

142669

PROSECUTOR

Technical Assistance Manual

Candice M. Kane

National Youth Gang Suppression and Intervention Program
School of Social Service Administration
University of Chicago

Disseminated By:
National Youth Gang Information Center
4301 North Fairfax Drive, Suite 730
Arlington, Virginia 22203
703-522-4007
800-446-4264

NYGIC Doc.# D0023

This report was prepared under Grant number 90-JD-CX-K001 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice.

Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice

142669

142669

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been granted by

Public Domain/OJJDP/OJP

U.S. Department of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.

ACKNOWLEDGEMENTS

The development of this prosecution manual would not have been possible without the participation of experienced practioners in the field. Their willingness to take time away from their busy schedules to provide insight and assistance is most appreciated.

The author would especially like to thank the following people for their significant contributions in the development of this manual:

Sue Burrell, National Youth Law Center, San Francisco, CA

Michael Genelin, Los Angeles District Attorney's Office

The author would also like to thank the following people for their advise and comments:

Gary Breeswine, District Attorney's Office, Albuquerque, NM

John Delaney, District Attorney's Office, Philadelphia, PA

John Espar, Will County State's Attorney Office

Rick Gardner, Santa Clara County District Attorney's Office

Andrew Hague, State's Attorney Office, Miami, FL

Glenda Haynes, Hinds County Court, Jackson, MS

Ernest Jasmin, Commonwealth Attorney, Louisville, KY

Doug Roth, Sedgewick County District Attorney's Office

Lemarr Simms, District Attorney's Office, Denver, CO

Responsibility for the final version of this manual remains with the author.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	vii
CHAPTER 1/INTRODUCTION	1
Background	1
General Purpose of the Manual	2
Problem Statement	3
Discussion of Terms and Issues	6
Approach to the Problem	13
Summary	17
CHAPTER 2/OVERVIEW OF THE PROSECUTOR'S MANUAL	18
The Role of the Prosecutor	18
CHAPTER 3/ASSESSMENT OF THE PROBLEM FROM A PROSECUTOR'S PERSPECTIVE	20
Review cases and practices	20
Involve others in assessment	22
Put findings in perspective	25
Strategies in chronic vs. emerging gang problem cities	27
Summary	29
CHAPTER 4/TARGET POPULATION/CASE CRITERIA	30
Program Focus/Scope	32
Goals and Objectives	32
Goals for the community served	32
Objectives for the prosecutor's office	32
Gang Intervention and Suppression Program	33
Multi-faceted problem-based approach	33
Critical Program Elements	35
Existing laws	35
Case selection and tracking	36
The police/prosecutor team	38
Case strategy decisions	39
Victim/witness support	41
Disposition recommendations	42
Coordination with other criminal justice agencies	42
Coordination with other organizations	43
Summary	43
CHAPTER 5/COMMUNITY MOBILIZATION	44

CHAPTER 6/STAFF SELECTION AND TRAINING 45
CHAPTER 7/EVALUATION 47
CHAPTER 8/FUNDING 48

APPENDIX SECTION

APPENDIX A - LIST OF REPORTS 50
APPENDIX B - GLOSSARY AND DISCUSSION OF TERMS 55
**APPENDIX C - SCHEMA FOR DEVELOPING AND IMPLEMENTING A YOUTH
GANG SUPPRESSION AND INTERVENTION STRATEGY 67**

EXECUTIVE SUMMARY

In late 1987 the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, entered into a cooperative agreement with the School of Social Service Administration, University of Chicago, to conduct the National Youth Gang Suppression and Intervention Program. The scope and seriousness of the problem was analyzed from both an organizational and community perspective. Model suppression and intervention strategies, and manuals for their implementation, were developed for various agencies and organizations involved with youth gangs.

This manual has been prepared to assist prosecutors and their staffs to craft and institute a community-wide response to gangs. It calls for a problem-based response which is driven by the critical characteristics of the youth gang, its membership and its criminal activity in the target area. Called for as well is a thorough discussion of what should be done and how based on five key strategies: community mobilization, opportunities provision, social intervention, suppression, and organizational change and development.

The manual describes how to assess the nature and extent of the target community's youth gang problem - and, indeed, to determine if such a problem exists at all. Then it lays out a process the prosecutor can follow to develop an attractive response by his or her office and the community at large in an integrated and meaningful manner.

As the prosecutor is primarily concerned with those gang members who are engaged in criminal conduct, it is proposed his or her office concentrate on the serious or repeat gang offender by the formation of a special unit or the selection of one or two staff who receive special training to vertically prosecute carefully selected gang cases.

Critical program elements to be considered are: existing laws, case selection and tracking, the police/prosecutor team, case strategy decisions such as bail, detention, waiver, use of experts and gang members as witnesses, victim/witness support, and disposition recommendations.

The prosecutor is also urged to work closely with colleagues in the criminal justice system - especially police and probation officers - and representatives of the schools, local businesses, social service organizations, community-based youth agencies, grassroots organizations, parents and youth themselves to plan, coordinate, and implement an effective strategy to reduce gang violence. When appropriate the prosecutor is encouraged to take the lead in mobilizing the community to respond to the gang problem.

Finally, the manual urges prosecutors to assign specially selected and trained assistants to gang cases. It also encourages prosecutors to advocate for an evaluation component to be part of any initiative - which is likely to require additional funding - so the impact of the program can be measured and the work of the program itself documented and shared with other communities.

CHAPTER 1

INTRODUCTION

- ▶ Program Mission and Background
- ▶ Purpose of the Manuals
- ▶ Problem Statement
- ▶ Discussion of Terms and Issues
- ▶ Approach to the Problem
- ▶ Summary

Program Mission and Background

There has been an increase in the youth gang problem and the need for information and guidance.

Criminal youth gang activity represents a serious threat to the safety and security of local citizens and impedes positive youth development. In recent years higher levels of youth gang violence and gang member-related drug trafficking have been reported in an increasing number of neighborhoods, high schools, public housing projects, correctional institutions and other social contexts throughout the country. Police in small towns have begun to identify "gangs" and are requesting assistance in how to deal with them.

In response, the Office of Juvenile Justice Delinquency Prevention, U.S. Justice Department entered into a cooperative agreement with the School of Social Service Administration, University of Chicago in October, 1987 to conduct the National Youth Gang Suppression and Intervention Program. This program was initiated as a four stage Research and Development process: Assessment, Prototype/Model Development, Technical Assistance, and Testing.

This technical assistance manual is part of a four stage research and development process.

Three of the four stages have been completed. Stage 1 included a comprehensive review of the research and program literature on youth gangs, a survey of programs in 45 cities, selected site visits, conferences, and special studies. During Stage 2 gang suppression and intervention models were produced for police, prosecutors, judges, probation, corrections, parole, schools, employment, community based youth agencies, grass-roots organizations.

Additionally, separate manuals for comprehensive planning and for community mobilization were developed.

Twelve manuals have been produced.

Stage 3 involved the creation of 12 technical assistance manuals which provide guidelines to implement the policies and procedures presented in the models. The ten agency manuals specify both organizational and community perspectives for dealing with the youth gang problem. The other two manuals outline specific procedures and processes of planning a comprehensive community approach to youth gang suppression and intervention. (See Appendix A for a list of documents.)

Certain processes were used to develop the manual.

The program models and technical assistance manuals were based on the findings of the initial project assessment stage as well as extensive consultations with policymakers, administrators and practitioners at local and national levels. Law enforcement, particularly front line gang specialists, were important from the start of the program in identifying the problem. Two regional conferences were held with policymakers and administrators as well as practitioners from 16 cities who contributed to the development of the final version of the manuals.

The purpose is to present a set of guidelines to reduce youth gang crime.

Purpose of the Manuals

The purpose of the technical assistance manuals is to present detailed steps for the control and reduction of youth gang crime, especially gang-motivated violence. The manuals seek to provide governmental authorities, criminal justice organizations, social agencies, and community groups with strategies which encourage gang-prone and gang-involved youth to terminate criminal activity and participate in legitimate social, academic, and employment pursuits.

Broad preventive policies which deal with larger social issues such as poverty and racism, housing, education, jobs, and health care are addressed only on a limited basis in the manuals. Key issues of family breakdown, violence in the media, and the proliferation of sophisticated weapons need to be directly addressed as they contribute to the youth gang problem. They are presented here mainly as contextual conditions that special organizational policies and procedures

and community mobilization must deal with and change, if not directly then indirectly.

Administrators and policymakers are the primary audience.

Local administrators and policy makers are the primary audience, but the manuals should also be useful to other officials and personnel concerned with the problem, including agency supervisors, front-line workers, and community volunteers.

The manuals are not intended to serve in the place of more general models and manuals dealing with delinquent or troublesome youth in the criminal justice and human service fields; they are intended as a supplement to them. Even so, the manuals should be of value in addressing youth crime more generally. This is so because the youth gang problem can be viewed as part of a larger set of crime and delinquency and youth socialization problems.

Problem Statement

The gang problem has changed and grown more serious in most regions of the country.

During the 1980s and early 1990s, more criminally oriented and better organized gangs or cliques have become prevalent in many urban and smaller communities. More young people from diverse backgrounds and settings are joining gangs to meet social and economic needs not satisfied through existing institutions, e.g., family, school, and employment. The youth gang has become an alternative mainly anti-social institution for an increasing number of youth.

Poverty and social disorganization are key conditions contributing to the problem.

Why youth gangs have developed and become more criminal and complex organizations is not clear. The type and severity of youth gang problems may be largely a response to two conditions, *poverty* or limited access to social opportunities and *social disorganization*, i.e., the lack of integration and stability of social institutions including family, school and employment in a local community.

Certain factors exacerbate these two social conditions to produce varying gang subcultures and systems. They include:

- ▶ large and rapid population movement of low income minorities into a community;
- ▶ intergenerational gang traditions;
- ▶ defects of social policy and coordination of service delivery at local and national levels;
- ▶ institutional racism;
- ▶ insecurities of certain working and middle class populations "threatened" by newcomers;
- ▶ the growth of criminal opportunities; and
- ▶ possibly, influence of the media.

Examples are the following:

Under different community conditions, different types of gang problems appear to develop.

Violent youth gang subcultures often develop when gang-affiliated African American and Hispanic youth move from central cities to smaller cities and suburban areas without adequate social, family, economic, and educational supports. Violent gang subcultures may also develop when new waves of poor immigrants from Mexico, Central America, the Pacific Islands, Vietnam, Hong Kong, Korea, Philippines and other Asian countries arrive in urban communities. The newcomer groups are often met with hatred and resentment, sometimes manifested in physical attacks. Gangs may form and become rapidly entrenched, first as defensive, and then as offensive groups.

Furthermore, in ghetto, inner city African-American and Hispanic communities, a limited criminal opportunity system often develops. Gangs in these communities may change from status-oriented, conflict groups and assume a highly predatory, criminal-gain character. Over time, sophisticated instrumental rather than traditional or status-oriented youth gangs may develop, with special interest in drug trafficking and other economic criminal activity.

There are variations in the gang problem by race/ethnicity, class, and newcomer status.

In some communities across the country, particularly in the western states but increasingly elsewhere, the influx of low income and working class Pacific-Islander and Asian groups e.g., Tongan, Filipino, Hong Kong, Korean, Vietnamese, Laotian, or Cambodian, has resulted in other varieties of youth gang problems. Second generation youths, born in this country or who arrived as pre-teens, may seek protection, prestige, and income through gang membership. Some of these gangs adopt African-American or Hispanic

gang patterns; others become closely connected to traditional ethnic-based, adult criminal organizations. Criminal activities can include home invasions, business extortion, robbery, rape, intimidation and a range of racket activities.

These newcomer youth gangs, and the Asian communities upon which they prey, are difficult for local law enforcement, schools, and community organizations to penetrate or influence because of cultural, communication, and trust problems.

Growing economic, social, and cultural pressures can contribute to the development of youth gangs.

Some blue-collar or middle class communities are characterized by growing economic, social and cultural pressures as well as by increasing family or personal disorganization. Some of these formerly stable, predominately white communities have become centers for youth groups with a "nothing to lose attitude." Youth gangs or their equivalent such as Satanic, Stoner, punk rocker, hate, Neo-Nazi, or racist Skinhead groups may participate in a wide range of loosely organized criminal acts, characterized by perverse and negative behavior, including vandalism, drug use, homosexual assaults, and even homicides.

Additionally, in certain stable, lower middle class communities, whether African-American, Latino, Pacific Islander, Asian, white, or Native American, the gang problem may assume a more organized and usually less violent character. Youth may become relatively more involved in extortion, car theft, burglary, robbery, sophisticated drug trafficking, and various lucrative quasi-racket activities which are not necessarily conducted in the "home communities." Legitimate business and criminal interests may be relatively well integrated.

Furthermore, specialization of criminal youth gang patterns by race and ethnicity seemingly exists. Economic, social and cultural factors may, in fact, be the cause. Thus, some African-American youth gang or clique members may be heavily engaged in street level crack-cocaine trafficking; Mexican-American youth gang members may be relatively more involved in violent turf based activity, and Asian gang members may be more mobile and closely related to adult

crime organizations involved in crimes such as extortion, robbery, and international drug trafficking.

However, these youth gang subcultures also exist side by side, interact, integrate with, or succeed each other over time. In some communities youth gangs are inter-racial and inter-ethnic.

Violence projected by the media may exacerbate the problem.

In spite of the many and changing varieties of gang subcultures which can be found, a common denominator among them is that most of these groups are comprised of youth who share somewhat similar values and a keen sense of personal failure and low self-esteem. For many gang youth, violence has become an acceptable way of life, partially sanctioned by the larger society. Violence is seen on nightly newscasts, in the movies, on evening television and Saturday morning cartoons, and encouraged by certain "rap" stars. Violence is projected as a means of resolving authority, low self-esteem and race/ethnic problems.

Discussion of Terms and Issues

(See also Appendix B Glossary)

Key components of the problem are the youth gang, youth gang member, and the gang incident.

It is important to accurately identify key components of the youth gang problem in order not to exaggerate, deny, or mythologize them. This is necessary in order to develop appropriate policies and procedures to deal with the different or varying street gang problems and subcultures encountered. These components are: 1) the criminal youth gang, 2) the youth gang member, and 3) the gang incident.

Gang-motivated violence is the key but not exclusive concern of the manual.

The central focus of the manuals is control and reduction of gang-motivated violence. We are not primarily interested in ephemeral delinquent groups or in highly organized drug trafficking by groups concerned only with profit, although there are often important connections between these associations and the youth or street gang. However, we are concerned with predatory youth cliques or drug trafficking groups to the extent they participate in, depend on, and influence the development of violent gang activities.

Youth gang members engage increasingly in both violent status-related as well as entrepreneurial or predatory criminal

activities. If a youth group engages primarily in criminal entrepreneurial activity and participates periodically in serious violence, it falls within the scope of our concern.

Our concern is also with differences between emerging and chronic gang problem communities and the need for prevention and especially early intervention services.

1. Criminal youth gang

This is a group often comprising both juveniles and young adults in regular interaction with each other who engage in a range of social and anti-social behaviors. Cliques or members engage repetitively or at times spontaneously in violent, predatory, and criminal gain behaviors. The criminal youth gang may be located within a neighborhood or across neighborhoods and even cities. It may be loosely or well organized with established rules of conduct. The youth gang may have a name, turf, colors, signs, symbols and distinctive dress. The youth gang often promotes mutual support among members and conflict with competing gangs or established authority.

Many of these groups are traditional turf based gangs. Traditionally, the primary function of the youth gang has been to establish or protect the group's reputation and status within a framework of shared or communal values. This continues to be true for many youth gangs today. Some youth gangs, however, do not display colors and are not primarily concerned with social status, but are more gain oriented and more rationally organized.

2. The Youth Gang Member

While the criminal youth gang includes some youth who conform primarily to conventional norms; many, however, engage in a range of criminal behaviors.

Most gang participants are in the age range of 12 to 24 years. Some pre-adolescents as well as persons into their 50s have been reportedly engaged in gang activities. However, the most serious and violent gang activity tends to be committed by older adolescents and young adults. Some gang members may join for a period as short as a day, a

The traditional youth gang is turf-based and status-oriented, but other kinds of gangs have also developed.

The focus of concern is the youth gang member 12 to 24 years of age.

week, or a month; others are members for years. Some members move from low to high gang status, from less serious to more serious criminal gang behaviors, and vice versa, sometimes in different gangs.

Fewer females than males are gang members.

Far fewer females than males join youth gangs, although with the increase in number of gangs throughout the country more female members are probably involved in serious youth gang activities than in an earlier era. Available evidence indicates, however, that females usually join gangs later and leave earlier, and are usually involved in less violent or serious criminal behavior than males. About 9 times as many males as females are arrested for gang crimes according to several studies. Less than one percent of gang homicide offenders are female.

Attention needs to be directed to high risk female gang members.

Female members typically are in groups affiliated with male gangs. Sometimes females are integrated directly as members into the gang proper, and are less frequently involved in independent all-female criminal youth gangs. There is some recent evidence that females have assumed leadership roles in certain gang or criminal group activities, such as drug trafficking, in a few cities. Special attention needs to be directed to high risk female gang members who are likely to be physically and sexually victimized, or who induce or facilitate male gang member assaults against other gangs.

Traditional gangs may have different type of members: identifiable leaders, core, regular, associate, soldier, peripheral, wannabe, floater, veteran or old-head. The presence and definition of these categories of gang members, however, may be quite variable or defined differently in communities across the country. Of special interest, for purposes of control and prevention are two categories of gang youth: 1) the more serious, hardcore, often older gang youths, and 2) the younger, high risk, often less committed gang youths.

Different types of gang members should be carefully identified.

Agencies need to carefully identify gangs and gang members. This process should depend on use of *multiple* criteria such as gang member self-admission, statements by reliable witnesses, verification by a second independent agency source, prior police records and the youth's regular

association with a known gang member. Participation by the youth in certain serious gang-motivated criminal incidents such as drive-by shootings must ordinarily precipitate a gang member identification process for gang suppression and intervention purposes.

3. The Gang Incident

A gang incident is the unit for classifying and reporting an event as a gang crime, especially for law enforcement purposes. Reported gang incidents become the basis for determining whether a gang problem exists and assessing its scope, and thereby the nature and extent of the community response to it.

Different definitions of the gang incident exist.

The gang homicide is usually the key and most reliable measure of the seriousness of gang crime. However, identification of gang incidents, e.g., homicide, assault, or robbery, is neither a simple nor a standard procedure. Two different procedures or variations of them, are currently employed to determine whether a gang incident has occurred and should be recorded for law enforcement, and, consequently, public policy purposes.

- Gang-Motivated

The gang-motivated definition focuses on the nature of the criminal act.

In this procedure, according to the Chicago Police Department, a criminal act is defined as a gang incident if it grows out of gang motivation, interest, or specific circumstances which enhance the status or function of the gang. These acts include: inter-gang violence, gang retaliation, turf protection, intimidation, robbery, recruitment, or other criminal activity which affects the gang's reputation or interests as a whole. One or more members of the gang may be involved as a suspect, witness, offender or victim in these circumstances. In classifying the incident, focus is on the nature of the specific situation in which the illegal act occurs, such as a drive-by shooting or yelling a gang slogan in the course of the crime.

Crimes such as burglary, car theft, prostitution, and drug trafficking by a gang member are problematic because it is hard to determine whether the act is gang-motivated. Many criminal acts serve individual member needs unrelated to

gang interests. On the other hand, seemingly individual or self-serving crimes by gang or aspiring gang youth may be gang-motivated. For example, a youth may be required or feel compelled to commit a particular property or person crime because of pressures by the gang.

- Gang-related

The gang-related definition focuses on identification of the criminal suspect as a gang member.

This procedure, according to the Los Angeles County Sheriff's Department, is based on the characterization of a crime or delinquent act as a gang incident when the suspect, offender or victim is a gang member, regardless of gang motivation or circumstances. Usually any serious criminal act, especially of a violent, predatory, or drug trafficking nature, in which a gang member is involved, can be classified as a gang incident. For example, the crime of a gang member who steals from a store - even though that act has nothing directly to do with his gang membership - would be classified as a gang-related incident. (See Appendix B for a discussion of mixed situations and erroneous classification of group delinquency as gang crime.)

- Which Definition to use

The narrow gang-motivated definition avoids excessive labelling.

The argument in favor of using the gang-motivated definition is that it focuses sharply on the circumstances of the incident rather than the identification of the individual as a gang member. It may be more precise and valid than the gang-related definition. It withstands court challenges better. It also avoids excessive labelling or exaggeration of the gang problem.

The counter argument is that the gang-motivated definition minimizes the actual scope of the gang crime problem. It may encourage organizational or community denial of the problem. A key assumption of the proponents of the gang-related definition is that a gang member is likely to engage in a wide range of serious crimes because gang membership predisposes him or her to do so. Evidence for this argument is not substantial, however.

The gang-related definition may

Police and prosecutors generally believe that it is desirable to identify gang members and their activities as completely

be more useful to criminal justice officials.

as possible. Police are particularly concerned that the full range of criminal activities of the gang member be available for efficient tracking and investigation purposes.

We recommend a procedure that avoids excessive labelling of youth but ensures protection of the community. A gang-incident procedure should be devised which records and distinguishes between gang-motivated and non-gang-motivated crime committed by the gang member. All serious criminal incidents by repeat gang offenders should be clearly "flagged" on criminal justice computer systems. An effective computerized information system permits use of either or both procedures to track gang-motivated incidents and gang member crime.

4. Gang Problem Contexts, Chronic and Emerging

Emerging and chronic gang problem contexts may require different suppression and intervention approaches.

With the growth and spread of the youth gang problem, a two-fold categorization of the problem context has come into use: Chronic and Emerging. Our manuals stress the differences in these contexts as a basis for the development of distinctive strategies, policies and procedures for gang suppression and intervention. Simply put, a more preventive or early intervention approach may be required in the emerging gang problem context, while a more elaborate and formalized suppression, intervention and prevention approach may be necessary in the chronic context.

- Chronic Gang Problem Context

The gang problem has had a longer history and is usually better organized and more severe in the chronic context.

Such an organizational or community context is characterized by persistent or periodic crises of major gang member violence and sometimes related drug trafficking extending over a five to ten year or more period, or even decades. Youth gangs are usually better organized in such communities which are often located in larger or older cities. These contexts are likely to be found in impoverished, ghetto, or transitional areas or ports of entry of inner cities, although they are increasingly found in smaller cities and suburban communities.

- Emerging Gang Problem Context

The gang problem is recent, less well organized, but sometimes very serious in the emerging context.

This organizational or community context is characterized by less well organized and persistent but at times serious forms of gang violence and gang member drug trafficking. The gang problem has usually been present and/or recognized for about five years or less. To some extent, the development and spread of the problem may be traced to the influence of new settlers or gang crime entrepreneurs for example, drug traffickers, from chronic problem cities or contexts. Youth gangs in emerging problem areas tend to be fewer in number and most often evolve out of local delinquent, sometimes social groups under deteriorating economic or social situations for minority, newcomer, or socially isolated populations.

The distinction between the concepts of chronic and emerging gang problem communities, however, are not sharp. Indicators related to the onset of the problem, its duration, degree of gang organization, severity of gang violence and related gang member drug trafficking, as well as the appropriate response to the problem(s) are not neatly categorized by the terms "chronic" and "emerging".

Emerging gang problem communities may develop into chronic; and chronic gang problem communities may go through periods of sharply diminished gang activity before the problem re-emerges. Different parts of a community or jurisdiction may be characterized by different stages or degrees of severity of the problem at a given time.

5. Variability of Violent Gang, Drug Trafficking and Crime Problems

It is important to understand that, despite media and law enforcement claims, youth gangs involved in gang violence are not necessarily involved in drug trafficking. A direct and causal relationship between youth gangs and drug trafficking has not yet been demonstrated. Some communities which have high levels of youth gang violence may have relatively low levels of drug trafficking; other communities with high levels of drug trafficking may have low levels of youth gang activity.

We observe that over the last several years, Los Angeles and Chicago, with the highest levels of gang homicide in the

country and very high levels of drug trafficking, report that less than five percent (5%) of gang homicides are associated with drug trafficking. Drug trafficking appears to be related to serious violent street gang behavior only in a limited sense. Drug trafficking, nevertheless, may succeed and may under certain conditions serve either to diminish or increase patterns of youth gang violence.

High levels of general crime and gang crime are not necessarily closely associated.

Finally, high levels of general criminality in a community do not necessarily indicate high levels of gang activity. Some cities with the highest levels of youth homicide and drug trafficking may have relatively limited youth gang activity.

6. Prevention

Secondary prevention is included in the manuals' perspective.

The focus of this and the other technical assistance manuals in our Research and Development program is on issues of intervention and suppression in contexts where the gang problem is clearly present. Here, prevention refers mainly to secondary forms of prevention, or early intervention, which reduces the likelihood that highly gang-prone or the younger gang member will commit or continue to commit gang crimes. This is to be accomplished through effective controls, direct treatment or services, and provision of legitimate opportunities. In our conception, prevention requires change and development both by the individual youth as well as his or her social environment.

Most youth from low income and social problem ridden communities are not involved in delinquent gang activities. Finally, we note that a simple prevention model which emphasizes exclusive concern with younger youth may be unsuccessful. Such a model does not take into consideration system effects, including the extensive socialization effects of older youth on "wannabe" or younger youth. All key components of the problem need to be systematically addressed.

Approach to the Problem

Different strategies of suppression

The manuals specify five major lines of action or strategies: *community mobilization, opportunities provision,*

and intervention have been identified.

Community mobilization is critically important.

The opportunities provision strategy focuses on the importance of education, training, and jobs for high risk gang-prone and gang member youth.

suppression, social intervention, and organizational change and development. These strategies must be combined in different ways depending on the problem context, the specific mission of the organization, and the kind of youth targeted for special attention.

1. Community Mobilization

Community mobilization is a necessary and primary strategy in socially disorganized communities. Social disorganization, which contributes to the development of criminal youth gangs, may be characterized by the inability of legitimate institutions such as home, school, and employment, to adequately socialize youth. It may also be characterized by limited networking among agencies or the fragmentation of criminal justice or community service delivery systems, within and across communities.

Both local and federal interests must be mobilized for the development of collaborative community and interagency activities directed at the control and reduction of the youth gang problem. In times of limited local community resources, agency consortia efforts are essential. These should include the full and productive use of combined local, state and federal resources, application of moral and political pressures, and participation by the local citizenry. (See also General Community Design and Community Mobilization manuals.)

2. Opportunities Provision

The provision of additional social opportunities, i.e., the development of a variety of targeted educational, training, and employment programs, is the second most important component over the long term for the reduction and prevention of the youth gang problem, particularly in chronic contexts. The schools need to provide remedial and enriched educational programs for gang-prone and hardcore gang youths.

Education, training, and jobs are especially critical for older gang youth still in gangs who are not in school but who are at "positive risk" at a certain point in their social maturation for leaving the gangs, or for decreased participation in

criminal gang activity. A key objective of these programs should be developing socially-competent youth, whether in or out of school. (See School and Employment manuals.)

3. Social Intervention

Social intervention is based on an "outreach" and linkage approach of gang youth to the conventional society.

Youth serving agencies and grass-roots community groups must "reach out" and act as a link between gang youth and the conventional world. Staff or adult volunteers of these organizations must develop meaningful relationships with these youth. Community based youth agencies should facilitate access to pertinent opportunity systems and exercise social controls which contribute to the socialization of gang youth. Special efforts are also required to coordinate services for these youth. (See Community Based Youth Agency manual.)

4. Suppression

The strategy of suppression is defined in broad social control terms and requires more than the involvement of criminal justice agencies.

Social control procedures, particularly those of criminal justice, but also of community based agencies, are essential for community protection and the prevention and reduction of the problem. Youth gang suppression involves not only law enforcement but a variety of other agencies and community groups in the targeting, monitoring, supervision, and if necessary, restraint of gang offenders. It also requires the anticipation, prevention, and limitation of the effects of gang crime in particular situations to protect both youth participants and the community.

Criminal justice strategies must also include community mobilization, social intervention, and opportunities provision.

However, arrest, prosecution, imprisonment, and close supervision of gang youth are insufficient unless joined with other community-oriented strategies to achieve long term impact on the problem. This means that community based agencies and local groups must accept and collaborate with criminal justice agencies in patrol, surveillance, and certain information sharing under conditions which protect both youth and the community. Police, prosecution and other criminal justice agencies must develop a variety of social intervention, opportunities, prevention and community involvement programs to supplement their primary goal of suppressing gang crime. (See especially Police, Prosecution and Probation manuals.)

Furthermore, policymakers, administrators and practitioners in the criminal justice system have a special responsibility to withstand pressures from the public and other units of the justice system to carry out an exclusive strategy of suppression to deal with the youth gang problem.

5. Organizational Change and Development

Organizational development and change focuses on better use of internal agency resources to deal with the youth gang problem.

Finally, the above strategies need to be appropriately organized based on the nature and scope of the problem in the community and the mission of the particular organization. Organizational development and change require better use and reallocation of available resources within agencies and neighborhoods. Common definitions, improved communication, resident involvement and coordination within as well as across agencies and communities are also required.

Both community mobilization and organizational development strategies whether in emerging or chronic gang problem contexts, should be closely interrelated to create efficient and cohesive system arrangements for dealing with the gang problem.

Targeting

Targeting of certain communities, gang, and gang members is necessary to make the best use of limited resources for dealing with the problem.

To conserve resources and most effectively deal with the youth gang problem, it is important to target certain communities, organizational contexts, gangs and gang members or gang-prone youth. Special emphasis on community mobilization is required in both emerging and chronic gang communities. Opportunity provision must also be emphasized for chronic problem communities and contexts.

Neighborhoods and organizations, particularly schools, experiencing serious gang problems, should be priority targets for suppression and intervention efforts. The most serious gang problem youths in the most violent gangs in the highest gang crime rate areas should be targeted first.

High gang crime neighborhoods, certain types of gangs, and gang

Certain youth gangs or gang-like groups clearly committed to violent and serious criminal activity should receive priority attention. This is to avoid unnecessary labelling and

members should receive priority attention.

widening the net of gang delinquency and crime through inappropriate criminal justice and community based agency attention. It is important to concentrate resources on the heart of the presenting problem.

Also, individual youth should be targeted in the following order of priority purposes:

Key targets of community agency and grassroots attention should be leadership and core gang as well as high risk gang-prone youths.

✓ *first, leadership and core gang youths--to disrupt gang networks, protect the community, and facilitate the reintegration of these youths through community based or institutional programming into legitimate pursuits;*

✓ *second, high risk gang-prone youth who are often younger or aspiring gang members who give clear indication of beginning participation in criminal gang activities -- to prevent further criminal gang involvement through early intervention, preferably community based services, and*

✓ *third, regular and peripheral gang members--to generally address their needs for control and intervention services.*

Finally, a caution! The policies procedures and steps recommended in the manuals should be viewed as promising but as yet not systematically researched through field testing.

Summary

The Office of Juvenile Justice and Delinquency Prevention, U.S. Justice Department, entered into a cooperative agreement with the School of Social Service Administration, University of Chicago, to conduct the National Youth Gang Suppression and Intervention Program. The scope and seriousness of the problem was analyzed from both an organizational and community perspective. Models or prototypes were developed. Technical Assistance manuals were created which focussed on the implementation of policies and procedures in emerging and chronic gang problem communities and contexts.

The manuals address the gang problem in terms of critical characteristics of the youth gang, its members and the way the problem is defined. Focus is on controlling, reducing, as well as preventing gang-motivated violent and serious criminal youth gang activity. The mission of suppression and intervention is specified as requiring five key strategies: community mobilization, opportunities provision, social intervention, suppression and organizational change and development. Key targets of a program should be gang leaders and core members as well as high risk gang-prone youth. This particular manual focuses on organizing local citizens and groups in a cooperative effort at the point of problem impact.

I.S.

CHAPTER 2

OVERVIEW OF THE PROSECUTOR'S MANUAL

A manual to assist prosecutors stem gang-related violence

This manual has been written to assist prosecutors in developing and implementing an approach to youth gangs which stems gang-related violence. A key assumption is that the prosecutor will work with others in and outside of his office in crafting and instituting policies and practices that will channel gang and gang--prone youth into productive activities and at the same time protect the community.

For use by prosecutors and their staffs

This manual should be used by the chief prosecutor, a senior prosecutor charged with the handling or oversight of criminal cases, administrative level personnel in the prosecutor's office, or staff involved in the prosecution or investigation of gang cases.

Not a general guide to prosecuting youth offenders

The reader should note that this manual is not a general guide to the prosecution of youth offenders. Rather it is assumed that prosecutors have the skills and expertise to prepare motions, write briefs, and argue the elements of a particular crime present in a given case. Therefore this manual is a guide to issues a prosecutor or his staff should consider in developing policy and procedures to deal with gang cases.

Respecting rights of alleged offenders and withstanding defense challenges

No one would argue that it is the prosecutor's job to enforce law, and thereby safeguard the rights of society. As an officer of the court and one committed to upholding the United States Constitution, it is also important for the prosecutor to respect the rights of alleged offenders. In this role, the prosecutor, while vigorously prosecuting offenders, should take care not to abuse the trust society and the criminal justice system places in those who act as counsel for the state. To assist the prosecution in that role this manual highlights those areas where further preparation and investigation may be warranted to withstand potential challenges from the defense counsel.

Prosecutors enforce laws and develop opportunities for youth.

The Role of the Prosecutor

The role of the prosecutor is threefold. First, the prosecutor, by virtue of his office, must protect and represent the interest of the community by prosecuting those, including suspected gang members, who are alleged to have committed a crime. In this role the prosecutor investigates, prosecutes and holds law-violators

accountable for their criminal acts. Secondly, once a conviction has been obtained, the prosecutor recommends a sentence he believes is in the best interest of the state. When the defendant is a juvenile, the prosecutor, as an officer of the court, is also concerned with the best interests of the juvenile. Therefore the recommended sentence may include participation in programs which will help the youth get himself back on the "right track". This might mean directing an offender to an education program, providing a job referral, or making counseling available. Finally, the prosecutor, by working with others in the community, is an agent for institutional change and development. He provides community leadership in the development of programs which keep gang youth from re-offending, and ensure others do not become gang offenders. In this model, therefore, the prosecutor is not only concerned with suppression but equally so with the well-being of the community as a whole and the individuals who move through the justice system. Thus, this manual calls on the prosecutor to be proactive and multi-faceted in his efforts to reduce youth gang crime and violence and protect the community.

Prosecutors must work with others in community.

It is important to recognize that the prosecutor cannot, on his or her own or even in conjunction with others in the justice system, eliminate his or her community's problems with gangs. Nor can the prosecutor have more than a limited impact on those social problems which underlie and fuel a community's street gang problem. Therefore, while more prosecutors may be needed, they alone are not sufficient. Policies and programs directed toward the prevention of and early identification with gang and gang-prone youth are essential as well.

CHAPTER 3

ASSESSMENT OF THE PROBLEM FROM A PROSECUTOR'S PERSPECTIVE

- Review cases and practices
- Involve others in assessment
- Put findings in perspective
- Strategies in chronic vs. emerging gang problem cities
- Summary

Review cases and practices

Is there a gang problem?

Generally speaking, the problems posed by youth gangs or the impact crimes they commit have been or will be brought to the prosecutor's attention by a staff member, a police officer, or community-based agency executive or the media. An assistant prosecutor might observe a growing number of gang-related offenses, the police may seek assistance in conducting a special investigation, a community-based youth agency director might ask if cases involving youth gang members are handled differently from those involving non-gang members. The news media may run a series of articles on the growth of the problem and the need for "stiffer" sentences for gang youth.

Impact of youth gang cases on office

Once the possibility of a youth gang problem in his community is raised, the prosecutor should consider its impact - if any - on his office. In doing so he should pose a number of data-related questions. Have gang cases increased? Is the caseload great enough to warrant a special prosecutor? Are gang offenders involved in more serious criminal activity than non-gang members? Are gang members "different" than non-gang members with respect to age, criminal activity, where they live, or their school and employment potential? Are cases primarily prosecuted in juvenile or adult court? What are the outcomes of cases involving gang offenders? Are the same persons being prosecuted for the second, third or fourth time? If so, is it for the same offenses? Different offenses? Finding answers to these questions involves collection and analysis of case information and discussion with assistants who handle cases.

Ideally, a prosecutor would have an automated system which enables him to tally and review the number of cases involving youth gang members and a way of distinguishing whether those cases

were gang-related. That collection system, whether manual or automated, should be based on clear definitions which are understood by those who collect and report data for entry.

Learn from data that's in house.

Data to be collected include:

- number of youth gang offenses by type of offense;
- outcome of cases;
- number of different gangs identified;
- offender characteristics such as age, race, sex, whether they are in or out of school, whether they have had prior contact with the justice system, and where they reside;
- source of information.

This information will be helpful first, in determining whether a youth gang problem exists and second, in describing the nature and extent of that problem - a necessary precedent to crafting an effective response. It could also provide some insight into the relationship, if one exists at all, between gang membership and drug trafficking. This is important because many gang members who deal drugs are entrepreneurs who do so on their own behalf, not in their role as a member of a gang, as an alternative form of employment.

Data should be used to describe the prosecutor's office.

If an automated system is not available or if the needed data are not being collected, a sampling of case files is recommended to get a better sense of the office's activity with respect to prosecution of gang members and gang-related offenses. This may seem like a lot of work - too much to some people - but it's really the only way information needed to make responsible staff allocation and policy decisions can be gathered. If one doesn't understand a problem and describe it in as much detail as possible it's that much more difficult to craft a response which will alleviate it. It is hoped therefore that prosecutors will be able to assign this task to someone.

Contact police for data.

Should the prosecutor find the data within his office of only limited value it would be wise to contact the police to review any data they are collecting which may be useful in describing a youth gang problem. Here again, it would be ideal if the police had an automated system to draw on. Even better would be an automated criminal history system which is based on finger-print identification of offenders and which has the capacity to track offenders. Such a feature would greatly facilitate accurate identification and

apprehension of suspects as well as protecting the rights of innocent bystanders. It is also something the prosecutor might be able to build on to avoid duplication of effort and speed processing of cases. In this instance as well, the need for consistent definition of terms (i.e. gang, gang member, gang incident) between police and prosecutor should be obvious.

Procedures for case processing

This is also a good time to review how cases involving youth gang members or gang-related offenses are handled. Are they subject to special treatment at any point in the process? If so, what? Is the current policy for handling these cases adequate? If not, why? Do assistants get the information they need in a timely fashion? If not, what's missing and why? How do assistants work with police? Is this an area where changes are needed? If so, what? Do assistants work with any outside agencies with respect to youth gangs? If so, which? Are the services of these agencies adequate? Is something else needed from them?

In the interest of time it is probably best initially to gather the preceding information during a staff meeting. This would give assistants a chance to learn from one another as well, especially in jurisdictions where criminal and juvenile divisions are both handling gang offenses. It could also give the prosecutor a different perspective on one facet of his office's operation.

Involve others in assessment

Work with others in the justice system and community.

Having reviewed the office's policies and practices with respect to youth gang members and gang-related offenses and caseload activity, the prosecutor's next step is to work with others in the justice system and community to consider what can be done to impact gang crimes in the community. Obviously, if the prosecutor has found no evidence of gang activity he will not see a need for action. However, even if the prosecutor's office is not affected at the present time, it is wise to check with others - such as the police, schools and community agencies - who might be closer to the problem. These organizations may have observed activity which, if ignored, will result in more arrests and prosecutions. Some, especially police, university researchers and criminal justice agency analysts, may have written reports on gangs or prepared other analyses which would be useful. These can be identified and collected through phone calls, individual contacts or group meetings. Ideally the group the prosecutor convenes will be large

enough to include the necessary parties but small enough to permit information exchange.

If programs have been tried in the past, it is a good idea to discuss why or why not they succeeded, how they were viewed by persons in the community, and who was involved in their implementation. This is especially important in communities with a chronic gang problem.

The influence of a prosecutor shouldn't be underestimated.

As a pivotal figure in the community's justice system of the prosecutor has authority and is in a position of respect. Therefore, he should be able to invite representatives of various organizations - including police, schools, churches, government officials, social service agencies, community organizations, businesses, courts, probation and, if appropriate, legislators and criminal justice planners - to a meeting to discuss youth gangs and be confident that those invited will attend. It is likely that even individuals who do not recognize the existence of a youth gang problem in the community would attend at least one meeting to explore whether a problem exists and, if so, its scope. Even so, it's a good idea to ask those invited to confirm their attendance and to follow up with those who don't respond. This way you know who to expect. It's also advisable to check the date picked for the meeting with the organizations thought to be most pivotal - such as the police - before announcing the date officially. By doing so the prosecutor can be assured discussion won't be stymied because an organization with essential information is not in attendance.

The level of interest in developing a response to youth gangs can be explored during an informal contact before the meeting, as can whether or not any other groups or community leaders have already taken some action in this area. The latter is particularly important because youth gang problems are sometimes denied by community leaders; other times they are exploited for political purposes. Still other times individual agencies develop isolated activities with limited relationship to other anti-gang programs, resulting in limited impact on the problem. As an elected official the prosecutor should have some sense of the "lay of the land" before moving ahead.

Prosecutors should take a leadership role.

Denial by some that a problem exists should not discourage a prosecutor from moving ahead. It may, however, indicate he or she needs to make a personal call to key community officials to discuss the matter before raising it in a public meeting. During these conversations the prosecutor should share the results of his or

her in-house analysis and stress that, if a problem does exist, the sooner action is taken the more able the community will be to deal with it. The prosecutor should, therefore, do his or her best to explain the problem without inflating it and stress that it should be addressed before it worsens. If the official persists in denying a problem exists, the prosecutor might want to point out early intervention is often less costly than a strategy which requires increased suppression efforts and expanded community resources, and that this is an opportunity to show pro-active leadership by confronting the problem head on.

The prosecutor should also be alert to those who might have a reason to exaggerate the problem and thereby prompt an "overreaction" by the community. He should point out to such individuals that available data do not indicate that a gang or serious gang problem exists.

Set a meeting agenda.

A simple agenda is proposed for the fact-finding meeting. As chair the prosecutor should state why he has gathered people together, share the results of his in-house review, and ask other participants to discuss their perspectives of youth gang activity and, if available, any statistics they have to substantiate statements regarding youth gang activity.

Since most of the invitees will have full schedules it is suggested that the expected length of the meeting be announced beforehand and that the prosecutor manage the discussion so the issues are covered within the allotted time. Shortly before the close of the meeting the prosecutor might want to summarize the discussion, ask the group if another meeting is necessary, and, if so, set a tentative agenda and date. Others who were not at the meeting but should be included in future sessions should also be identified.

By the close of the meeting it will be clear whether or not participants believe the community has a youth gang problem. The group may disagree on definitions, origins of the problem, its scope, and how to proceed but it will be evident that a problem does or does not exist. The prosecutor, as a pivotal actor in the justice system, should feel comfortable assuming a leadership role in forging an alliance of organizations to address the youth gang problem. During this first meeting therefore he or she should take the opportunity to let others know a successful approach can be developed and effectively implemented within a reasonable period of time.

Put findings in perspective

Does a youth gang problem exist?

Following the group meeting the prosecutor should review the points discussed, the information learned and consider implications for the office. As part of that task, he or she should determine whether the community has a youth gang problem and, if so, whether the problem is emerging or chronic.

Emerging gang problem communities

Emerging gang problem communities or cities -- as suggested previously -- generally are those with a changing population, where low income minority populations have arrived or expanded and become somewhat socially isolated. Youth gang problems, sometimes of a serious nature, including gang violence and drug trafficking have recently emerged in these changing and increasingly economically depressed low income communities, particularly under the tutelage of a few older gang-wise youth or others who may have moved into the community from chronic problem cities. In general such areas usually have comparatively better access to educational, employment, and recreational resources than chronic cities.

Chronic gang problem communities

The chronic gang community or city has been identified as an inner city, highly impoverished and/or disorganized jurisdiction. The relative numbers and severity of gang problem youth and families are much greater in comparison to emerging problem communities. Gang crime and drug trafficking are well established and have been endemic, with acute phases, for decades though the two may not be related. Many in the community are discouraged, hopeless and resigned to the fate of victimization, violence, drug trafficking, illness, poor housing, and unemployment. Membership in gangs may be generational, although some siblings and other families in these areas have children who lead conventional lives and become successful working and middle class citizens. Important also is not to lose sight of the distinctive cultural and ethnic aspects of gang activity as it is evidenced in some Hispanic, black, Asian, and white communities.

A second meeting with those who wished to pursue development of a youth gang intervention strategy might be helpful at this point. The purpose of that meeting would be to define the problem as specifically as possible with respect to the type of criminal activity taking place, whether it is a city-wide or neighborhood problem, and if the latter, to learn more about that neighborhood (who lives there, available resources, changes which have taken place in recent months or years, level of citizen interest, availability of city

services, etc.), and the number, size and composition of youth gangs. This last item will undoubtedly lead to a discussion of "what is meant by the word gang?" and "who is a gang member?" The prosecutor should also share his or her characterization of the community's gang problem as emerging or chronic, explain why, and ask if others have the same or a different point of view.

Is a special prosecutor needed?

In some communities it might make more sense for prosecutors to work first with their "natural" partners in the justice system before involving others in the community to confirm findings and discuss how to proceed. In other communities, where an elected prosecutor is concerned that his or her efforts may be construed as politically motivated, the prosecutor should consider taking a lower profile role in formulating an approach to gangs so others are not discouraged from participating because they don't wish to ally themselves with one "camp".

It is important to consider whether or not a special unit to handle gang offenses is warranted. Factors which will influence that decision are the number of prosecutions for gang-motivated offenses, whether the majority of these offenders fall under the jurisdiction of juvenile or adult court, the office's "track record" prosecuting gang-motivated offenses, the proportion of the office's total caseload which is gang-motivated, the size of the prosecutor's staff, and the need for non-prosecution case support such as victim-witness assistance.

Juvenile and adult courts both handle gang offenders.

As previously noted, youth gang members range in age approximately from 14 to 24 years. The age of those being prosecuted and the crimes with which they are charged should receive close attention because these two factors will determine whether or not the defendant will be brought before a juvenile or criminal court judge. While the juvenile and adult systems afford many of the same protections to defendants, the mandates of these courts are different. Most juvenile court statutes charge that court with acting in the "best interests" of the juvenile while safeguarding society. Therefore juvenile courts will look more closely at the needs of the offender and seek to provide some intervention to facilitate rehabilitation. Criminal courts, on the other hand, are generally more concerned with punishment.

Research has shown that serious gang violence is most closely associated with persons in the 18-21 year age range. Thus, if such violence is the primary concern of the prosecutor, a gang prosecutor

in the criminal courts is called for. If, however, less serious youth gang crime is a concern, or if the prosecutor is looking to intervene before an emerging gang problem becomes more serious or chronic in nature, a special prosecutor assigned to juvenile court might be warranted. A unit which handles cases in either court might also be feasible. However, in most states, this will not be an easy task because of statutory requirements that records be kept separate and other protections accorded juveniles.

Strategies in chronic vs. emerging gang problem cities

Gang youth need supervision, social intervention and opportunities.

Gang youth in both chronic and emerging cities need supervision, social intervention, and opportunities provision. Both types of communities also need to be mobilized to take action. The strategies emphasized in each however will differ.

Prosecutors in chronic cities should consider special gang units.

In cities with chronic gang problems specialized gang prosecution units, which handle only street gang or youth gang cases from their outset to conclusion, should be considered. Such a unit should include not only prosecutors but investigators and support personnel. This type of specialized unit is particularly appropriate within the division which prosecutes adult offenders because of the high number of young adult offenders which have been found to be involved in serious acts of violence and because violent juvenile offenders who are gang members are likely to be transferred to the adult system for prosecution as adults. Depending on the number of youth gang members who fall under the jurisdiction of the juvenile court, and the type of criminal activity in which they are engaged, the prosecutor may want to consider creation of a special youth gang unit within the juvenile division as well. At a minimum, attorneys assigned to the juvenile division should receive special training about gangs. Serious consideration should also be given to assigning certain cases, particularly those of repeat serious offenders, to a single or a small team of attorneys. Whether or not these attorneys should utilize vertical prosecution, where a single attorney is assigned to handle a case from its inception to its conclusion, will depend on caseload and seriousness of offenses.

In chronic cities, in particular, investigators should be assigned to work with prosecutors to assist in the development of a case for trial once an arrest has been made. While this is a function which could be filled by police, most police departments do not have sufficient personnel to assist the prosecutor in gathering additional evidence to bring to court after an offender has been arrested.

Therefore investigators who have special knowledge of the criminal conduct of youth gangs should be assigned to work with the special prosecutors.

Improving the quality of neighborhood life through law enforcement and local ordinance applied to gang situations

Thought should also be given to the use which can be made of civil actions such as enforcement of nuisance abatement ordinances and building code violations and to linking landlords with community groups who can help them resolve problems with gangs without the need for prosecution. These too will help improve the quality of life in the area with youth gangs and encourage citizens to work with government in anti-gang efforts.

Juvenile prosecutors in emerging cities should be trained about gangs.

Prosecutors in cities with emerging gang problems should concentrate more on the organization and the abilities of assistants in their juvenile divisions. Though emerging youth gang cities generally do not have a well established gang violence problem they may be experiencing sufficient violence to warrant the assignment of one or more assistants to prosecuting only gang-motivated incidents. In the very least assistant prosecutors who will be handling youth gang cases need special training so they understand the nuances of prosecuting an alleged offender for gang-motivated crime. There may also be a need in due course for assistants who prosecute cases in the adult criminal division to receive special training on the handling of gang-motivated offenders in emerging gang contexts.

Nuisance abatement prosecution in certain emerging areas

In emerging cities targeting of at risk neighborhoods for enforcement of code violations, nuisance abatement, and aggressive suppression of all criminal activity - regardless of the alleged offender - may also be warranted based on the problem which has been documented. Such actions will be particularly effective in areas where the "look" and "feel" of the community is just beginning to change and where residents are committed to remaining and preserving their neighborhood rather than moving to a place they consider safer.

Prosecutors should work with police.

In both chronic and emerging cities prosecutors should work closely with police as they conduct investigations involving youth gang members. Similarly, in both contexts, prosecutors must work with others in their communities to curtail youth gang activity and to support programs which teach parents how to help their children to resist pressure to join or remain in a gang. Though suppression efforts will be less extensive in cities with emerging gang problems this does not relieve the prosecutor of his responsibility to

contribute to a community-wide effort to promote alternatives for gang-prone youth and prevent convicted or adjudicated offenders from recidivating.

Prosecutors should work with probation.

Prosecutors should also work closely with probation to ensure youth placed on probation are held accountable for conditions imposed on them by the court. To do so they not only need to bring violators of probation orders to court but to coordinate with probation staff to ensure reasonable conditions are imposed.

Prosecutors need a policy about gangs.

Whether a prosecutor serves a community with a chronic or an emerging youth gang problem, he or she should formulate a policy for assistants in the office to follow with respect to the handling of cases which involve youth gang members or are gang-related. This is important for consistency in the handling of cases and to ensure that assistant prosecutors who handle a variety of cases are prepared to prosecute gang-related cases if they are called on to do so. Points the policy should address include the target population (or target areas within a larger community), guidelines for filing cases, information to be shared with and collected from police and probation, changing decisions, instruction regarding plea bargaining, bail, sentencing and procedures for handling of these cases.

Summary

This section has described a process prosecutors can follow to determine whether a problem exists in their community, and if so, how to describe that problem and build support for developing a strategy to address it. Prosecutors are encouraged to review the information that is available in their own offices first and then to seek additional information and data from other criminal justice organizations, schools, and service providers. A steering committee of key actors should then be formed and a plan for impacting that problem formulated and then implemented by the committee. The section also has distinguished conditions in cities with chronic youth gang problems from those evident in cities with emerging youth gang problems.

CHAPTER 4

TARGET POPULATION/CASE CRITERIA

- Program Focus/Scope
- Goals and Objectives
- Gang Intervention and Suppression Program
- Summary

Program Focus/Scope

Prosecutors enforce law violations.

Once the prosecutor has been able to define the youth gang problem which exists in his or her community, he or she must consider his or her own role in reducing gang crime. Chief among the prosecutor's functions is enforcement of laws through the prosecution of persons charged with committing criminal acts. Thus prosecutor's offices, whether or not they have a special gang unit, prosecute offenders who are members of gangs. In fact, in most jurisdictions, serious and especially non-serious gang cases are likely to be handled by prosecutors who handle a variety of cases.

Of concern with respect to selection of cases or targeting of certain offenders for special attention is whether or not the presence of a gang prosecutor or gang unit and the development of a vertical prosecution approach is warranted (see below). That question should be answered by the close of the assessment process.

If gang-motivated criminal activity is of sufficient volume and severity, or if cases are being lost or alleged offenders being convicted for lesser charges and thereby receiving lesser sentences, or if the chief prosecutor believes an assistant with special expertise in the handling of gang incidents would be more effective with these cases, the prosecutor may conclude a need exists within his office for a special gang crime prosecutor or unit. That assistant or unit would handle a case from investigation through trial and sentencing. He or she would also work with police during the course of their investigation prior to the alleged offender's arrest.

Vertical prosecution is reserved for violent cases.

Because of limited resources and the staff-intensive nature of this vertical prosecution approach to cases, it is usually reserved for the most violent cases. Therefore the use of a special prosecutor - in either adult or juvenile court - is generally limited to gang-motivated serious or violent incidents which are committed by known gang members. If the number of these cases is too great for the special staff to manage, it might be necessary to further limit the cases prosecuted by the specialists to only the most violent offenses or repeat gang offenders. Narcotics trafficking cases involving older former gang members might be handled by a further

specialized subunit or separate narcotics unit. In those instances it is important - even where several vertical prosecution units are in place - for these various units to coordinate their efforts because investigations and cases are often inter-related.

Carefully screening cases for gang prevention

Prosecutors will need to carefully screen cases referred for prosecution to determine whether the criteria apply. The screener must look for indications in the arrest report that the gang incident has grown primarily out of gang motivation or interest and evidence that the alleged offender is a youth gang member (i.e., tattoos, wearing of colors, gang names, etc.) and at criteria such as the alleged offender's prior history, the type of gang offenses he has committed, and the seriousness of the presenting offense in determining whether the special attention of a gang prosecutor is called for.

As indicated previously, use of civil sanctions or heightened prosecution of all offenses from high-risk communities not only sends a message to youth gang offenders but to all those in the community that crime will not be tolerated. These should therefore be considered in areas specifically targeted for intervention.

Goals and Objectives

Goals for the community served

Goals are long-range benefits.

Goals are long-range benefits an agency or organization such as the prosecutor's office hopes to achieve in relation to community needs and concerns. Typical goals of an anti-gang program, of which prosecution is a part, are to reduce the incidence or prevalence of youth gang crime, to increase the capacity of gang or gang-prone youth to obtain and hold jobs or succeed in school, at the same time protecting and benefitting the community, to accomplish these ends without compromising the civil liberties of law-abiding community members, to enhance the community's control over its own destiny, and to increase the community's perception of safety.

Objectives for the prosecutor's office

Objectives measure outcomes.

Objectives operationalize goals. They are also desired outcomes of the activities the prosecutor expects to undertake. As such they shouldn't be confused with the activities themselves. Objectives speak to "ends" while activities are concerned with "means". Therefore objectives are the criteria used to determine if a program has been effective. Objectives can also be thought of as statements about what the prosecutor intends to accomplish or the changes he expects to bring about within a particular period of time.

Increase conviction rates and penalties but also assist community mobilization, social intervention and provision opportunities.

Objectives should be more specific than goals and reasonable. Most vertical prosecution-programs are established to increase conviction rates and the penalties imposed on offenders. Therefore objectives which address these two measures should be considered. Appropriate too are objectives which address the operation of the criminal justice system such as reducing the time it takes to prepare a case for trial or the number of continuances the prosecutor requests. Also important are objectives which recognize the prosecutor is part of a larger effort and that his or her role is not limited to suppression activities but extends to community mobilization, social intervention, and opportunities provision. Objectives which reflect the prosecutor's involvement with a commitment to these activities are not only desirable but essential if the community is to be successful in a collaborative initiative to eliminate gang violence.

Gang Intervention and Suppression Program

Multi-faceted problem-based approach

Prosecutors must work with others.

A community's youth gang problem will not be reduced in the long term solely by the increased arrest and prosecution of youth gang members. Other things must be happening to create opportunities for gang and gang-prone youth and to involve community residents in an effort to improve the conditions of their neighborhoods.

Suppression is needed.

Clearly the prosecuting attorney has an important role to play, most obviously in suppressing youth gang activity by prosecuting youth gang offenders. The prosecutor, as a leader in the criminal justice community, should state clearly - to the media, legislators, others in the justice system and organizations which work with gang youth, citizens and gang youths themselves - that specific gang criminal activities will be prosecuted to the limits of the law.

Gang youth also need opportunities and intervention services.

The prosecutor should also affirm his commitment to working with colleagues and others in the community to make available services, programs and opportunities which will keep convicted or adjudicated youth gang members from recidivating. The need for such intervention is particularly acute for older adolescents and young adults who have not experienced much success in school, whose employment prospects are limited and who at a certain point as they mature socially, may no longer present a major threat to the community. The prosecutor should become involved in the development of prevention and early intervention services. He can do so by participating in task forces, serving on agency boards, speaking to community groups, and, of course, cooperating with police, schools, social service agencies, community-based organizations, businesses, and colleagues in the justice system.

The prosecution should also take lead responsibility with respect to drafting legislation to address the problem, especially definitions of gang activity, enhanced sentences, social advocacy,

Other important objectives with legislative and governmental agencies

community organization, and funding of anti-gang projects. In Los Angeles, prosecutors believe that giving gang members notice that they are subject to prosecution under California's Street Terrorism Act has deterred some youth from committing acts prohibited by the statute.

Furthermore, the prosecution should work with other governmental agencies which have responsibility for delivery of city services - such as building inspection, trash collection, road repair, and parks maintenance - and encourage them to work with his or her office to ensure the quality of life in all neighborhoods is maintained. He or she might assist these agencies to target certain neighborhoods for increased attention to forestall further deterioration of conditions. If staff of these agencies are unable or unwilling to do their jobs because they fear gang victimization the prosecution should work with the directors of those agencies and police to address those issues.

A broader role for prosecutors

To some prosecutors, a role which goes beyond the courtroom and those activities which are part of apprehending and prosecuting alleged offenders may seem inappropriate. They may argue that, while it may be appropriate for a prosecutor to be aware of diversion programs or community alternatives for young offenders

in particular, it is not the prosecutor's job to develop resources or to spearhead a broadbased approach to the community youth gang problem. They may also note - quite correctly - that these activities take time, something which is in short supply.

These prosecutors should remind themselves that, as public servants, they share responsibility with other community leaders for ensuring any plan to respond to the community's gang problem is reasonable, feasible, legal, and since that plan will probably effect the prosecutor's office, takes into account his or her office's needs and limitations. This is not to say that the prosecutor must perform all the proposed activities or that each of his or her assistants must be equally involved in community-oriented efforts. It does suggest, however, that these are roles which need to be performed in whatever way works best for the individual prosecutor's office and encourages prosecutors to look beyond the courtroom to the community at large, those who live in it and those who will return to it.

Critical Program Elements

No single strategy will relieve gang violence.

Just as no single organization is responsible for or able to "solve" a community's youth gang problem, there is no single strategy or intervention which is guaranteed to relieve a community's youth gang problem. There are, however, various elements which a community-based prosecution gang program should include: possible changes to existing laws, case selection and tracking, development of a police/prosecutor team, case strategy decisions, victim/witness support, disposition recommendations, coordination with other justice agencies, and coordination with other organizations.

Emphasis should be on thorough legal case research preparation and creative use of existing law.

Existing laws: A state's existing laws will determine who can be arrested and the charges which can be brought against the suspected offender. Therefore a member of the prosecutor's staff should be instructed to: (1) research existing laws and case law which specifically address gangs or criminal activity related to gangs; (2) research laws and case law which may have general applicability but might be particularly effective in addressing gang crime; and (3) review the state's juvenile court act and code of criminal procedure. Particular attention should be paid to laws and procedures which relate to: search warrants, witness intimidation, conspiracy,

seizure/forfeiture of assets, bail, taping or otherwise recording of statements, rules of evidence, special gang statutes, circumstances which enhance penalties, nuisance abatement, and other civil remedies.

Many police and prosecutors may find these laws hamper their ability to control and prevent youth gang violence. Rather than immediately seek changes in the law, by advocating for and crafting new legislation, prosecutors are encouraged to work with existing laws long enough to demonstrate their limitations and, also, to make creative use of statutes which, though "on the books", are not often used. Tempting as it is for a prosecutor -- an elected official who may want to reinforce his "tough on crime" reputation -- to seek new laws, postponing the decision to do so may result in legislation being proposed which will indeed prove more useful in efforts to combat youth gang crime.

Once the prosecutor has made an effort to work within existing state law - and determined its inadequacies, if any - additional laws might be considered. Among those which might be contemplated, particularly as they relate to gang problems, are:

- ✓ safe school zones;
- ✓ special provisions with respect to funds used to post bond;
- ✓ a statute which defines a gang, gang incident, and gang membership to include criminal activity in conjunction with gang membership;
- ✓ enhanced penalties for recruiting juveniles, dealing drugs or engaging in drive-by shootings;
- ✓ special conspiracy laws;
- ✓ special asset seizure and forfeiture provisions;
- ✓ nuisance abatement;
- ✓ laws which direct gang youth be provided with education and employment assistance so they may seek legitimate alternatives to gang membership.

Identifying cases for special handling.

Case selection and tracking: Implicit in the selection and tracking of cases are 1) criteria for selecting those cases which are based on clear definitions, and 2) a means of applying those criteria and following individual cases as they move through the various court proceedings. As noted previously, we believe the prosecutor should look at the presenting offense and the alleged offender's criminal history in determining which cases should be singled out for special

treatment. That process should include a verification of the offender's identity and his or her membership in a gang. As noted earlier the identification of a young person as a gang member should be based on multiple criteria and reliable data. Who is identified as a gang member is particularly important when determining whose name and other identifying information will be entered into an automated database for future use and reference.

Identify cases for special handling.

Once criteria are established to select cases which warrant the attention of a special gang prosecutor or some other special handling within the prosecutor's office, a way of actually identifying those cases is needed. Some prosecutor's offices assign certain prosecutors to screen all cases referred for prosecution. These individuals can be instructed to look for certain descriptive phrases in arrest reports, such as references to gang or rivalry between groups. Since gang-motivated incidents may not always be obvious the prosecutor may want to call for a second level of review such as follow-up with arresting or investigating officers, to determine the extent, if any, of gang member involvement in a particular incident.

Other prosecutor's offices rely primarily on police to identify gang-motivated incidents and to "flag" those for the prosecution. In these communities police should be aware of the criteria the prosecution will use to single out cases for special handling and take the lead on identifying cases which meet those criteria. Since police often do not purge gang files with regular frequency, it is important the prosecutor determine whether an individual who was peripherally involved in a gang many years earlier still is or has returned to active gang membership. Otherwise the prosecution can be hampered and an innocent party brought before the court.

In both scenarios selected cases should be reviewed a second time by the assistant in charge of prosecuting gang cases before a final decision to single out a case for special prosecution is made. In either situation, it is particularly important that the prosecutor be confident that the alleged offender is a gang member and that the criminal history connected with that individual is indeed the history of that offender. The best way of matching an offender with a criminal history is a fingerprint-verified identification.

Accurate criminal history records are integral to effective prosecution.

Also important are the accuracy of the criminal history record and the record-keeping system on which the prosecutor is relying. Inaccurate records or an outdated system may facilitate the release

of serious offenders or prompt the prosecution of non-gang members. The prosecutor is therefore encouraged to review the procedures followed with respect to the creation and maintenance of the criminal history record-keeping system on which he or she relies to make decisions regarding charge, bail, and sentence (see above); he or she should also check to ensure the source and date of information in gang files is clearly ascertainable.

Tracking of cases is important

Some means will need to be developed for tracking those cases accepted for special prosecution as well as those which involve youth gang members which are not handled by a special unit or assistant. The latter is important because a youth's involvement in other gang or non-gang criminal activity may be relevant to a decision to prosecute in the future. It may also influence sentencing recommendations made by the prosecution when an offender is convicted.

As the number of cases handled by an office increases, case tracking is most easily accomplished by use of an automated system. As the prosecution reviews the various computer software which is available, several points should be considered: the information the system will need to produce (for case management and overall policy setting), the abilities of persons who will use the system, the caseload, the system's speed of operation, the day-to-day functions that relate to tracking (such as witness-notification, court call schedules for assistants, etc.), the system's ability to interface with other systems - especially police and growth potential.

It is also important that clear procedures be developed and followed for the handling of documents which relate to processing of a case. This is vital because much information will only be available in the form of "hard copy" and these documents will serve as a backup to the automated system.

Prosecutors should form an alliance with police.

The police/prosecutor team: Police and prosecutors should, and usually do, work together as major cases develop. This is particularly important with respect to gang-motivated violence. Police are on the "front lines" continuously gathering intelligence and other information which may be relevant to a case being handled by the prosecutor's office. Similarly the prosecutor is able to advise police, as well as assist in investigations, by obtaining warrants and providing advice about the legality of possible police action. The result should be stronger cases which respect the rights

of those individuals who are under investigation. Local officers and prosecutors may also wish to target certain persons for further investigation.

Issues in regard to responsibilities should be resolved.

Regular in-person or telephone contact between those police assigned to monitor and investigate youth gang activity and the assistant prosecutor assigned to handle violent gang-motivated offenses is essential. Use of common definitions by these two agencies is a must. If possible, in large jurisdictions, the two should have access to a common database so each can be quickly updated on the activity of the other with respect to a particular gang member. Though inevitably there will be tension with respect to who is in charge of an investigation the two must work out when one will have the final word and those times when the other will take that role. For instance, when a decision regarding a possible violation of constitutional rights is to be made, the prosecutor should make the determination. When deciding what investigative strategy will involve the least risk to officers while still yielding needed information, the police should decide.

When possible prosecutors should be available to consult with police on a 24-hour basis - especially when a major investigation is underway. Prosecutors should also share any guidelines for the filing of cases with police so these factors may be taken into account as an investigation is undertaken. Police should also agree not to accumulate cases against a particular suspect before bringing them to the prosecutor.

If police officers and prosecutors can accept each other as professionals who are committed to achieving the same ends, developing a successful working relationship should not be difficult. If, however, each does not have faith in the other's ability to do his or her job, or believes they are working at cross-purposes, problems will arise. Should this be the case the two are encouraged to discuss their roles, what they hope to accomplish, and their views on how this is best done. It may also help to remember that both police and prosecutors have a common goal.

The importance of well investigated cases and the possible need for improved training of police officers

In both chronic and emerging contexts, but especially in cities with chronic youth gang problems, prosecutors will want to ask about the training police have received regarding the investigation of gang crimes and gang offenders. If this has not been systematic, rooted in whatever research is available, and in accordance with existing laws, the prosecution should work with the chief or his or her

representative to obtain such training for officers. This will not only improve the officers' effectiveness but will limit grounds on which their actions and status as experts can be challenged by defense attorneys.

Possible review of police data collection procedures by gang prosecutors

Prosecutors might also wish to offer to review the police departments procedures and practices for collecting, storing and using intelligence and other information which may be relied on in the prosecution of a case. Potential problem areas can then be identified before they arise and the two agencies can discuss and develop an alternative approach.

Case strategy decisions: The special prosecutor will be called on to make a variety of decisions relative to the prosecution of a gang-motivated offense. These include whether to seek a high bail or no bail, whether to ask that a juvenile be detained pending his adjudicatory hearing, which charge should be brought, the possibility of waiving a juvenile offender to adult court, whether to use an expert witness, and the use of gang members as witnesses.

Bail consideration

Bail: Statutes generally direct that bail decisions be based on the likelihood of a defendant to flee the jurisdiction or on the risk of harm he or she poses to the community rather than on punishment of alleged offenders. Further, most states do not provide for juveniles to be released on bail unless they are being prosecuted as adults. In considering whether to seek a high bail for a defendant, the prosecutor should consider if the defendant is likely to threaten or intimidate witnesses. If so, the prosecutor may want to seek a no contact order if bail is made. Also, if a high bail is made and the defendant has no visible means of support, it may be worth investigating the source of the funds posted as bail.

Detention for juveniles

Detention: If a high bail is set or if a juvenile is to be detained, the prosecutor should contact the sheriff or detention center administrator to advise him of the youth's gang membership. Those with whom the youth associates or his or her drawing of graffiti may be a source for confirming a tie to a particular gang or suggest others who may assist in an investigation.

Waiver conditions

Waiver: Most states provide for the transfer of cases involving juvenile defendants to adult court when the juvenile is alleged to have committed a very serious offense and not likely to benefit from processing as a juvenile. Other states require the cases of

juveniles alleged to have committed certain offenses be automatically heard in the adult system.

If waiver to criminal court is not automatic, the prosecutor should carefully weigh what will be gained by the community and the youth - from charging and prosecuting the youth as an adult.

Qualifications of expert witnesses should be reviewed.

Expert witnesses: Systematic training, education and field experience combine to qualify a witness as an expert. Prosecutors need to be alert to the challenge of skilled defense attorneys that arresting a large number of gang members does not make an officer an expert on gangs. Thus the prosecutor needs to review the type and extent of training, education and experience an officer has received before representing him as an expert witness.

Manipulation by and cooperation of gang member witnesses

Gang members as witnesses: Most victims of gang crime are gang members. Many gang members are not good witnesses because they prefer to manipulate the court against the suspect who is a member of an opposing gang or they may not cooperate with the prosecutor because they prefer to handle the matter themselves. They may be untruthful, uncooperative or subject to impeachment or other attacks on their credibility by defense counsel.

Prosecutors in Los Angeles have found it helpful to ask the judge to order a recalcitrant witness to post a bond if there is reason to believe the witness will not appear and testify. They also encourage the taping of interviews in the event a witness decides to recant or cannot remember an earlier statement.

All of these are decisions which may influence the outcome of a case. They should therefore be considered while the prosecutor prepares a case for trial and, to the extent possible, the pro's and con's of each option weighed.

Sensitivity to victim concerns

Victim/witness support: Victims and witnesses are key to the successful prosecution of a case. In the case of victims, they may also have a personal interest in the progress and outcome of the case. Some victims will be gang members as well. A prosecutor who fails to recognize this may find himself dealing with a less cooperative witness or one who could be impeached by defense counsel. He or she may also project the appearance of not being sensitive to the needs of victims in the community.

Whether a victim is a gang member or not, it is important they be advised of the status of a case and given answers to questions which may not be directly related to the prosecution of the case. It may also be necessary to intervene on a witness' behalf with employers so witnesses don't lose pay when testifying in court.

Prosecutors may also need to intervene to ensure the safety of witnesses who are being intimidated by friends or family members of defendants. This can be accomplished by police advising gang members not to have any contact with witnesses or victims, court orders to that effect, and aggressive prosecution of violations of such orders. Where possible, a separate waiting area should be designated so witnesses who are waiting to testify avoid contact with gang members. Giving witnesses a number where police or a prosecutor involved in the case can be reached 24-hours-a-day may also alleviate anxiety. In some instances, relocation of witnesses would be advisable. Since witnesses are often the key to a successful prosecution the prosecutor should train his or her staff regarding intimidation techniques used by gangs and strategies to minimize or diffuse them.

Many prosecutors hire staff to work exclusively with crime victims and witnesses. When this is the case, assistants are encouraged to view these individuals as professionals who should be part of case conferences so they are able to respond to victims and witnesses.

*Accountability and rehabilitation
issues in sentencing
recommendations*

Disposition recommendations: In framing a sentencing or disposition recommendation, the prosecutor should be alert to a number of factors other than the offense the gang member has committed. Especially when the offender is a juvenile, the prosecutor should give serious consideration to what can and should be done to change the direction of the young person's life. This is not to say that the youth gang member should not be held accountable for his acts. Nor does it mean confinement in a secure setting may not be appropriate. It does, however, ask the prosecutor to recognize the fact that all but very few youthful offenders will be released to rejoin society and, that without opportunities and the preparation needed to lead a law-abiding life, the youth gang member is likely to return to the gang. It is therefore important for prosecutors to consider and recommend a sentence which promotes accountability and offers the youth a chance to acquire the skills he or she needs to leave the gang.

*Networking with justice agency
personnel*

Coordination with other criminal justice agencies: The prosecutor, as a key part of the justice system, must work closely with police, courts, probation and corrections to hold gang youth accountable for their behavior and to redirect their lives toward constructive activities. To be most effective all parts of the justice system must agree on a common goal, coordinate their activities, share information, and act in concert with respect to gang youth. Therefore, prosecutors are advised to meet regularly with police, probation, and corrections to discuss what each is doing to combat gang crime, identify ways in which each can facilitate the efforts of the others, and share information about gang youth who are under the justice system's jurisdiction.

As part of this coordination of effort, those in the justice system should draw on their expertise and observations to identify and articulate the opportunities and resources needed by gang youth to leave the gang and pursue non-criminal careers. They should also work together to improve the overall quality of life in high-risk and at-risk neighborhoods. Police must not ignore misdemeanors or minor crimes in communities experiencing violence. Both are significant in terms of the overall well-being of those communities.

*Coordination of efforts with
community board agencies and
organizations*

Coordination with other organizations: Second only to coordination of agencies which comprise the justice system is coordination of justice system efforts with other organizations in the community which are working to reduce and eliminate youth gang crime - local governmental officials, schools, businesses, community organizations, community youth and social service agencies, churches, and civic groups. These are the organizations which can create or direct resources which will provide opportunities for gang youth and, ultimately, change the conditions which give rise to youth gangs. The prosecutor should accept invitations to meet with representatives of organizations individually or as a group to discuss the youth gang problem in his or her community and develop a strategy to address it. While this is often time-consuming, it is time well spent. In fact, as the prosecutor has firsthand knowledge of the youth gang problem, he is a valuable resource person. In that role, he or she must ensure the problem is not exaggerated and that a response is crafted which is reasonable and achievable.

*Community improvement
responsibility of prosecutor*

The prosecution can, and should, remind governmental units outside the justice system that they too have a role in improving neighborhoods. By reminding them that his office will prosecute

violators of ordinances or codes, he or she supports their work and reiterates his or her commitment to the community to upgrade living conditions in problem areas.

Summary

This section has proposed a multi-faceted approach to youth gangs which is based on a clear and complete description of the community's youth gang problem. As a key part of a community-wide coordinated approach to gangs the prosecutor is encouraged to review the policies and procedures in force in his or her office which will impact the prosecution of gang-motivated cases. Identified as warranting special consideration are: laws which are already in force and can be applied to gang crimes, selection and tracking of cases involving gang-motivated offenses, the working relationship of police and prosecutors, decisions related to case strategy such as bail, detention, waiver of a juvenile offender's case to criminal court, use of expert witnesses and the use of gang members as witnesses, the provision of support for victims and witnesses, disposition recommendations, and coordination with other organizations in and out of the criminal justice system.

CHAPTER 5

COMMUNITY MOBILIZATION

Identification of community groups with an interest in the youth gang problem

Once the prosecutor has identified an emerging or chronic gang problem within his or her jurisdiction and then worked with members of staff and others in the criminal justice system and community organizations to respond to it in appropriate prosecutorial terms, his or her next responsibility is ensuring gang youth have access to opportunities, especially education and employment.

Convening representatives of groups with a wide range of views about gangs and what to do about them

As he or she begins this task, the prosecutor should make every effort to identify all community groups and social service organizations with an interest in working with gang youth or against the conditions which give rise to youth gangs and to involve them in developing and implementing an anti-gang strategy. In convening representatives of these organizations, the prosecutor should be aware that some of these groups may not be supportive of criminal

justice efforts to combat youth gangs and may even be sympathetic to the gangs themselves. The prosecutor therefore must not only be prepared to guide the group through a planning and program development process, but to forge group consensus through a clear articulation and discussion of different points of view. Such exchanges with those who have different perspectives on youth gangs may yield information which helps craft an intervention strategy which is more likely to be effective than one formulated without such information. It will also build a rapport with a diverse group and expand support for a community-wide anti-gang initiative. With respect to groups which may be sympathetic to gangs, the prosecutor should listen to their points but be clear that his or her concern is with stemming violence and the victimization of community members rather than with rights of association.

The prosecutor can set ground rules for the conduct of the community-wide meetings.

Meetings should be issue-focused and time-limited with the prosecutor announcing the agenda and describing what is to be accomplished as soon as the meeting is called to order. While everyone should be given a fair hearing, the prosecutor, in setting ground rules for the group's work, needs to state clearly that no individual will be allowed to monopolize or dominate the work of the group. Rather the end product should be one which reflects the interests of all group members and one which will have the full group's support. Early in the process, too, the prosecutor should set a timeline for completion of the strategy.

Once the strategy has been completed, the prosecutor should consult with the group about the best way of bringing it to life. Often the prosecutor will be the best person to announce it to the press and seek the support of the community at large. He or she, with other key committee members, might also appear before the city council, business associations or local foundations to gather the funding and support needed to implement the strategy.

There may be times when the prosecutor, an elected official, feels it would be better to delegate the lead role to a key staff member or another member of the committee. This may be especially true when an election is close or when charges from persons that the prosecution is motivated only by politics might undermine his or her effectiveness.

CHAPTER 6

STAFF SELECTION AND TRAINING

Assistant prosecutors must be carefully selected to represent the interests of the community including working on behalf of the offender.

As with so many other efforts, the staff chosen to conduct a special anti-gang initiative will make or break the program. Therefore, the prosecutor must pay special attention to the recruiting and training of assistant prosecutors who will handle gang cases.

Given the complexities of gang cases and youth gang members themselves, it is best if experienced prosecutors are assigned special duties related to the prosecution of gang cases. Such individuals are already very familiar with the various aspects of prosecuting a criminal case. It is also preferable if these individuals are, or intend to be, career prosecutors to minimize the possibility of them gaining knowledge which they could subsequently use in defending a client. Assistant prosecutors assigned to gang cases should not be easily intimidated and at least somewhat street smart so they are not easily misled by stories these youngsters tell. Finally, it is important for assistant prosecutors to have an interest in the offender and his future as well as championing the safety of the community.

Specialized training is necessary.

Training for assistant prosecutors should include sessions on:

- Recognition of youth gang-related crimes including recognition of gang signs, symbols, culture; gang structure and processes
- Nature and scope of the gang problem in the prosecutor's jurisdiction
- Definition of gang crime incident: gang-motivated and gang-related
- Policies and procedures of current justice agencies, community agencies, and grass-root groups in the jurisdiction concerned with gang crime
- Specific policies and procedures of the District Attorney or Prosecutor's office for handling gang crime
- Laws and caselaw which have particular applicability in youth gang cases

- Responsibilities of prosecutors for community mobilization and leadership in community efforts
- Methods for assuring accurate, reliable data collection on gangs
- Causes of gangs and information on gang intervention strategies
- "Adult" members of youth gangs
- Youth gangs and criminal organizations
- Differences among different cultures

The instructors in the training sessions should include not only experienced gang prosecutors, but gang crime police and other justice system officials, as well as defense attorneys with special gang defense expertise. Representatives of community based agencies and grass-roots organizations should also be engaged as instructors.

CHAPTER 7

EVALUATION

Any intervention must be tested.

Relatively little is known about what specific intervention will reduce gang violence or deter youth from participating in a gang under different community conditions. Some evidence exists already that hard core or vertical prosecution can result in a higher rate of convictions and longer sentences for gang offenders. The available research has been restricted to the prosecutorial process rather than long term outcome or effectiveness. It is essential, therefore, that the strategies employed by the prosecutors and other members of the community coalition document all phases of intervention and key data which will track cases and all other activities in which the prosecution engage and increase the impact of those efforts on the behavior of gang and gang-prone youth. It will also be important for the prosecution to track overall crime levels as well as levels of crimes most associated with gangs in target areas and adjacent neighborhoods to determine whether crime rates have dropped or merely shifted to other areas.

Both process and outcomes need to be evaluated.

The specific data to be collected will vary by organization. At a minimum data should be collected about the cases prosecuted - including descriptive data about the offenders themselves - the original charges brought and charges on which offenders were ultimately convicted, case processing time (to shorten the time between arrest and conviction so youth realize a consequence for illegal acts as soon as possible) and case outcomes. If possible prosecutors should also track recidivism, number of gang members with multiple charges and those who re-offend while awaiting trial.

A log for meetings and the prosecutor's activities outside the office would be helpful to measure the extent to which he or she has coordinated with others and engaged in community mobilization.

Utilize a third party evaluator if possible.

Involvement of an objective third party evaluator - such as a local college or university faculty member - in the early stages of the process will help in identifying all the data elements to be collected and establishing a system for data collection. An independent evaluator should also consider the benefits of studying a comparison group and in suggesting how the collected data should be analyzed in a longer term evaluation.

CHAPTER 8

FUNDING

Adequate funding is needed.

No concentrated attempt to reduce gang violence or limit gang activity in a particular community can take place without adequate funding. With respect to the prosecutor's office it may be possible to re-organize staff and pay particular attention to some offenders with existing staff and even to call on certain individuals to extend their work day to attend community meetings. Clearly existing staff can be trained to be more effective in their handling of gang cases without significant new funding.

No meaningful expansion of effort however can be sustained over the long haul without some additional funding or funding for services to the target gang youth population. Therefore new sources of funding must be sought for an anti-gang initiative.

A number of possible funding sources exist - federal, state, and local units of government; foundations; corporations and businesses;

and individuals. Historically, governmental sources have been the biggest and longest-term funder of those services and programs for gang youths. The Catalog of Federal Domestic Assistance and the Federal Register are good sources of information about federal funding sources. Information about state funding sources is available directly from state agencies with statutory responsibility for particular services - such as employment, education, criminal justice and child welfare - and from the state published register. Foundation and corporate sources can be researched using the Foundation Directory which is available from the reference department of most public libraries.

Many major cities also have special libraries - such as the Donors Forum in Chicago - which provide information to non-profit organizations in their fund-raising efforts. Newsletters and digests of state and national associations and networks often identify possible funding sources as well. And, of course, local businesses and community residents may be in a position to make cash, in-kind, or other contributions to a gang intervention program.