

# Gang Issues

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# Project Safe Neighborhoods and Gangs—an Expansion of Focus

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## I. Introduction

In May 2001, President Bush announced the implementation of Project Safe Neighborhoods (PSN), a comprehensive initiative to reduce gun violence in America. Over the next several years, the Administration spent over \$2 billion to attack the problem. More than 200 federal prosecutors and 550 state and local prosecutors were hired to prosecute firearms cases. Nearly 33,000 prosecutors, law enforcement officers, community service providers, and others were trained in gun violence reduction strategies. The United States Attorney's Office (USAO) in every district formed partnerships with state and local authorities to develop gun violence reduction strategies and oversee their implementation.

The result was the development and implementation of a wide variety of programs to attack gun violence. Some of the programs were immediately effective, as evidenced by the decreased violence in the communities where they were used. Others met with challenges that the partnerships had to overcome. With the continued support of PSN grant monies, the districts' strategy teams and crime research professionals reviewed and refined the programs to increase their effectiveness.

The PSN program has been a success. Since PSN's inception in 2001, the number of federal firearms prosecutions has increased significantly. From FY 2001 through FY 2007, the USAOs filed 68,543 cases against 83,106 defendants. That is more than a 100 percent increase over the 7-year period prior to the implementation of PSN. In FY

2007 alone, the USAOs prosecuted 12,087 defendants for federal gun crimes. The conviction rate in FY 2007 for firearm defendants was a record 92 percent. The percentage of defendants sentenced to prison, nearly 94 percent, was also a record high. Almost 75 percent of those offenders received prison terms of more than 3 years and over 50 percent received sentences of 5 or more years. These statistics indicate that the USAOs are prosecuting significant violent criminals in their districts and putting them behind bars.

In 2006, the Department of Justice (Department) initiated an expansion of PSN. The Attorney General increased the scope of the program to combat gangs and gang violence. This enhancement was accompanied by grant funds for state and local programs in support of the new effort.

Would the PSN model work against gang violence as it had against gun violence? The anti-gang efforts are young and have been funded for only 2 years. The early results, however, are promising.

This article will briefly review the history of PSN and the five elements of its successful strategy. It will then look at the expansion of the program to include gang violence. Finally it will survey some of the promising anti-gang violence strategies and programs being used across the country today.

This article relies heavily on the work of the core PSN players in the Department, especially Robyn Thiemann (Office of Legal Policy) and Jennifer Lowery (Office of the Deputy Attorney

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General), past PSN National Coordinator, Natalie Voris (USAO, Eastern District of Virginia), and the members of the Department's Firearms Enforcement Assistance Team (FEAT). Much of the work on successful strategies was collected by Edmund McGarrell and Tim Bynum of PSN's national research partner, Michigan State University.

## II. Project Safe Neighborhoods

PSN was built on the foundation of earlier, successful gun violence reduction programs such as Richmond, Virginia's Project Exile, Boston's Operation Ceasefire, the Alabama Project ICE (Isolate the Criminal Element), and the Department's Project Triggerlock. Department personnel familiar with these programs combined various elements from each program and created Project Safe Neighborhoods—a new initiative to combat gun violence.

From inception, PSN had five elements:

- partnership;
- strategic planning;
- training;
- community outreach; and
- accountability.

But the true genius of PSN was the realization that violent crime is, in the final analysis, a local problem that requires local solutions. Because crime is different in every community, the response must be different. The focus on the local nature of gun violence was the overarching theme that played out in the execution of all five PSN elements.

### A. Partnerships

The PSN strategy required that each U.S. Attorney create a PSN task force comprised of federal, state, and local prosecutors, as well as law enforcement personnel. Task forces also included community members, crime researchers, and media specialists. Each U.S. Attorney also appointed a district PSN coordinator to work with

the PSN task force and to serve as liaison with the National PSN Coordinator and the FEAT team.

The creation of the PSN task force and the inclusion of state and local members set a clear tone for the initiative. It was not another federal answer to a local problem. It was a true partnership between federal, state, and local players with a focus on finding local solutions to the violence problems faced in each area.

### B. Strategic planning

The principal tasks of the districts' PSN task forces were to develop, implement, and, when necessary, readjust the gun violence reduction strategy. Gun violence problems, in all localities, have their own characteristics, but often share common traits. To manage the initiative and ensure that successful strategies are shared between districts with similar problems, the Department created FEAT. The team is comprised of representatives from components with expertise in the battle against gun violence and is chaired by the PSN National Coordinator. FEAT works to identify "promising practices" and to encourage peer-to-peer learning, so districts that have common gun crime problems can learn from one another.

### C. Training

National training is conducted at the PSN National Conference where the most successful strategies are showcased. Regional training is provided by PSN's National Partners. Local training is coordinated at the district level by the USAO. What is unique about PSN training (and has since been picked up by other training programs) is its assistance to cross-training. Whenever feasible, community members, crime prevention specialists, researchers, law enforcement personnel, and prosecutors are in one room together and are trained to work as a team.

### D. Community outreach

PSN is not just another prosecution strategy. The community outreach programs that carry the gun violence reduction message into the neighborhoods are as important as the prosecution

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statistics cited above. Community leaders are actively involved in violence prevention programs targeting all areas of the community. The work with school-age children has proven especially effective. PSN, working with the Ad Council, also uses television, radio, print, and billboard public service announcements to spread the gun crime reduction message.

### **E. Accountability**

The coordinators and PSN task forces are encouraged to review the success of their strategies and programs on a regular basis. Each year, every district must submit a PSN report summarizing the program in that district and highlighting its successes and challenges. These reports are reviewed by the National Coordinator and the FEAT team who summarize the results for the Deputy Attorney General and the Attorney General. The National Coordinator and the FEAT team also provide feedback and assistance to the districts.

### **III. Adding gang violence to PSN**

In 2006, the focus of PSN was expanded to include attacking violent gangs. Building on the partnerships and strategies developed in the gun crime reduction efforts of the previous 5 years, the Department dedicated more than \$31 million in additional PSN grant money to combat violent gangs.

PSN's expansion to address gang crime had a good foundation on which to build. Each USAO had already named an Anti-Gang Coordinator and developed a localized anti-gang strategy.

### **IV. Anti-gang partnerships**

During the first 5 years of PSN, the building and developing of partnerships proved to be one of the most important elements of its success. In 2006, PSN task forces responded to their added responsibilities by expanding those partnerships. Additionally, the Department funded an Anti-Gang Summit in every district that focused on preventing gangs and gang violence.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and the Bureau of Immigration and Customs Enforcement at the Department of Homeland Security were traditional members of many PSN task forces. Several task forces moved to include the United States Marshals Service (USMS) and incorporated the USMS Violent Fugitive Task Forces into their strategies. These task forces concentrate on the most violent fugitives, who are often gang members. By prioritizing their efforts to focus on these violent gang members, the USMS task forces brought many gang members to justice.

Several PSN task forces also partnered with their state Department of Corrections and the U.S. Bureau of Prisons to identify gang members in prison, monitor their visitors, and notify local communities of their release.

Many districts include state and federal probation and parole officers in their task forces. Probation and parole sweeps not only produce new charges against gang members, but also produce potential gang witnesses. A few PSN task forces learned to rely on the wealth of expertise and intelligence found in national anti-gang organizations such as the International Outlaw Motorcycle Gang Investigators Association.

A few districts found natural partners in the prosecutors and agents working Organized Crime and Drug Enforcement (OCDETF) cases. In many places, OCDETF and PSN share the same targets—violent gangs involved in large-scale drug distribution. OCDETF personnel have refined their strategies, and their expertise has proven very helpful to PSN prosecutors and agents as they take on anti-gang responsibilities and tackle the same gangs.

Weed and Seed is another federal program that is a valuable partner to PSN in some districts. Weed and Seed steering committees have addressed gang issues and gang violence in their areas for years. The steering committees

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developed numerous successful anti-gang strategies, many of which translated well to the PSN efforts. For example, after using weeding strategies to rid the areas of violent gang members, the Weed and Seed steering committees then execute seeding strategies. These strategies are designed to prevent the area children from replacing the weeded gang members by offering them alternatives to the gang lifestyle.

In sum, as the PSN task force's scope enlarged, they moved to expand their partnerships by reaching out to those agencies and programs with experience in combating gangs. The expansion is ongoing, but the partnerships established are bringing anti-gang experience and proven anti-gang strategies into the PSN program.

## V. Anti-gang strategies

PSN task forces have started adding new anti-gang strategies to their arsenals. Two of the common denominators in the gang violence problem are drug trafficking and juvenile involvement. Consequently, many of the districts are using similar strategies to combat these two elements.

Several districts use specialized gang investigation units that are directed by, and report to, the PSN task force. Although these units use a lot of investigative resources, they allow the PSN task force to focus directly on the gangs and to shift resources as the problem changes. Several districts are using a two-pronged strategy against the gangs. One prong is a short-term, reactive strategy where every case against a gang member is screened for federal prosecution. These prosecutions are often for drug possession with intent to distribute, distribution offenses, or firearm offenses. The USAOs apply stricter policies to these prosecutions, such as mandatory pretrial detention requests and restrictions on plea bargaining. The policies are relaxed for cooperation against the gang. The short-term strategy is very effective at producing gang witnesses. The second prong is a long-term, proactive strategy, often using the same tools found in an OCDEF case—Title IIIs and

financial investigations that result in conspiracy, Continuing Criminal Enterprise, and Racketeer Influenced Corrupt Organizations charges. Combining both strategies provides the best chance of dismantling the gang's presence in the area.

Several districts use the Top Ten Program, which was proven to be one of the most successful PSN gun crime reduction strategies. When this strategy is used, the task force brings all of its intelligence resources together to identify the top ten most violent gang members with serious histories of criminal violence. Those ten are then targeted for investigation and prosecution on whatever charge, state or federal, will result in the longest period of incarceration. New names are added to the list as subjects are removed by successful prosecution.

Other proven PSN gun crime reduction strategies also translate well to anti-gang efforts.

- High profile gang sweeps produce large numbers of gang-member defendants and community awareness of the anti-gang efforts.
- Probation and parole sweeps often have the same impact as high profile gang sweeps.
- Saturation patrols in high-intensity gang areas at peak times of drug activity are also a proven strategy.
- Firearms traces on all recovered firearms from gang members often lead to identifying the gangs' straw purchasers.
- Gang injunctions and use of federal criminal civil rights statutes have proven successful, although this strategy is not employed in as many districts as the other strategies mentioned.

The "road trip" strategy has also proven successful in districts with several small to medium-sized cities with gang problems. It is a standard PSN gun crime reduction strategy that translates well to the anti-gang efforts. The United States Attorney, often with the Law Enforcement Coordinating Committee

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Coordinator and the Anti-Gang Coordinator, travels to every city in the district and meets with the local prosecutor, sheriff, and chief of police to discuss the gang problem. The U.S. Attorney makes a public commitment to support the local efforts to fight gang violence. A follow-up meeting is held a week or two later, at which the Anti-Gang Coordinator, key members of the PSN task force, and the officers who work the gang cases devise and begin to execute a strategy for the community. The Anti-Gang Coordinator reports on the progress to the United States Attorney and the PSN task force, and the progress of the strategy is periodically reviewed and adjusted by the task force.

Another of the most successful gun crime reduction strategies— offender notification meetings—is now being used against gangs. In one incarnation of this strategy, the PSN task force targets a specific high crime area in a community. The law enforcement authorities identify the gang threat in that area and, using all of their resources, conduct an aggressive undercover operation to make drug and firearms cases against as many of the gang members as possible. They then review the results of the undercover operation and divide the potential defendants into two categories:

- Category one defendants are those with long criminal histories involving violence and drug distribution, or who have been involved in large-scale drug dealing, or have committed violent acts. They are identified for prosecution.
- Category two defendants are those with little or no criminal histories and with no history of violence or large-scale drug dealing. These individuals are identified for the offender notification process.

The category one defendants are arrested and the category two defendants are invited to a meeting with both law enforcement authorities and community leaders. At that meeting they are notified of the potential charges they are facing and given an opportunity to leave the gang and

drug dealing to start a new life. If they agree, they are provided community support. If they are later caught participating in a gang, selling drugs, or committing other crimes, the offer is revoked and they are prosecuted. This strategy has proven extraordinarily successfully in reducing violence in several communities and expectations for its success against gang violence are high.

## **VI. Anti-gang training**

As the PSN task forces shifted their focus to include gangs, the PSN National Partners provided training and technical assistance to support that effort. The U.S. Attorneys were also encouraged to conduct local anti-gang training. The National PSN Conference, held in Atlanta in 2007, provided anti-gang training. In late 2007, the Department launched a comprehensive PSN anti-gang training program. The 3-day program provides training on various intervention, prevention, suppression, and re-entry strategies, and briefings on national and regional gang trends. The training also brings together law enforcement executives and community leaders in an executive session to conduct a community gang-problem assessment and develop strategic plans to address those problems. The Department will host 12 training sessions in various locations across the nation in 2008 and 2009.

## **VII. Anti-gang community outreach**

Under "pregang" PSN, the community outreach strategies focused on gun crime reduction messages. Now they have added anti-gang violence messages to the focus.

In partnership with the Ad Council, the Department developed public service announcements (PSAs) which are intended to educate youth about the perils of gun crime and the consequences of joining gangs. Some districts worked with media partners to create local PSAs, often using national celebrities living or working in the area. One PSN task force sponsored the production of a short film depicting the perils of gang life. Some districts implemented anti-gang

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graffiti measures. At least one district used PSN money to hire neighborhood coordinators to develop anti-gang partnerships in local neighborhoods. Many districts used Crimestoppers to deliver an anti-gang violence message. A few districts worked with their state and local governments to have proclamations issued announcing anti-gang days or weeks. Some districts went a step further and held local or statewide anti-gang forums. In a few districts the PSN task force worked with local community groups to organize gang hotlines where citizens could call and report gang crime and violence.

There are several very strong and active outreach programs targeted toward children. Several districts started anti-truancy programs and anti-bullying programs. There are many types of after-school programs. Some districts have computer labs in high risk areas for the children's use. Other districts have mentoring programs with street-level outreach for at-risk youth. There are numerous sports camps for basketball, baseball, boxing, and other sports. Anti-gang rap contests and poster art contests have been held in districts. There are parent groups, faith-based groups, school groups, and public housing groups, all brought together by PSN to address the issue of gang violence.

There are several re-entry programs sponsored by PSN across the country. These programs help offenders transition into the community after their release from incarceration and encourage them to avoid gangs. The focal points of these programs are:

- juveniles;
- female offenders;
- intensive parole programs for the worst offenders; and
- transitional housing programs.

All of the programs spread the same message—avoiding gangs and gang violence is the best way to avoid going back to prison.

## VIII. Anti-gang assessment

The Department is presently working on improving its ability to assess the success of PSN anti-gang efforts. The success of some programs is evident—gang violence is decreasing. The communities' attitudes in favor of the anti-gang efforts and against gang violence are improving. PSN's efforts are also supporting the Department's other anti-gang efforts such as the 10-Site Comprehensive Antigang Initiative, GangTECC, National Gang Intelligence Center, Criminal Division's Gang Squad, and the Antigang Coordination Committee. Also joining the fight are ATF's Violent Crime Impact Teams, FBI's Safe Streets Task Forces, and DEA's Mobile Enforcement Teams.

## IX. Conclusion

Even though PSN's expansion to include the fight against gang violence is in its infant stage, a considerable amount of work has been accomplished. However, a good deal of work remains to be done to match the success of the gun crime reduction strategies. Drawing on the experience and expertise of numerous individuals and groups, PSN jump-started its anti-gang program and the early successes are promising. Gang violence continues to present one of the most serious threats to the quality of life in many of our communities. Each day young men and women must choose between gang membership and their personal safety. A choice for the gang often leads to violence and misery not only for the young people, but for their families and the communities where they live. To decrease the violence, anti-gang strategies and programs that produce results must continue to be developed.❖

## ABOUT THE AUTHOR

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Office in the Central District of Illinois in 1984. During his time in the U.S. Attorney's Office, Tate has served as Branch Chief, Appellate Chief, OCDETF Lead Task Force Attorney, District PSN Coordinator, and Anti-Gang Coordinator. He is also retired from the Illinois Army National Guard where he served in the JAG Corps.✉

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# The Department of Justice's Gang Squad, Gang Targeting Enforcement and Coordination Center, and National Gang Intelligence Center

*David Jaffe*  
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*Criminal Division*

## I. Introduction

Prosecuting gang cases often requires an extraordinary commitment of resources. An Assistant United States Attorney (AUSA) can be pulled in many directions while marshalling several homicides, assaults, narcotics cases, and other acts, from multiple jurisdictions or countries, into one seamless gang indictment or trial.

The Department of Justice (Department) recognizes the increasingly daunting task of building a complex gang case, especially in an era of smaller prosecutorial staffs and reduced litigation budgets. In this regard, three new Department entities were specifically designed to support and enhance the Department's mission to reduce gang violence and gang crime through aggressive, thorough prosecution of local, regional, national, and transnational gangs. These

three entities—the Gang Squad; the Gang Targeting, Enforcement and Coordination Center (Gang TECC); and the National Gang Intelligence Center (NGIC)—each provide unique resources that AUSAs and other local, state, and federal prosecutors can use to obtain assistance in gang prosecutions or to enhance investigations, indictments, or trials.

## II. The Gang Squad

The Criminal Division's Gang Squad Unit is a specialized group of federal prosecutors charged with developing and implementing strategies to attack the most significant national and transnational gangs operating in the United States. These prosecutors assist and coordinate with local United States Attorneys' offices (USAOs) on legal issues and multidistrict cases. They also work with numerous domestic and foreign law enforcement agencies to construct effective and coordinated prevention and enforcement strategies, formulate policy, and prosecute select gang cases of national importance. The Gang Squad is also charged with providing legal



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expertise on a variety of federal domestic violent crime offenses and on violations of federal firearms and explosives laws.

Since its inception, the Gang Squad has actively recruited experienced prosecutors with diverse backgrounds in order to fulfill its varied mission. The Squad, therefore, can draw on an experienced pool of talent to answer questions from the field on a variety of legal and technical matters. To that end, the Gang Squad and the Executive Office for United States Attorneys recently activated a list server dedicated to gang issues. The list server—GangLink—is an online community of gang coordinators from every USAO and Gang Squad attorney in the country. Through GangLink (or through a simple telephone call to Chief Kevin Carwile (202-514-3705)), a prosecutor can pose any question related to a gang case or cases involving crimes of violence. So far this year, the Gang Squad has fielded questions concerning proof requirements under certain gun statutes and procedures for transferring a juvenile to adult status, and provided help with information related to a gang expert identified by the defense in a racketeering case. Through either GangLink or by telephone, the Gang Squad is always available to answer any gang or violent crime question a prosecutor may have.

The Gang Squad is also active in joining with USAOs in prosecuting select gang cases of national importance. For example, starting in April 2006, the Gang Squad joined with the District of Maryland in their ongoing MS-13 Racketeer Influenced Corrupt Organization (RICO) case. The goal of the partnership was to identify and indict the international leadership of the transnational street gang La Mara Salvatrucha, otherwise known as MS-13, and to dismantle the leadership of MS-13 in the Maryland/Washington, D.C./Virginia metropolitan area. This partnership resulted in the grand jury returning a superseding indictment that added three Salvadoran nationals to the RICO conspiracy indictment on June 4, 2007. Two of the defendants incarcerated in El

Salvador are alleged to have ordered murders in Maryland from their Salvadoran jail cells, while the third was alleged to have traveled from El Salvador to Maryland to commit murder.

In another case, the Gang Squad, working together with the Middle District of Tennessee, identified and targeted for federal prosecution a local clique of MS-13, which had been responsible for at least 4 murders and at least 20 shootings in the Nashville metropolitan area. That joint investigation resulted in the indictment of the 14 worst MS-13 offenders in the district, including the entire regional leadership of MS-13, on racketeering charges. To date, 11 defendants have pled guilty to RICO offenses. The remaining three defendants are scheduled for trial on August 5, 2008.

Further, on August 28, 2007, the Gang Squad and the USAO for the Eastern District of Michigan announced the indictment of 16 members of the Outlaws Motorcycle Club on charges including violent crime in aid of racketeering, illegal drug distribution, and gun violations. The indictment is part of an ongoing, nationwide law enforcement initiative targeting this violent gang.

By providing advice, information, and/or experienced trial attorneys, the Gang Squad seeks to support the USAOs, and state and local prosecutors, in their efforts to disrupt and dismantle violent street gangs in the United States.

### **III. Gang TECC**

The Department's National Gang Targeting, Enforcement & Coordination Center (Gang TECC) began operations in the summer of 2006 as the national anti-gang task force created by the Attorney General. In accordance with the Attorney General's directive, Gang TECC is a multiagency center designed to serve as a critical catalyst in a unified federal effort to help disrupt and dismantle the most significant and violent gangs in the United States. The center is headed by a senior Criminal Division prosecutor with extensive experience in multiagency and multi-

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district investigations and prosecutions, as well as information sharing.

The senior investigators at Gang TECC come from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Federal Bureau of Prisons (BOP), the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the United States Marshals Service (USMS), and the United States Immigration and Customs Enforcement (ICE) at the Department of Homeland Security.

The four primary goals of Gang TECC are:

- to assist in the initiation of gang-related investigations and enhance existing investigations and prosecutions;
- to aid in the coordination, deconfliction, and effectiveness of gang-related initiatives, investigations, and prosecutions;
- to develop an enhanced understanding of the national gang problem and propose strategies to neutralize the most violent and significant threats; and
- to coordinate with, and support, the National Gang Intelligence Center.

The goal is to achieve maximum impact at the national level against the most violent gangs in this country. To further this goal, Gang TECC is intended to provide "one stop shopping" via phone and e-mail for local, state, and federal investigators and prosecutors engaged in significant anti-gang efforts. Gang TECC, through the participation of its member agencies, can offer either direct support for those engaged in anti-gang initiatives or can connect interested parties to appropriate officials to provide guidance or assistance. In many instances, specific assistance, coordination, or access to information developed in related cases is invaluable to an ongoing gang investigation or prosecution.

The senior agents assigned to Gang TECC work in close collaboration with the Gang Squad prosecutors in the Criminal Division of the

Department and with the analysts and others at the National Gang Intelligence Center (NGIC).

Mr. Adam W. Cohen, Director, Gang TECC, may be contacted at (703) 414-8516, or via e-mail at [adam.cohen@usdoj.gov](mailto:adam.cohen@usdoj.gov).

#### **IV. National Gang Intelligence Center**

Since its inception, the National Gang Intelligence Center (NGIC) has made great strides in collecting, consolidating, and analyzing disparate pieces of intelligence from multiple federal, state, and local law enforcement agencies. Designed to be a one-stop-shop for gang intelligence, the NGIC has developed an integrated approach to networking contacts, information systems, and raw intelligence.

Currently, the NGIC is comprised of analysts from seven federal agencies (ATF, BOP, FBI, DEA, ICE, USMS, and the National Drug Intelligence Center). Working together, these analysts strive to understand the trends, patterns, and threats that gangs pose across the nation. Analysts focus mainly on multijurisdictional gangs, many with regional or national connectivity, to provide both tactical and strategic support to federal, state, and local law enforcement agencies. Over the past several years, NGIC analysts have prepared threat assessments in several states, documented emerging threats in the military and across the country, and provided tactical case support for high-profile operations and prosecutions. A customer-oriented entity, NGIC analysts utilize their networks and technology to address a variety of requests for information, support, and training.

To ensure the rapid exchange of intelligence among law enforcement agencies, NGIC continues to identify and develop new technology that will enable law enforcement across the country to have access to many different intelligence products and tools. To that end, the NGIC has acquired, or is in the process of acquiring, access to several databases utilized by law enforcement nationwide, including, GangNET, CalGang, I-CLEAR, and R-Dex.

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Additionally, the NGIC is developing a tattoo and graffiti database that will enable users to search and identify unknown images using advanced image recognition technology.

The NGIC will continue to evolve to meet the needs of federal, state, and local law enforcement agencies across the country.

Requests for intelligence, strategic analytical support, tactical support, training, or general information can be directed to the NGIC at (703) 414-8600 (phone); (703) 414-8554 (fax);

ngic@leo.gov, or via the NGIC SIG site on www.leo.gov.❖

#### ABOUT THE AUTHOR

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# Tools for Gang Prosecutions Available Through the Office of Enforcement Operations

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*Office of Enforcement Operations*

## I. Introduction

Gangs consist of close-knit, highly-connected individuals or subgroups engaged in a wide variety of crimes. Gang members frequently threaten and intimidate witnesses and are particularly violent against former gang members who cooperate with law enforcement. This article briefly describes some of the tools, uniquely available through the Criminal Division's Office of Enforcement Operations (OEO), used to address challenges often found in gang prosecutions. This article is compiled and edited from a series of articles by other authors in OEO.

There are many indispensable tools available through OEO for the investigation and successful prosecution of gang violence. Those discussed here are wiretaps, dual prosecutions, compelled

testimony, attorney subpoenas, and court closures. OEO has been tasked by Congress and the Attorney General with overseeing the use of these sensitive investigative techniques by the federal law enforcement community, including the United States Attorneys' offices (USAOs), federal investigative agencies, and the sections and offices of the Criminal Division.

## II. Wiretaps

One of the most effective investigatory tools to combat gang violence is the wiretap, fashioned by the aptly named "Omnibus Crime Control and Safe Streets Act." Most types of electronic surveillance, such as the interception of wire, oral, and/or electronic communications pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (Title III), court-authorized video surveillance, and certain sensitive uses of consensual monitoring, come under the purview of OEO. Congress passed Title III to legalize and regulate the use of electronic surveillance by federal law enforcement agencies in criminal investigations. As originally enacted,

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Title III authorized electronic surveillance of wire (electronically transmitted voice) and oral (face-to-face) communications to investigate certain listed crimes. This authorization remained relatively unchanged until 1986 when Congress amended the statute to permit the interception of electronic communications (data transmission, such as facsimile machine, computer, pager, and text messages). Congress also allowed, for the first time, the interception of criminals using changing facilities or locations, without first having to specify the particular facility or location to be tapped, known as the "roving tap."

When Congress granted law enforcement the use of these powerful investigative tools in 1968, it also recognized the potential for abuse. Therefore, it mandated that a high-ranking official in the Department of Justice (Department), specially designated by the Attorney General, approve and authorize all federal wiretap applications before their submission to a federal court for consideration. When the government fails to obtain Department approval for applications to intercept wire or oral communications before the court issues the order, the wiretap evidence will be suppressed. *United States v. Reyna*, 218 F.3d 1108, 1112 (9th Cir. 2000).

In contrast, because Title III does not require prior Department approval before the government seeks an order to intercept electronic communications, unlike oral or wire interceptions, there is no suppression remedy for failure to do so. Nonetheless, a government attorney can face disciplinary action if he or she does not obtain approval for those applications; prior approval is mandated by Department policy. USAM 9-7.100.

As a result of these statutory and policy obligations and the large number of authorizations, the Department assigned the OEO the responsibility of vetting these applications to ensure compliance with Title III and the Department's policies regarding the use of electronic surveillance. OEO's oversight is accomplished through the work of dedicated attorneys in the Electronic Surveillance Unit, who

evaluate the applications and prepare recommendations regarding approval for the Assistant Attorney General (AAG) for the Criminal Division.

For Title III warrants, as with any search warrant, the government must show that there is probable cause to believe that evidence of the specified crimes will be obtained from the seizure of intangible evidence, such as communications. Title III merely codified that basic Fourth Amendment principle. Attorneys in OEO's Electronic Surveillance Unit are eager and available to assist any Assistant United States Attorney (AUSA), or other Department attorney, in the preparation of applications for Title III warrants and to help identify the particular facts that give rise to probable cause in the arena of electronic evidence. Title III warrants also differ from other search warrants in one important aspect—a Title III order may be issued only if certain enumerated crimes are being investigated. Luckily for the trial prosecutor, most gang prosecutions invariably include one or more of the enumerated offenses.

Not only does Title III require a probable-cause showing for each facility or location to be tapped, but the government must also show that each tap is necessary to achieve the goals of the investigation. Title III requires the government to provide a full and complete statement as to whether or not other investigative procedures have been tried and failed, or why they reasonably appear to be unlikely to succeed if tried, or to be too dangerous. 18 U.S.C. § 2518(3)(c). Moreover, the investigative agency conducting the wiretap should have jurisdiction over the offenses.

Typically, investigative techniques employed or considered in criminal investigations include the use of confidential sources/cooperating witnesses, the use of undercover agents/operations, physical surveillance of the subjects or known locations, the analysis of telephone records and call data, grand jury investigations, and the analysis of documentary evidence. Failure to establish legal necessity is,

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by far, the most common reason courts suppress wiretap evidence. The issue of suppression typically arises when an affiant does not pursue facts material to the necessity determination, fails to consider or employ common investigative techniques, or misrepresents what investigative avenues have been pursued. A wiretap affidavit must contain an accurate, particularized showing of investigative necessity, based on the facts of each individual case. The affidavit must justify the use of electronic surveillance. This justification must be updated in every extension request to reflect why the previously obtained communications are not sufficient.

Currently, the most frequently enumerated offenses to justify wire or electronic surveillance are crimes involving:

- controlled substances;
- use of communication facilities in the commission of narcotics offenses;
- engaging in a continuing criminal enterprise, attempt, and conspiracy, in violation of 21 U.S.C. §§ 841, 843, 846, and 848;
- interstate travel in aid of a racketeering enterprise, money laundering, and conspiracy to launder money, in violation of 18 U.S.C. §§ 1952, 1956, and 1957; and
- alien smuggling, in violation of 8 U.S.C. § 1324.

For in-depth information on this useful tool in gang prosecutions, see USAM 9-7.000 and Julie Wuslich, *Survey of Title III*, UNITED STATES ATTORNEYS' BULLETIN, Jan. 2007, at 2.

### III. Dual prosecutions

Generally, the federal government does not prosecute defendants for crimes if they have previously been prosecuted by another sovereign entity for the same criminal acts. The policy of prohibiting these dual prosecutions (known as the *Petite* Policy, after *Petite v. United States*, 361 U.S. 529 (1960)) applies when a federal prosecutor seeks to prosecute an individual for

crimes based on substantially the same acts or transactions involved in a prior state or federal prosecution. In recent years, however, cooperation between federal and state prosecutors, and the rise of joint federal/state/local task forces, has resulted in a growing number of "split" cases involving violent gang members and other defendants. For example, in an arrest in which illegal narcotics and a weapon are recovered, the state might prosecute the defendant for the narcotics offense and the federal prosecutors might prosecute the weapons offense. Also, on occasion, a locally prosecuted case might leave a compelling federal interest unvindicated.

In cases "split" with a state prosecutor or in cases which leave a federal interest otherwise unvindicated, the federal prosecutor must obtain the Criminal Division's authorization to proceed with the case if the state case involves substantially the same acts or transactions and an attachment of jeopardy. Requests for waiver of the dual prosecution policy should be in a memorandum or letter and sent to the Policy and Statutory Enforcement Unit (PSEU) of OEO. Upon receipt of a request, the PSEU will determine whether the proposed federal case is substantially based on the same acts or transactions and, if so, evaluate whether waiver of the policy is appropriate.

In order to evaluate a request, the PSEU must be advised of the facts behind the criminal incident, the charges that were filed in the prior prosecution, the prior sentence, the proposed federal charges, and the likely federal sentence. The request should contain background information on the defendant, including criminal history, and any other significant information that would support a conclusion that there is a compelling federal interest warranting federal prosecution. Upon completion of its review, the PSEU sends a recommendation to the AAG, who is the deciding authority. The AAG normally will grant a waiver if he or she determines that there is a compelling federal interest in prosecuting the

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defendant and that the prior proceeding did not vindicate that federal interest.

For more information on this useful tool, see the USAM, Section 9-2.031.

#### **IV. Compelled testimony by grant of immunity**

Particularly useful in gang cases in which some gang members may have minimal culpability, a prosecutor can compel grand jury and trial testimony of recalcitrant witnesses who have legitimate Fifth Amendment privileges against self-incrimination by grants of use immunity. Where a witness is granted use immunity, prosecutors cannot make direct or indirect use of immunized testimony against the witness except to prosecute the witness for perjury, giving a false statement, or otherwise failing to comply with the compulsion order. 18 U.S.C. §§ 6001-6006.

To obtain permission to apply for a compulsion order, AUSAs should submit a compulsion order request form, signed by the United States Attorney, to the PSEU. To authorize a compulsion order, the requesting AUSA must establish that the testimony being sought is necessary to the public interest. The Department closely focuses on several factors, the most obvious of which is relative culpability. Usually, a request for use immunity will not be authorized for a witness who is more culpable than the person against whom he or she will testify. In such situations, the Department insists that a highly culpable witness first be prosecuted before immunity will be considered.

If the witness is being investigated by another district, the AUSA seeking immunity must consult with the assigned AUSA in the other district to determine if there is an objection. If the witness is being investigated for crimes related to the proposed immunized testimony, the Department ordinarily will not authorize the immunity unless the witness's testimony is absolutely essential to a very important case. The two districts must work out a procedure that will

survive a *Kastigar* inquiry in which the investigating district is not exposed to the immunized testimony.

The PSEU also considers the "close family relative exception" to a request for a compulsion order. The Department usually denies an application that seeks to compel testimony from a close relative of the target/defendant. USAM 9-23.211. The purpose of this internal policy is to preserve family unity. The close family exception does not apply if the testifying relative is also culpable or if the prosecutor only plans to question the relative about a business that he or she operated in conjunction with the target/defendant. Otherwise, the close family exception cannot be overcome unless the matter under investigation has overriding prosecutorial concerns.

Upon receiving authorization, the AUSA may file a motion with the court seeking a compulsion order to testify. The statute requires a showing that a Department official approved the application for a compulsion order and, for this reason, most USAOs attach the authorization letter to the motion. For more information, see the USAM, Section 9-23.100.

#### **V. Attorney subpoenas**

The prosecution of gangs, especially if they are large and well-funded, sometimes requires subpoenas directed to attorneys (e.g., subpoenas for billing records). If a subpoena is involved, and the information sought relates to the representation of a client, the AUSA must request authorization through OEO. Subpoenas directed at attorneys representing parties (in criminal or civil matters) must first be authorized by the AAG for the Criminal Division, unless the information sought falls into a discrete set of exceptions.

Because subpoenas to attorneys are an extremely sensitive matter, prosecutors should first attempt to obtain the information from another source. If that is not feasible, and a subpoena is necessary, the prosecutor should

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narrowly draw the subpoena and not seek information within the protection of the attorney-client privilege. If a subpoena is needed relative to the representation of a client, and the AUSA believes that an exception to the privilege applies (such as the crime/fraud exception), the authorization request should set out the reasons in support of that belief.

Prosecutors should submit requests for authorization to the PSEU using the form set out in the Criminal Resource Manual at 264. The request should make clear whether testimony or documents, or both, will be sought under the subpoena. When documents are sought in addition to the testimony of the attorney-witness, the prosecutor must also submit a draft of the subpoena *duces tecum*, listing the documents sought. The wording of the demand for documents must also be set out.

Not all subpoenas to attorneys come under the authorization requirement. If the subpoena seeks information that is unrelated to the representation of a client, such as information about the nonlegal business operations of a firm that also happens to be engaged in the practice of law, or information regarding activities unrelated to the practice of law, there is no need to contact the Department. Further, if the attorney is willing to supply the information without being served with a subpoena, authorization is not needed. However, authorization is required for a so-called "friendly subpoena," in which an attorney-witness indicates that he or she is willing to provide the information but asks for a subpoena.

For additional guidance on attorney subpoenas, see the USAM, Section 9-13.410, and Kathleen N. Coleman, *The Witness Immunity Unit in the Office of Enforcement Operations*, in UNITED STATES ATTORNEYS' BULLETIN, Jan. 2007, at 10.

## VI. Court closures

Because it is difficult to place undercover officers or confidential informants inside a gang structure, information regarding the gang's

activities and composition often can only be obtained through the cooperation of a gang member, who may also be a codefendant. Because notice of the cooperation would likely endanger an investigation or the safety of the cooperator, prosecutors often seek (or would consent to a defense request for) the closure of a judicial proceeding in the cooperating codefendant's case. Court proceedings involving nondefendants may also require closure for similar reasons. Federal law and Department policy, however, recognize a strong presumption against closing proceedings. Such court closures require the express prior authorization of the Deputy Attorney General (DAG). 28 C.F.R. § 50.9.

The PSEU assists USAOs by providing advice in the area of court closures, reviewing requests to close proceedings, and making recommendations to the DAG regarding the application to move for (or consent to) a courtroom closure. Closure of a courtroom, in connection with a criminal proceeding, may only constitutionally occur under limited circumstances. Such circumstances exist where closure is narrowly tailored toward preserving an important interest such as protecting the safety of an informant, the integrity of an ongoing investigation, or the identity of an undercover police witness.

Whenever closure is sought in a case or matter under the supervision of the Criminal Division, the request, and any related questions, should be directed to the PSEU. In addition to setting forth the relevant factual and procedural background, the request should include a detailed explanation of the need for closure. The request should address how an open proceeding will create a substantial likelihood of danger to specified individuals, how ongoing investigations will be jeopardized, or how a person's right to a fair trial will be impaired. The request should also consider whether there are any reasonable alternatives to closure, such as delaying the proceeding, if possible, until the reasons for closure cease to exist. The request should be

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submitted sufficiently in advance of the proceeding in question to allow time for its adjudication through the PSEU, OEO, the Office of the AAG for the Criminal Division, and the DAG.

If, after approval by the DAG and an order of the court, proceedings are closed, the government attorney has the obligation to review the records of the closed proceedings every 60 days to determine whether the reasons for closure still apply. 28 CFR § 50.9(f). As soon as the justification for closure ceases to exist, the government must file a motion to have the records unsealed. AUSA's should acknowledge this obligation in their closure requests and advise the PSEU when the records are unsealed. The PSEU will periodically seek updates from USAOs regarding the status of closed proceedings.

For more information on this tool, often essential in successful gang prosecutions, see USAM 9-5.150 and Mary Healy, *Office of Enforcement Operations' Policy and Statutory Enforcement Unit*, UNITED STATES ATTORNEYS' BULLETIN, Jan. 2007, at 17.

## VII. Conclusion

These are only a few of the helpful tools available through OEO for gang prosecutions.

Other tools available through OEO include S-Visas for noncitizen witnesses, entry into the Federal Witness Security Program, imposition of more restrictive confinement conditions known as Special Administrative Measures, or investigative in-prison special operations against incarcerated gang members, and more. AUSAs can remain confident that OEO is always available to assist in investigations and prosecutions, address questions, and advance the AUSAs efforts to combat gang violence. All OEO units and program supervisors can be reached at (202) 514-6809.❖

## ABOUT THE AUTHOR

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# Use of Federal Statutes to Attack Street Gangs

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## I. Introduction

Some street gangs are comprised of hundreds of members that are led by a group of individuals who rule through a rigid, hierarchical structure and are guided by organizational bylaws. These organizations often exist for the sole purpose of facilitating the commission of various crimes, or, in the alternative, using the proceeds of their



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crimes to fund other activities. Other gangs are better described as "street crews," i.e., a handful of individuals who work together to deal drugs, rob and extort, or commit other crimes for the common benefit of the gang's members.

In both types of entities, there exists an unholy alliance of gangs, guns, and drugs—any combination of which can be found in cities throughout the country. For many years, law enforcement has been working tirelessly to investigate and prosecute these criminal organizations.

The federal criminal code provides several tools that prosecutors and law enforcement can use to dismantle criminal street gangs and bring to justice the members of those gangs who wreak havoc on communities. This article sets forth some of the statutes that can be used to attack criminal street gangs and their members.

## **II. 21 U.S.C. §§ 841 & 846—Drug offenses**

The money derived from drug trafficking is often the lifeblood of street gangs. It is, therefore, not surprising that the drug offenses found in Title 21 of the United States Code supply some of the most used and most effective tools to combat gang activity.

The federal drug statutes provide at least two major benefits in fighting street gang activity. First, the drug conspiracy statute—21 U.S.C. § 846—allows prosecutors to allege a broad range of conduct, including violence and threats of violence, when such activities are part of the methods and means used by a street gang to help obtain and sell drugs. Second, the statutory penalties for federal drug crimes—in particular the mandatory minimum sentences set forth in 21 U.S.C. § 841(b)—are stiff and very appropriate for street gang members who sell drugs and acquire and maintain their drug turf through violence and threats of violence.

One of the best statutes to combat street gang activity is the drug conspiracy statute, 21 U.S.C.

§ 846. Section 846 makes it a crime for an individual to conspire with others to distribute or to possess with intent to distribute controlled substances. A conspiracy is simply an agreement between two or more people to do something illegal—in this case, to distribute drugs or possess drugs with intent to distribute them. A defendant is responsible for that conspiracy if he or she knowingly becomes a member of the conspiracy with the intention to further it.

Drug trafficking tends to be the one of the primary activities of many street gangs. Some gangs exist for the sole purpose of selling drugs so the gang's members can make money. Other gangs exist mainly to protect turf:

- to control street corners, city blocks, or entire neighborhoods, for the purpose of taxing business owners in those areas;
- to control the drug trade and/or other illegal activity contained therein; or
- to simply keep out rival gang members, against whom the controlling gang has a feud.

For gangs involved in these turf wars, drug money is often used to help fund the gang's efforts.

Gang members often work together to sell drugs in order to make money for the benefit of the gang, which may include:

- buying guns;
- bonding incarcerated gang members out of jail;
- paying for the lawyers of fellow gang members awaiting trial;
- protecting and promoting their drug dealing activity;
- providing countersurveillance for each other;
- sharing customers and drug suppliers;
- maximizing their ability to obtain personal profits; and
- realizing profits that will go to their leaders.

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In all of these scenarios, however, the simple fact that the gang members band together for the common purpose of making money by selling drugs makes them susceptible to a drug conspiracy charge.

Drug conspiracy is a particularly effective statute for prosecuting gang members because it allows the prosecutor to hold a gang member responsible for the entirety of the gang's illegal conduct. Charging a gang member with one or two narcotics charges allows the prosecutor to present evidence of the defendant's actions involving those deals. Charging that same gang member with drug conspiracy (if the evidence allows it) permits the prosecutor to present evidence of a broad range of the drug dealing gang members' conduct. This conduct may include:

- the drug dealer and the gang's regular sale of drugs over a period of time;
- the gang's use of violence and acts of violence to protect current, and gain new, drug territory;
- the use of guns and other weapons to protect the gang's drugs and money; and
- the recruitment of other individuals into the gang to sell drugs, provide security, or carry out acts of violence against competitors or underperforming gang-member coconspirators.

In many jurisdictions, prosecutors may be able to present evidence of gang membership and gang activity to prove the existence of the charged conspiracy. *See, e.g., United States v. Suggs*, 374 F.3d 508, 516 (7th Cir. 2004) (admitting gang evidence to show existence of drug conspiracy, noting that "[g]ang affiliation is particularly relevant, and has been held admissible, in cases where the interrelationship between people is a central issue[,] such as in a conspiracy case."); *United States v. Thomas*, 86 F.3d 647, 652-53 (7th Cir. 1996) (testimony regarding gang's prohibition on cooperating against fellow gang members helped demonstrate

the existence of the conspiracy and the interrelationship between defendants and the witnesses who participated in the drug distribution operation); *United States v. Johnson*, 28 F.3d 1487, 1497 (8th Cir. 1994) (allowing gang evidence to show the connection between defendants involved in a drug conspiracy); *United States v. Robinson*, 978 F.2d 1554, 1562 (10th Cir. 1992) ("[A]ssociational evidence may be directly relevant on the issues of formation, agreement and purpose of a conspiracy."); *United States v. McKinney*, 954 F.2d 471, 479 (7th Cir. 1992) (evidence of gang affiliation admissible to show that the gang had control over its members and disciplined them).

Evidence of violent acts committed to protect and promote the ongoing drug trafficking activity may also be admissible. *See United States v. Hicks*, 368 F.3d 801, 806 (7th Cir. 2004) (evidence of violent acts, including murder, admissible in drug conspiracy case to show how defendants defended and controlled their territory). One way to increase the likelihood of being able to introduce such evidence is to use a speaking indictment and specifically allege how the gang played a role in protecting or promoting the drug trafficking operation.

While the drug conspiracy statute is often used to attack gang members who work together to operate a wholesale or retail drug distribution network, the drug conspiracy statute is not so limited. For example, § 846 can also be used to charge a crew of individuals whose primary purpose is to steal drugs and then sell those drugs to others engaged in the wholesale or retail drug trade. Either way, the common purpose of possessing and distributing drugs in order to make money is what places this conduct firmly within the ambit of the drug conspiracy statute.

Several additional considerations make § 846 an attractive charge in drug conspiracy cases. To prove the drug conspiracy charge, the government does not need to:

- prove that any overt acts were committed (although there will almost certainly be many of them);
- demonstrate that each gang-member defendant knows all of the other gang members or their activities; or
- show that each member defendant was in the conspiracy at the beginning or stayed until the end.

Rather, the government need only show the existence of an agreement to distribute (or to possess with intent to distribute) drugs—which can be (and often will be) an informal agreement proved via circumstantial evidence—and that each defendant joined the conspiracy knowing its common purpose and became a willing participant in that activity. *See, e.g.*, 7th Cir. Federal Jury Instruction Crim. 5.08 (1999).

As noted above, a second major benefit to charging drug conspiracy—or other drug offenses for that matter—is that such offenses typically carry stiff penalties, which are often appropriate for gang members. These penalties apply not only to drug conspiracy, but to the other more basic drug offenses of distributing a controlled substance, or possessing a controlled substance with intent to distribute, both of which are chargeable under 21 U.S.C. § 841(a). The prosecution of a high-ranking or particularly violent gang member for a distribution (or possession with intent to distribute) offense provides the prosecutor with a powerful tool that can be used to remove his fellow gang members from the streets, even where it is not feasible to charge those individuals (and their criminal associates) in a larger, overarching conspiracy.

It is important to keep in mind that repeat drug offenders face increased penalties under 21 U.S.C. § 841(b), once the prosecutor files notice that he or she will seek such additional penalties pursuant to the provisions of 21 U.S.C. § 851. Further, 21 U.S.C. § 860 provides for enhanced penalties for persons who commit certain drug offenses within 1,000 feet of stipulated, protected

locations, such as schools or public housing projects.

Finally, the Continuing Criminal Enterprise (CCE) provision, 21 U.S.C. § 848, provides increased punishment in the form of either a 20-year minimum sentence, or a mandatory life sentence, for certain drug offenders. In general, the CCE penalties apply to drug offenders who occupy organizer or leadership positions over a group of at least five individuals engaged in committing a series of at least three controlled substance violations, and from which that leader or organizer obtains a substantial amount of income or resources. Section 848 sets forth, in much greater detail, the specific requirements the government must prove in order for these enhanced penalties to apply. Given the new advisory nature of the Sentencing Guidelines, the enhancements built into Title 21, in particular the CCE provision, are likely to play an even greater role in future gang prosecutions.

### III. 18 U.S.C. §§ 922 & 924—Firearms offenses

In this time of limited law enforcement resources, statutes aimed at those who use guns during, and in furtherance of, crimes of violence or drug trafficking, and at felons who possess guns, should be arrows in the quiver of gang investigations.

There are several options available. Perhaps the most powerful firearms statute falls under 18 U.S.C. § 924(c). This section makes it a crime for an individual to use or carry a firearm during, or in relation to, or to possess a firearm in furtherance of, a drug trafficking crime or a crime of violence. The force behind this section is its penalty. A violation of § 924(c) carries a mandatory 5-year prison term that must be served consecutive to any other term of imprisonment the defendant receives for the underlying drug trafficking crime or crime of violence. *See* 18 U.S.C. § 924(c)(1)(A)(i). The mandatory consecutive sentence climbs to 7 years if the firearm is brandished (18 U.S.C.

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§ 924(c)(1)(A)(ii) and 10 years if the offender discharges the firearm (18 U.S.C. § 924(c)(c)(1)(A)(iii)). Further, if the § 924(c) offense involves a murder (as defined in 18 U.S.C. § 1111), the offender may be punished by death, or by imprisonment for any term of years or life (18 U.S.C. § 924(j)).

Additionally, a second or subsequent violation of any of the subsections in 18 U.S.C. § 924(c)(1)(A) carries a 25-year mandatory consecutive sentence of imprisonment. The ramifications for gang members who carry or use guns in the course of drug trafficking offenses or crimes of violence is profound. For instance, if a gang member is charged and convicted of a drug trafficking offense involving over fifty grams of crack cocaine (a 10-year mandatory minimum sentence under 21 U.S.C. § 841(b)(1)(A)) and two counts of violating § 924(c), his mandatory minimum sentence of imprisonment would be 10 years for the drug offense, plus 5 years for the first § 924(c) conviction and 25 years for the second § 924(c) conviction for a total of 40 years. It is important to note, however, that a single drug trafficking or violent offense will support only one § 924(c) charge. In other words, even if a defendant possessed firearms on multiple occasions in furtherance of a drug conspiracy, only one § 924(c) charge may be brought against that defendant using the drug conspiracy as the underlying drug trafficking offense.

Section 924(c) may also be used to charge gang members who never actually possess a gun. For example, assume evidence shows that an important midlevel manager in the gang (Director) orders other gang members to arm themselves with guns and work shifts to provide security protecting the drug-selling members of the gang from rival gangs, robbers, and law enforcement. The security members, themselves, would be held accountable for violating 18 U.S.C. § 924(c)(1)(A) because during, and in relation to, a drug trafficking crime, they used and carried a firearm. Those members could also be responsible under the possession prong, because they also possessed firearms in

furtherance of a drug trafficking crime. The Director would be responsible for the 18 U.S.C. § 924(c)(1)(A) violation, at a minimum, under a *Pinkerton* theory of accountability, given that his or her coconspirators (the security members) committed the § 924(c) offenses in furtherance of, and as a foreseeable consequence, of the drug conspiracy. Thus, even though the Director's hands never touched the weapons carried and used by his underlings, he ordered those under him to carry and discharge firearms when necessary. Therefore, he is equally culpable. There is also a separate statute for conspiring to violate 18 U.S.C. § 924(c), which carries a maximum 20-year term of imprisonment. *See* 18 U.S.C. § 924(o).

The felon-in-possession statute, 18 U.S.C. § 922(g), provides further ammunition for charging gun-toting gang bangers, whether or not those members are the subject of a large, overarching gang investigation. Consider a situation in which agents developed cooperating witnesses, conducted Title III interceptions, and made controlled purchases of drugs from gang members, during the course of a months-long investigation into the drug trafficking-activity controlled by a gang. After analyzing the accumulated evidence, however, it is found that there is not enough to charge the most violent member, "Shooter." Can additional investigation lead to obtaining actionable evidence to charge and convict Shooter and protect the public? The answer is an emphatic "yes" and § 922(g) provides a possible avenue.

Assume Shooter has a recent state court arrest and/or conviction for possession of a firearm by a felon. The federal prosecutor can obtain and review the file for Shooter's state gun case, not only to assess the evidence but also to determine the potential federal sentence if Shooter were charged and convicted under 18 U.S.C. § 922(g). This vetting of state gun cases to determine whether federal prosecution is both viable and worthwhile is the backbone of the Project Safe Neighborhoods programs operating across the country. It is also an excellent practice to always

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request that a trace be performed on any firearms recovered in a state or federal investigation, regardless of the prosecutive decision. Traces often yield investigative leads or other important information.

As with a § 924(c) charge, the benefit of bringing the § 922(g) charge is often in the punishment. Specifically, a felon convicted under § 922(g) who is also an armed career criminal (ACC), i.e., an individual who has three prior convictions for serious drug offenses, violent felonies, or some combination thereof, is subject to a 15-year statutory minimum sentence. *See* 18 U.S.C. § 924(e). The prosecutor should obtain certified copies of the prior felony convictions and consult § 924(e) and any relevant case law in order to ensure that the defendant indeed qualifies as an ACC, as the number and type of a defendant's qualifying ACC convictions is often challenged by the defense.

If satisfied that Shooter is worthy of federal prosecution, the evidence is sufficient, and upon conviction a substantial sentence could be imposed (whether the defendant is an ACC or not), strong consideration should be given to adopting Shooter's state court gun case as a federal § 922(g) prosecution. If Shooter had already been convicted of the gun case in state court, the federal prosecutor can request a waiver of the Dual or Successive Prosecution Policy from the Department of Justice (Department), commonly known as the Petite policy, (USAM 9-2.031). This permits the prosecutor to bring a subsequent federal charge based upon the same conduct. If the waiver is granted, Shooter can then be charged with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

Felon-in-possession counts should also be included in multicount indictments in which gang members are charged with drug conspiracy and various other offenses. While the sentence handed down to a felon in possession may pale in comparison to a potential drug conspiracy sentence, (especially if the defendant is not an ACC), a gun in the hand of a gang member is a

dangerous scenario and every effort should be made to ensure that the individual is brought to justice.

Finally, while §§ 924(c) and 922(g) are perhaps the most used statutes for combating street gangs and their members, a thorough review of §§ 922 and 924 is a must for any gang investigator and prosecutor. There are numerous additional firearms offenses set forth in those sections, which may provide the prosecutor's only avenue to bring a gun-toting gang member to justice. Section 922 sets forth several additional crimes, including, by way of example, the following:

- disposing of a firearm to various individuals, including a felon, a person under indictment for a felony, a fugitive from justice, or an unlawful drug user (18 U.S.C. § 922(d));
- transferring a firearm to any person who the transferor knows, or has reasonable cause to believe, does not reside in the state in which the transferor resides (18 U.S.C. § 922(a)(5));
- transporting, shipping, or receiving in interstate commerce any firearm with an altered or obliterated serial number (18 U.S.C. § 922(k)); and
- making a false statement in connection with the purchase of a firearm or ammunition (18 U.S.C. § 922(a)(6)).

#### **IV. 18 U.S.C. § 1951—Hobbs Act**

If the activity of the gang being prosecuted involves the robbery of money or property from drug dealers, business owners, or other individuals, or the extortion of a tax from these victims, then the prosecutor might be able to charge a violation of 18 U.S.C. § 1951. An individual who commits robbery or extortion affecting commerce, or attempts or conspires to do so, is chargeable under § 1951.

Robbery involves the "unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence,

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or fear of injury, immediate or future, to his person or property. . . ." See 18 U.S.C. § 1951(b)(1). The robbery offense in 18 U.S.C. § 1951 is to be utilized only in instances involving organized crime, gang activity, or wide-ranging schemes. In certain circumstances, the appropriate section of the Criminal Division must be consulted before prosecution is initiated. See USAM 9-131.030. An example of robbery might include a crew of gang members brandishing guns who enter into a rival drug dealer's stash house and physically threaten and restrain him so that they can steal the drugs and money stored there.

In extortion, the victim drug dealer consents to the taking of his drugs and money as a result of the wrongful use of fear and actual or threatened force. See 18 U.S.C. § 1951(b)(2). In this extortion scenario, the crew enters the rival dealer's stash house with guns drawn and threatens to hurt him. The rival dealer hands over his stash and money.

Under either robbery or extortion, the prosecutor must be able to show that the defendant's actions had an affect on interstate commerce, which is one of the key elements that makes this a federal crime. This element is met if the defendant's actions affected, or had the potential to affect, interstate commerce. See 7th Circuit Federal Jury Instructions Crim. (1999), 18 U.S.C. § 1951 (Interstate Commerce Definition.) This is typically proven through a depletion of assets theory, i.e., the victim of the robbery or extortion operates a business, such as a grocery store or a drug distribution operation, and purchases products from a state other than the one in which he operates. As a result of the robbery or extortion, that victim now has fewer assets from which he can purchase his product in interstate commerce. As is set forth in more detail below under the violent crime in aid of racketeering (VICAR) offenses, there is case law holding that evidence showing that cocaine and heroin come from outside the United States (which is often introduced through an expert) is sufficient to meet this interstate commerce element.

While individual robberies/extortions, or attempted robberies/extortions, can be charged under § 1951, it is important to note that the statute also permits the prosecutor to charge a conspiracy or an attempt to commit such robberies and extortions. In that regard, § 1951 is a powerful statute, similar to the drug conspiracy statute (21 U.S.C. § 846), in that it provides a vehicle for the prosecutor to present evidence of a lengthy pattern of conduct covering several victims and acts, along with any relevant gang evidence, thereby allowing the jury to observe a full picture of the crew's illegal activity.

Finally, given that the above-mentioned § 1951 robberies and extortions (by the wrongful use of fear and actual or threatened force) fit the "crime of violence" definition found at 18 U.S.C. § 924(c)(3), these offenses, like the drug trafficking offenses under 21 U.S.C. § 841 and 846, can serve as predicates for 18 U.S.C. § 924(c) charges. As described above, the prison sentences for such § 924(c) weapons offenses must be served consecutive to the sentences imposed for the robbery/extortion crimes of violence.

## V. 18 U.S.C. § 1959—VICAR

In the context of gang prosecutions, VICAR counts can be included in an indictment where there is evidence of a shooting, or other violent assault, as a result of which a victim is seriously injured or killed at the hands of gang members. All VICAR indictments must be approved by the Organized Crime and Racketeering Section (OCRS). VICAR can be charged under the *Pinkerton* theory of accountability as well. VICAR is an effective tool to employ in a typical attempted murder case, such as a gang retaliation shooting, because there is no federal attempted murder statute.

In satisfying the elements of a VICAR count, common hurdles to overcome in a gang crimes setting include:

- proving an enterprise exists;
- proving that the enterprise is engaged in, or

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its activities affect, interstate or foreign commerce; and

- proving motive—did the person commit the act for pecuniary gain *or* did he do it to join the enterprise, maintain his position in the enterprise, or increase his position in the enterprise.

In the gang world, the "enterprise" is usually defined as "a group of individuals associated in fact although not a legal entity." *See* 18 U.S.C. § 1959(b)(2). Proving that a gang/enterprise exists is the foundation for a VICAR charge. Types of evidence that can establish, beyond a reasonable doubt, that a gang/enterprise exists include:

- copies of gang laws;
- consensual or Title III recordings of gang meetings, during which orders from ranking members are issued;
- evidence of gang initiation rights; and
- testimony of cooperating members of the targeted gang, or from rival gangs, showing the structure of the gang, how orders are given and carried out, how gang discipline is meted out, and how revenues from the gang's illicit activities are managed.

VICAR is a predicate offense for Title III interception. *See* 18 U.S.C. § 2516(1)(c).

The government must establish that it has jurisdiction to prosecute a VICAR charge as 18 U.S.C. § 1959 requires that the enterprise be engaged in, or that its activities affect, interstate or foreign commerce. While certain gangs may derive their income from organized vehicle or jewelry theft, the most common income source of street gangs is trafficking in cocaine, crack cocaine, or heroin, which generally will satisfy the "interstate or foreign commerce" element.

In the typical case, expert testimony from an experienced agent establishing that the raw materials of cocaine and heroin are not indigenous to the United States, but are imported into this country and therefore have traveled in

and affected interstate commerce, will satisfy this element. *See, e.g., United States v. Westbrook*, 125 F.3d 996, 1009-10 (7th Cir. 1997); *see also United States v. Moore*, 363 F.3d 631, 637 (7th Cir. 2004), *vacated on other grounds at* 73 U.S. 3437 (2005) (court recognizing stipulation of parties that heroin and cocaine are not produced from substances in the United States); *Marerro*, 299 F.3d at 654, 655 ("[A]ll cocaine originates overseas."). The reasonable inference to be drawn from such testimony is that the drugs had to move across the national border and state borders, if applicable, to reach the destination where they were recovered by law enforcement. Additional evidence to marshal in support of the expert testimony includes:

- cooperator testimony;
- undercover purchases of cocaine, heroin, or crack cocaine;
- Title III recordings; and
- seizures of these drugs from members of the gang during the investigation.

Most courts have held that a slight effect on interstate commerce is all that is required, *see United States v. Miller*, 116 F.3d 641, 674 (2d Cir. 1997) (interstate commerce nexus satisfied where RICO enterprise's business was narcotics trafficking even if individual acts of racketeering occurred solely within a state); *United States v. Farmer*, 924 F.2d 647, 651 (7th Cir. 1991), and that the burden of proving a nexus between the alleged drug trafficking actions of defendants and interstate commerce is minimal. *United States v. Wilkerson*, 361 F.3d 717, 726 (2d Cir. 2004); *United States v. Marerro*, 299 F.3d 653, 655 (7th Cir. 2002).

The biggest obstacle to a successful VICAR prosecution in the gang crimes context, and where Title III and other recorded evidence often becomes critical, is proving the motive element. VICAR allows prosecutors to prove that the violent act was done for pecuniary gain *or* was done to join, maintain, or increase the offender's position in the gang/enterprise. In the street gang

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world, the vast majority of acts covered by VICAR are done without the promise or payment of money, but are carried out to protect the enterprise's continued viability—shootings to protect turf from rival gangs and/or law enforcement, internal gang violations to maintain discipline in the gang, or assaults to protect the drug-selling operation.

Often, younger, lower-ranking members are given orders to retaliate through shootings against rival gangs, protect turf from other gang members or robbers, and act as security for the gang's drug-selling operations. Gang members working security arm themselves with guns to protect their territory. A recording of the shooter, the get-away driver, or the chief who ordered the shooting, in which a gang member brags about his exploits or discusses the disposal of a firearm can be devastating evidence.

VICAR can carry a stiff prison sentence in certain cases, especially when charged in conjunction with § 924(c) counts. The National Advocacy Center (NAC) VICAR and RICO materials, supplied to RICO course attendees, are an excellent resource for more information about charging VICAR. The VICAR statute lists different statutory maximum sentences that vary based on the type of acts committed and the degree of injury suffered by the victim. Please note that if the only charge that can be mustered is a VICAR conspiracy or attempt to commit a murder or kidnapping, the statutory maximum penalty is only 10 years. 18 U.S.C. § 1959(a)(5).

## **VI. 18 U.S.C. § 1962—RICO**

Last, but certainly not least, is the RICO statute, 18 U.S.C. § 1962. This is perhaps the most powerful statute to combat street gangs. While the application of RICO to gang cases goes beyond the scope of this article, there are a few things to keep in mind in deciding whether to charge a RICO offense in a gang prosecution. If, for example, the gang is primarily involved in drug dealing or in robbing drug dealers, the statutes set forth above might supply all the tools needed for an effective prosecution. On the other

hand, if the gang is involved in various types of crimes including drug dealing, kidnapping, extortion of protection money from local business owners, and murder, it might make sense to include all of this activity in a substantive RICO or RICO conspiracy charge. The NAC course on RICO is excellent, as are the materials that are given to course attendees, and the individuals working at OCRS and at the Department's Gang Squad are also an excellent resource in helping decide whether a RICO charge makes sense in a particular gang case.

## **VII. Other statutes**

The statutes set forth above are by no means the only statutes that may apply in gang prosecutions. There are numerous other drug and weapons offenses that can be found under Titles 21 and 18, which may be helpful in gang cases. In addition, there are statutes that specifically relate to gang members, for example:

- the drive by shooting statute (18 U.S.C. § 36), which makes it a crime for any person who, in furtherance of or to escape detection of any major drug offense, and with intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons causing grave risk to human life; and
- the criminal street gangs provision (18 U.S.C. § 521), which increases the maximum sentence by up to 10 years for an individual who commits various controlled substance offenses or crimes of violence while participating in a criminal street gang, as defined by that section.

Given that street gangs often impose rules of silence upon its members, or otherwise prohibit their members from cooperating with law enforcement authorities, several additional statutes might be helpful in gang prosecutions, such as:

- witness tampering (18 U.S.C. § 1512);
- obstruction of justice (18 U.S.C. § 1510);
- perjury (18 U.S.C. § 1623); and



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- false statement (18 U.S.C. § 1001).

### VIII. Conclusion

There is not a federal law enforcement solution to every street gang problem. There are several federal statutes that can be used to prosecute street gang members and to attack them as a criminal organization. It is important, however, to develop and maintain solid working relationships with state and local prosecutors' offices in order to ensure that the most effective tools are being used to prosecute gangs. Certain crimes (robberies and murders) may be prosecuted as either state or federal crimes, but it may be more beneficial, for proof or sentencing purposes, to charge the case in state court rather than federal court.

The problems caused by criminal street gangs are real, and ones that cannot be handled by federal law enforcement alone, especially given the limited resources. As such, federal prosecutors must work with state and local prosecutors as part of the mission to keep the citizens of the respective districts safe from the activities of criminal street gangs. ❖

### ABOUT THE AUTHORS

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# When Children Commit Adult Crimes: Demystifying Federal Prosecution of Juveniles

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### I. Introduction

The most recent statistics indicate that approximately 40 percent of gang members in larger cities and suburban counties are under

the age of 18. The percentage of underage gang members increases to over 60 percent in smaller cities and rural counties. Anecdotal evidence also indicates that adult gang members increasingly use juveniles to commit serious violent crimes, in part because the juveniles are unlikely to be prosecuted as adults and receive adult sanctions for their actions.

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Federal law dealing with juvenile proceedings presumes that the vast majority of juvenile cases will be brought by the states, not the federal government. Without question, the majority of cases do belong in state court. Statistics from the Administrative Office of the United States Courts indicate that, between 2003 and 2007, the total number of juvenile defendants per year ranged from 200 to 128. These numbers reflect defendants in federal juvenile delinquency proceedings, as opposed to the number of juvenile defendants for whom the government sought a transfer to adult prosecution. Further, the majority of these cases arose in areas of exclusive federal jurisdiction.

That said, federal prosecutors should be prepared to pursue the exceptional juvenile case, when appropriate. In most instances, the goal will be to prosecute the juvenile as an adult rather than adjudicate him or her a delinquent. In a case from the Southern District of New York, the United States Attorney's Office (USAO) pursued, and successfully obtained, transfers of two juveniles for adult prosecution. The juveniles were members of a violent drug dealing group called the 165th Street Organization, which had been the subject of a series of prosecutions by the USAO for interstate narcotics trafficking and a number of crimes of violence. The juveniles were implicated in armed robbery, kidnapping and murder, and the possession and distribution of crack cocaine. *See United States v. Ramirez*, 297 F.3d 185 (2d Cir. 2002).

More recently, in the Eastern District of Virginia, MS-13 member Denis Rivera was transferred and prosecuted as an adult for the murder of Joaquin Diaz. Rivera and five other MS-13 members were charged in Diaz' murder. Rivera was three days shy of his 18th birthday at the time of the murder. Rivera was convicted of the Diaz murder and was subsequently prosecuted and convicted for the murder of his former girlfriend, Brenda Paz,

to whom he had admitted the Diaz murder. Paz had agreed to cooperate and testify against Rivera but was murdered approximately 4 months before the Diaz murder trial. *See United States v. D.R.*, 225 F. Supp. 2d 694 (E.D. Va. 2002); *Rivera v. United States*, 494 F. Supp. 2d 383 (E.D. Va. 2007).

The purpose of this "practice pointer" piece is to demystify the federal procedures for juvenile offenders sufficiently so that prosecutors will consider taking the rare, but appropriate case, and, just as importantly, to provide resources to ease prosecutors through the process.

## **II. Process and procedures**

### **A. Fundamental #1: Every case involving a juvenile begins as a juvenile delinquency proceeding**

Anyone who commits a federal crime before his or her 18th birthday *and* who has not yet reached age 21 is considered a "juvenile" under federal law. There are no exceptions. It does not matter that the juvenile is an adult under state law or that the state has prosecuted him as an adult previously for other criminal acts. As discussed in more detail below, a prior conviction can be very relevant to getting the juvenile into adult court, but the case must still start as a juvenile proceeding under the Juvenile Justice and Delinquency Prevention Act (the Act). 18 U.S.C. § 5031-5042.

### **B. Fundamental #2: The United States Attorney must personally certify the basis for federal jurisdiction over the juvenile**

A juvenile proceeding is commenced with the filing of two pleadings: a juvenile information alleging that the individual has committed an act of juvenile delinquency (which should include an affidavit) and a certification signed by the United States Attorney setting forth the basis for federal

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jurisdiction over the juvenile. Although the statute states that the Attorney General shall make the certification, the authority to make the certification was delegated to all United States Attorneys, which is reflected in a memorandum from the Assistant Attorney General for the Criminal Division, dated July 20, 1995. A copy of the delegation memorandum should be attached to the certification filed with the court.

The Act provides three bases for the certification by the United States Attorney. Unless the crime occurs on land under exclusive federal jurisdiction (basis #1), the certification will be based on the third provision, which states that the crime is a federal felony crime of violence, enumerated drug offense, or other enumerated offense *and* that there is a substantial federal interest in the crime. 18 U.S.C. § 5032, ¶ 1 (setting forth all 3 bases for jurisdiction). Drug conspiracy is not one of the enumerated drug offenses. What constitutes "a substantial federal interest" should be evaluated based on the principles of federal prosecution set forth in USAM § 9-27.230. The Fourth Circuit is the only circuit—out of the nine circuits who have addressed the question so far—to hold that the presence of a substantial federal interest is subject to judicial review. *See United States v. F.S.J.*, 265 F.3d 764, 768 (9th Cir. 2001) (collecting cases).

The first and third bases are not mutually exclusive and both can be used in appropriate cases. The second basis, that "the State does not have available programs and services adequate for the needs of juveniles ..." is almost never used. 18 U.S.C. § 5032 ¶ 1.

The certification and juvenile information begin a juvenile delinquency proceeding, which culminates in a determination of the individual's status as a juvenile delinquent. But, the juvenile's case can move from the delinquency proceeding before a final status determination to an adult criminal case in one of three ways.

### **C. Fundamental #3: A juvenile can waive juvenile status and agree to adult prosecution**

The easiest way to move a case into adult court is through a juvenile's voluntary waiver of his status as a juvenile. Surprisingly, this happens more frequently than one might expect, typically as part of a plea agreement and under circumstances in which the juvenile is likely to be transferred by the court anyway. Under the statute, a juvenile waives his status "in writing upon advice of counsel." 18 U.S.C. § 5032 ¶ 4. The waiver form needs to be completed and filed with the court along with the certification, delegation memorandum, and juvenile information. Nevertheless, the best practice is to have the juvenile appear in court with counsel in order to assure that he or she is apprised of the consequences of the waiver. The court then enters the order transferring the juvenile to adult status. Once that occurs, the juvenile case can be closed and an indictment returned. In other words, once the juvenile is officially transferred to adult status, the case begins anew as an adult prosecution instituted through indictment, information, or criminal complaint.

### **D. Fundamental #4: The court must transfer a juvenile to adult status under certain circumstances**

The second (and still relatively easy) way to transfer a juvenile to adult status is upon motion of the government for a *mandatory* transfer. *See* 18 U.S.C. § 5032, ¶ 4. The delegation memorandum referred to above should also be attached to any motion for transfer filed with the court. Under the mandatory transfer provision, the court must transfer the juvenile to adult status if:

- the juvenile is alleged to have committed the crime after his 16th birthday; *and*
- the crime charged is a federal felony against a person (not property) that involves the use of force or a substantial

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risk of force (as determined by the language of the statute itself rather than the underlying facts) *or* is one of the other enumerated crimes; *and*

- the juvenile "has previously been found guilty" (which includes an adjudication of delinquency in the state or federal system) of a specified felony offense, including a felony crime of violence against a person or property.

### **E. Fundamental #5: The court may transfer a juvenile to adult status if transfer is in the interest of justice**

Finally, a juvenile can also be transferred for prosecution as an adult upon motion of the government for a discretionary transfer. The cases cited above from the Southern District of New York and the Eastern District of Virginia both involved discretionary transfers. The juvenile must have reached age 15 at the time of the crime and the crime must be a felony crime of violence, substantive drug offense, or other offense enumerated under the statute. 18 U.S.C. § 5032, ¶ 4.

In this process, the court must evaluate six factors set forth in the statute and determine whether it is in the interest of justice to transfer the juvenile for adult prosecution. 18 U.S.C. § 5032, ¶ 5. The discretionary transfer is the most onerous one for the government as it requires the government to put on evidence as to each of the six factors and to convince the court that the transfer is in the interest of justice.

The six factors are:

- age and social background of the juvenile;
- the nature of the alleged offense, including the juvenile's leadership role in a criminal organization or the extent to which he or she influenced others to participate in criminal conduct involving drugs or firearms;
- the extent and nature of the juvenile's

prior delinquency record;

- the juvenile's present intellectual development and psychological maturity;
- the juvenile's response to past treatment efforts and the nature of those efforts; and
- the availability of programs designed to treat the juvenile's behavioral problems.

In essence, anything that can be learned about the juvenile will fit into one of the six factors. Consequently, considerable effort can (and should) be expended to obtain the information. Further, the court *must* have sufficient information to make a finding on each factor. A reviewing court will give significant deference to a district court's decision, but it is reversible error for the court not to make a finding on each factor. It is also important to note that the nature of the crime itself can outweigh all the other factors and alone be a basis for the transfer. For purposes of the transfer hearing, the court may assume that the juvenile committed the crime. The foregoing legal principles arise from case law and are not explicitly set forth in the statute. *See, e.g., United States v. Juvenile*, 451 F.3d 571, 574 (9th Cir. 2006).

Once the juvenile is transferred to adult status (and any interlocutory appeal is exhausted), the juvenile is not entitled to any of the protections under the Act, discussed in more detail below, with one exception: an individual who is under 18 years of age may not be housed in a facility in which he or she will have regular contact with adults. As noted above, after the transfer and appeal, the case essentially starts over as an adult prosecution, beginning with an indictment by the grand jury or other appropriate charging instrument.

### **III. Protections afforded juveniles under the Act and potential prosecutorial pitfalls**

The Act has several built-in protections for juveniles that also give rise to potential

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pitfalls, of which AUSAs should be aware. Among these is the statute's own speedy trial provision.

### **A. Fundamental #6: The government's transfer motion must be filed promptly to avoid speedy trial problems**

The statute provides that a juvenile who is detained must be brought to trial within 30 days from the beginning of the detention. 18 U.S.C. § 5036. Case law has firmly established that filing a motion to transfer the juvenile to adult status for prosecution will toll the clock. Therefore, it is strongly recommended that the motion to transfer the juvenile to adult status be filed concurrently with the juvenile information and certification by the United States Attorney, unless the juvenile is not detained.

If the motion to transfer is based on the six factor analysis, this can also afford the prosecutor the opportunity to apprise the court of some important issues that can impede the progress of the case and that may require the court's involvement. For example, information collected about the juvenile may likely include, in addition to any prior juvenile delinquency and/or arrest records, social services records; school records, including any disciplinary records; and medical records. Custodial agencies may be reluctant to release such records without a request from the court. In addition, a psychological evaluation is necessary to support a finding about the juvenile's present intellectual development and psychological maturity, and may entail evaluations by experts for both the defense and prosecution. Once the information is gathered, a memorandum in support of the government's motion to transfer can be filed in advance of a hearing on the issue.

### **B. Other protections under the Act**

The Act provides a number of other protections, among which are the following:

- The juvenile's identity must be protected

at every turn and therefore, upon arrest, the juvenile may not be fingerprinted or photographed for routine booking purposes. Additionally, filings should be under seal, courtroom proceedings should be closed, and arrest warrants should not routinely be entered into databases.

- Upon federal arrest, the juvenile and his parents must be advised of his rights and the nature of the charges, and the juvenile must be brought "before a magistrate judge forthwith." 18 U.S.C. § 5033. Prosecutors and agents in the Ninth Circuit should be aware that the court has read into this provision an additional requirement that the arresting officer "affirmatively inform the parents that they will have the opportunity to confer with and to advise their child before the child is interrogated." A violation of this statutory provision can result in not only suppression of statements made by the juvenile but a reversal of a finding of guilt. *See, e.g., United States v. Jose D.L.*, 453 F.3d 1115, 1121 (9th Cir. 2006); *United States v. C.M.*, 485 F.3d 492, 505 (9th Cir. 2007) (adjudication of delinquency reversed even though confession was not used at trial).
- A juvenile cannot be detained in a facility in which he has regular contact with adults. 18 U.S.C. §§ 5035, 5039. The federal government does not have any facilities for housing juveniles and, therefore, all juveniles are housed in contract facilities provided by state, local, or private entities. Accordingly, the U.S. Marshals should be given as much notice as possible that a juvenile will be brought into federal custody. This notice is particularly critical when dealing with older juveniles who may not be considered "juveniles" under the state law and whom it may be illegal for the state to house with its own state juveniles.
- Juvenile court records or other records

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related to the six factors used to determine a discretionary transfer should not be obtained through the grand jury process.

- The court's decision on the motion to transfer is subject to an interlocutory appeal. Both the defense and the government are entitled to such an appeal. If an appeal is sought, the government should ask the court to review the decision on an expedited basis. Nevertheless, the appeal can significantly delay the case, and thus may particularly complicate the government's ability to bring the juvenile to trial in the same case with any adult codefendants.

#### **IV. Other useful information**

As noted above, an individual is considered a "juvenile" under federal law only if he or she is alleged to have committed a federal crime before his or her 18th birthday and he or she has not yet reached age 21. Thus, the Act, and its proceedings and protections, do not apply to a person who is 21 or older, even though the alleged criminal conduct occurred before age 18. If the defendant has turned 21, the government initiates proceedings just as if the conduct had occurred after age 18, typically by proceeding against the person with an indictment. In addition, a person who participates in a conspiracy before reaching age 18 may be prosecuted as an adult once the individual passes his or her 18th birthday and takes some additional action that ratifies his or her continued participation in the conspiracy.

In cases involving foreign nationals, agents and prosecutors should be aware of a growing trend in which defendants give conflicting information as to whether they are adults or juveniles. In many instances, the offender will provide a date of birth indicating that he or she is 18 years of age or older at arrest, only to claim otherwise during a subsequent interview or court appearance. In this situation, it can be difficult to ascertain the identity of the individual, let alone his or her actual date of birth and age. Any information provided at arrest by the person or others can be considered by the court at a hearing to determine whether the arrestee is actually entitled to juvenile status and the process and protections under the Act. Thus, agents are advised to corroborate any foreign national arrestee's date of birth, statements as to same, and his or her age, with as much information as possible if the arrestee's majority is potentially questionable. ❖

#### **ABOUT THE AUTHOR**

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# Gangs and the Internet

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Since the Internet became a reality in 1989, law enforcement has had to make a fast-paced transition to keep up with crime and technology. This article will identify the reasons and ways criminal street gang members utilize the Internet, to include their use of social-networking sites such as MySpace.com, in furtherance of their criminal activities. This article will also briefly discuss the Internet's exploitation with respect to perpetrators of school violence.

Over the past 10 years, criminal street gang members have increasingly been using the Internet to operate criminal enterprises. Part of the reason gangs are able to succeed is that content on the Internet is protected by the First Amendment and, therefore, content oversight receives little government regulation. Controls on content are addressed at the system administrator level. While many of the sites have their own security divisions, they are often comprised of individuals who do not possess prior law enforcement experience. Consequently, they rely on key words or phrases to determine whether the content is objectionable. Issues further arise inside the home with parents who did not grow up with the Internet and are either not familiar with the technology or not sufficiently adept in its use to monitor or control it.

Criminal gang members who have been exposed to this technology from an early age are committing crimes that are very different from those committed by gangs in the past (for example, drive-by shootings and narcotics distribution). Today, gang members are sophisticated and use the Internet to carry out crimes such as identity theft, bank fraud, check kiting, criminal impersonation, and a host of other technology-related crimes that were not

common even as recently as 5 years ago. Gang members often brazenly portray themselves on the Internet using social-networking and video-sharing Web sites. The primary sites being utilized at this time are: Bebo.com; BlackPlanet.com; Facebook.com; MiGente.com; MySpace.com; Xanga.com; and YouTube.com.

Gang members use the Internet to recruit new members and disrespect rivals. Members and their associates display their money, guns, and themselves to a mass audience to obtain their goals. This is heightened by a false sense of security that rival gangs and their members will not be able to identify individuals when these "shout outs" are being played on personal Web pages or on video-sharing sites, such as YouTube.com.

Violent online video games, such as "25 to Life," pit gang members against law enforcement. While playing the game, participants can create their own group of up to 16 members to play with, essentially creating their own "hood." This game play breeds the gang mentality and the use of violence in the community and against law enforcement.

MySpace.com has also been utilized by students perpetrating school violence. It is crucial that investigators use every tool available to intervene before a tragedy occurs. In the Jokela, Finland school shooting on November 7, 2007, the shooter allegedly had a MySpace.com account under the pseudonym of Sturmgeist89 and had posted a video on YouTube.com just prior to the event. The Web page and video were removed quickly by the providers, due to content issues, and MySpace.com later determined that the Sturmgeist89 site was fraudulent and had been posted after the event. MySpace.com issued the following statement after the incident: *"Even though we were unable to locate any connection on our site, we are in contact with local law enforcement in Finland to provide any assistance*

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*needed. The alleged profile of Pekka-Eric Auvinen was an imposter and has been deleted."*

See Myspace.com.

However, on November 10, 2007, the London Times reported that Auvinen and a Pennsylvania teenager, Dillon Cossey, who was being held in jail for conspiracy for planning a school shooting, were believed to have chatted online on a Dylan Klebold and Eric Harris RIP message board. Roger Boyes, *The cyber school for killers*, LONDON TIMES, Nov. 10, 2007, at A2, available at <http://www.timesonline.co.uk/tol/news/world/europe/article2842356.ece>.

In October 2007, MySpace.com estimated that one in four Americans visited their site, which makes MySpace.com the largest social networking Web site. MySpace.com has approximately 110,000,000 monthly users in the United States, with approximately 300,000 new registrants daily—60,000 videos and over 8 million images are uploaded to the site, with an additional 50,000,000 messages sent per day. The Web site reaches more than twenty countries where its pages are localized and translated. The phenomenon of MySpace.com was featured in the December 12, 2005, cover story of Business Week magazine. While gang activity is endemic to all social networks, MySpace.com specifically is referenced heavily. While one must realize "MySpace" is often used synonymously for "social network," it should be noted that often sites such as Facebook.com, YouTube.com, and Bebo.com are equally susceptible to having such content posted.

It is very easy to activate an account on these sites. By providing simple contact information such as name, gender, and date of birth, an individual can create a free e-mail account on search engines such as Yahoo.com or MSN.com. Using that same information, a prospective user can then create a MySpace.com account and later, a MySpace.com page. One of the main issues law enforcement encounters is that there is no penalty for providing a false or nonexistent e-mail account.

A personal page on MySpace.com, or any of the other social-networking sites, allows a gang member to recruit new members through his "friends" list. Through these lists, one member is connected to other members in the local area, as well as in other states and countries. In addition, gang members can display their gang signs and symbols, artwork and/or graffiti, weapons, drugs, and guest books. Gang members also post tales of their crimes and/or produced music to promote their criminal activities. It is left up to the social networking companies to make sense of the volume of information pouring into their site to decipher improper content.

MySpace.com has been, and continues to be, proactive in attempting to assist law enforcement with their investigations, while simultaneously protecting the privacy of legitimate users. As recently as November 2007, MySpace.com updated their Law Enforcement Investigator's Guide and subsequently distributed over 1,200 copies to officers. This guide is an excellent source of information for law enforcement and is available at <http://www.pcal.org/img/SWC/MySpace%20Law%20Enforcement%20Guide.pdf>. The guide includes contact numbers on a variety of MySpace.com topics and information on when and what type of subpoena, court order, or search warrant may be necessary. MySpace.com has also reached out to experts in Internet investigations and facilitated cooperative information-sharing with respect to gang-related terms and slang so that MySpace.com security screeners can better ascertain inappropriate content.

MySpace.com representatives have been invited to speak at a gang training seminar in September 2008 sponsored by the San Mateo County Sheriff's Office Gang Intelligence Unit in California. It is anticipated that over 200 members of law enforcement will be in attendance. In addition, MySpace.com has organized an Antigang Task Force comprised of twenty-one investigators and prosecutors from sixteen law enforcement agencies across the nation to examine this issue. At the time of this



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article's publication, the author is unaware of any other social- networking site that has taken this step.

Gang members, their associates, and students currently in school have been brought up in the Internet age. Law enforcement must be proactive to impede their attempts to perpetrate crimes. Computer investigations will continue to increase and law enforcement and prosecutors will need to educate themselves about new criminal patterns and trends being conducted by street gang organizations to effectively investigate these technology crimes. Because providers or the suspects themselves may take down their postings, such as in the Finland incident, it is imperative that investigators move quickly to preserve any evidence of these events from the sites. Investigators, however, must also check and carefully corroborate their information prior to bringing a case to prosecution.

Law enforcement executives need to allow their officers to conduct these types of investigations. It is especially critical that corrections and probation/parole officers be allowed access to the Internet. Both from personal observation and reports from agencies across the country, gang members are becoming more careful about self-admission and overt displays of gang tattoos and graffiti in an effort to hamper identification by law enforcement. Corrections and probation/parole personnel are now locating more of their charges on the Internet and monitoring them through this means than ever before. Some agencies have discovered that their officers have posted MySpace.com pages which revealed inappropriate contact with street gang members or linked the officers to criminal street gang organizations.

On April 7, 2008, the London Times reported that the "GRID" may be launched as soon as Summer 2008. The spin-offs from this technology will make processing power and access speed unparalleled. As discussed in the article,

*Ian Bird, project leader for Cern's high-speed computing project, said GRID technology could make the internet so fast that people would stop using desktop computers to store information and entrust it all to the internet. It will lead to what's known as cloud computing, where people keep all their information online and access it from anywhere*

Jonathan Leake, *Coming soon: superfast internet*, LONDON TIMES, Apr. 6, 2008, at A2, available at <http://www.timesonline.co.uk/tol/news/world/europe/article3689881.ece>.

As technology moves forward, law enforcement personnel must educate themselves on the local gang connections to the Internet and external gang influences. Law enforcement personnel have reported conducting narcotics investigations through Web pages. It is now possible for an MS-13 member in El Salvador to communicate with members in the United States through e-mails, text messaging, photos, and videos, simply using Bluetooth technology and a cell phone, with no formal computer training or access to a computer.

While gangs use the Internet for nefarious purposes, law enforcement agencies can use it for Web investigations, information sharing, and intelligence gathering. ❖

#### ABOUT THE AUTHOR

❑ **Bruce Ferrell** recently retired after more than 22 years of service with the Omaha Police Department. Mr. Ferrell's last assignment was as a detective for the Gang Intelligence Squad for more than 8 years. Mr. Ferrell has lectured extensively nationally about various gang subjects, including Hispanic street gangs, MS-13, Gang Intelligence, Gang Investigation, Gang Unit Management, and Gangs and the Internet. Mr. Ferrell has also had assignments in Burglary, Narcotics, and spent 5 years as a detective in the Homicide Unit. Mr. Ferrell was the 1996 Crimestoppers Officer of the Year for a gang

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homicide/drug conspiracy case, "Operation Crew Cut." Mr. Ferrell also has received the 2007 Midwest High Intensity Drug Trafficking Areas Regional award for Interagency Cooperative effort as a case officer for "Operation Broken Machete," a year long MS-13 investigation. Mr. Ferrell has been the Chairman of the Midwest Gang Investigators Association since 2007 and was previously Vice-Chairman from 2005 until his election as Chairman. Mr. Ferrell has been a board member of the National Alliance of Gang Investigators Association since 2005 and serves as the Association Parliamentarian.☞

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# New Methods for Solving Old Problems: Combating Gang Criminality in a St. Louis Community

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## **I. Introduction**

In the years 2000-2003, Jennings, Missouri experienced no murders and 11 nonfatal shootings. In the next four years, those statistics

jumped to 12 murders and 31 nonfatal shootings. A similar trend was seen in firearm assaults on police officers.

This was an extremely high level of crime and violence for such a geographically small jurisdiction with a population of only 15,000. Jennings is situated on the northern border of St. Louis, along the St. Louis Police Department's 6th and 7th districts, and was caught in the gang crossfire. Much of the violence came from the 10-20 Murderville Crips street gang.

The graffiti "hit lists" and plans to ambush officers signaled a raising of the stakes. Although the Jennings Police Department (JPD) was not structured or equipped to combat this level of violence, they decided to do something about it.

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## II. An entrenched criminal enterprise

The 10-20 Murderville Crips are the oldest, most established criminal street gang operating in Jennings. Originally the 10-20's operated as a neighborhood-based drug crew involved in cocaine trafficking. They align themselves as a set of the Rolling 60's Crips, a major Los Angeles-based gang. The 10-20's have the usual rivals and enemies, as well as allies. They are very territorial, and will shoot members of other gang sets who openly declare or advertise their membership. They use the following methods to enforce control over their turf:

- homicides;
- assaults;
- shootings;
- robbery;
- weapons offenses;
- drug trafficking;
- fire-bombings;
- auto theft;
- burglary; and
- tampering with witnesses and victims.

With the imprisonment of several founding gang leaders, drug trafficking became limited to small amounts of marijuana and cocaine. In addition, the arrest of several of the most active gang members for some of the shootings temporarily placed the leadership and structure of the gang in a state of flux. The change in the organization and leadership of the 10-20 Murderville Crips gave rise to a new generation of loosely organized gang members ready to use violence to maintain their status as the dominant criminal street gang in Jennings. The next generation employed the same methods to enforce control over their turf.

## III. Old problems

In the past, investigations into the criminal activities of the 10-20 Murderville Crips were focused on three fronts:

- Investigations into either specific criminal incidents, such as shootings or robberies, or into drug trafficking activities of the group, particularly criminal acts by identified leaders of the gang.
- Proactive enforcement that primarily centered on organized gang sweeps aimed at disrupting the gang's activities and preventing acts of violence, particularly during periods of high tension between the 10-20's and rival gangs.
- Reactive enforcement that involved a police officer during a routine traffic stop finding a firearm on a member who was a convicted felon and who would be later charged in federal court with felon in possession of a firearm.

These investigations were successful in that they led to the arrest and conviction of traditional leaders and members. However, they were not used as an organized part of an overall strategy aimed at prosecuting the most active members, disrupting the ability of the gang to function as an organization, or as a deterrent to reduce the recruiting of new members. In one sense, the success of these efforts in disrupting the leadership and organization of the gang led to new difficulties combating the resulting loosely-structured gang that emerged. The weakness of the investigations was felt when dealing with the new generation of armed gang members who did not have any felony convictions.

During the summer and fall of 2005, numerous shootings, aggressive expansion of gang membership and visibility, and the imminent threat and attempted violence upon police officers prompted the JPD and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to review their gang enforcement efforts.

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In addition to the threats on officers, two other incidents were catalysts for action.

- A gun burglary committed by the gang resulted in the theft of at least 30 firearms.
- In another incident, a parolee, chased by police after a gun buy, fled into the basement of a nearby residence where the entire gang was having a going-away party for one of its members, who was being sentenced the next morning for shooting a person in the head with a shotgun.

Both the JPD and ATF realized that almost everyone present was previously involved in at least one violent crime and that the traditional methods of investigation would no longer work. They were now dealing with volatile, loosely-organized gang members armed to the teeth

#### **IV. A new strategy**

The arrest of the leader of the 10-20 Murderville Crips would not disrupt the gang, because they had abandoned the traditional hierarchy found in criminal street gangs. It was clear that a noncoordinated approach to gang crimes, handled on a case-by-case basis, would not be effective in reducing the supply of firearms and drugs or in decreasing gang gun violence.

In a joint partnership with ATF, the JPD created an ATF/JPD Violent Crime Task Force to coordinate the work of patrol officers and detectives to identify the most active members and prosecute them as key drug and firearms suppliers. However, many of the most dangerous members did not have felony convictions. The traditional Gun Control Act violation of a gang member being charged as a felon in possession of a firearm was not a charging option.

In discussions, the task force members noted that the maximum sentence for knowingly selling a firearm to a convicted felon was the same as a felon being in possession of a firearm—10 years in prison— under 18 U.S.C. § 922(d). The task force found a convicted felon willing to act as an informant and to purchase firearms from violent

gang members. This informant was able to greatly impact the 10-20 Murderville Crips. Not only was he a member, but he was considered one of the top three leaders of the gang.

The U.S. Attorney's Office (USAO), Eastern District of Missouri, provided support and counsel in developing this strategy. The Assistant U.S. Attorneys (AUSAs) were understandably skeptical about employing it at first. There was little experience applying the statute, and the AUSAs were uneasy about working with an informant with a worse criminal record than any of the targets. The attorneys agreed to use the strategy and came fully on board as early efforts proved successful.

The targets had to know that the buyer was a felon for any charge to stick. This required that the informant be carefully trained in making a gun buy that would result in a prosecutable offense. The new strategy culminated in the federal indictment of 8 gang members on firearms and/or narcotics charges. All were successfully prosecuted and convicted. Another result was that officers and agents seized the following:

- 5 assault rifles;
- 3 stolen sniper rifles;
- 2 scoped hunting rifles;
- 3 combat shotguns;
- 2 short-barreled shotguns;
- 1 hunting shotgun; and
- 10 handguns.

These were weapons that had been put to dangerously active use. Of the 26 firearms seized, 24 showed up in National Integrated Ballistics Information Network/Integrated Ballistics Identification System. The ballistics matches tied the 24 firearms to shootings or homicides. Three of the handguns were used in St. Louis homicides. Another handgun was tied to the shooting of a St. Louis police officer. A stolen handgun was used in an armed robbery, an assault rifle was used in a drive-by triple shooting in St.

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Louis County, and an assault rifle was used in a drive-by shooting in St. Louis City.

## **V. Tragedy averted**

The most dramatic result of the coordinated effort of the ATF/JPD task force was preventing the assassination of JPD officers. Task force interviews of gang members revealed plans to ambush and murder police officers with sniper rifles, assault weapons, and home-made spike strips. An actual set of improvised spike strips, along with several firearms, were recovered from the home of one of the most active gang members during the execution of a search warrant. It was also discovered that the gang developed intelligence by calling the police station to determine who was on duty. They learned the name, vehicle description, and place of employment of an officer's girlfriend. One senior member of the gang, arrested following a shooting, threatened a JPD detective and told him that he would be lying in wait for him with a sniper rifle.

Task force members became especially concerned when it was discovered that one of the gang's senior members was attempting to broker the sale of a Claymore mine to members of the gang. The JPD/ATF task force knew that the mine was inert and wired with a tracking device as it had been sold to a local arms dealer by the FBI Joint Terrorism Task Force (JTTF) in relation to another case. That defendant had already been identified through the JPD/ATF task force investigation as a key source of firearms for local gangs. Detectives and agents in Jennings feared that the mine might be used as part of the gang's plan to lure police officers into an ambush. They were afraid that the gang would attempt to detonate the mine and then use assault and sniper rifles to complete the assault. Even if the mine did not explode, the gang would still be armed and ready to kill.

The incident never occurred because, through the use of their informant, the JPD/ATF Task Force was able to purchase the Claymore mine and safely remove it from the street.

Nevertheless, the sale revealed the magnitude of the potential violence that the 10-20 Murderville Crips would be willing to use against law enforcement. In fact, following the sale of the Claymore mine, JTTF agents offered to sell a case of hand grenades to the arms dealer, who promptly approached members of the 10-20 Murderville Crips with offers to sell them. When one of the members was asked what he intended to do with the hand grenades, he stated that he would use them to blow up the JPD.

## **VI. Innovation brings results**

There has been a 60 percent drop city-wide in "shots fired" calls since the conclusion of the JPD/ATF Violent Crime Task Force investigation in March 2007. To date, there have been no gang-related murders since the arrests of the defendants in this case, and the turf of the 10-20 Murderville Crips has become the slowest patrol sector in Jennings. All of the defendants arrested during the 10-20 Murderville Crips investigation have pled guilty and are currently serving federal prison time.

Other crime has been reduced as well. One burglary ring, prosecuted on state charges as part of this investigation, had been committing as many as 15 residential burglaries a week. Following the arrest of the gang members comprising that burglary crew, the burglary rate in the affected area dropped off dramatically, freeing up patrol officers to focus more on proactive enforcement activities.

In addition to the significant reduction in gang violence achieved as a result of this investigation, the JPD, using overtime funding provided by ATF, has established a Gang Investigation Team staffed by officers at all levels of the department, including patrol officers, school resource officers, and detectives. This team, as part of a cohesive gang intelligence and enforcement strategy, allows the department to ensure that specially-trained gang officers are available to quickly respond to, and investigate, gang crimes as they occur, as opposed to the previous "take a report and refer it to the

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detectives" method of policing. The overtime funds also made it possible for team members to prevent retaliatory incidents while conducting general street enforcement patrols. These proactive patrols have resulted in numerous arrests and federal prosecutions for gun crimes. The JPD has also instituted a gun crime telephone and e-mail hotline and is in the process of producing posters advertising the hotline in partnership with ATF, the USAO for the Eastern District of Missouri, and Project Safe Neighborhoods.

## VII. Conclusion

For ATF, the success of the joint task force with the JPD represents an excellent sales tool to generate additional partnerships with local law enforcement. The JPD/ATF Violent Crime Task Force case against the 10-20 Murderville Crips was the first case of its kind in St. Louis County in which investigators worked together to successfully conduct a long-term investigation, resulting in crippling a neighborhood drug crew. This partnership and its results have received attention in the local media, as well as among other local law enforcement. After seeing a presentation on the JPD/ATF Task Force by ATF Assistant Special Agent in Charge Jeff Fulton, the North St. Louis County Municipal Police Chiefs Association (which represents chiefs from more than 30 local police agencies) voted to form a joint task force with ATF to address the emerging gang problem in north St. Louis County. Though this task force is in its infancy, early results have demonstrated the effectiveness of the JPD/ATF Task Force model.

A neighborhood which had been overrun by violent gang members is now safer because of the dedicated teamwork of ATF agents, JPD investigators, and the AUSAs assigned to this investigation. In addition, a model has been created which is now being used to begin taking back the streets from gang members in other neighborhoods. Criminal street gang members in metropolitan St. Louis have been placed on notice that gun crime means hard time.❖

## ABOUT THE AUTHORS

❑ **Carlos A. Canino** is the Resident Agent in Charge of the St. Louis, Missouri Field Office, Bureau of Alcohol, Tobacco, Firearms and Explosives. Agent Canino has worked in the Bureau for 18 years. He worked as a street agent dealing specifically with gangs and violent criminals.

❑ **Kurt Franzi** is a special agent in the St. Louis Missouri Field Office, Bureau of Alcohol, Tobacco, Firearms and Explosives and has been with the Bureau for 8 years. He is assigned to the St. Louis Violent Crimes Task Force.

❑ **Dave Joyce** is a Detective Sergeant with the Jennings, Missouri Police Department. Detective Joyce has been with the Police Department for 10 years and is currently assigned to the Bureau of Alcohol, Tobacco and Firearms/JPD Violent Crimes Task Force.⌘

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# No Panacea, Some Promises, Much Potential: A Review of Effective Antigang Strategies

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## I. Introduction: Picturing the problems

Many accounts of the modern gang problem paint a bleak picture. One notable group of researchers describes the "current cycle of gang activity [as] different than in previous eras as it is spread across more cities, is more violent, and is more deeply entrenched than was the case earlier." THE MODERN GANG READER: PUBLIC POLICY RESPONSES TO GANGS: EVALUATING THE OUTCOMES 330 (Arlen Egley Jr. et al. eds. Roxbury Publishing Co. 2006). To make matters worse, an estimated 700,000 gang members operate in the United States. A. Campo-Flores, *The Most Dangerous Gang in America*, NEWSWEEK, Mar. 28, 2006 at 23. Besides the gang problem itself, a number of difficult problems confront those who seek effective solutions to gangs and gang violence.

Most notably, there remains "no accepted standard definition" of a gang. James C. Howell, *Gangs, Recent Gang Research: Program and Research Implications* is available at <http://www.ncjrs.gov/txtfiles/fs-412.txt>. Lacking a shared idea of what a gang is, law enforcement and government officials may have difficulty understanding all the nefarious things that gangs do. Once local authorities decide on a definition and implement strategies based on that understanding, they face an arduous question: What defines success? Other questions follow, such as: Can quantitative measurements—for example, a reduction in gang-related crime in a certain area—comprehensively illustrate the

success or failure of a program? If success does not lie in statistics, is it found instead in lives changed? In a certain number of lives changed? And what does 'lives changed' really mean?

Researchers and practitioners reach divergent conclusions when answering these questions. These diverse answers prevent this review from presenting model anti-gang solutions that enjoy uniform support or success. Even so, this collage of understanding sheds light on the nature of anti-gang strategies. Just as there is no one way to comprehend success in responding to gangs, there is no one way to respond to gangs.

This review evaluates, primarily by way of evidence-based, analytical studies, which strategies and programs are most successful in responding to gangs and gang violence. These strategies and programs fall under four broad penumbras:

- prevention (those that seek to prevent or deter at-risk persons from gang involvement);
- intervention (those that seek to discourage gang involvement in youth that may already be involved);
- suppression (those that involve law enforcement or other legal authority to suppress gang involvement); and
- comprehensive programs (those that draw upon the combined resources of community-partners to coordinate and direct efforts to decrease crime and increase positive outcomes for youth).

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Each approach features a discussion of its purpose, helpful principles in implementation, and a showcase of promising programs.

Analyzing the efficacy of a wide-variety of preventive, intervention-based, suppressive, and comprehensive measures reveals no panacea, some promises, but much potential. Research suggests that policymakers and practitioners are best served by pursuing a broad-based, coordinated, and multifaceted response to gangs that strongly emphasizes what should be regarded as the twin pillars of any anti-gang strategy—prevention and intervention. Measures which seek to prevent gangs or interdict those youth that are already involved generally experience greater success than those measures which seek to suppress present gang involvement. The best way to stop a speeding car, it seems, is to prevent the car—and more importantly, its driver—from speeding in the first place.

## II. Preventive measures

### A. Purpose

Stated succinctly, the "primary focus of gang prevention programs is to keep youths from joining a gang." BUREAU OF JUSTICE ASSISTANCE, DEPARTMENT OF JUSTICE, WHAT HAVE WE LEARNED FROM EVALUATIONS OF GANG PROGRAMS/STRATEGIES?, *available at* [http://www.ojp.usdoj.gov/BJA/evaluation/psi\\_gangs/gangs2.htm](http://www.ojp.usdoj.gov/BJA/evaluation/psi_gangs/gangs2.htm). Other objectives, such as academic engagement and prosocial behavior, operate in addition to the main thrust of these programs.

Preventive measures have not been the tactic of choice for many localities. Enhanced research on the efficacy of preventive means, and the realization that these measures may be more cost-effective than suppressive measures, has lately increased their popularity. Los Angeles, the acknowledged "gang capital of the world," and a city traditionally known for its "get tough" responses to gangs, recently received a stark recommendation from an outside firm hired to formulate its gang reduction strategy. CITY OF LOS ANGELES, ADVANCEMENT PROJECT: A CALL TO

ACTION: A CASE FOR A COMPREHENSIVE SOLUTION TO LA'S GANG VIOLENCE EPIDEMIC 1 (2006), *available at* [http://www.advanceproj.org/doc/p3\\_recom.pdf](http://www.advanceproj.org/doc/p3_recom.pdf). The outside experts wrote that, "In short, Los Angeles needs a Marshall Plan to end gang violence." *Id.* Their conclusion insinuates that the needs of Los Angeles and its citizens would be best served by ending its war-on-gangs and instead making peace by forming supportive partnerships with neighborhoods and at-risk or affected citizens.

Marshall Plans of a similar sort, but perhaps not of a similar scale, are needed nationwide. Done well, and implemented in accordance with the following principles of preventive programs, these programs offer immense potential.

### B. Principles

**Hands-on leadership:** Effective prevention programs often employ leaders who are closely connected with the program. One evaluation concluded that the "most successful programs in this evaluation and others studied by two of the authors were operated by nonprofit organizations with strong 'hands-on leadership.'" WINIFRED L. REED & SCOTT H. DECKER, NATIONAL INSTITUTE OF JUSTICE, GANG PREVENTION PROGRAMS FOR FEMALE ADOLESCENTS: AN EVALUATION 257 (2002). Hands-on leadership enables program managers to dynamically alter program content and methods in order to better serve their clientele. Funding sources or oversight agencies should also strive to minimize leadership turnover in individual programs. Losing leaders can mean losing positive results. *Id.* at 227.

**Minimal bureaucracy:** Individual programs should be concentrated and semiautonomous, much like an army platoon on patrol—still controlled by headquarters, but able to exercise a fair amount of autonomy while in the field. Overwhelming bureaucracy can stifle performance and drown smaller programs in a sea of responsibilities for which they are not prepared or equipped.

**Tied to the community:** Those programs whose employees and leaders were drawn from



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the community tended in some (though not all) studies to perform better than those programs in which this was not the case. The Boys and Girls Club enhanced the success of its gang prevention and intervention programs by hiring "new staff from the youth's communities." AMY J.A. ARBRETON & WENDY S. MCCLANAHAN, TARGETED OUTREACH: BOYS AND GIRLS CLUBS OF AMERICA'S APPROACH TO GANG PREVENTION AND INTERVENTION PUBLIC/PRIVATE VENTURES 42 (2002), available at [http://www.dsgonling.com/mpg2.5/TitleV\\_MPG\\_Table\\_Ind\\_Rec.asp?id=304](http://www.dsgonling.com/mpg2.5/TitleV_MPG_Table_Ind_Rec.asp?id=304). This practice "helped build a tie to the youth and draw" normally difficult-to-reach youth into the program. *Id.*

**Know the nature and extent of the local gang problem:** It is not enough for community programmers to believe that there is "a substantial gang problem." Such vague notions often confuse fears with reality. Any "organization has to be aggressive in its efforts to gather data, interpret the problem, and determine what should be done." IRVING SPERGEL, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. DEPARTMENT OF JUSTICE GANG SUPPRESSION AND INTERVENTION: COMMUNITY MODELS (RESEARCH SUMMARY) 24 (1994), available at <http://www.ncjrs.gov/pdffiles/gangcorr.pdf>. Community meetings and knowledge from experts in the field, such as the reports referenced in this article, can be instrumental in this regard. Obtaining a detailed understanding of community crime and other issues may be made easier by recourse to independent firms that "map" crime levels, such as the Justice Mapping Center. J.L. John, *A Road Map to Prevention*, TIME, Mar, 26, 2007, at 56.

### C. Programs

**Gang Resistance is Paramount (GRIP):** A broad-based program with multiple points of contact with at-risk youth, including a school-based curriculum for grades two and five and parent-counseling, GRIP showed promising results under evaluation. ANGELICA SOLIS, ET AL., GANG RESISTANCE IS PARAMOUNT PROGRAM EVALUATION: FINAL REPORT OCTOBER 1, 2003

(2003), available at [http://www.usc.edu/schools/sppd/ced/GRIP\\_Evaluation.pdf](http://www.usc.edu/schools/sppd/ced/GRIP_Evaluation.pdf). GRIP engages youth while they are young, perhaps while they are most easily influenced by the program's message of gang resistance. The classroom instruction teaches self-esteem and alternative outlets of involvement besides gangs. GRIP provides for recreational opportunities, showing students a particularly attractive form of belonging and involvement. GRIP implements a follow-up program when participants reach the ninth grade. That program discusses topics directly relevant to gang involvement, such as the consequences of criminal activity. Importantly, many of those who deliver the training grew up in the local community and are uniquely committed to discouraging gang involvement in the next generation.

**Results:** The first two of the six studies of the GRIP program showed fairly remarkable results. The initial studies tested the longitudinal effects of the in-school curriculum. Fifty percent of elementary school students were undecided about gangs before the program. Following completion, 90 percent responded negatively toward gangs. *Id.* (2004). Subsequent studies showed that the average disapproval rating of gangs—90 percent—lasted through the participants' ninth grade year. A later study "cross-checked the names of program participants with police records and found that 96 percent were not identified as gang members." *Id.*

**Linking the Interests of Families and Teachers (LIFT):** LIFT is a research-based intervention program that aims to prevent antisocial and harmful behaviors in youth in elementary school. LIFT seeks to control and limit two factors that often contribute to later antisocial behavior: aggressive behavior with peers or teachers and ineffective parenting. The program "has three main components: 1) classroom-based child social skills training, 2) the playground Good Behavior Game, and 3) parent management training." CENTER FOR THE STUDY AND PREVENTION OF VIOLENCE,

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LINKING THE INTERESTS OF FAMILIES AND TEACHERS (2004) *available at* <http://www.guide.helpingamericasyouth.gov/programdetail.cfm?id=354>. LIFT operates in Eugene, Oregon.

**Results:** LIFT received an "Exemplary" rating from the Office of Juvenile Justice's Model Programs Guide. Youth that entered the program with the highest rate of aggressive behavior were shown to have experienced the most improvement. The program appeared to stimulate enhanced prosocial behavior well after students completed the training.

Results 3 years postintervention revealed that relative to fifth grade youths in the LIFT group, fifth grade youths in the control group were 2.2 times as likely to affiliate with misbehaving peers, 1.8 times as likely to be involved in patterned alcohol use, 1.5 times as likely to have tried marijuana, and 2.4 times as likely to be arrested by age 14.

*Id.*

**Gang Resistance Education and Training Program (G.R.E.A.T.):** G.R.E.A.T. intends to equip adolescents with the proper tools to resist the peer pressure to join gangs and engage in other antisocial behaviors. Finn-Aage Esbensen, et al., *How Great is G.R.E.A.T.? Results from a Longitudinal Quasi-Experimental Design*, CRIMINOLOGY AND PUBLIC POLICY, Nov. 1, 2006, at 87-118. The program employs a structured, 13 session curriculum that is taught by uniformed police officers. Students learn conflict resolution, cultural sensitivity, the consequences of criminal involvement, and a host of other issues geared to negatively dispose them to gangs or criminal activity. The program is similar in methodology and style to the Drug Abuse Resistance Education program, as it is facilitated by police officers and depends upon participatory lessons.

**Results:** Like many preventive programs, G.R.E.A.T. showed mixed results upon evaluation. One national study of the program showed that former G.R.E.A.T. students held more positive views about police, more negative views about gangs and reported decreased levels

of risk-seeking than their peers in the control group. *Id.* At the same time, the control group and treatment group showed little differences concerning reported gang membership, delinquent activity, or drug use.

**Preventive Treatment Program:** Otherwise known as the Montreal Prevention Experiment, this program attempts to reduce antisocial, aggressive behavior in kindergarten-age males. Prevention Treatment Program, overview of program *available at* <http://www.guide.helpingamericasyouth.gov/programdetail.cfm?id=395>. The program has comprehensive undertones, as both the boys and their parents received 2 years of counseling in the hopes of reducing disruptive behavior and preventing long-term delinquency and gang involvement. Based on a model developed by the Oregon Social Learning Center, parents receive a program of instruction that centers on the effective use of punishment, ably monitoring children's activities, and handling family crises. The boys participated in a novel school-based program that places several non-disruptive children with one or two disruptive boys. They learn anger management, how to positively interact with others, and other skills. Caseworker interaction with the disruptive boys and their parents lasts for 2 years.

**Results:** Three years after the program concluded, treated youth were reported as fighting less often than untreated boys. Also, "29 percent of the treated boys were rated as well-adjusted in school, compared with 19 percent of the untreated boys; and treated boys were less likely to report committing minor status offenses." *Id.* Six years after the program concluded, treated youth were less likely than their untreated peers to report delinquent acts, gang involvement and drug use within the past 12 months. *Id.* The Office of Juvenile Justice's Model Programs Guide awarded the program an exemplary rating.

**Responding in Peaceful and Positive Ways (RIPP):** RIPP involves a school-based system of instruction that targets the universal population

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of 6th, 7th, and 8th graders. Students learn of the correlation between one's self-image and gang behavior, the importance of strong mentors and strong friends, and peaceable responses to conflict. Albert D. Farrell, et al., *Evaluation of the Responding in Peaceful and Positive Ways Seventh Grade Violence Prevention Curriculum*, JOURNAL OF CHILD AND FAMILY STUDIES, Mar. 2003, at 101-20. The curriculum also allows students to experience peer mediation, in which youth apply the knowledge they have learned. Originally intended for the public schools in Richmond, Virginia, RIPP has since been implemented in at least 50 middle schools nationwide. NATIONAL REGISTRY OF EVIDENCE-BASED PROGRAMS AND PRACTICES, INTERVENTION SUMMARY: RESPONDING IN PEACEFUL AND POSITIVE WAYS (2007), available at [http://www.nrepp.samhsa.gov/programfulldetails.asp?PROGRAM\\_ID=95](http://www.nrepp.samhsa.gov/programfulldetails.asp?PROGRAM_ID=95).

**Results:** Multiple studies reveal that RIPP is effective in both ethnically diverse rural schools and majority African American urban schools. An examination of these studies shows that RIPP students reported fewer school suspensions, increased utilization of peer-mediation, fewer injuries from fights, and an enhanced understanding of problem-solving skills. Albert D. Farrell, et al., *Evaluation of the Responding in Peaceful and Positive Ways Seventh Grade Violence Prevention Curriculum*, JOURNAL OF CHILD AND FAMILY STUDIES, Mar. 2003, at 101-20. "Students also reported significantly lower approval of violent behavior, more peer support for nonviolent behavior, and less peer pressure to use drugs." *Id.* at 103.

### III. Intervention-based measures

#### A. Purpose

Intervention programs seek both to reduce the likelihood that at-risk youths will join gangs or engage in delinquent activity and to moderate or stop such activity for those already involved. Such programs work within a broad population, including those who are only at-risk and have not

yet offended or joined a gang, those on probation or in detention, and those in a gang or involved in other criminal activity. Some intervention-based programs offer a wide variety of services designed to affect the diverse situations of those they serve. For instance, the Broader Urban Involvement Leadership Development Program (BUILD) in Chicago, Illinois, works with youth in detention centers and also provides assistance and instruction to youth in schools that have not yet offended. This "wide-net" approach allows programs to affect a large number of individuals. The BUILD program alone has worked with at least 77,000 youth in the Chicago area since its origination. Broader Urban Involvement and Leadership Development Program overview of the program is available at <http://www.buildchicago.org/>.

The intervention programs highlighted in this article represent only a small showing of these varied programs. These programs use differing means to achieve the same end. Some programs, for instance, began as local enterprises inspired to meet local needs, namely, the need for decreased violence or enhanced access to legitimate opportunities. Homeboy Industries, described below under "Programs," is one such program. Other programs, such as the Philadelphia Youth Violence Reduction Partnership also described below, represent a broader community effort to tackle crime and gang violence. Whatever the inspiration behind specific programs, certain principles apply to intervention-based programs.

#### B. Principles

Partnerships are often critical for progress. Just as "no man is an island," few programs can successfully operate independently of their community context. The recent report to the Los Angeles City Council on effective responses to the gang problem notes presciently that, "The challenge is not what to do, but finding the will to do it." CITY OF LOS ANGELES, ADVANCEMENT PROJECT 7 (2006), available at [http://www.advanceproj.org/doc/p3\\_report.pdf](http://www.advanceproj.org/doc/p3_report.pdf). Individual programs should strive to ensure that their

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communities possess the will necessary to intervene in the lives of at-risk youth. Neglect of partnerships within their community and with other initiatives, may result in greater difficulty in achieving their goals.

Establish an integrated record keeping system. Programs wishing to demonstrate their success and court possible funders, especially the federal government, must submit to evaluations on a regular basis. Programs lacking suitable records will find it extraordinarily difficult to showcase their results, however, positive program administrators may believe them to be. WINIFRED L. REED & SCOTT H. DECKER, NATIONAL INSTITUTE OF JUSTICE, GANG PREVENTION PROGRAMS FOR FEMALE ADOLESCENTS: AN EVALUATION 239-40 (2002), *available at* <http://www.ncjrs.gov/pdffiles1/nij/190351.pdf>. A simple adage holds true for programs of any size: written records speak louder than words alone.

### C. Programs

**Broader Urban Involvement Leadership Development Program (BUILD):** BUILD offers a full gamut of programming designed to deter or prevent gang involvement or violent activity in several of Chicago's most depressed and violent neighborhoods. The program employs skilled street workers trained to interact with and mediate disputes between various gangs in the area. In addition, BUILD runs broad-based after-school sports and recreational programs for both gang involved and at-risk youth. They also provide directed college counseling, financial aid, and career training to students from low-income schools. *See* [http://www.buildchicago.org/reaching/hl\\_college\\_prep.htm](http://www.buildchicago.org/reaching/hl_college_prep.htm). BUILD also plays a prominent role in local antiviolence campaigns, working with community and area leaders to stimulate and direct support for BUILD and other initiatives.

**Results:** A 1999 Loyola University study on the effect of BUILD's detention center programs showed a significantly decreased rate of recidivism for treated youth—33 percent—when compared to their untreated counterparts, who

recidivated at 57 percent during the first year following treatment. ARTHUS LURIGIO, ET AL., LOYOLA UNIVERSITY DEPARTMENT OF CRIMINAL JUSTICE, A PROCESS AND OUTCOME EVALUATION OF PROJECT BUILD: YEARS 5 AND 6 (Unpublished Report) (2000).

BUILD has received much praise for its dedicated staff, to whom much of the credit for its success is owed. BUILD staffers possess an extra degree of dedication because many of them are strongly connected to the local community. Some staff members are even former gang members. Broader Urban Involvement and Leadership Development Program overview available at [http://www.buildchicago.org/reaching/hl\\_college\\_prep.htm](http://www.buildchicago.org/reaching/hl_college_prep.htm).

**Parenting With Love and Limits® (PLL):** Combining family and group therapy into an organized system of care for youth diagnosed as "oppositional defiant" or having "conduct disorder," PLL teaches youth and parents a broad spectrum of behavioral and parenting skills. Parenting With Love and Limits, *available at* <http://www.gopll.com/>. Role playing is used extensively in the curriculum. PLL varies the number of sessions that families attend based upon the nature of their youth's problems. If the youth has committed serious offenses, for instance, the program might extend as long as 20 sessions within an outpatient setting. The program is novel in its ability to reach a population of parents and guardians that are often difficult to involve in programming.

**Results:** One study of PLL revealed its strong ability to discourage substance abuse in youth. The study credits the marked shift in substance abuse, buoyed by the fact that 85 percent of the youth did not relapse into abuse within 1 year, to parental involvement in the program. However, even though the youths' use of substances fell markedly, their "defensiveness toward drugs or alcohol did not significantly change." Parenting With Love and Limits overview is available at <http://guide.helpingamericasyouth.gov/programdetail.cfm?id=463>.

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A second study showed that the treatment group experienced a "significant reduction in aggressive behaviors, depression, attention deficit disorder problems, and externalizing problems as measured by the [Child Behavior Check List]." *Id.* PLL also decreased the negative attitudes of many treated mothers about their youths. One of the more remarkable conclusions of the study showed that the recidivism level of the treated youth declined significantly, from 55 percent to only 16 percent over a 1-year period. *Id.*

**Philadelphia Youth Violence Reduction Partnership (YVRP):** YVRP is best described as a multiagency initiative that assists individuals ages 14 to 24 at the greatest risk of being killed or killing others. WENDY S. MCCLANAHAN ALIVE AT 25: REDUCING YOUTH VIOLENCE THROUGH MONITORING AND SUPPORT (2004). Most YVRP youth are court supervised, having been "convicted or adjudicated on a violent or drug-related charge at least once." Philadelphia Youth Violence Reduction Partnership overview is available at <http://www.guide.helpingamericasyouth.gov/programdetail.cfm?id=603>. YVRP provides participating youth with a collage of services, among them employment, mentoring, healthcare, and drug treatment. *Id.*

YVRP also extends services to the parents of participants, helping them find jobs and receive the services they need to stabilize their lives. Probation officers for YVRP enjoy much smaller caseloads than their counterparts not affiliated with the program, allowing them to focus more time and energy on the youth to whom they are assigned. Altogether, well over 10 private and public organizations comprise YVRP and the organization is staffed by over 50 individuals.

**Results:** Based on crime data collected from Philadelphia police districts from 2000 to 2003, those districts served by YVRP showed a fairly significant average decrease in youth homicides per quarter, compared with districts not served by YVRP. Particularly in the 25th Police District, where the program is fully implemented, "youth homicides dropped after the inception of YVRP and have continued to drop." *Id.* In the 24th Police

District, another area in which YVRP operates, youth homicides have dropped substantially, but homicides overall have risen more quickly than before the implementation of YVRP. Even so, the homicide rate in this district is still "significantly lower than the increase citywide." *Id.*

**Movimiento Ascendencia:** A unique and successful program out of Pueblo, Colorado, Movimiento Ascendencia works with referred and recruited girls ages 8 to 19. Girls in gangs and those at-risk for joining gangs are served equally. The program's voluntary activities aim to deepen the girls' support networks and teach them cultural awareness and conflict mediation skills. Girls can participate in numerous activities, such as extended mentoring with adult women, afterschool tutoring and day trips to cultural sights. The strong networks formed by the program encourage girls to cling to positive outlets for social involvement. The alternative environment fostered by the program appears to have stimulated a notable degree of success.

**Results:** Movimiento Ascendencia spurred a sizable gain in participants' academic achievement. Compared with a control group, the treated girls' academic performance, as measured by GPA, rose significantly. Even with the rise, the treated girls still had, on average, grades below those in the control the group, but the difference between the two had decreased to below a statically significant level. KATHERINE WILLIAMS, ET AL., EVALUATION OF YOUTH GANG DRUG INTERVENTION/PREVENTION PROGRAMS FOR FEMALE ADOLESCENTS 256 (1999). Beyond academic changes, the treated girls experienced a greater decline in delinquent acts than those in the control group. An overview of the Movimiento Ascendencia is available at <http://guide.helpingamericasyouth.gov/programdetail.cfm?id=643>. No difference in self-esteem was noted between treated and untreated girls. *Id.*

**Job Training Programs:** Intervention-based programs that provide youth, and particularly youth offenders, with employability skills training and employment opportunities

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deserve their own analysis. Job training programs are few and far between. Such programs often encounter two suffocating difficulties: (1) recruiting the right youth and (2) finding the right youth the right jobs. Perhaps due to these difficulties, "No significant national policies or programs have been established to deal specifically with the employment problems of inner-city gang or gang-prone youth." IRVING SPERGEL, ET AL., GANG SUPPRESSION AND INTERVENTION: COMMUNITY MODELS RESEARCH SUMMARY 19 (1994), available at <http://www.ncjrs.gov/pdffiles/gangprob.pdf>. Job training programs possess significant potential, because "[m]uch street activity, including an increasing proportion of gang activity, may serve as a form of self-employment that fills part of the vacuum created by the depressed levels of unemployment and underemployment." *Id.* at 19-20.

This hypothesis finds able support in research. The Los Angeles gang report, cited above, notes that a 1997 University of California at Los Angeles study found that the "only two factors having a significant correlative relationship with the level of violence in an area were per capita income and proportion employed. In other words, areas with lower per capita incomes and higher youth unemployment rates exhibited higher levels of gang violence." CITY OF LOS ANGELES, ADVANCEMENT PROJECT 17 (2006), available at [http://www.advanceproj.org/doc/p3\\_report.pdf](http://www.advanceproj.org/doc/p3_report.pdf); Demetrios N. Kyriacou, et al., *The Relationship Between Socioeconomic Factors and Gang Violence in the City of Los Angeles*, JOURNAL OF TRAUMA: INJURY, INFECTION, AND CRITICAL CARE, Feb. 1999, at 334-39. An overview of this article can be found at <http://www.jtrauma.com/pt/re/jtrauma/abstract.00005373-199902000-00023.htm;jsessionid=L0TZyzQygp5gQJsZHnx9Q31mZJVKS1yGYgXtHymzZbTkcHBjrhGp!-1596251909!181195628!8091!-1>.

Job training might be the largely unexplored avenue that leads the way to greater success in rehabilitating gang members. Even so, one often hears the contention that gang members would not likely abandon their current 'employment'—often

in the form of illicit drug sales—for legitimate employment. Some prominent experts disagree, writing that "[m]any gang members would give up drug selling for reasonable wages." THE MODERN GANG READER: PUBLIC POLICY RESPONSES TO GANGS: EVALUATING THE OUTCOMES 256 (Arlen Egley, Jr. et al. eds., Roxbury Publishing Co. 2006). The authors note that job training and employability programs offer gang members the positive alternatives to gang life that they need so badly. *Id.* One program excels at providing alternatives to gang involvement in the form of meaningful employment.

**Homeboy Industries:** The hallmark of job training and employment programs, Homeboy Industries offers job counseling and job opportunities to gang members, at-risk individuals, and other offenders from across Los Angeles. Located in arguably the most gang-afflicted area of Los Angeles, Boyle Heights, Homeboy Industries operates its own bakery, silk screening company, a graffiti removal service, a maintenance company, a landscaping operation, and a merchandising company. Father Gregory Boyle, the organization's founder, offers compassion and a job to even the hardest of gang-involved youth, hoping to fulfill the program's motto, "Nothing stops a bullet like a job." Homeboy Industries overview can be found at [http://www.homeboy-industries.org/father\\_gregg.php](http://www.homeboy-industries.org/father_gregg.php). Homeboy Industries works in partnership with the Department of Justice (Department) Office of Juvenile Justice and Delinquency Prevention's Gang Reduction Program, recently receiving a \$650,000 federal grant.

**Results:** Homeboy Industries serves a remarkable 1,000 individuals a month in its myriad programs. Its free tattoo removal service, which eliminates, at no charge, tattoos which hinder one from gaining employment, has a substantial waiting list. Father Boyle has been very successful in securing his hard-to-place clientele in meaningful employment. Many former gang members, assisted by Homeboy

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Industries, are now members of Los Angeles area trade unions and are making sizable salaries. Patrick McGreevy, *L.A. to boost jobs for young people as part of anti-gang effort, mayor says*, LOS ANGELES TIMES, Mar 3, 2007, at 3B. His proposal would increase employment to 10,000—four times the number two years ago.

#### IV. Suppressive measures

##### A. Purpose

Suppressive approaches to gang violence have long overshadowed other measures. However, enforcement efforts alone will not solve a community's gang problem in the long term. According to a survey of law enforcement, "the response [against gang violence] that was employed most often, suppression, was viewed as the least successful intervention strategy." THE MODERN GANG READER: PUBLIC POLICY RESPONSES TO GANGS: EVALUATING THE OUTCOMES 330 (Arlen Egley, Jr. et al. eds., Roxbury Publishing Co. 2006).

Suppressive approaches are one essential component of an effective anti-gang strategy. Focused enforcement and comprehensive measures do what preventive and intervention-based measures largely cannot—dismantle existing gang networks and stop ongoing violent acts. Exercised in accordance with the following principles, enforcement measures can be especially effective as part of a comprehensive strategy against gang violence.

##### B. Principles

**Partner with preventive and intervention-based means:** Though law enforcement measures can be very successful in combating ongoing violence, the long-term success of their efforts often depends upon forming positive relationships with other organizations that aim to prevent or decrease crime. As stated in a National Institute of Justice report, "Policing strategies are most effective when teamed with intervention programs such as providing economic opportunities, job training, remedial education, and other services

and community involvement." THE EVOLUTION OF STREET GANGS: AN EXAMINATION OF FORM AND VARIATION RESPONDING TO GANGS: EVALUATION AND RESEARCH 55 (Winifred L. Reed and Scott H. Decker eds., 2002), available at <http://www.ncjrs.gov/pdffiles1/nij/190351.pdf>. On the contrary, "policing that involves only enforcement will solidify gangs by increasing cohesion among members." *Id.* *The Problem of Street Gangs and Problem-Oriented Policing*, PROBLEM ORIENTED POLICING: CRIME-SPECIFIC PROBLEMS CRITICAL ISSUES AND MAKING POP WORK 57-88 (Anne Grant and Tara O'Conner Shelley eds., 1997).

##### **Do not give gangs what they want:**

Months ago, the Los Angeles Police Department announced that they had compiled a list of the "Top 10" worst gangs. This strategy, and others like it, may be giving the gangs what they want most—attention and notoriety—both of which increase their street clout. Father Greg Boyle responded to the news of the "Top 10" list by remarking that "It's the wildest dream of any gang to make the top ten list.... Obviously, [the LAPD] are going to target gangs that are somewhat notorious. But you don't want to popularize that with some huge graphic. Here are the ten gangs that we hate the most!" R. W. Dellinger, *Gang Crackdown or Crack Up?*, THE TIDINGS (2007).

Though it is wise for law enforcement to tackle the gangs which spawn the most violence, such a strategy might be best conducted without such fanfare. Otherwise, law enforcement agencies run the risk of enhancing gang cohesion through vigorous enforcement measures that operate without regard to other, nonpunitive means.

##### C. Programs

**Kansas City Gun Experiment:** Motivated to test the "hypothesis that gun seizures and gun crime are inversely related"—"as gun seizures increase, gun crime decreases"—the Kansas City Gun Experiment placed increased police patrols on certain hot spots for gun crime. An overview

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of the Kansas City Gun Experiment is available at <http://www.ncjrs.gov/pdffiles/kang.pdf>. The experiment lasted for 29 weeks in the early 1990s, in a relatively small neighborhood that posted a 1991 homicide rate 20 times greater than the national average. Law enforcement officers working the program were not "required to respond to calls for service"; they concentrated solely on reducing gun crime in the area. *Id.* Officers used various tactics (including *Terry v. Ohio* searches) to find illegal guns and their owners, seeking to prevent future crimes.

**Results:** During the program period, police increased gun seizures in the area upwards of 65 percent. Moreover, gun crimes in the target area decreased by some 49 percent. Data from a control area showed no measurable change in the number of guns seized or in gun crimes. Following the program's completion, gun crimes again began to increase, but soon decreased substantially in comparison to the control area when the program resumed operation in 1993. Kansas City Gun Experiment overview is available at <http://www.ncjrs.gov/pdffiles/kang.pdf>.

**Tri-Agency Resource Gang Enforcement Team (TARGET):** TARGET coordinates the efforts of the police and sheriff's departments in Orange County, California, the Orange County Probation Department, and the Orange County District Attorney. Tri-Agency Resource Gang Enforcement Team overview is available at <http://guide.helpingamericasyouth.gov/programdetail.cfm?id=683>. The initiative seeks to remove the county's most violent and repeat gang offenders through collaboration among multiple parties. Gang members selected for scrutiny are closely monitored for continuing offenses and are subject to intensive supervision while on parole. Other gang members are targeted at certain hot spots where and when known gang activity occurs. TARGET operates a unique facility in which the involved agencies share a space, enhancing their coordination and decision-making ability.

**Results:** TARGET's policy of incarcerating

the most violent and recidivist gang offenders appears to have had a meaningful effect on gang crime in Orange County. Douglas R. Kent, et al., *Evaluating Criminal Justice Programs Designed to Reduce Crime by Targeting Repeat Gang Offenders*, EVALUATION AND PROGRAM PLANNING, Feb. 2000 at 115-24. In the first year of TARGET's operation, gang crime decreased by 11 percent. Steeper increases followed this initial decline. In the fourth year of TARGET's operation, gang crime had cumulatively decreased by 47 percent. Other explanations for the marked drop in gang crime were ruled out by the researchers that evaluated the program. Tri-Agency Resource Gang Enforcement Team overview is available at <http://guide.helpingamericasyouth.gov/programdetail.cfm?id=683>.

**Hardcore Gang Investigations Unit (formerly Operation Hardcore):** Housed in the Los Angeles County District Attorney's Office, the Hardcore Gang Investigations Unit is a path-breaking enterprise that seeks to enhance the prosecution of gang cases by promoting early prosecutorial involvement, vertical prosecution, reduced caseloads, and resources for victims. An overview of the Hardcore Gang Investigations Unit—Los Angeles County District Attorney's Office is available at <http://guide.helpingamericasyouth.gov/programdetail.cfm?id=596>. The office employs a considerable number of prosecutors and fosters close collaboration among them, enabling them to perceive linkages between gang crimes that may have gone unnoticed by 'regular' prosecutors. Originally entitled Operation Hardcore, the unit has existed since the 1970s and is generally considered very successful.

**Results:** A 1981 study compared Operation Hardcore cases from 1979-1980 with similar cases before the birth of the unit and those cases that would have been handled by the unit, had enough resources been available. The results are compelling. Those prosecuted by Operation Hardcore were prosecuted at a much higher rate than the other comparison groups: "95 percent by Operation Hardcore verses 78 percent non-



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Hardcore and 71 percent pre-Hardcore." *See* Hardcore Gang Investigations Unit—Los Angeles County District Attorney's Office *available at* <http://guide.helpingamericasyouth.gov/programdetail.cfm?id=596>. Notably, the unit established a 100 percent conviction rate during its year-long evaluation. Twenty-six percent of those prosecuted by Operation Hardcore were convicted of the most serious charge against them. This contrasts sharply with the 14 percent of non-Hardcore defendants convicted of the most serious charge and the 15 percent of pre-Hardcore defendants that were convicted of such a charge. *Id.*

## V. Comprehensive measures

### A. Purpose

The Department of Justice's Bureau of Justice Assistance has commented that, "The most effective approaches to addressing gang-related problems involve several agencies or groups handling a number of facets of local gang problems and focusing on suppression, intervention, and prevention." BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE, ADDRESSING COMMUNITY GANG PROBLEMS: A MODEL FOR PROBLEM SOLVING 10 (1999), *available at* <http://www.ncjrs.gov/pdffiles/156059.pdf>.

Comprehensive programs are organized differently in each community. No two cities share the same gangs or gang problem; thus, no two cities will share the same anti-gang strategy. Comprehensive gang strategies must be tailored to fit the contours of a given community. The true scale of the variances that exist between community gang problems and community responses is evident in the long line of federal government-supported programs.

The Department has led the way in developing and implementing community-centered, comprehensive strategies to gangs and gang violence. During the past two decades, the Department, often guided by its Office of Juvenile Justice and Delinquency Prevention (OJJDP), has

sponsored a number of different programs, each based on differing analytical and methodological understandings of the gang problem and how best to counter it.

Many of these models are based on, or share much in common with, the Spergel Model, so named for its creator, Dr. Irving Spergel of the University of Chicago. The model has a "flexible format" that focuses on "the formation of partnerships between local private and public agencies (including law enforcement) to provide educational, emotional and treatment services for youth at risk of or already involved in gangs." THE MODERN GANG READER: PUBLIC POLICY RESPONSES TO GANGS: EVALUATING THE OUTCOMES 334 (Arlen Egly, Jr. et al. eds., Roxbury Publishing Co. 2006). A related model is the Comprehensive Gang Prevention, Intervention, and Suppression Model implemented in five cities during the 1990s. Other approaches abound.

OJJDP's Gang Reduction Program (GRP) is a successful program currently operating in small sections of four cities: Los Angeles, California; Richmond, Virginia; Miami, Florida; and Milwaukee, Wisconsin. The four target cities share two factors in common—a high level of violent crime and a high level of community activism around their gang problem. Each GRP site, with assistance from the federal government, implements a five-pronged approach, consisting of primary prevention, secondary prevention, intervention, suppression, and reentry. These five strategies appear in some form in nearly every comprehensive strategy. The program summary may be found at <http://ojjdp.ncjrs.org/programs/ProgSummary.asp?pi=38>.

Apart from the GRP is the Comprehensive Anti-Gang Initiative, a program begun by Attorney General Gonzales. Recently expanded, the initiative operates in ten cities nationwide and shares many of the same strategies as the GRP. Overview of the Department's Antigang Initiative is available at <http://www.ojjdp.ncjrs.gov/programs/anti-gang/>. As this grew from the Project Safe Neighborhoods national initiative,

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some PSN overview is warranted.

Every comprehensive strategy, including those listed above, must confront and overcome a series of steep hurdles in order to achieve efficacy. Adhering to the principles below, gleaned from the trials-and-errors of the past, will assist these efforts. These principles are derived from a report by the Bureau of Justice Assistance. BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE, ADDRESSING COMMUNITY GANG PROBLEMS: A MODEL FOR PROBLEM SOLVING 10 (1999), *available at* <http://www.ncjrs.gov/pdffiles/156059.pdf>. The report is recommended reading for all those attempting to formulate or improve community-centered, comprehensive anti-gang programs.

## B. Principles

**Develop definitions:** Community coalitions must decide upon suitable definitions of "gang" and "success," among other terms. BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE, ADDRESSING COMMUNITY GANG PROBLEMS: A MODEL FOR PROBLEM SOLVING 7-8 (1999), *available at* <http://www.ncjrs.gov/pdf/files/156069.pdf>. Without shared definitions, coalitions have no way of measuring the success of their efforts. Joint goals, in turn, depend upon joint ideas of the problem and of success.

**Collaborate closely:** Though not every coalition will be able to share the same physical operating space, the involved agencies must act as though this were the case. A "management group" (or steering committee), endowed with sufficient strategic authority, is often the most effective means of executing a comprehensive strategy. *Id.* at 8. Such a management group must have the political muscle, usually in the form of support from all levels of government in their area, required to direct sufficient resources to tackle the gang problem. In short, a comprehensive effort without concentrated collaboration is no comprehensive effort at all.

**Break the problem into pieces:** The gang problem is too large and too nebulous a concept to attack altogether. Great care must be taken to

analyze the problem as a series of interconnected pieces. Once dissected into its component parts, the management group can methodically evaluate which organizations or agencies should be responsible for dealing with which parts of the problem. The result is a symbiotic process that may avoid the bureaucratic scuffles that often occur when multiple organizations share responsibility for fixing one large problem, each believing in the supremacy of its particular efforts. *Id.*

## C. Programs

**The Safe Futures Initiative:** The above principles represent only a small fraction of the guidelines which ought to direct the implementation of comprehensive programs. Evaluations of the national Safe Futures Program, an OJJDP-sponsored initiative intending to "prevent and control youth violence" by creating a "continuum of care" for at-risk and offending youth, set forth a number of principles relating to program implementation. ELAINE MORLEY ET AL., OFFICE OF JUSTICE PROGRAMS, COMPREHENSIVE RESPONSES TO YOUTH AT RISK: INTERIM FINDINGS FROM THE SAFE FUTURES INITIATIVE SUMMARY (2000), *available at* [http://www.ncjrs.gov/html/ojjdp/summary\\_comp\\_resp/](http://www.ncjrs.gov/html/ojjdp/summary_comp_resp/).

The lengthy list of principles presented in OJJDP's summary of the Safe Futures evaluations should be required reading for those planning comprehensive programs. *Id.* at 9-14 and 68-79. These principles are outlined according to the following three categories

- **Funded Demonstration Programs:** Small programs often need more training and assistance than larger, more established programs. *Id.* at 11. Smaller programs may lack the resources or processes necessary, for instance, to keep detailed records of their work. An outside organization may need to assist small programs in order for their operations to be wholly integrated into the broader, comprehensive scheme.

Individual sites must implement programs

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within their cultural context. *Id.* at 70. In the Safe Futures Program, one-on-one mentoring was a required aspect of every program. However, mentoring programs failed in some communities because mentoring was not a culturally-accepted practice. Program policies and standards must adapt to diverse cultures within reasonable limits.

"Replication of programs that worked in other communities [or under different circumstances within the local community] does not guarantee similarly positive results in a new setting." *Id.* at 71. Successful programs are often creatures of their environments. When "transplanted," they may not adapt well. *Id.*

- **Community-Based Collaborations:** Solid collaborations take "considerable" time to form. *Id.* at 72. Organizational relationships require significant and ongoing investments in terms of time and communication. Turnover among key organizational staff, and even among committed elected officials, can negatively affect overall performance. *Id.* at 73. Successful program implementation took much longer than "either the local communities or the funders originally anticipated." *Id.*
- **Services provision:** In implementing innovative programs, some of which had succeeded elsewhere, "there was no formulaic approach to success that could be followed." *Id.* at 74.

Programs often struggle to involve parents and families, though their participation is critical to program success. *Id.* Providing food and transportation can attract those who would not otherwise attend program activities. Offering food was found, in general, to be very effective, especially to low income youth and their families.

It is especially difficult to attract older youth, particularly those that are gang involved. *Id.* at 78. Many older youths perceive after-school and other youth-

serving programs as meant for younger children. This stigma can be altered by carefully tailoring programs to suit older youth and their interests. The clear insinuation from the difficulty of involving older youth is that it is much easier to take a youth and create for her a positive peer group than it is to take a youth out of a negative peer group.

### **The Little Village Gang Violence**

**Reduction Project:** The forerunner of many other comprehensive strategies, the Little Village Gang Violence Reduction Project (GVRP), targeted the hardest-to-reach and most gang-involved youth in a particularly dangerous area of Chicago. Extending from 1992 to 1997, GVRP provided full-spectrum services to specific offending youth, most of whom were between the ages 17-24. Noted social scientist, Dr. Irving Spergel played a leading role in the program's implementation. The program corresponds generally to his method of program design, focusing on the provision of social services within the context of community mobilization.

GVRP sought to integrate the work of the Chicago Police Department (CPD) with grass-roots organizers and social service providers. The leadership of the CPD, however, did not embrace the program. Even so, the police officers assigned to GVRP implemented innovative tactics that enhanced their ability to target especially violent gang members. IRVING SPERGEL ET AL., *THE LITTLE VILLAGE GANG REDUCTION PROJECT IN CHICAGO 97-97* (2003), available at <http://www.icjia.state.il.us/public/pdf/ResearchReports/LittleVillageGVRP.pdf>. These officers worked in conjunction with a cadre of trained outreach workers employed by the program. Former gang members assisted gang members in acquiring social services and worked with the police to identify certain gang members, often those who were specifically involved in criminal incidents. The outreach workers mediated disputes. *Id.* at 10-14. Overall, GVRP succeeded in pulling together a diverse

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coalition of social service providers, "street-level police, probation, and community youth workers," but failed to secure sufficient support from either the CPD or the community at large. *Id.* at 97.

**Results:** Project evaluators largely relied upon a survey administered 3 times over a 2-year period, to a large section of the served gang population. *Id.* at 52. Program youth experienced a vast change in the way in which they perceived their community. They tended to feel that the community was "getting better" and thought that "community gang and nongang crime" was down. *Id.* However, those surveyed also "did not see local organizations, residents, or police as changing or doing much during the project period to address the gang problem." *Id.* at 53.

Some youth surveyed reported that they were no longer actively involved with their former gang. In particular, self-reported membership in the Latin Kings gang dropped substantially—"from 46.0% to 29.7%." *Id.* at 54. At the same time, self-reported income and employment increased by significant amounts.

Importantly, evaluators "found a general and extensive reduction of frequencies and categories for all self-reported offenses and arrests of program youth between" the first and third surveys. *Id.* These reductions correlated, in general, to police records.

Finally, program youth experienced reduced levels of arrests for violent crimes compared to a control group. *Id.* at 71. Arrests for property crimes, however, did not appear to be affected by program involvement. *Id.* at 72.

**Riverside Comprehensive, Community-Wide Approach to Gang Violence Prevention, Intervention and Suppression:** The town of Riverside, California requested and received a federal grant in response to rising gang crime coupled with the largest population growth of any city in California "between 1983 and 1994." IRVING SPERGEL ET AL., EVALUATION OF THE RIVERSIDE COMPREHENSIVE COMMUNITY-WIDE APPROACH TO GANG PREVENTION, INTERVENTION AND SUPPRESSION 3.2 (2005), available at [http://](http://www.ncjrs.gov/pdffiles1/nij/grants/209188.pdf)

[www.ncjrs.gov/pdffiles1/nij/grants/209188.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/209188.pdf). Riverside was one of five sites selected to implement the Comprehensive, Community-Wide Approach to Gang Violence Prevention, Intervention and Suppression Model designed by OJJDP. The model relies upon a local steering committee to coordinate and direct a broad array of services to assist gang-involved or at-risk youth. The Committee was comprised of local politicians, school representatives, police officers, grassroots organizations, and service providers, among others. *Id.* at 1.19.

Eventually, the Riverside Police Department assumed control of overall program operations and excelled in its role. In addition, Riverside's program was greatly assisted by the local probation department, which referred the majority of youth to the program. *Id.* at 14.10. Riverside organized a novel Service Needs Assessment Team (SNAT) to evaluate referred youth and tailor services to meet their needs. *Id.* at 14.5.

SNAT had at its disposal a number of interesting programs, many of which were very well-administered. Evaluators were particularly impressed by an employment training program operated by the Riverside Department of Human Resources. Participating youth received a \$150 stipend to complete a 6-week curriculum. Youth also benefitted from a pool of job opportunities specially arranged for those in the program. *Id.* at 14.7.

**Results:** Evaluators concluded that the Riverside Program probably achieved the "greatest measure of positive change and positive development" out of the four other sites testing the OJJDP model. *Id.* at 14.8. Overall, "an extraordinarily high degree of involvement, commitment, and support by city administration, the criminal-justice system, the schools, and increasingly by community-based agencies appeared to predict success in reducing key aspects of the gang problem." *Id.* at 14.8-9. This organizational synergy made an impact. The Riverside Project successfully reduced "serious violent arrests" for program youth, when

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compared to the pre-program period. During the program period, "serious violent arrests increased for comparison youth." *Id.* at 14.12. However, no significant difference was found between program and comparison youth in total arrests during the program period. The highest drops in total violent arrests were experienced in youth who received coordinated services from police, probation, their school, and their employment service. *Id.* at 14.14. Also, individual counseling, though effective, was not as effective as when the "full range of services" were provided. *Id.* at 14.13. The youth that remained in the program for at least two years "did much better in reducing arrests" than those in the program for less time. *Id.*

**D. Other comprehensive programs:** As with the other categories of programs (prevention, intervention, and suppression), comprehensive programs are numerous and varied. It would not be helpful to list the whole of these programs in this article. The two programs highlighted above were intensely evaluated and chosen to showcase differences in program management, implementation, and outcome.

Evaluations are still underway of several ongoing comprehensive programs. For example, the Gang Reduction Project (GRP) appears to have produced positive preliminary results. The City of Los Angeles' 2007 Gang Reduction Strategy credits the GRP with reducing crime in the Boyle Heights neighborhood by an astounding 44 percent. ANTONIO R. VILLARIAGOSA, CITY OF LOS ANGELES GANG REDUCTION STRATEGY 4 (2007), *available at* [http://www.lacity.org/mayor/indexright/mayorindexright243044714\\_04222007.pdf](http://www.lacity.org/mayor/indexright/mayorindexright243044714_04222007.pdf).

## VI. Conclusion

Solutions to gangs and gang violence, like gangs themselves, remain nebulous. Research asserts that those programs which seek to prevent at-risk youth from joining gangs, or interdict those who have already joined gangs, often appear more effective than suppressive measures alone. Carefully managed in the context of a community-based anti-gang program, preventive, and

intervention-based options can become all-the-more successful.

This heightened efficacy is evident in programs across the nation. Washington, D.C. recently experienced this sort of success when, in 2003, Chief of Police Charles H. Ramsey instituted the Gang Intervention Partnership Unit. The Unit formed partnerships with activists, neighborhoods, and schools to reduce violence. The results, especially on the Latino population, were stunning. "The number of Latino gang-related homicides in [Washington, D.C.] dropped from 21 between 1999 and 2003 to zero between 2003 and 2006." T. Jackson, *Social Programs to Combat Gangs Seen as More Effective Than Police*, WASHINGTON POST, July 18, 2007, at B03.

The nuance in programs like Chief Ramsey's is that success somewhere does not guarantee success somewhere else. This is likely caused by a paucity in our knowledge of successful anti-gang strategies. Though researchers constantly acquire more information, overall, "Very little progress has been made in learning or demonstrating how to deal with the [gang] problem successfully." IRVING SPERGEL ET AL., EVALUATION OF THE RIVERSIDE COMPREHENSIVE COMMUNITY-WIDE APPROACH TO GANG PREVENTION, INTERVENTION AND SUPPRESSION 1.4 (2005), *available at* <http://www.ncjrs.gov/pdffiles1/nij/grants/209188.pdf>.

What is known, however, is instructive. Communities can respond directly and dynamically to their gang problems. Well-organized, synthesized solutions can make a tremendous difference—a difference manifested in decreased crime, lives changed, and lives saved. Effectively countering gangs means confronting the problem head-on by accurately analyzing the nature and extent of the issue and coordinating a community-wide response.

Built upon the body of research described in this review, community-centered responses to gang violence, though they cannot promise success, possess potent potential. ❖

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## ABOUT THE AUTHOR

□ **Brendan Groves** is a student at Duke University School of Law. He is the founder and director of Step Up Employment Training Program, an initiative that teaches employability skills to convicted juveniles. Brendan has twice interned for the Department of Justice, most recently for the Office of the Deputy Attorney General.☒

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# Notes







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