

TRANSFER OF  
KNOWLEDGE  
WORKSHOP



Classification of  
Youthful Gang  
Members in Local  
Detention Facilities

107296

NCJRS

OCT 9 1987

ACQUISITIONS

DEPARTMENT OF THE YOUTH AUTHORITY  
OFFICE OF CRIMINAL JUSTICE PLANNING

107296

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Department of the Youth Authority  
4241 Williamsborough Drive  
Sacramento, California 95823

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State of California  
GEORGE DEUKMEJIAN, *Governor*

Youth and Adult Correctional Agency  
N.A. CHADERJIAN, *Secretary*

DEPARTMENT OF THE YOUTH AUTHORITY  
JAMES ROWLAND, *Director*

CRAIG L. BROWN, *Chief Deputy Director*

FRANCISCO J. ALARCON, *Deputy Director*  
ADMINISTRATIVE SERVICES BRANCH

WILBUR A. BECKWITH, *Deputy Director*  
PAROLE SERVICES BRANCH

RONALD W. HAYES, *Deputy Director*  
PREVENTION & COMMUNITY CORRECTIONS BRANCH

C. A. TERHUNE, *Deputy Director*  
INSTITUTIONS AND CAMPS BRANCH

Cosponsored by

OFFICE OF CRIMINAL JUSTICE PLANNING  
G. ALBERT HOWENSTEIN, JR., *Executive Director*

Produced by

Prevention and Community Corrections Branch  
Richard W. Tillson, *Assistant Deputy Director*  
Edward J. Harrington, *Regional Administrator*  
Ben M. Lopez, *Law Enforcement Consultant*

Staff Assistance by

Carmella Russell, *Senior Stenographer*  
Arlene Urabe, *Stenographer*

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## **PREFACE**

The Department of the Youth Authority, in cooperation with the State Office of Criminal Justice Planning, is conducting a series of Transfer of Knowledge Workshops on a variety of subjects that are of importance to the prevention of delinquency, crime and violence.

Based on the belief that there currently exists in California sufficient knowledge and expertise to solve the problems of crime and delinquency facing our communities, approximately 40 experts were brought together at a Transfer of Knowledge Workshop to develop a legally defensible system of identifying, classifying and tracking gang oriented youth in the juvenile justice system as well as to identify the degree of commitment of youth to the gang ideology.

This publication is the product of the Transfer of Knowledge Workshop on the "Classification of Youthful Gang Members in Local Detention Facilities" which was conducted in Fresno, California, on September 10, 11, and 12, 1985.

## ACKNOWLEDGEMENTS

The Department of the Youth Authority wishes to thank the probation departments of Los Angeles County, Fresno County, and Sacramento County; California Department of Justice; California Department of Corrections; Los Angeles Police Department; the Center for Positive Prevention Alternatives; and the staff of the Youth Authority's Institutions and Camps Branch.

Special thanks to the following presenters who contributed to this Workshop:

*Tony Dicce, Department of Justice*

*Mike Duran, Los Angeles County Probation Department*

*Carlos Espada, Center for Positive Prevention Alternatives*

*Ervin Frisco, California Youth Authority*

*Jack Hoxie, California Youth Authority*

*Tony Moreno, Los Angeles Police Department*

*George Ortiz, California Department of Corrections*

*Warren Parker, Center for Positive Prevention Alternatives*

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## INTRODUCTION

Local detention facilities in California have been experiencing a significant level of gang related violence during the past ~~ten~~ years. Due to the mobility of gang members, their activities have spread beyond local jurisdictional boundaries. As expertise in working with gang related problems developed, so did a growing awareness of the need for a system to identify gang members, and to maintain and disseminate appropriate information about gang activities.

More recently, during the past three years, law enforcement officers and local detention facility staff have been meeting to share information about gang activities, and to identify gangs and gang members. These meetings have resulted in the establishment of a number of formal organizations such as the Northern California Gang Investigators Association, the Kern County Gang Task Force, and many others throughout the State. Representatives of these organizations were brought together to develop a statewide system for use at the local level to solve the gang related problems experienced in the detention facilities.

The purpose of this Transfer of Knowledge Workshop on "Classification of Youthful Gang Members in Local Detention Facilities" was to develop a legally defensible system of identifying, classifying and tracking gang oriented youth in the juvenile justice system, as well as to identify the degree of commitment of youth to the gang ideology.

For your information, a copy of the program and a list of the planning committee and the participants are located in the Appendices of this narrative.

# INTAKE, INTERVIEWING AND IDENTIFICATION

An effective classification of youthful offenders for appropriate housing assignment and program designation requires an interview and gang identification at the time of admission to the local detention facility. Gang identification can be made utilizing specific criteria. Detainees can be identified as "active," "an associate," or "inactive." The criteria for gang affiliation include the following;

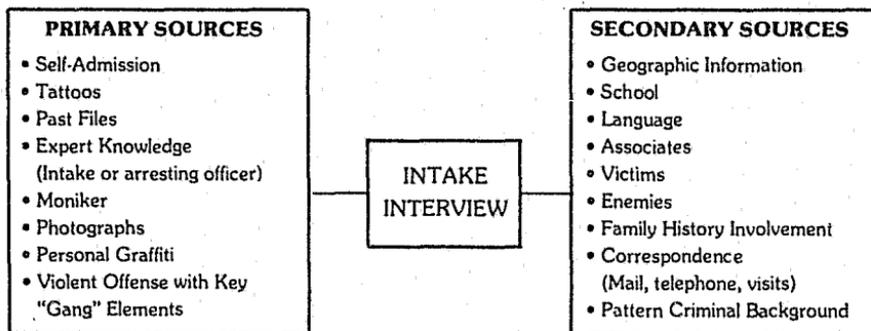
- self-admission,
- tattoos,
- gang-related activities,
- prior record of gang-related activities,
- victim/enemy,
- identifiable gang paraphernalia (i.e., group pictures),
- peer associates/co-offenders,
- family background,
- prior law enforcement contact.

## Methods of Identification of Gang Affiliation

- a. *Self Admission:* May require confirmation from another source in order to prevent manipulation of the classification system.
- b. *Tattoos and Symbols:* Body markings.
- c. *Written Material:* Any material or documents which can be reasonably determined to be an indicator of gang involvement or activity.  
*EXAMPLES:* Membership list of organizations, enemy list, organization concepts or training materials of specific groups.
- d. *Photos:* Individual or groups: Photos taken with gang connotations; insignia in the background or surroundings or with known gang members in them.
- e. *Staff Information:* Documented observations by staff members which reasonably indicate and verify gang involvement or association.

- f. **Other Agencies:** This information may be verbal or written but must directly relate to gang involvement. Source must be referenced.
- g. **Association:** Enter only information relating to associating with gang members, associates or with persons directly linked to known gang members or associates. This information can relate to *street associations, crime partners, institutional associations or visitors/ correspondents of gang members or associates.*
- h. **Inmate Informants:** Date of information and type of informant must be stated. These may be *former gang members, former gang associates, witnesses, active gang members, enemies, non-affiliated individuals, relatives, etc.*
- i. **Commitment Offense:** Circumstances may reveal evidence of gang affiliation. Check for victim, gang related crime, crime partners, witnesses, and ethnic consideration. Area of commitment of "home town" and ethnic consideration are not proof of gang affiliation, but should be considered as important where there is other substantiating information.
- j. **Legal Documents**
- k. **Communications:** This source of information could come from areas such as *telephone monitoring, mail monitoring, overheard conversations, etc.*
- l. **Visitors:** Documentation should be made of visitors who are known runners for gangs or those who are known street members of gangs or organizations associating with gangs.

The primary and secondary sources for gang identification are as follows:



The information collected from the interview and other sources should be recorded on the "Gang Information Sheet."

The information developed during the intake interview and gathered from records on the subject should be recorded. A suggested "Gang Information Sheet" is provided in the Appendices for your consideration in developing a format for recording such information.

In order to effectively interview and identify gang members, the intake officer should have specialized training as well as affiliation with a gang information network. In addition, the intake officer needs administrative support.

The intake officer must be knowledgeable of local gangs and statewide gang problems. Knowledge is required on the following subjects:

- geographical areas
- tattoos
- monikers
- gang rivalries
- tie-in with prison gangs, such as North-South, blue rag versus red rag, and ethnic backgrounds

The intake worker needs to develop good working relationships through personal contacts with local gang investigators and different gang associations or organizations. The intake officer must maintain a current and active communication with such groups.

The intake officer needs administrative support to collect the needed data, to acquire the needed training, and to maintain the networking with other law enforcement officers and officials working with the gangs. Further, it is desirable for the intake officer to participate in his department's training program to present information on gang members and activities to his co-workers and colleagues.

## CLASSIFICATION

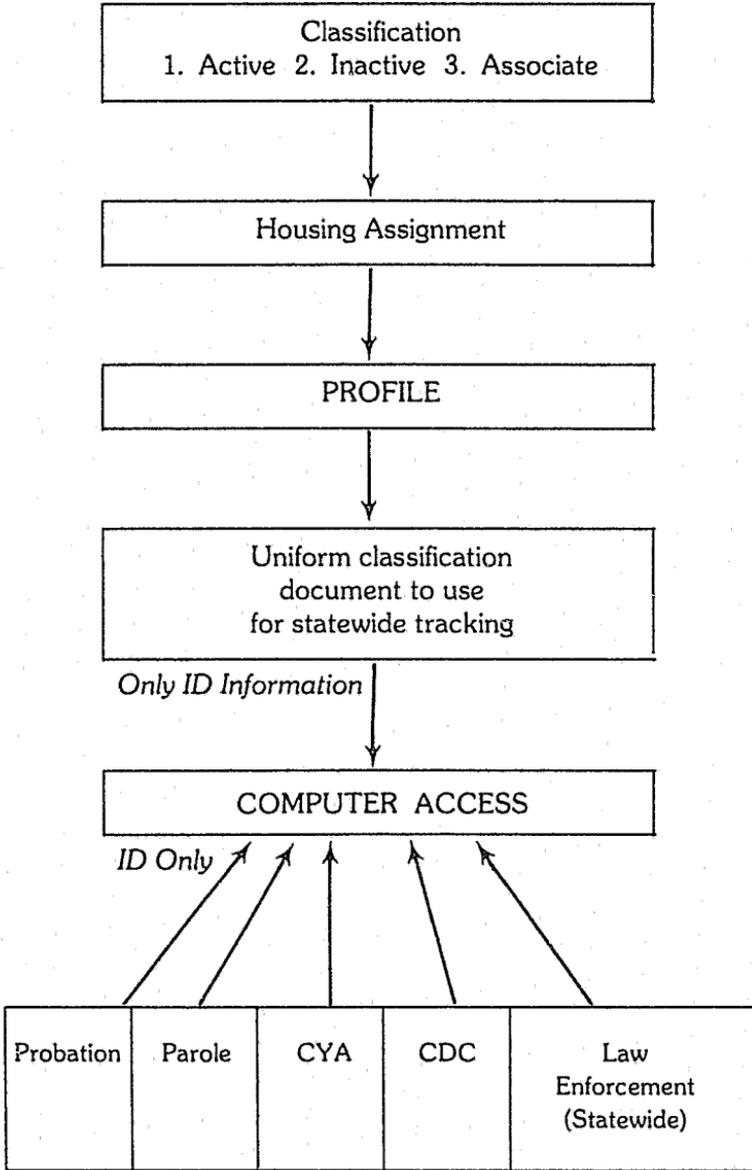
The gang member classification system should include only identification information. No confidential or sensitive information should be recorded. The classification process is used to develop information on which to base appropriate decisions for housing and program assignment but, most especially, for safety of the detainee and the staff. It is for these safety reasons that the intake officer must acquire and maintain current information regarding local gang rivalries, individual gang conflicts, and potential threats. Some inmates may be potential victims and other inmates may be potential perpetrators causing harm to others. It is not appropriate to classify a gang member as a "leader" or "hit man." Judgments of this nature require verification and documentation. Such judgment should not be made on the basis of an intake interview or be made prematurely.

Limitation of movement or denial of privileges in the institution should not be related solely to gang membership. Classification decisions that lead to restrictions or isolation must be based upon imminent threats to the safety of others and not merely on association. The purpose of the classification system is to make use of the best information available to make the most appropriate decision for the housing and safety of the detainee and others. Classification information is always subject to change and update with new information.

## **TRACKING**

Once gang members have been identified, they should be tracked as they move through the local system and across jurisdictional boundaries. The movement within the system means movement between a detention facility to probation and between law enforcement jurisdictions. Notification, including appropriate information, should be made to probation officers, law enforcement officers and other officials who need to know. Gang activities involving physical harm and death as well as other crimes are not confined to one jurisdiction alone or to one element in the criminal justice system. Gang members are mobile, having the capability of crossing jurisdictional lines within the local community and within the state. Gang leaders and members, both active and associate, are constantly changing. Gang information should be made available to law enforcement agencies including arresting agencies, detaining agencies, district attorneys, probation, parole, county of residence, county of crime, and any state or federal jurisdiction involved. The major purpose of tracking is to protect citizens, gang members, and staff from potential harm and to prevent crime and delinquency. The information contained in the tracking system is shared with local officials in determining program, institution and housing assignments in order to separate gang members from rival gangs and to make necessary decisions to manage institutional programs more effectively. The Gang Information Sheet format can be utilized for it contains information regarding current individual and group gang rivalries, new gangs, current trends, and gang characteristics.

# TRACKING FLOW CHART



Documented record of information can be transmitted when subject changes location.

## LEGAL CONSIDERATIONS

The Transfer of Knowledge Workshop participants identified a number of legal issues they related to the identification, classification, and tracking of suspected or confirmed youthful gang members in local detention facilities.

### A. IDENTIFICATION AND CLASSIFICATION

There are a number of legal considerations in the development and implementation of systems designed to identify and classify youthful gang members. While law enforcement and correctional staff design systems for identifying and classifying youthful gang members and their associates to protect society and to prevent physical harm and/or death to individuals, some organizations perceive such systems as major threats to individual civil liberties. Because of these concerns and our own responsibilities to protect the civil rights of individuals, a legally defensible identification, classification, record and tracking system must consider privacy issues and the confidentiality of the system. Who is going to use the system? Where is the information going? How can we keep it from people we do not want to have it? A number of specific legal issues flow from these questions.

### B. CORRESPONDENCE

Government officials may not deny or unduly restrict a prisoner's reasonable access to the courts or prevent confidential correspondence between an inmate and his attorney. However, reasonable regulations may be imposed on the exercise of a prisoner's right of access to the courts when the restrictions are necessary to preserve institutional security or to protect the public. For example, although officials may not read a confidential communication between a detainee and his attorney, incoming legal mail may be opened and inspected for contraband.

There are no persuasive reasons for treating minors in custody differently regarding the attorney-client relationship. The commonly held view is that the right of access to the courts and the right to correspond confidentially with attorneys extends to minors as well as adults in all levels of custody, whether state prison, juvenile hall, or county camp.

Nonreviewable mail, which also may not be read by institutional staff includes correspondence sent to or received from a federal, state or local

court or an elected official. All other mail, including packages, may be opened, inspected, read and withheld when there is reason to believe that one or more of the following conditions exist:

- it contains contraband
- it advocates the direct furtherance of a specific criminal act
- it advocates or encourages specific acts of violence or physical harm to a person, or
- it promotes furtherance of institution gang activities that fall under any of the above categories.

### Contraband

Contraband may be defined as an item which, if possessed, could by its very nature be injurious to persons or property, would adversely affect institutional security or would require an inordinate amount of staff resources to keep secure or supervise. Each detention facility should define contraband and post a notice which states that all visitors, staff, volunteers, and guests, including their property and vehicles, entering the facility are subject to being searched on a regular or random basis.

In addition, the institution should post a notice which states that any person who knowingly brings in or assists in bringing into the facility any of the legally excluded items such as restricted dangerous drugs, alcoholic beverages, firearms, weapons, or explosives is guilty of a felony. The notices should be printed in both English and Spanish and be located in a conspicuous place at the institution entrance and departure points.

## C. RECORDS/TRACKING

The basic purpose for recording information on youthful gang members and tracking that information is to prevent physical harm and/or death to persons because of gang activities. In addition, this information can be used to prevent crime or apprehend a suspect engaged in activity which threatens institutional security.

The Public Records Act provides that all records, documents and files of any State of California, county or city entity are public documents which must be disclosed on request unless the documents or files fall under a statutory exemption. Intelligence files and records which are developed to identify, classify and track youthful gang members come under one or more of these exemptions. Exempt records include

personnel, medical or similar files, as well as records of intelligence information and investigatory and security files.

Such intelligence records such as a file on youthful gang members in local detention facilities must have a stated purpose, and the data placed in the file or record must meet preestablished criteria. Each jurisdiction should develop its own written criteria and place no information in the file that does not meet this criteria. The guidelines for developing the criteria are, "What kind of information will be placed in the system? Who can have access to the information? Who can the information be shared with?" Once established, these criteria must be adhered to. It is further suggested that when the criteria for the intelligence file or record are developed that the institution start a new file with only that information that fits the criteria. This will have the advantage that during subsequent court reviews of the file, all the information in the file will be consistent with the criteria, which will lend credibility to the institution's arguments to the court.

The criteria for deciding which information to include in the file and which to exclude will screen out data which is probably unimportant and irrelevant and record data that is most likely to be of assistance. This will also keep the file from becoming overburdened. Restricting the number of people who have access to an intelligence file to only those people who need to know and to those that can protect persons from physical harm or death will reduce the work of maintaining the file.

A purge system is required to protect individual rights of privacy. "Old" information may violate the individual's right of privacy and should be purged. If old information is stored, it may be construed that decisions are based on obsolete information. Information systems need "purge criteria" to meet legal challenges.

Under the Public Records Act, files are open to the possibility of public disclosure and must be provided upon request unless it is exempt. To maintain credibility of gang files, non-exempt information should not be kept. Courts have access to confidential information and if a court discovers questionable information in an exempt or confidential file, the credibility of the file becomes suspect.

Criteria should be developed and rigidly adhered to for maintaining a file. If the file is presented in court and it does not comply with the established criteria, credibility problems with the court may develop.

Photographs of gang members may be kept in the file. Law enforcement agencies and detention facilities have legitimate needs to identify persons under their jurisdiction.

## D. COMPUTERS

Computers are the only way to manage the collection of the different types of data in a timely way. The input criteria discussed above and controls on this system are especially important to a computerized system. The system of control should include the kinds of access to the information. These concerns are shared by decision makers as well as the courts, who have to decide whether the use of a particular information system or intelligence file is violating a plaintiff's civil rights.

The information maintained in a gang file should be verifiable. It should not be based on hunch, rumor or prejudice. A file based upon clearly defined criteria and verifiable information offers proof that the system was designed to carry out a legitimate public purpose and gives some protection to managers and staff.

## E. TRACKING

People are generally more mobile now than in the past. This is also true of gangs. Therefore, it is becoming more difficult to gather and share accurate and current gang information with other departments.

The Public Records Act in California provides that all recorded information maintained by a public entity is a "public record." Gang files would generally come under the Public Records Act exemption as law enforcement intelligence files; therefore, public access to gang files is limited or prohibited.

An additional related issue concerns discovery rights. The Public Records Act protects law enforcement records, including gang intelligence files, from disclosure to the public. However, if a subpoena is issued in a criminal or civil case, the applicable legal rules may change. Discovery rights in a court of law often are broadly applied. Basically, any accused person has a right to the information regarding a pending civil or criminal case against him or her. The defense may then argue against the classification of the gang file as an intelligence file.

Issues discussed above should be considered when planning the development of records and files on youthful gang members in local detention facilities. There is no certain defense against legal liability; however, if officials act in an informed way, follow the rules of their department, their supervisors and the chain of command, they will be placing themselves in a legally defensible position.

## COMMUNICATION/COORDINATION

Institution intake officers, gang investigators, probation officers, parole agents, and local law enforcement officers should communicate and share information about gang members and gang activities. Local associations and statewide associations should be utilized for the dissemination of information, training and the maintenance of ongoing working relationships.

# CONCLUSIONS/RECOMMENDATIONS

Recommendations made by Workshop participants include:

## 1. *Criteria for Gang Affiliation*

Each institution should utilize a gang member profile which would identify gang leaders, enforcers, members, victims and informers. The profile should indicate whether the detainee is identified as "active," "an associate," or "inactive." The criteria for gang affiliation (enumerated elsewhere in this document) should include the following:

- a. self-admission
- b. tattoos
- c. gang-related activities
- d. prior record of gang-related activities
- e. victim/enemy
- f. identifiable gang paraphernalia such as photographs
- g. peer associates/co-offenders
- h. family background
- i. prior law enforcement contact

## 2. *Model Format for Intake Interviews*

Each institution should utilize a "gang information sheet" to record the information on each gang member.

## 3. *Interagency Contacts and Cooperation*

State and local jurisdictions should provide training, technical assistance and support to gang networks and associations in order to bridge jurisdictional boundaries and share significant gang-related information. Interagency cooperation within jurisdictions and across jurisdictional boundaries is necessary because of the mobility of gang members and the threat to the physical safety and lives of potential victims and informers.

#### 4. *Computerized Central File*

Gang activities involving physical harm and death, as well as other crimes, have become a statewide problem. Gangs are large and diverse; members are mobile and have the capability of crossing jurisdictional lines within the state. In addition, gang leaders and members, both active and associate, are constantly changing. No one local jurisdiction has the capacity or the resources to record, store, or disseminate appropriate gang-related information.

The State should develop a computerized central file. This file would be used to track identified gang members. Law enforcement agencies, including arresting agencies, detaining agencies, district attorneys, parole agents, probation officers, California Youth Authority, California Department of Corrections, Department of Justice, and the Federal Bureau of Prisons would have computer access to the State central file.

The central file would include a profile of each identified member, associate, victim or informer and would be updated by new information from contributing agencies on specific individual gang members or victims.

The State should utilize computers for the effective management of gang information with the capability of global searches based upon name, moniker, geographical location, tattoos, etc.

The Workshop participants believe that the protection of potential victims and the prevention of crime and delinquency require cooperative interagency contacts and efforts based upon the utilization of the suggested criteria for identifying gang affiliation. The model format suggested by the participants is based on the experience of a number of the representatives of law enforcement agencies and is a practical device for recording critical information. The participants further believe that the magnitude of the gang problem in California requires a statewide effort and the volume of gang-related information necessitates the utilization of the latest computer technology.

## APPENDICES

# CLASSIFICATION OF YOUTHFUL GANG MEMBERS IN LOCAL DETENTION FACILITIES

## AGENDA

### First Day — September 10, 1985

- 4:00-6:00 p.m. . . . . REGISTRATION — Ben Lopez, Rod Haas, Arlene Urabe  
6:00 p.m.-6:15 p.m. . . . . WELCOME — Richard Tillson  
6:15-6:45 p.m. . . . . Keynote Speaker — Ronald W. Hayes  
6:45-8:00 p.m. . . . . DINNER

### Second Day, September 11, 1985

- 7:00-8:00 a.m. . . . . CONTINENTAL BREAKFAST  
8:00-9:30 a.m. . . . . Gang Information (Street/Prison)  
Street Gangs — Gil Garcia; Prison — George Ortiz  
Institution (Y.A.) — Jack Hoxie  
9:30-9:45 a.m. . . . . BREAK  
9:45-10:30 a.m. . . . . Gang Identification/Prevention  
Gang I.D. — Mike Duran (L.A.); Prevention — Carlos Espada (Y.S.B.)  
10:30-12:00 noon . . . . . Asian Gangs — Mike Tsuchida (S.C.S.O.)  
12:00-1:00 p.m. . . . . LUNCH  
1:00-3:00 p.m. . . . . Intake Interviewing and Identification — Breakout Groups (Regional)  
Paul Higa—Los Angeles, Facilitator; Lucy Quarry—Central Area, Facilitator  
Roy Ropp—Bay Area, Facilitator; Jack Hoxie—Inland Empire, Facilitator  
3:00-3:15 p.m. . . . . BREAK  
3:15-5:30 p.m. . . . . Classification/Tracking Systems — (Breakout Group — Regional)

### Third Day, September 12, 1985

- 7:00-8:00 a.m. . . . . CONTINENTAL BREAKFAST  
8:00-9:00 a.m. . . . . Intake Interviewing and Identification  
Breakout Group Report to General Session  
9:00-10:00 a.m. . . . . Classification/Tracking System  
Breakout Group Report to General Session  
10:00-10:15 a.m. . . . . BREAK  
10:15-12:00 noon . . . . . Legal Liabilities/Confidentiality  
General Session Presentation — Tony Dicce (D.O.J.)  
12:00-1:00 p.m. . . . . LUNCH  
1:00-2:00 p.m. . . . . Legal Liabilities/Confidentiality  
2:00-3:00 p.m. . . . . Communication/Coordination — General Presentation  
3:00 p.m. . . . . ADJOURN

# **CLASSIFICATION OF YOUTHFUL GANG MEMBERS IN LOCAL DETENTION FACILITIES**

## **PLANNING COMMITTEE**

Paul Higa  
Los Angeles County Probation Department

Jack Hoxie  
Institutions and Camps Branch  
California Youth Authority

John Lopez  
Fresno County Probation

Lucy Quarry  
Institutions and Camps Branch  
California Youth Authority

Roy Ropp  
Sacramento County Probation Department

Neil Zinn  
Board of Corrections

## **STAFF**

Richard Gacer  
California Youth Authority

Rod Haas  
California Youth Authority

Edward J. Harrington  
California Youth Authority

Ben Lopez  
California Youth Authority

# CLASSIFICATION OF YOUTHFUL GANG MEMBERS IN LOCAL DETENTION FACILITIES

## PARTICIPANTS

Tony Bisuano  
Fresno Police Department  
2323 Mariposa Mall  
Fresno, CA 93715

Noreen Blonien  
California Youth Authority  
4241 Williamsborough Drive  
Sacramento, CA 95823

Don Brotchie  
San Bernardino County Probation Dept.  
175 W. Fifth Street  
San Bernardino, CA 92415

Mike Castro  
Fresno County Probation Department  
1100 Van Ness Avenue  
Fresno, CA 93721

Larry Craig  
California Youth Authority  
4241 Williamsborough Drive  
Sacramento, CA 95823

James Crangle  
Alameda County Juvenile Hall  
400 Broadway  
Oakland, CA 94687

Crus Diaz  
Los Angeles County Probation Dept.  
9150 E. Imperial Highway  
Downey, CA 90242

Anthony Dicce  
Department of Justice  
1515 K Street  
Sacramento, CA 95814

Stella Dominguez  
Santa Clara County Probation Dept.  
840 Guadalupe Parkway  
San Jose, CA 95110

Mike Duran  
Los Angeles County Probation Dept.  
9150 E. Imperial Highway  
Downey, CA 90242

Marcos Elias  
Santa Barbara Probation Department  
123 E. Anapamu Street, #227  
Santa Barbara, CA 93101

Ken Elkins  
Kern County Probation Department  
1831 Ridge Road  
Bakersfield, CA 93385

Gil Garcia  
California Youth Authority  
250 So. El Camino Real, #210  
Tustin, CA 92680

Jerry Gregory  
Kings County Probation Dept.  
1225 South Drive  
Hanford, CA 93230

Anthony Gutierrez  
Santa Clara County Probation Dept.  
840 Guadalupe Parkway  
San Jose, CA 95110

Rod Haas  
California Youth Authority  
3040 N. Fresno Street, #105  
Fresno, CA 93703

Edward Harrington  
California Youth Authority  
7171 Bowling Drive, #320  
Sacramento, CA 95823

Ronald W. Hayes  
California Youth Authority  
4241 Williamsborough Drive  
Sacramento, CA 95823

Art Hernandez  
California Youth Authority  
Pine Grove Youth Conserv. Camp  
Pine Grove, CA 95665

Paul Higa  
Los Angeles County Probation Dept.  
1605 Eastlake Avenue  
Los Angeles, CA 90033

Jack Hoxie  
California Youth Authority  
— O.H. Close  
7650 So. Newcastle Road  
Stockton, CA 95205

Dan Irving  
California Youth Authority  
— N.R.C.C.  
3001 Ramona Avenue  
Sacramento, CA 95826

Charles Jackson  
Los Angeles County Sheriff's Dept.  
11515 So. Colima Road  
Whittier, CA 90604

Joseph Jimenez  
Tulare County Probation Dept.  
Room 206, Courthouse  
Visalia, CA 93291

Mel Johnson  
Santa Clara County Probation Dept.  
840 Guadalupe Parkway  
San Jose, CA 95110

Mike Joyce  
Riverside Dist. Attorney's Office  
4180 Lemon Street  
Riverside, CA 92501

Daral Kennedy  
Fresno District Attorney's Office  
1100 Van Ness Avenue  
Fresno, CA 93721

Lee Kenner  
Sacramento County Boys Ranch  
Box 3  
Sloughhouse, CA 95683

Randy Kevorkian  
Fresno County Probation Dept.  
Courthouse, Room 804  
Fresno, CA 93721

Ben Lopez  
California Youth Authority  
3040 N. Fresno Street, #105  
Fresno, CA 93703

John Lopez  
Fresno County Juvenile Hall  
744 South Tenth Street  
Fresno, CA 93702

Bob Lyons  
Sacramento County Juvenile Hall  
9601 Kiefer Boulevard  
Sacramento, CA 95827

Wes McBride  
Los Angeles County Sheriff's Dept.  
11515 So. Colima Road  
Whittier, CA 90604

Jerry Marynik  
Department of Justice  
4949 Broadway  
Sacramento, CA 95813

Tony Moreno  
Los Angeles Police Department  
150 N. Los Angeles Street  
Los Angeles, CA 90012

John Mosely  
Riverside District Attorney's Office  
4080 Lemon Street  
Riverside, CA 92501

Eloy Olivas  
San Diego County Juvenile Hall  
2801 Meadowlark Drive  
San Diego, CA 92123

George Ortiz  
Department of Corrections  
68 Mitchell Blvd., #250  
San Rafael, CA 94903

Victoria Pendleton  
Kern County Juvenile Hall  
1831 Ridge Road  
Bakersfield, CA 93385

Sylvia Penunuri  
Santa Clara County Probation Dept.  
840 Guadalupe Parkway  
San Jose, CA 95110

Lucy Quarry  
California Youth Authority  
— N.R.C.C.  
3001 Ramona Avenue  
Sacramento, CA 95826

Arti Rapliff  
California Youth Authority  
— S.R.C.C.  
13200 So. Bloomfield Avenue  
Norwalk, CA 90650

Homer Reed  
San Francisco County Jail  
P.O. Box 67  
San Bruno, CA 94066

Richard Rodriguez  
State of California — G.V.R.P.  
4629 E. Brooklyn Avenue  
Los Angeles, CA 90022

Roy Ropp  
Sacramento County Probation Dept.  
9601 Kiefer Boulevard  
Sacramento, CA 95827

Steven Sambrough  
Kern County Probation Dept.  
1831 Ridge Road  
Bakersfield, CA 93385

Maurice Seymour  
Alameda County Juvenile Hall  
400 Broadway  
Oakland, CA 94687

Jose Solis  
Dept. of the Youth Authority — G.V.R.P.  
4629 E. Brooklyn Avenue  
Los Angeles, CA 90022

Fred Stephens  
Kings County Probation Dept.  
1225 South Drive  
Hanford, CA 93230

Art Stewart  
Fresno Police Department  
2200 Fresno Street  
Fresno, CA 93721

Ron Tamayo  
Kings County Probation Dept.  
1225 South Drive  
Hanford, CA 93230

Richard Tillson  
California Youth Authority  
4241 Williamsborough Drive  
Sacramento, CA 95823

William Tucker  
Riverside County Juvenile Hall  
3933 Harrison Street  
Riverside, CA 92503

Vic Valdez  
Fresno Police Department  
2323 Mariposa Mall  
Fresno, CA 93715

Robert Vasquez  
San Diego County Probation Dept.  
P.O. Box 368  
Campo, CA 92006

Solomon Wells  
Fresno Police Department  
2323 Mariposa Mall  
Fresno, CA 93715

Debi Willard  
Santa Clara County Probation Dept.  
840 Guadalupe Parkway  
San Jose, CA 95110

Bryant Wood  
Riverside District Attorney's Office  
4080 Lemon Street  
Riverside, CA 92501

Hector Zabala  
Los Angeles County Sheriff's Dept.  
1151 South Colima Road  
Whittier, CA 90604

Frank Zermeno  
San Bernardino County Probation Dept.  
900 E. Gilbert Street  
San Bernardino, CA 92404

Neil Zinn  
Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

