer of drugs).
- <sup>36</sup> *Texas v. Brown*, 460 U.S. 730 (1983).
- <sup>37</sup> *New York v. Belton*, 453 U.S. 454 (1981).
- <sup>38</sup> E.g., *Riggs v. City of Albuquerque*, 916 F. 2d 582 (10th Cir. 1990). See generally *Laird v. Tatum*, 408 U.S. 1 (1972); *Meese v. Keene*, 481 U.S. 465 (1987).
- <sup>39</sup> *People v. Contreras*, 144 Cal. Appl. 3d 749 (1983).
- <sup>40</sup> Compare, e.g., CAL. WEL. & INST. CODE § 827 (general prohibition on dissemination of juvenile court records) with CAL. WEL. & INST. CODE § 204 (police dissemination of arrest records conditioned on case disposition being attached).
- <sup>41</sup> Some state laws explicitly provide authority for sharing of juvenile records within the criminal justice community. See, eg., FLA. STAT. § 39.039; ILL. I.L.C.S. § 405/1-7. ARIZ. STAT. ANN. § 8-208 provides for the release of juvenile records to adult probation, police, and prosecutors of youths charged in Superior Court. But where state law prohibits retention of specific juvenile records such as fingerprints, their later use may result in reversal of a conviction. See *State v. Lucas*, 299 S.E. 2d 21 (W. Va. 1982).
- <sup>42</sup> *Muglen v. Kansas*, 123 U.S. 623 (1887).
- <sup>43</sup> See *People v. Milton*, 732 P. 2d 1199 (Col. 1987).
- <sup>44</sup> *Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972).
- <sup>45</sup> See *People v. Smith*, 378 N.E. 2d 1032 (N.Y. 1978).
- <sup>46</sup> See *City of Tacoma v. Luvene*, 827 P. 2d 1374 (Wash. 1992).
- <sup>47</sup> See, e.g., *Horton v. Reaves*, 526 P. 2d 304 (Cal. 1974).
- <sup>48</sup> See *People ex rel. J.M.*, 768 P. 2d 219 (Col. 1989).
- <sup>49</sup> See *Walters v. Barry*, 711 F. Sup. 1125 (D.D.C. 1989).
- <sup>50</sup> See, e.g., *Massie v. Henry*, 455 F. 2d 779 (4th Cir. 1974).
- <sup>51</sup> *Miller v. Gillis*, 315 F. Supp. 94 (N.D. Ill. 1969) (men's hair length regulation invalid where safety reasons for ban also apply to unregulated women's hair length).
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- <sup>52</sup> See, *Olesen v. Bd. of Educ.*, 676 F. Supp. 821 (N.D. Ill. 1987).
- <sup>53</sup> See *Caldwell v. Cannady*, 340 F. Supp. 835 (N.D. Tex. 1972).
- <sup>54</sup> *Fitzpatrick v. Bd. of Educ.*, 284 N.Y.S. 2d 590 (Sup. Ct. 1967).
- <sup>55</sup> E.g., OHIO REV. CODE ANN. § 2929.71 (additional three-year term for firearm possession).
- <sup>56</sup> *People v. Contreras*, 144 Cal. Appl. 3d 749 (1983); *State v. Ruof*, 252 S.E. 2d 720 (N. Car. 1979). See also *U.S. v. Rodriguez*, 925 F. 2d 1049 (7th Cir. 1991).
- <sup>57</sup> 18 U.S.C. § 1512 (1988).
- <sup>58</sup> E.g., CAL. PENAL CODE § 136 et seq.
- <sup>59</sup> 18 U.S.C. § 3521 (1988).

## Chapter 8

# Evaluation

It is difficult for an agency to know whether its gang suppression strategy is successful without a systematic evaluation. A careful evaluation will suggest ways to improve or expand operations. It will point out strengths that can be built on as well as weaknesses that need to be overcome. It will also help other departments adapt similar strategies to meet the needs of their own communities. Finally, the public, elected officials, and potential funding sources will want to see evidence of success.

The evaluation design need not be overly complex to produce meaningful results. This chapter presents some concepts to consider in conducting evaluations. Local colleges and universities may also be of assistance, either by helping with the evaluation design or by providing student interns who could collect and analyze data.

The department will need to prepare for the evaluation during the planning stages of the project. An analysis performed early on (see Chapter 3) will produce a description of the environment in which the department is operating. It may also reveal areas where new data collection procedures are needed. The evaluation design will be an important consideration when the department establishes its gang suppression objectives. At the same time that the objectives are articulated, planners should determine the indicators by which they will know those objectives have been achieved.

In general, the evaluation seeks to answer several key questions:

- Was the strategy or program implemented as intended?
- What specific activities were implemented?
- Did these activities lead to the attainment of specific objectives?
- Were the program's overall goals achieved?
- To what extent were successes or failures a result of factors other than the strategy?

To answer these questions, a two-stage approach to evaluation is needed:

- A *process* evaluation to document and analyze the early development and actual implementation of the strategy or program.
- An *impact* evaluation to measure the program's effects and the extent to which its goals were attained.

## Process Evaluation

A process evaluation involves assessing whether strategies were implemented as planned and whether expected outputs were actually produced. Some examples of outputs include:

- Number of gang-related crimes reported.
- Number of gang members arrested (leaders, hard-core members, associates, and others).
- Number and types of weapons seized from gang members and associates.
- Types and amounts of drugs seized from gang members and associates.
- Number of gang members and associates convicted (along with charges, sentences).

Other output measures are listed on a quarterly reporting form completed by departments funded under the BJA Urban Street Gang program. A copy of this form is included in the Chapter Exhibit.

Detailed information about the program as it was actually implemented is invaluable for determining what worked and what did not. A thorough process evaluation should accomplish these objectives:

- Describe the program environment.
- Describe the process used to design and implement the program.
- Document any changes in the program's operation.
- Identify and describe intervening events that may have affected implementation and outcomes.

### Describing the Program Environment

Before a program's effectiveness can be judged, it is important to understand the environment into which it was introduced. The analysis (Chapter 3) provides a detailed description of the environment at the time of planning. In addition, significant changes in the environment should be documented during implementation. This information makes it much easier to determine whether similar results can be expected in other communities, or whether the results are specific to the site being evaluated. If the environment is unique in some important way, then the results achieved in that setting may not be replicable elsewhere.

### Describing the Process

Good ideas do not always yield good results. A description of the implementation process is needed to understand the tasks actually performed and the scope of the effort. This will also aid in replicating the effort in other environments.

A description of the implementation process would be concerned with such elements as:

- The interactions among participants (gang specialists or gang unit, patrol, investigations, crime analysis; other local criminal justice agencies; federal enforcement agencies; citizen groups; etc.).
- The extent of participation by various agencies, units, individuals, etc.
- Any training provided to officers or other participants.
- Interactions among participants and others in the community who were not involved in planning and implementing the strategy.

## **Describing and Measuring Program Operations**

The process evaluation must describe the way the gang suppression strategy worked, or failed to work, using quantitative and qualitative data. Items of interest include the following:

- What problems were encountered in implementing objectives? How were they overcome?
- Have all of the planned activities been implemented? Were they accomplished on schedule? What remains to be done?
- If objectives, plans, or timetables were revised, why was this necessary?
- What new objectives were added?
- What changes occurred in leadership or personnel? What effect did these changes have?
- What costs were incurred?
- What was the level of resident support in targeted neighborhoods? How did this affect the overall enforcement effort?
- What lessons have been learned that might be useful to other jurisdictions?

## **Identifying Intervening Events**

Each local program operates in constantly changing environments. *Intervening variable analysis* is concerned with the effects of various external factors on program outcomes. Some of these effects can be controlled or eliminated, while others cannot (see the section on impact evaluation).

The intervening variables that can have an impact on a program are numerous, complex, and varied. To assess outcomes correctly, these variables will need to be identified and interpreted.

## **Collecting Process Data**

The process evaluation should begin during the planning phase of the program and should continue until the program is completely implemented. Two main categories of data should be used to complete the process study.

The first data source includes the kinds of official police, city/county, census, and other data that will be gathered during the initial planning and analysis phase. These data will help determine whether program outcomes can be expected in similar jurisdictions.

The second category includes interviews with and observations of participants. Observations should begin with early program development and should continue throughout the program. Major planning activities as well as enforcement activities are of interest. Observers will answer such questions as these:

- Does the process seem to go smoothly, or are communications and relations difficult and strained?
- Do participants work together to identify a varied range of alternatives?
- Do the status and hierarchy of personnel involved interfere with communications?

To complement the information obtained through observation, interviews with key participants should also be conducted. Interviews should reveal the reactions of patrol officers, investigators, and others to the program's development and note the difficulties they have seen and how they explain them. The process evaluation should describe any problems encountered and the solutions that are suggested and attempted. The open-ended format for observations is suggested so that observers are not limited in their focus. The protocol for interviews should be more structured to ensure consistency and validity.

## Impact Evaluation

Many different evaluation designs can produce useful information about a program's effectiveness, but some designs can produce more authoritative information than others. Designs that track effects over extended time periods (*time series* designs) are generally superior to those that simply compare periods before and after intervention (*pre-post* designs). *Comparison group* designs are superior to designs that lack any basis for comparison. Designs that use true control groups (*experimental* designs) have the greatest potential for producing authoritative results. Gang suppression programs should use, at a minimum, pre-post designs. Even better is the use of longer time series analysis and some kind of comparison or control group.

## Dependent Variables

The main limiting factor on evaluations is the availability of baseline data on the *dependent variables* of interest. Examples of dependent variables are gang-related crime, fear, and weapons offenses. Data on arrests, reported crime, and calls for service for prior time periods are available in most jurisdictions, but it may not be possible to determine from these data which events are gang-related. Some jurisdictions have found it informative to examine data from before and after on events that frequently involve gang members (e.g., all weapons offenses, including shots fired; homicides; drug trafficking; drive-by shootings). Less commonly found are data on other variables like fear of crime, levels of disorder, or satisfaction with the police.



If there are no prior data for an important dependent variable, the department will need to gather that data before a new program begins. This may involve producing special computer runs on selected types of incidents or geographic areas, conducting a special community survey, taking photographs that show the gang influence in targeted neighborhoods, or hand-tabulating data from existing records.

## **Comparison or Control Groups**

Whenever possible, it is desirable to identify a comparison or control group. This may be a group of persons, or an area in the community, that does not receive the intervention but has characteristics similar to the group that does. Another possible comparison group is a similar, nearby community. The same measurements before and after the intervention periods should be made of the comparison group as of the group that receives the interventions.

## **Basic Evaluation Procedures**

Regardless of the evaluation design, some fundamental procedures should be followed. The most important of these are outlined in the sections that follow.

### ***1. Carefully state the hypothesized effects.***

The department should carefully state what is expected if the gang enforcement strategy is implemented correctly. This should be done in the planning phase of the project. There may be one effect, or many. Some examples are listed here:

- The strategy will reduce gang-related crime.
- The strategy will eliminate drug trafficking by the 86th Street Crew.
- The strategy will reduce fear of crime among residents in the Southwest quadrant.
- The strategy will result in conviction of two hard-core gang leaders under federal Triggerlock statutes.

For some programs, the effects may be expected to occur in stages. For example, "The program will reduce street-level drug sales by gang members, which will reduce fear of crime."

### ***2. Identify possible unintended effects.***

Most programs have potential risks associated with them. These should also be identified early in the planning phase. The department can then be better prepared to deal with them, and the evaluation can determine whether the unintended effects occur or not. Some examples of unintended effects are:

- The strategy will displace street gang activity from the targeted area to the surrounding neighborhood.
- Officers will object to the organizational changes required for implementation.

- New gang leaders will take over quickly after leaders targeted by the strategy are incarcerated.
- Neighborhood residents will react negatively to increased enforcement efforts.
- Key personnel will be transferred or retire.

### **3. Define what will be measured and how.**

The hypothesis states what will be measured (e.g., gang-related crime, community support), and these indicators need to be clearly *defined* so that consistent, reliable measurement can take place. What is meant by gang-related crime? Should a gang motive be present before crimes are so classified? Are measures of some crimes more important than others? How are "satisfaction with the police," "fear of crime," or "community support" defined? Terms that can have different meanings to different people need to be clarified so the department and evaluators understand exactly what is to be measured and how.

### **4. Determine appropriate time periods.**

Data collection can be costly, and information about results is important to people with investments in the program. For practical reasons, evaluators must often compromise ideal time periods. This step answers such questions as, "How far back in time should baseline data be collected?" and "How long should the program operate to give it a fair opportunity to show results?"

Generally, BJA demonstration projects obtained data on key dependent variables (e.g., drug arrests, drive-by shootings, gang-related homicides, etc.) for a period of five years before the project began. Analyzing data for several years will help identify trends and aberrations. An unusual problem or a unique special operation, for example, could result in an unusually high arrest rate in a given year.

The BJA demonstration projects were expected to devote the first three months to the needs assessment and planning processes, with programmatic activities occurring for the next 12 to 15 months. The impact evaluation should be based on data for at least 12 months of program activities. Demonstration sites were required to submit their evaluation reports in the eighteenth month.

In general, most jurisdictions should be able to make some assessments about program impact after 12 months of activities. This is not a steadfast rule, however. The appropriate period may vary considerably, depending on the nature of the problem, type and complexity of the response, and other factors.

## **5. Monitor program implementation.**

Systematic program monitoring is required for several reasons. If there are difficulties in carrying out program activities, monitoring may aid the project in correcting and overcoming any problems. It may also lead to improvements in management that can reduce implementation failures in the future. Finally, to correctly interpret program results, evaluators must know the details of what was and was not done.

## **6. Collect data systematically.**

The data collected on program implementation, hypothesized effects, and unintended effects must be as accurate as possible. If more than one person collects data, each must follow the same rules and use the same definitions. If data is collected for a long period, the same rules and definitions must be used at the beginning and end of this period.

## **7. Analyze data.**

The data analysis should produce a description of the program as it was implemented. If the evaluation design is strong enough, analysis can go beyond describing what happened and provide convincing explanations of why it happened. The analysis should present evidence that helps determine whether the program had its hypothesized effects and whether it resulted in any unintended effects.

In some situations, it may be useful to determine whether differences between target and control groups are *statistically significant*. Various statistical techniques can be used to determine whether observed differences are probably due to the program or whether they are likely to have occurred by chance.

For most jurisdictions, statistical significance will be less important than other considerations. For instance, was the program effect large enough to make a substantial difference, and were enough benefits derived to justify program costs? These are judgments that the department, city or county administrators, and residents must make, and the evaluation results should help the department and the community to make informed decisions.

## **8. Replicate the Program.**

Replication of a program ensures that the documented program effects were not a chance occurrence, the result of unobserved intervening factors, limited to one place, or limited to one time period. Once a program component is found to have

consistent effects in several applications, the strategy can be used confidently with predictable results. This underscores how important it is to conduct evaluations.

## Summary

This chapter has touched on some of the main evaluation principles to consider. Local jurisdictions are encouraged to consult people in their communities who are experienced in conducting evaluations and seek advice from local colleges and universities.

The program evaluation should include both process and impact. The process evaluation should document the following:

- The environment into which the program was introduced.
- The program design and the process by which it was implemented (including any implementation problems).
- Changes made over the course of the program.
- Intervening events that should be considered when interpreting the results.

The impact evaluation should determine whether any effects occurred on the conditions of interest (gang activity, gang-related crime, fear, etc.). It should be conducted in a way that permits confident conclusions about whether the program caused these effects. This will require pre- and post-measurement, and whenever possible, the use of comparison or control groups.

The more carefully the evaluation is conducted, the more useful the results will be to the department in improving its operations and to other jurisdictions in selecting program components that are likely to work.



# Chapter Exhibit

# Selective Gang Bibliography

## YOUTH GANGS

Title Gang, Neighborhoods, and Youth Crime  
Journal Citation Criminal Justice Research Bulletin, V 5, N 4 (1990), complete issue  
Author Short, J. F.  
Publication Date 1990  
Annotation Most of what is known about juvenile gangs, their causes, and internal dynamics is based on research conducted many years ago. Gang research in the 1960s was done in the field, employing extensive and intensive observation and other advanced research methods. In the mid 1970s, research shifted toward reliance on police and other law enforcement contacts and data.

Title Gangs, Drugs and Violence (From Drugs and Violence: Causes, Correlates, and Consequences, p. 160-176, 1990, Mario de La Rosa, Elizabeth Y. Lambert, Bernard Gropper, eds.)  
Author Moore, J.  
Sponsoring Agency U.S. Department of Health and Human Services, National Institute on Drug Abuse  
Publication Date 1990  
Annotation This analysis of research on the relationships among youth gangs, drugs, and violence concludes that common stereotypes are erroneous.

Title Substance Abuse Among America's Urban Poor  
Journal Citation Urban League Review, V 13, N 1-2 (1990), p. 93-98  
Author Amuleru-Marshall, O.  
Publication Date 1990  
Annotation Substance abuse is prevalent among urban youth from various ethnic groups that fall outside the American mainstream. Confronted by life options including unemployment, gang membership, violence, adolescent pregnancy, crime, drug use, and drug distribution, many of these youth are attracted by the money associated with the trading of illicit drugs.

## SCHOOLS AND GANGS

Title Safer Schools, Better Schools  
Author U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention

Publication Date	1988
Annotation	This bulletin provides information on five federal programs to curb drug use, truancy, vandalism and gang activity, and to improve the academic environment for America's 45.5 million public school students.
Title	Youth Gangs Organize Quest for Power, Money
Journal Citation	School Safety (Spring 1988), p. 26-27
Author	Taylor, C. S.
Publication Date	1988
Annotation	This 1980 to 1985 study examined the characteristics of black, urban juvenile gangs and their impact on schools and their community.

## DRUGS AND GANGS

Title	Urban Delinquency and Substance Abuse: Initial Findings
Sponsoring Agency	U. S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention
Author	D. Huizinga, Loeber, R. and Thornberry, T. P.
Publication Date	1994
Annotation	This publication summarizes initial findings of a multiple-site study of urban delinquency and substance abuse, sponsored by the research program on the Causes and Correlates of Juvenile Delinquency of the Office of Juvenile Justice and Delinquency Prevention. Longitudinal studies were conducted in Denver, Colorado; Rochester, New York; and Pittsburgh, Pennsylvania.
Title	Aider and Abettor Liability, the Continuing Criminal Enterprise, and Street Gangs: A New Twist in an Old War on Drugs
Journal Citation	Journal of Criminal Law and Criminology, V 81, N 2 (Summer 1990), p. 348-397
Author	Skalitzky, W. G.
Publication Date	1990
Annotation	This article describes the unprecedented growth in gang size, scope of activities, and sophistication that occurred in the 1980s.
Title	Crack Cocaine, Guns, and Youth: An Extremely Lethal Mixture
Journal Citation	Lay Panel Magazine, V 20 (September 1988), p. 608
Author	McCarney, W.G.
Publication Date	1988
Annotation	The introduction of crack cocaine into the drug markets in the United States results in youth involvement in drug dealing and violence at much earlier ages than before.



- Title Organized Crime: Gangsters and Godfathers (From Controversial Issues in Crime and Justice, p. 54-75, 1988, Joseph E. Scott and Travis Hirschi, eds.)
- Author Dombrink, J.
- Publication Date 1988
- Annotation This article concludes that the prohibition policies of the U.S. government regarding alcohol, drugs, and gambling have promoted crime and have been the greatest contributor to the growth of criminal groups in American society.
- Title Gangs, Drugs, and Delinquency in a Survey of Urban Youth
- Journal Citation Criminology, V 31, N 4, p.565-589
- Author Esbensen, F. and Huizinga, D.
- Publication Date November 1993
- Annotation This article discusses findings of a study using data from the Denver Youth Survey, a longitudinal study of families. The data were used to examine the prevalence and demographic composition of gangs; the degree to which gang members are involved in illegal activities; and the temporal relationship between criminal offending and gang membership. Results showed that while gang members had higher rates of involvement in crime than non-gang members before joining gangs, offending rates were substantially higher during the actual year of gang membership.
- Title The Role of Juvenile Gangs in Facilitating Delinquent Behavior
- Journal Citation Journal of Research in Crime and Delinquency, V 30, N 1, p. 55-87.
- Author Thornberry, Terence P., Krohn, M. D. et al.
- Publication Date February 1993
- Annotation This study examines alternative explanations for why gang members are more likely to have higher rates of serious and violent crime than nongang members. Data from the Rochester Youth Development Study are used to compare several models. Findings indicate that gang members, compared to nongang members, did not have higher rates of delinquent behavior or drug use before joining a gang, but once they became members, their rates increased substantially.
- Title Investigation of Major Drug Distribution Cartels (From Critical Issues in Criminal Investigation, Second Edition, p. 113-139, 1988, Michael J. Palmiotto, ed.)
- Author Hyatt, W. D.
- Publication Date 1988
- Annotation This paper describes the organized crime groups most involved in narcotics distribution and the most popular methods for combating them, and it

identifies citizens' rights issues raised by these methods.

Title "Crack," Street Gangs and Violence  
Journal Citation Criminology V 29, N 4, p. 623-650  
Author Klein, M.W. and Maxson, C. L.  
Publication Date 1991  
Annotation This study found that while drug sales and distribution are activities of individual gang members, there was little evidence that the sale of drugs was an organized gang activity involving all gang members.

## PROFILES OF GANGS IN THE U.S.

Title Study of Organized Crime Business-Type Activities and Their Implications for Law Enforcement  
Author Edelhertz, H. and Overcast, T. D.  
Sponsoring Agency U.S. Department of Justice, National Institute of Justice  
Publication Date 1990  
Annotation This report examines the descriptive research on the business-type activities of organized criminal groups

Title Street Gang Crime in Chicago  
Sponsoring Agency National Institute of Justice  
Author Block, C. R. and Block, R.  
Publication Date December 1993  
Annotation This report summarizes the results of a study of street gang crime in Chicago.

Title Social Structure of Street Drug Dealing  
Journal Citation American Journal of Police, V 9, N 1 (1990, p. 1-41)  
Author Skolnick, J. H., Correl, T., Navarro, E., and Rabb, R.  
Publication Date 1990  
Annotation Drug distribution in California as related to the gang phenomenon, and street drug dealing are discussed.

Title Study of Juvenile Gang in a High Risk Community: Results of the Initial Phase of the Relationship  
Journal Citation Salud Mental, V 12, N 3 (September 1989), p. 26-36  
Author Santamaria, C., Obregon, S. A., Figuera, L., Rosa, R., and Stern, S.  
Publication Date 1989  
Annotation Using participant observation, this study examines the activities, membership, and structure of a juvenile gang in a high-risk neighborhood of Mexico City.

- Title When You're a Crip (or a Blood)  
 Journal Citation School Safety (Fall 1989), p. 4-11  
 Author Bing, Leon  
 Publication Date 1989  
 Annotation Members of two Los Angeles youth gangs, the Crips and the Bloods, describe the reasons they join gangs and their daily activities in this transcript of a discussion that was held at the Kenyon Juvenile Justice Center in Los Angeles and that was moderated by journalist Leon Bing.
- Title Nontraditional Organized Crime: Law Enforcement Officials' Perspectives on Five Criminal Groups  
 Author U.S. General Accounting Office  
 Publication Date 1989  
 Annotation This report summarizes findings regarding the activities and structure of Colombian, Jamaican, Chinese, and Vietnamese criminal groups and Los Angeles street gangs.
- Title Social Organization of Drug Use and Drug Dealing Among Urban Gangs  
 Journal Citation Criminology, V 27, N 4 (November 1989), p.633-667  
 Author Fagan, J.  
 Publication Date 1989  
 Annotation Interviews with 151 youth gang members in Los Angeles, San Diego, and Chicago in 1984 and 1985 formed the basis of this analysis of the relationships among drug dealing, violence, and organizational and social aspects of the gangs.
- Title New Investigative Approach to Youth Gangs  
 Journal Citation FBI Law Enforcement Bulletin, V 58, N 10 (October 1989), p. 20-24  
 Author Burnes, E. and Deakin, T. J.  
 Publication Date 1989  
 Annotation Youth gangs in Baltimore, Maryland, are unique in their structure, objectives, and methods of operation; this, coupled with the increase in the drug problems, has made many standard investigative techniques ineffective.
- Title Gangland: Drug Trafficking by Organized Criminals  
 Author Lyman, M. D.  
 Publication Date 1989  
 Annotation This book addresses the history, structure, and operations (particularly drug trafficking) of various organized crime groups in the United States and suggests legal tools and investigative techniques for countering such groups. The book includes chapters on Asian organized crime groups; Los

Angeles-based CRIPS; Jamaican posses; the economics of drug trafficking; Latin American drug connections; and other topics.

Title Drug Trafficking: A Report to the President of the United States  
Author U.S. Department of Justice, Office of the Attorney General  
Publication Date 1989  
Annotation Because drug trafficking is considered the number one crime problem in the United States, 93 U.S. Attorneys were requested to provide information on the business structure of drug trafficking in their districts, the magnitude of the drug problem, and the work of agents and prosecutors in pursuing drug traffickers.

Title Organized Crime, Second Edition  
Author Abadinski, H.  
Publication Date 1985  
Annotation This book discusses the definition and structure of organized crime, its history and activities, as well as efforts to combat it through laws and law enforcement.

## **POLICE RESPONSE TO GANGS**

Title National Youth Gang Suppression and Intervention Program  
Author Spergel, I. A., Chance, R. L., and Curry, D.  
Sponsoring Agency U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention  
Publication Date June 1990  
Annotation This summary report integrates the findings of seven data collection and research phases conducted in the initial assessment of the National Youth Gang Suppression and Intervention Program. The purpose of this assessment was to determine the scope of the youth gang problem, review the responses, and examine promising approaches for combating the gang problem.

Title Gang Crime and Law Enforcement Recordkeeping  
Author Curry, G. D., Ball, R. A. and Fox, R. J.  
Sponsoring Agency National Institute of Justice  
Publication Date August 1994  
Annotation This report discusses the results of a 1992 survey of 79 large and 43 smaller police departments about the extent and nature of gang problems in their jurisdictions, gang definitions, gang member and gang crime recordkeeping practices, and police strategies for combating gangs.

Title Street Gangs: Current Knowledge and Strategies  
Sponsoring Agency National Institute of Justice  
Author Conly, C. H.  
Publication Date August 1993  
Annotation This report summarizes research and professional criminal justice perspectives on gangs; describes selected gang prevention, intervention, and suppression strategies; presents recommendations for dealing with street gangs at the community level.

Title Turning Lives Around  
Journal Citation Police Chief, V 58, N 5 (May 1991), p. 36-38  
Author Austin, D., and Braaten, J.  
Publication Date 1991  
Annotation The greater Portland Police Activities League (PAL), modeled on the Police Athletic League, sponsors sports activities for youth who appear to be at high risk of gang or alcohol and drug involvement. Working with other community agencies, PAL seeks to reduce the incidence of juvenile crime, provide positive alternative activities, and foster understanding between youth and police.

Title Gang Suppression and Intervention: Community Models  
Sponsoring Agency U. S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention  
Author Spergel, I., Chance, R. et al.  
Publication Date October 1994  
Annotation This publication explains the components of a comprehensive gang prevention and intervention model that serves as the basis for a multi-site demonstration project, the Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression Program, which is sponsored by the Office of Juvenile Justice and Delinquency Prevention. The model was informed by a comprehensive national survey of organized agency and community group responses to gangs conducted by researchers at the University of Chicago.

Title Safety Action Team  
Journal Citation FBI Law Enforcement Bulletin, V 59, N 10 (October 1990), p. 2-5  
Author Englert, R.  
Publication Date 1990  
Annotation A program started by the Housing Authority of Portland (HAP) and the Multnomah County (Oregon) Sheriff's Office in 1989 provided a law enforcement team called the Safety Action Team to reduce fear of crime and help residents of a public housing project reclaim their community from the gangs and drug dealers that had rapidly increased crime and violence.

Title County of Los Angeles Interagency Gang Task Force  
 Corporate Author Los Angeles Interagency Gang Task Force Countywide Criminal Justice  
 Coordination Committee, Los Angeles, California  
 Publication Date 1990  
 Annotation The Los Angeles Interagency Gang Task Force was established in 1980 in  
 order to develop cooperative strategies and programs to reduce the level of  
 gang violence in Los Angeles County. In addition to preparing written  
 reports on various aspects of gang activity, the Task Force plays an  
 advisory role to the Board of Supervisors and has cosponsored a statewide  
 conference on communicate mobilization strategies, developed a newsletter  
 for individuals and organizations involved in anti-gang efforts, developed a  
 public agency and community organization resource guide, collaborated in  
 the development of a law enforcement database, and implemented a pilot  
 program to target interagency resources in high risk areas.

Title Measuring the Effectiveness of Organized Crime Control Efforts  
 Author Maltz, M. D.  
 Sponsoring Agency U.S. Department of Justice, National Institute of Justice  
 Publication Date 1990  
 Annotation This monograph provides a framework for evaluating law enforcement  
 programs established to control organized crime.

Title NDIC Street Gang Symposium: Preliminary Findings and  
 Recommendations  
 Sponsoring Agency National Drug Intelligence Center, Johnstown, PA  
 Publication Date November 19, 1994  
 Annotation This report summarizes the perceptions and recommendations of 16 gang  
 enforcement experts from throughout the United States with regard to the  
 federal role in gang suppression, weapons, drug trafficking, gang migration,  
 standardized definitions, and other issues.

Title LA's Gang Busters: Lessons Learned  
 Journal Citation School Safety (Fall 1989), p. 12-15  
 Author Harper, S.  
 Publication Date 1989  
 Annotation Citizens and law enforcement officials in Los Angeles have had many years  
 of experience in confronting gang problems and have learned that a  
 combination of prevention and intervention strategies are the most effective  
 approaches.

Title Using Proactive Programs to Impact Gangs and Drugs  
 Journal Citation Law and Order, V 37, N 8 (August 1989), p. 62-64

- Author Boyle, J. and Gonzales, A.  
Annotation Through its enforcement and education programs, the Sacramento Police Department reports having an impact on gangs and drugs.
- Title Prosecuting Gangs: A National Assessment  
Sponsoring Agency U.S. Department of Justice, National Institute of Justice  
Author Johnson, C., Webster, B. and Connors, E.  
Publication Date February 1995  
Annotation This report summarizes the results of a nationwide survey of local prosecutors' approaches to gang prosecution. Prosecutors favored vertical prosecution of gang members; some used new state code provisions on street gangs, while the majority proceeded against street gangs using existing criminal codes. Victim and witness cooperation and protection were identified as major issues in gang cases.
- Title Transnational Crime: Investigative Responses  
Sponsoring Agency University of Illinois at Chicago, Office of International Criminal Justice  
Publication Date 1989  
Annotation The proceedings of this symposium indicate that international and transnational crime poses new threats for law enforcement and criminal justice systems worldwide and that key international crime issues are drug trafficking, organized crime, illegal arms dealing, and terrorism.
- Title Dragons and Tigers  
Author Badey, J. R.  
Publication Date 1988  
Annotation This text for law enforcement officers provides an overview of Asian criminality and provides procedures for overbridging the cultural gap between western justice systems and refugees from Vietnam, Laos, China, Japan, Korea, Cambodia, and other Asian countries.
- Title Police Response to Street Gang Violence: Improving the Investigative Process, Executive Summary  
Author Klein, M. W., Maxson, C. L. and Gordon, M. A.  
Sponsoring Agency U.S. Department of Justice, National Institute of Justice  
Publication Date 1987  
Annotation This study analyzes approximately 800 homicide and 500 other violent incidents occurring in two large Los Angeles police jurisdictions between 1978 and 1982 to (1) characterize gang violence and discriminate it from non-gang violence and (2) estimate the impact of police investigative procedures on the official designation of gang and non-gang incidents.

Title Organized Crime and Drug Enforcement (From Control of Organized Crime, p. 17-30, 1986)

Author Wardlaw, G.

Publication Date 1986

Annotation The assumptions underlying law-and-order strategies for controlling organized crime are critically examined, and the effectiveness of law enforcement measures targeting drug traffickers is questioned.

## GANG PREVENTION AND INTERVENTION

Title Mission Impossible? Social Work Practice with Black Urban Youth Gangs

Journal Citation Social Work, V 30 (January/February 1985), p. 25-31

Author Fox, J. R.

Publication Date 1985

Annotation A model of social work practice has proved effective in delivering professional services to black urban youth gangs and their communities.

Title Youth Gangs: Problem and Response

Author Spergel, I. A.

Sponsoring Agency U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention

Publication Date 1989

Annotation Four major policy emphases for dealing with youth gangs in the United States have evolved: local community mobilization, youth outreach, social opportunities, and gang suppression.

Title Denial, Overreaction, and Misidentification: A Postscript on Public Policy (From Gangs in America, p. 310-317, 1990, C. Ronald Huff, ed.)

Author Huff, C. R.

Publication Date 1990

Annotation Policymakers in cities initially confronted by a youth gang problem typically follow the process of denial, followed by overreaction and misidentification of gang members and the causes of gang problems, and therefore develop ineffective approaches to address the issue.

Title Strategies and Perceived Agency Effectiveness in Dealing with the Youth Gang Problem (From Gangs in America, p. 288-309, 1990, C. Ronald Huff, ed.)

Author Spergel, I. A. and Curry, G. D.

Sponsoring Agency U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention



- Publication Date 1990  
 Annotation Data from a national survey formed the basis of an analysis of the outcomes of efforts to suppress and intervene in youth gangs.
- Title Why the United States Has Failed to Solve Its Youth Gang Problem (From Gangs in America, p. 263-287, 1990, C. Ronald Huff, ed.)  
 Author Miller, W. B.
- Publication Date 1990  
 Annotation The failure of the United States to solve its youth gang problems results from major procedure and policy deficiencies. Gangs are more numerous, more prevalent, and more violent than in earlier decades.
- Title Youth Gangs: Continuity and Change (From Crime and Justice: A Review of Research, V 12, p. 171-275, 1990, Michael Tonry and Norval Morris, eds.)  
 Author Spergel, I. A.  
 Sponsoring Agency U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention
- Publication Date 1990  
 Annotation This essay describes what is known about youth gangs in the United States; explains gang phenomenon, mainly with social disorganization and poverty perspectives; and discusses the effectiveness of organized responses to the problem.
- Title Role Models, Sports and Youth: NCSS (National School Safety Center) Resource Paper  
 Sponsoring Agency U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention
- Publication Date 1989  
 Annotation Research and model programs indicate that many youth can be steered away from a lifestyle centered in gangs and drugs through positive role models and becoming involved in sports or other constructive activities.
- Title Communitywide Responses for Dealing with Youth Gangs  
 Author Bryant, D.  
 Corporate Author U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention
- Publication Date 1989  
 Annotation A national conference sponsored by the Office of Juvenile Justice and Delinquency Prevention brought together policymakers from 19 cities to learn about the extent of youth gang violence and the steps necessary to develop community responses to it.

- Title Street Gang Violence (From Violent Crime, Violent Criminals, p. 198-234, 1989, Alan Weiner and Marvin E. Wolfgang, eds.)
- Author Klein, M. W. and Maxson, C. L.
- Sponsoring Agency U.S. Department of Justice, National Institute of Justice
- Publication Date 1989
- Annotation This analysis of gang research and its implications for policy and program decisions emphasizes the change from street workers to police as the main information source over the last 20 years and the development of intervention programs that have been based only vaguely on the accumulated knowledge of gang structure and functions.
- 
- Title Targeting Juvenile Gang Offenders for Community Service
- Journal Citation Community Alternatives: International Journal of Family Care, V 1, N 1 (Spring 1989), p. 99-108
- Author Agopian, M. W.
- Publication Date 1989
- Annotation Juveniles who have committed property-related or substance abuse offenses are often sentenced to community service as a condition of probation.
- 
- Title Racine Community Collaboration Project Final Report
- Author Takata, S. R.
- Publication Date 1988
- Annotation Wisconsin's Racine Community Collaboration Project (RCCP), initiated in 1985, explored the use of a coordinated approach to preventing youth gang delinquency problems in Racine and attempted to develop a comprehensive plan for improving youth-related programs and services.
- 
- Title Gang Suppression and Intervention: Problem and Response
- Author Spergel, I. A., Curry, D. et al.
- Sponsoring Agency U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention
- Publication Date October 1994
- Annotation This summary report integrates the findings of seven data collection and research phases conducted in the initial assessment of the National Youth Gang Suppression and Intervention Program. The purpose of this assessment was to determine the scope of the youth gang problem, review the response, and examine promising approaches for combating the gang problem.
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- Title Street Gangs and Preventive Interventions
- Journal Citation Criminal Justice and Behavior: An International Journal, V 15, N 3

- (September 1988), p. 323-333
- Author Thompson, D. W. and Jason, L. A.  
 Publication Date 1988  
 Annotation This article presents an evaluation of an intervention aimed at youth at risk for joining street gangs.
- Title Juvenile Gangs: Crime and Drug Trafficking  
 Author McKinney, K. C.  
 Sponsoring Agency U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention  
 Publication Date 1988  
 Annotation This bulletin reports on the conclusions and suggestions offered by 12 experts to the Coordinating Council on Juvenile Justice and Delinquency Prevention regarding the nature of and ways to prevent and address juvenile gang activities.
- Title Gang Homicide, Delinquency, and Community  
 Journal Citation Criminology, V 26, N 3 (August 1988), p. 381-405  
 Author Curry, G. D. and Spergel, I. A.  
 Publication Date 1988  
 Annotation This analysis of Chicago community-level data substantiates two conceptual differences: between gang crime and delinquency as community level phenomena and between theoretical associations of each of the former to community social disorganization and poverty.
- Title House of Umoja as a Case Study for Social Change  
 Journal Citation Annals of the American Academy of Political and Social Science, V 494 (November 1987), p. 37-41  
 Author Fattah, D.  
 Publication Date 1987  
 Annotation The House of Umoja is a program model that has successfully reduced individual and gang violence in Philadelphia by providing for black, gang youths a set of altruistic, extended family values based on African culture.
- Title Organized Crime Control - The Limits of Government Intervention  
 Journal Citation Journal of Criminal Justice, V 14, N 3 (1986), p. 239-247  
 Author Martens, F. T.  
 Publication Date 1986  
 Annotation This article explores generally prevailing explanations of organized crime in the United States, chiefly the "parasitic" and "symbiotic" models and offers in their stead a synthesis of these two called the "functionally exploitive" model.

## GENERAL

Title Islands in the Street: Gangs and American Urban Society  
Author Janowski, M. S.  
Publication Date 1991  
Annotation This first-hand examination of urban gangs provides new insights into the underworld of violence, defiance, and criminal activity among street gangs.

Title Back in the Field Again: Gang Research in the Nineties (From Gangs in America, p. 240-259, 1990, C. Ronald Huff, ed.)  
Author Hagedorn, J. M.  
Publication Date 1990  
Annotation This analysis on modern gangs concludes that more field studies are essential due to the limitations of other types of gang research and despite concerns about field work.

Title New Wine in Old Bottles? Change and Continuity in American Gangs (From Gangs in America, p. 223-239, 1990, C. Ronald Huff, ed.)  
Author Short, J. F.  
Publication Date 1990  
Annotation This analysis of recent research on gangs, communities, and crimes emphasizes that contemporary gangs are more sophisticated and more lethal than gangs of the past.

Title Recent Gang Research: Program and Policy Implications  
Journal Citation Crime and Delinquency, V 40, N 4, p. 495-515  
Author Howell, J. C.  
Publication Date October 1994  
Annotation This article reviews recent studies related to gangs and juvenile violence, gang migration and expansion, and gang involvement in drug trafficking. Program and research implications are recommended.

## PUBLIC HOUSING, DRUGS, AND CRIME

Title Tackling Drug Problems in Public Housing: A Guide for Police  
Author Weisel, D. L.  
Sponsoring Agency Police Executive Research Forum  
Publication Date 1990  
Annotation This guide instructs police in their operations of their local public housing authorities, so as to enhance the relationship between police and public housing residents; this in turn is intended to foster joint efforts to address public housing problems, notably drug-related problems.

Title	Attitudinal Profile
Journal Citation	Corrective and Social Psychiatry and Journal of Behavior Technology Methods and Therapy, V 35, N 1
Author	Balthazar, M. L., Cook, R. J., and Roundtree, G.
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Annotation	A study was conducted in a Southern metropolitan city public housing project to determine the attitudes of young black males toward school, church, and crime as well as to develop a sociodemographic profile of these juveniles.

**DATA COLLECTION INSTRUMENT  
URBAN STREET GANG DRUG TRAFFICKING  
ENFORCEMENT PROGRAM**

Agency: \_\_\_\_\_

Reporting Period: \_\_\_\_\_  
(Month/Year)

To: \_\_\_\_\_  
(Month/Year)

**I. FINANCIAL**

1. Overtime funds spent this period: \_\_\_\_\_

2. Confidential funds spent this period: \_\_\_\_\_

**II. ARREST INFORMATION**

1. \_\_\_\_\_ Initial gang complaints received

2. \_\_\_\_\_ Investigations initiated

3. \_\_\_\_\_ Investigations completed

4. \_\_\_\_\_ Search warrants executed

5. Number of gang members arrested this period:

\_\_\_\_\_ Felonies

\_\_\_\_\_ Misdemeanor

6. List type of charges and number of members this charge was used against:

<u>Charge Type</u>	<u>Number</u>	<u>State/Federal</u>	<u>Adult/Juvenile</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. How many of those arrested during this period were gang:

Leaders \_\_\_\_\_ (high ranking within the gang)

Lieutenants \_\_\_\_\_ (mid-level members)

Street Crew \_\_\_\_\_ (low-ranking members)

8. Number of gang drug arrests:

\_\_\_\_\_ Felonies \_\_\_\_\_ Misdemeanors

\_\_\_\_\_ Sale/Distribution \_\_\_\_\_ Manufacturing

\_\_\_\_\_ Possession

\_\_\_\_\_ Other (Please indicate: \_\_\_\_\_)

9. Types of drugs involved (give number of arrests)

\_\_\_\_\_ Cocaine HCL

\_\_\_\_\_ Crack

\_\_\_\_\_ Hallucinogens

\_\_\_\_\_ Heroin/ Morphine/ Opium

\_\_\_\_\_ Marijuana

10. Number of arrests where firearms were:

Involved

Seized

\_\_\_\_\_ Revolver

\_\_\_\_\_ Rifle

\_\_\_\_\_ Machine gun

\_\_\_\_\_ Semi-Automatic handgun

\_\_\_\_\_ Shotgun

\_\_\_\_\_ Other

11. Number of gang-related homicides this period \_\_\_\_\_

### III. GENERAL GANG INFORMATION

1. Changes in the visibility of gangs/gang activity since program implementation:

\_\_\_\_\_ No Change

\_\_\_\_\_ Slightly increased activity

\_\_\_\_\_ Increased activity

\_\_\_\_\_ Slightly decreased activity

\_\_\_\_\_ Decreased activity



2. Street availability of drugs from gang members

- \_\_\_\_\_ No change
- \_\_\_\_\_ Slightly increased availability
- \_\_\_\_\_ Increased availability
- \_\_\_\_\_ Slightly decreased availability
- \_\_\_\_\_ Decreased availability

3. Number of new gang members encountered this period: \_\_\_\_\_

4. Number of gang informants established this period: \_\_\_\_\_

5. Number of gang informants deactivated this period: \_\_\_\_\_

#### **IV. PROSECUTION INFORMATION:**

1. Number of gang members convicted this period: \_\_\_\_\_

Conviction Charges (Give the number of *individuals*-mark only the primary final charge)

- \_\_\_\_\_ Sale/Distribution of Drugs
- \_\_\_\_\_ Possession of Drugs
- \_\_\_\_\_ Trafficking in Drugs
- \_\_\_\_\_ Possession of Firearm
- \_\_\_\_\_ Assault
- \_\_\_\_\_ Homicide
- \_\_\_\_\_ Property Crimes
- \_\_\_\_\_ Other (please specify \_\_\_\_\_)

2. Number of probation revocations against gang members issued this period: \_\_\_\_\_

3. Number of gang members placed on probation during this period: \_\_\_\_\_

#### **V. OTHER**

1. Nuisance Abatement

Number of buildings closed this period as a result of Gang Activity: \_\_\_\_\_

2. Length of process: Time from establishment as a problem location/Crack house to closure \_\_\_\_\_

3. Asset Forfeiture:

	Seizures		Forfeitures	
	<u>Number</u>	<u>Estimated Value</u>	<u>Number</u>	<u>Estimated Value</u>
a. Currency	_____	_____	_____	_____
b. Vehicles	_____	_____	_____	_____
c. Vessels	_____	_____	_____	_____
d. Real property	_____	_____	_____	_____
e. Weapons	_____	_____	_____	_____
f. Other	_____	_____	_____	_____

4. Indicate the total amount of drugs removed from gang members during this reporting period  
(Please use either grams or kilograms)

<u>Type</u>	<u>Amount Seized</u>	<u>Street Value</u>
a. Cocaine HCL	_____	_____
b. Crack	_____	_____
c. Hallucinogens	_____	_____
d. Hashish	_____	_____
e. Heroin	_____	_____
f. Marijuana	_____	_____
g. Methamphetamine	_____	_____
h. Morphine	_____	_____
i. Opium	_____	_____
j. Other	_____	_____